

Recommendation Report for Planning Permission

REF NO: R/239/24/PL

LOCATION: Condair Building Artex Avenue
Rustington
BN16 3LN

PROPOSAL: Demolition of existing building (facing Brookside Avenue) and redevelopment of the rear of the site for office use, with ancillary storage facilities and landscaping falling within Class E. This application is in CIL Zone 4 and is zero rated as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	1553sqm.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Tall metal security fencing to the east and south site boundaries, and close boarded fence to the northern boundary.
SITE CHARACTERISTICS	The site serves as a partially disused mixed use commercial unit of single and two storeys with the site being wholly hardstanding and featuring parking to the east side of the site. The building is a mix of brickwork and metal panelling with a corrugated metal roof.
CHARACTER OF LOCALITY	The site is within an industrial and commercial estate surrounded by a mix of light industrial, storage, commercial, and retail units. Residential uses become more prevalent to the southeast at along a spur of Brookside Avenue and Worthing Road.

REPRESENTATIONS

Rustington Parish Council - No objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

REPORT_1011(ODB)

WSCC Highways - No objection:

- Satisfied with the access layout.
- Satisfied with parking and cycle provisions.
- Condition regarding construction, plant, and materials management plan to be submitted.

Economic Development - Support:

- Pleased to see the upgraded facilities proposed.

Environmental Health - No objection.

Ecologist - No objection:

- Exceeds 10% Biodiversity Net Gain requirements.
- EIA is acceptable and identifies no impacts to protected species on site.
- Condition to secure ecological enhancements recommended.

Drainage Engineers - Objection (10/04/25):

- Insufficient surface water drainage information.

Drainage Engineers - No objection:

- Surface water drainage information sufficient for this stage in the planning process.
- Further testing and information required to inform the final drainage design.
- Condition securing further information and final surface water drainage design requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions applied where appropriate. The proposal is exempt from statutory biodiversity net gain so it would not be reasonable to impose the specific statutory biodiversity net gain condition. A condition securing biodiversity net gain has been attached in accordance with local plan policy.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

Partially at risk of surface water flooding.

Potential risk of groundwater flooding.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVSP1	ENV SP1 Natural Environment
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution

QEDM4	QE DM4 Contaminated Land
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Rustington Neighbourhood Plan 2014 Policy 2

Rustington Neighbourhood Plan 2014 Policy 4	Housing Design
Rustington Neighbourhood Plan 2014 Policy 6	Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. All relevant policies of the Rustington Neighbourhood Development Plan have been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal complies with relevant Development Plan policies in that it comprises a commercial redevelopment that improves the existing visual amenities, biodiversity, energy efficiency, flood risk, employment quality, and the parking arrangements of the site.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
 - (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is exempt from Statutory Biodiversity Net Gain (BNG) under the de-minimis exemption, however, the following is a summary of the key points of the Biodiversity Net Gain Assessment provided and the net gains proposed:

- Increase of 2,517.17% in habitat units achieved through creation of shrub planting and planting 16 urban trees.

CONCLUSIONS

PRINCIPLE

The site is within the Built-up Area Boundary where the principle of development is acceptable subject to the consideration of other relevant Development Plan policies as per policy SD SP2 of the Arun Local Plan (ALP).

Paragraph 125(c) of the NPPF states 'Planning... decisions should: give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. This gives substantial weight to the re-use of the site which is currently in partial disuse and is an outdated and dilapidated structure.

The Arun Design Guide, Arun Parking Standards, and the Rustington Village Design Statement provide advice of relevance to this proposal.

The principle of redevelopment of this site is acceptable.

CHARACTER AND DESIGN

The proposal involves the provision of an 8000sqft, two-storey office building. The design is a more contemporary structure than those of the surrounding area of which many are outdated and in poor condition. The proposal would be of two-storeys and occupy a significantly lower footprint than the existing structure. The design choice and materials are acceptable and a significant visual improvement over the existing building. Many structures within the wider area are of two storeys, and some are of three. The scale and siting of the building are acceptable.

The site includes parking and landscaping which is a substantial visual improvement over the existing. The layout of the proposed site is more rationalised than the existing, maintains a comparable vehicular access point and condenses the footprint of the building, allowing compartmentalisation of the site and for areas of the site around the building to have dedicated uses such as car parking, bin stores, and loading bay etc.

The design is a welcome modernisation of an outdated structure and site.

The proposal is in accordance with ALP policies D SP1 and D DM1, and Rustington Neighbourhood Development Plan (RNP) Policy 2.

TRANSPORT AND PARKING

The proposal would result in the loss of a substantial amount of underused building space in favour of a two-storey unit on the north side of the plot with substantial parking provisions across the remainder of the site. This ensures that the site would benefit from 27 No. parking spaces, including 2 No. disabled parking bays. Additionally, the parking area benefits from pedestrianised routes through the car park,

amenity planting, a 7 No. space sheltered cycle storage unit in the front of the site, and an on-site showering facility for cyclists. All parking spaces are in accordance with the Arun Parking Standards and the Arun Design Guide in terms of their quantity, accessibility, and dimensions.

The proposed access is similar to the existing and remains safe and suitable as identified by WSCC Highways.

The proposal is well located with respects to local amenities and transport connections. The proposal is wholly acceptable on transport grounds in accordance with ALP policies T DM1 and T SP1, and RNP Policy 2.

DRAINAGE AND FLOOD RISK

The site is in Flood Zone 1 and there is a minor section of the site on the north and south boundaries that are at risk of surface water flooding during the 1 in 1000 AEP event (low risk). There is a potential for the site to be at high risk of groundwater flooding, however, peak groundwater levels have been recorded on site at 3.11m below ground level, and EA flood maps indicate that groundwater flooding in this area is unlikely. Should groundwater emergence occur on site, it would move flow toward areas of lower topography such as those identified as being at risk of surface water flooding (limited areas of the site boundaries).

The site is an existing commercial development that discharges its surface water to the foul sewer and is otherwise uncontrolled, resulting in surface water discharge partially to the highway drains in the area. This is an unsustainable surface water drainage arrangement.

The proposal seeks to replace the existing building with one that would better manage on site surface water discharge and improve flood resilience. As the proposal is a replacement building proposed to serve the existing occupants of the site (Condair) and within an existing, highly sustainable industrial estate, no Sequential Test is necessary. Additionally, the reduction in footprint of the building, would remove the building itself from the areas at risk of surface water flooding. This, alongside the more resilient construction and significantly improved management of surface water on site, would reduce flood risk on site and elsewhere.

Initially, the proposal sought to discharge the surface water from the site to the highways network without confirmation of consent to do so, ruling out infiltration due to site constraints, however, following further, rigorous investigations, it has been found that infiltration, a much more sustainable and preferable methodology, would be a viable method of draining surface water from the site.

The ADC Drainage Engineers have reviewed the additional information and revised methodology submitted, and although they originally objected to the initial surface water drainage proposals, have now resolved to have no objection, subject to conditions. There are some further tests and details that will need to be carried out and provided at the discharge of conditions stage to support the final designs, but the information is sufficient for this stage in the planning process. The applicant is advised the review the latest ADC Drainage Engineer comments in full prior to preparation of any Discharge of Conditions application.

The proposal is in accordance with ALP policies ECC SP1, W DM2, and W DM3, and RNP Policy 4.

ENERGY EFFICIENCY

Policy ECC SP2 requires all new commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply

systems such as solar panels or air source heat pumps. The proposal includes the provision of solar panels and would be of a modern construction, much more energy efficient than the existing building. A condition has been attached to secure renewable, decentralised energy supply systems and ensure the building is of a suitable energy efficiency standard.

The proposal is in accordance with ALP policy ECC SP2.

ECOLOGY AND BIODIVERSITY

The proposal site lacks any biodiversity of significance and the application is exempt from statutory biodiversity net gain under the de-minimis exemption, however, the proposal has assessed and proposed a net 2,517.17% increase in habitat units, achieving a substantial biodiversity net gain. This would be achieved through the creation of shrub planting and the planting of 16 No. urban trees across the site.

The submitted ecological impact assessment has identified no impacts to any protected species, and the proposal has set out recommendations for the installation of various ecological enhancement features. All of which will be secured by way of condition.

The proposal is in accordance with ALP policies QE SP1, ENV SP1 and ENV DM5.

POLLUTION

The site is an existing commercial/industrial use and located within an industrial estate. Environmental Health raised no objections nor concerns pertaining to noise or contamination on site. The proposal is in accordance with ALP policies QE DM1 and QE DM4.

EMPLOYMENT IMPACTS

The proposal will not result in any increase or decrease in the number of jobs provided on site. The proposal is a wholesale redevelopment and upgrade of an underutilised and partly dilapidated light industrial building that would modernise the existing site and support its continued viable operation.

The proposal is supported by ALP policy EMP DM1, and RNP Policy 6.

WASTE MANAGEMENT

The proposal has incorporated a dedicated bin store to the front of the site from which refuse could be relocated a short distance to the access for collection from the kerbside. This is acceptable and in accordance with ALP Policy WM DM1.

SUMMARY

The proposal is a high quality redevelopment of an existing, underutilised commercial building within an existing industrial estate. Following the revised surface water drainage information and proposals, the proposal is compliant with all relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatics.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of

the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Site Location plan 001 P01.
- Proposed site plan 002 P04.
- Proposed elevations 010 P02.
- Proposed floor plans 003 P01.
- Proposed roof plan 004 P01.
- Proposed sections 0011 P02.
- Proposed sections 0012 P02.
- Bin and cycle store proposed elevations 014 P01.
- Site demolition plan 006 P01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1.

3 No part of the development hereby approved shall be first brought into use until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.

4 No part of the development shall be first brought into use until covered and secure cycle parking spaces have been provided in accordance with the approved site plan and cycle store elevations. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

5 Prior to the first use the development hereby approved, the applicant or developer shall provide electric vehicle charge points to serve the parking spaces associated with the approved development in accordance with the council's standards as set out in its Parking Standards SPD. This requires EV charging points in 30% of parking spaces (rising to 50% from 2028 and 100% from 2033) with electric ducting provided to all other spaces, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

6 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the first use of the building and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

7 Prior to the first use of the development hereby approved, the ecological enhancements and planting identified and illustrated within Section 8.0 and Figure No. 03 of the submitted Ecological Impact Assessment Version 2 (Prepared by South Downs Ecology and Dated: 16th December 2024) shall be installed and implemented in full. The physical features (non-planted) shall thereafter be retained in good working order and in perpetuity.

Reason: To ensure the development achieves a biodiversity net gain in accordance with Arun Local Plan Policy ENV DM5.

8 Prior to the commencement of development (excluding demolition works and site investigations/enabling works), full details of the proposed surface water drainage scheme must be submitted and approved in writing by the Local Planning Authority. The full details submitted for approval shall include:

1. Winter groundwater monitoring,
2. Winter infiltration testing strictly in accordance with BRE DG 365 or similar approved,
3. Details of the proposed method and location of surface water disposal, in accordance with the SuDS hierarchy,
4. Impermeable area plan,
5. Calculations modelling the surface water drainage network for the following storm events:
 - a) 100% Annual Exceedance Probability (AEP)
 - b) 10% AEP + climate change allowance
 - c) 3.3% AEP + climate change allowance
 - d) 1% AEP + climate change allowance

All storm events must include an allowance for urban creep and surcharged outfalls where appropriate,

6. Detailed drainage plans conforming to Local Planning Authority guidance,
7. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
8. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

The scheme shall then be constructed as per the approved plans. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the Local Planning Authority.

For the purposes of this condition, 'Enabling Works' shall comprise the following:

- a) site investigations or surveys;
- b) the clearance of the Site;
- c) the provision of any temporary site point of access for construction traffic; and
- d) provision of temporary Welfare & Accommodation
- e) temporary builders supply (electricity, water, data etc)
- f) works connected with ground infilling or regrading (not foundations)
- g) works for the provision or removal of drainage or mains services to prepare the site for development

Reason: In order to comply with Arun Local Plan policies W DM2 and W DM3 and the NPPF. This is required to be a pre-commencement condition as the surface water drainage design goes to the heart of the permission and needs to be installed prior to any development above the drainage systems.

9 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant, and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with Arun Local Plan policies T SP1 and QE SP1. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

10 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating,

with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.