

Recommendation Report for Planning Permission

REF NO: R/93/26/PL

LOCATION: Unit 2 Brookside Avenue
Rustington
BN16 3LF

PROPOSAL: Demolition of existing building and erection of 4 No. commercial units with associated access, parking and landscaping works (resubmission following R/224/24/PL). This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	1440sqm.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Open boundaries to the north and east. Concrete post and mesh wire fencing to west boundary and close boarded fence to southern boundary.
SITE CHARACTERISTICS	The site serves as a light industrial unit of single and two storeys with hardstanding and parking to the north. The building is a mix of brickwork and patterned pebble dash with a corrugated metal roof.
CHARACTER OF LOCALITY	The site is in an industrial and commercial estate in Rustington 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.

RELEVANT SITE HISTORY

R/224/24/PL	Demolition of existing building and erection of 4 No. commercial units with associated access, parking and landscaping works. This application is in CIL Zone 4 (Zero Rated) as other development.	Refused 23-04-25
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R/224/24/PL - This application was a previous iteration of the current scheme. It was refused on drainage grounds which the current application seeks to resolve.

REPRESENTATIONS

Rustington Parish Council - No response received.

No representations from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection:

- Based on the ADC parking standards, the proposal would require 20 parking spaces if in B2 use and 8 if in B8 use.
- 17 parking spaces are provided.
- The additional parking provision would result in the loss of 2 on-street parking spaces on Brookside Avenue.
- Cycle parking is provided internally for staff and externally for visitors.
- Visitor cycle parking is not sheltered. Sheffield cycle shelter is recommended.
- Access and manoeuvring arrangements are all acceptable.
- A plan for the location of the VCO to the car park can be secured by condition.
- The submitted Construction Management Plan is acceptable.

Environmental Health - No objection:

- Conditions pertaining to Asbestos, Unexpected Contamination, and Noise Impacts of plant/machinery.

Economic Regeneration - Support:

- We are pleased to see modern, more sought after size commercial premises being built in the district.

Ecology - No objection:

- The BNG report shows an increase of 125.04% in habitat units.
- The BNG metric states Other Neutral Grassland will be created.
- No plan of where this habitat will be created has been provided and in an urban setting this may be hard to establish and maintain. If modified grassland was created instead, calculations suggest a net gain would still be achieved.
- The PEA identifies no impacts on protected species. No further surveys are required.
- Statutory BNG condition suggested.

Drainage Engineers - Objection (06/07/26):

Full comments are available on the Arun District Council website under this application and should be reviewed.

Drainage Engineers - No objection:

- Conditions regarding details of surface water management scheme, its maintenance and management and as-built drawings
- Ground investigations confirm that infiltration to ground is feasible, although further testing at the location and depth of each features will be required at discharge of conditions stage.
- Further details of the design of the permeable pavement and infiltration trench and clarification of calculations would be required with regard to extreme rainfall and flooding.
- The outline maintenance and management plan would need to be developed into a more detailed plan.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

EA Flood Map for Planning - Flood Zones plus Climate Change (2070-2125)(Undefended)

Potential susceptibility to Groundwater Flooding ($\geq 75\%$)

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
EMPSP1	EMP SP1 Strategic Economic Growth
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 Housing Design

Rustington Neighbourhood Plan 2014 Policy 4 Sustainable Drainage

Rustington Neighbourhood Plan 2014 Policy 6 Local Employment

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 from 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 is considered to comply with relevant Development Plan policies in that the proposal provides commercial development on a brownfield site which would not harm the character of the area or result in other adverse impacts.

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 liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

- Provision of Other Neutral Grassland and 2 No. native trees.
- 125.04% net gain in habitat units.

CONCLUSIONS

PRINCIPLE

The site is within the Built-up Area Boundary where the principle of re-development is acceptable subject to the consideration of other relevant Development Plan policies as per policy SD SP2 of the Arun Local Plan (ALP). Policy S4 of the NPPF (2026) states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by adverse effects. The site is an existing light industrial site within an industrial estate.

Policy L2(b) of the NPPF (2026) states that substantial weight should be given to the benefits of making better use of vacant and underutilised land and buildings. The site is currently disused and substantial weight is given to the benefits of upgrading the commercial units on the land, and enabling more efficient use of the land.

The principle of the development is acceptable, subject to compliance with relevant development plan policies.

CHARACTER AND DESIGN

The unit was formerly Class E(g), B2 and B8 and is run down contributes little to the visual amenity of the area. The proposal would replace the existing building, improving the physical appearance of the site

with an updated commercial building of two-storeys with a flat roof design and silver/grey composite panels to the external elevations. The building would have a commercial appearance and remain in keeping with the variety of commercial buildings in the surrounding area.

The two-storey scale and overall bulk of the building is acceptable.

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

TRANSPORT & PARKING

The proposal would replace the existing unit with 4 No. separate, smaller commercial units that are approx. 200sqm each and could be used for either B2 or B8 use. The Arun Parking Standards outline that B2 units should provide 1 No. car parking space per 40sqm, and 1 No. cycle parking space per 200sqm and per 500sqm for staff and visitors respectively. They also outline that B8 units should provide 1 No. car parking space per 100sqm, and 1 No. cycle parking space per 500sqm and 1000sqm for staff and visitors respectively.

The proposal provides 16 No. parking spaces and has been supported by a TRICS assessment. On a 50% B2 and 50% B8 basis, the proposal would require 10 No. parking spaces for the B2 units and 4 No. spaces for the B8 units. WSCC Highways were consulted on this application and were satisfied with the proposed parking provisions. In a 'worst-case' scenario (all B2 uses), the site would require 20 car parking spaces, resulting in the need for four cars to be accommodated on-street.

The area experiences substantial on-street parking demand, however the site currently benefits from lawful use as a B2 use, and has only 9 No. parking spaces. The proposal will result in a significant betterment of existing on-street parking demands.

The supporting transport statement identifies that cycle parking will be provided inside each unit, and that short-stay cycle parking would be provided externally. Based on the Arun Parking Standards, the staff cycle parking requirements are 1-space per unit (to be provided internally) and two external cycle parking spaces that should be provided for visitors. The proposed site plan identifies the external cycle parking will be accommodated to the front of the site in a cycle store. To ensure adequate cycle parking provisions are supplied, a condition has been attached requiring cycle storage to be provided prior to the first use of the site.

The site is sustainably located and within a reasonable proximity to nearby bus and rail services that would provide a wider catchment area for employees to make use of the cycle parking provisions.

The development is for the replacement of an existing commercial premises, and is not a 'new' development. As such, the Arun Parking Standards does not require EV charging points.

The proposal is in accordance with ALP policies T SP1 and T DM1.

DRAINAGE AND FLOOD RISK

The site is in Flood Zone 1, but following a recent update to the Environment Agency's flood mapping, the site lies in the edge of the Flood Zones plus Climate Change (2070-2125) (Un defended) extent. According to NPPG Paragraph: 006 Reference ID: 7-006-20220825, the lifetime of a non-residential development depends on the characteristics of that development but a period of at least 75 years is likely to form a starting point for assessment. The application considers the lifetime of commercial premises to typically be 50 years. No evidence or reasoning for this assertion has been provided, and the proposal should, therefore, be treated as having a lifetime of 75 years. The proposal will, therefore, be at very low risk of flooding from rivers and sea during its lifetime.

The flood risk assessment (within the surface water drainage documentation) finds that maximum flood depths could reach 0.47m in the lowest parts of the site by 2125. The expected lifetime of the development would reach 2101 and depths at that time are likely to be lower. Arun District Council's Strategic Flood Risk Assessment does not identify the site to be at future risk of flooding from rivers and sea when accounting for climate change and in the defended scenario.

Ultimately, the risk of flooding from rivers and sea on site is very low for the lifetime of the development, and the proposal is for the replacement of an existing commercial building with lawful use. Furthermore, the flooding extent identified does not extend significantly beyond the site, meaning evacuation would be achievable.

The peak groundwater levels found on site were lower than 2.5m below ground and as such, there is no significant risk of groundwater flooding.

The site is partially at very low risk of surface water flooding (1 in 1000) along its southern border, outside of the building footprint. When accounting for climate change between 2061 and 2125, the risk would become low (1 in 100), with the 1 in 1000 risk remaining but with greater anticipated flood depths and then appearing along the northern border of the site primarily in the highway. The maximum flood depths in the 'worst-case' scenario (1 in 1000 in the future when accounting for climate change) would be between 150mm-300mm. This extent, again, remains outside of the building's footprint. The risk of surface water flooding is very low-low for the development's lifetime, and is not anticipated to flood the proposed building. The risk of surface water flooding is limited and acceptable.

The NPPF is clear that the sequential test (ST) should be used in areas known to be at risk now or in the future from any form of flooding unless a Site-Specific Flood Risk Assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk). However, as a non-major replacement commercial building within an established commercial area, it is material that should the application be refused on this ground, a lawful commercial premises would remain. Even were a ST provided, this commercial area is likely to be the most suitable location for the development. The NPPF affords substantial weight to commercial development such as this, and the harms identified in respect of flood risk are limited. The lack of a ST in support of this submission is not a reason to refuse the development.

ADC Drainage Engineers objected to the application, but removed their objection following the submission of additional information. Reasonable evidence has been provided that infiltration is a viable discharged destination for surface water run. Whilst there are outstanding matters to be resolved in respect of drainage, these can be dealt with via condition. The conditions requested by engineers are attached to the consent.

The redevelopment of the site would not result in an unacceptable increase in flood risk on site or elsewhere, and the proposal incorporates sustainable drainage in accordance with ALP policies W DM2, W DM3 and the NPPF.

ECOLOGY AND BIODIVERSITY

The site is predominantly hardstanding except for 2 No. patches of grass to the east and northeast corner of the site. The site is within a heavily built-up industrial estate and is of little ecological value.

The proposal is subject to statutory Biodiversity Net Gain and would achieve an increase of 125.04% in habitat units through the creation of other neutral grassland and the planting of 2 No. native trees.

The proposal would achieve a biodiversity net gain, and the submitted preliminary ecological appraisal has confirmed no impacts to protected species.

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

EMPLOYMENT IMPACTS

The site would remain in light industrial/storage use but would be subdivided into 4 No. smaller units. There would be a slight reduction (85sqm) in overall internal floorspace, but the subdivision would make occupation of the units more likely than the larger, outdated existing unit. Relative to the existing unit, the new units would be upgraded and meet modern standards, being more amenable to a wider number of businesses. The proposal would enhance the employment site and the wider industrial estate.

The Council's Economic Development Team support the proposal.

The proposal is in accordance with ALP policies EMP DM1, and RNP Policy 6.

ENERGY EFFICIENCY

ALP 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 application is silent on this requirement, and a condition to secure the use of decentralised, renewable or low-carbon energy supply systems has been attached to this effect.

Subject to the relevant condition, the proposal is compliant with ALP policy ECC SP2.

POLLUTION

The site is brownfield light industrial unit with previous commercial uses and there is potential for contamination. Environmental Health requested an unexpected contamination condition be imposed to ensure that any contamination that might be found during the works is accounted for. This condition has been attached.

Given the light industrial nature of the proposed units, there is a likelihood that internal and/or external plant, machinery equipment, or mechanical/loud building services will be required. As the end users of the units are unknown at this time, these are not specified in the submission. Environmental Health request a condition requiring an acoustics impact assessment for such components to be submitted to and approved in writing by the Local Planning Authority. On the basis that the site is within an industrial estate the principle of any such equipment is acceptable.

Subject to relevant conditions the proposal is in accordance with ALP policies QE DM1 and QE DM4.

SUMMARY

The proposal seeks the redevelopment of a brownfield site for commercial premises. Significant weight is given to the value of using brownfield land, and to the economic benefits of redevelopment for commercial purposes. The application accords with the relevant Development Plan policies, and is recommended for approval subject to the following conditions and informatives.

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

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/documents:

- Location Plan 0005 REVP02
- Proposed Site Plan 0004 REVP06
- Proposed Ground Floor Plan 0001 REVP04
- Proposed First Floor Plan 0001 REVP04
- Proposed North and South Elevations 0002 REVP02
- Proposed East and West Elevations 0003 REVP02
- Proposed Cycle Store Floor Plan, Elevations and Roof Plan 0005 REVP01
- Materials as specified on the application form.

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

- 3 Prior to the commencement of development, except for demolition, 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. Detailed drainage plans conforming to Local Planning Authority guidance,

2. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
3. Infiltration testing strictly in accordance with BRE DG 365 or Ciria R156 Guidance,
4. Impermeable area plan,
5. Calculations modelling the surface water drainage network for the following storm events:
 - a.) 100% Annual Exceedance Probability,
 - b.) 10% AEP + climate change allowance,
 - c.) 3.3% AEP + climate change allowance, and
 - d.) 1% AEP + climate change allowance. All storm events must include an allowance for urban creep and surcharged outfalls where appropriate.

The scheme shall then be constructed as per the approved plans. No building shall be occupied until the complete surface water drainage system serving that building has been implemented in accordance with the agreed details. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the local planning authority. The local authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3 and the NPPF. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 Development shall not commence, except for demolition, until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Arun Local Plan policies W DM1, W DM2 and W DM3. It is necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 5 Prior to the commencement of demolition or any other works commencing, a copy of the asbestos register held for the building and where appropriate, any remedial strategy, shall be submitted to and approved in writing by the Local Planning Authority. The demolition should thereafter proceed in accordance with the approved details.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM4. This is required to be a pre-commencement condition because otherwise there could be a risk to human health including that of neighbouring residents and persons in the vicinity.

- 6 Notwithstanding the provisions of any Town and Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use of the 4 No. units hereby permitted shall be restricted to use under Classes E(g), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no other uses.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun Local Plan policy D DM1.

- 7 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained and in accordance with Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3.

- 8 No part of the development shall be first occupied until such time as the dropped kerb vehicular access serving the development on Brookside Avenue has been constructed in accordance with the plans and details to be submitted and approved to the Local Planning Authority.

Reason: In the interests of road safety in accordance with Arun Local Plan policy T SP1.

- 9 Prior to the occupation of each unit, covered and secure cycle parking spaces and parking spaces shall be provided in accordance with the approved plans and details. The vehicle and cycle parking 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.

- 10 No internally or externally located plant, machinery equipment or building services plant shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM1.

- 11 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with

Arun Local Plan policies QE SP1 and QE DM4.

- 12 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 occupation 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.

- 13 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

- 14 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 NPPF.