

DECISION NOTICE

Application Ref: BR/252/21/PL

1 To Addressee

Saunders Architects
Royal Mail House
Terminus Terrace
Southampton
SO14 3FD

2 Site Address

65-71 Upper Bognor Road
Bognor Regis
PO21 1HR

3 Description of Development

Alterations to four listed buildings, extension of a listed building to create an office and warden's accommodation, erection of new building consisting of 3 No. flats, offices and workshops; creation of new private gardens, separation of this part of the site from the wider University campus, creation of a shared landscaped courtyard, areas for parking, and storage for bins and cycles. This application affects the setting of listed buildings and affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area. It is in CIL Zone 4 (Zero Rated) as flats & other development.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions.

- 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:

LOCATION PLAN 5557-011-D1;
PROPOSED SITE PLAN 5557-100-D7;
67 & 69 UPPER BOGNOR ROAD PROPOSED GROUND FLOOR PLAN 5557-101-D2;
67 & 69 UPPER BOGNOR ROAD PROPOSED FIRST FLOOR PLAN 5557-102-D2;
67 & 69 UPPER BOGNOR ROAD PROPOSED ELEVATIONS 5557-103-D2;
71 UPPER BOGNOR ROAD PROPOSED ELEVATIONS 5557-109-D5;

NEW BUILDING PROPOSED GROUND FLOOR PLAN 5557-110-D6;
 NEW BUILDING PROPOSED FIRST FLOOR PLAN 5557-111-D6;
 NEW BUILDING PROPOSED ELEVATIONS 5557-112-D4;
 67-69 UPPER BOGNOR ROAD & LIVE/WORK UNIT SECTIONS & PROPOSED STREET
 ELEVATIONS 5557-113-D2 ;
 PROPOSED BIN AND CYCLE STORES FLOOR PLANS AND ELEVATIONS 5557-114-D2;
 PROPOSED BLOCK PLAN 5557-115-D1;
 71 UPPER BOGNOR ROAD PROPOSED GROUND FLOOR PLAN 5557-116-D4;
 71 UPPER BOGNOR ROAD PROPOSED FIRST FLOOR PLAN 5557-117-D3;
 CHARLOTTE HOUSE PROPOSED GROUND FLOOR PLAN 5557-120-D1;
 CHARLOTTE HOUSE PROPOSED FIRST FLOOR PLAN 5557-121-D1;
 CHARLOTTE HOUSE PROPOSED ELEVATIONS 5557-122-D1; and
 TREE PROTECTION PLAN INCLUDING TREE RETENTION AND REMOVALS BHJ 03/04.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies HER DM1, HER DM3, D DM1, QE SP1 and T SP1 of the Arun Local Plan.

- 3 All activity at the site is to be carried out in strict accordance with the "Arboricultural Method Statement" by Bernie Haverson (ref 1205.bjh.Sept21) and the Tree Protection Plan including Tree Retention & Removals ref BHJ 03/04 (09/21).

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 4 The approved works to nos. 67/69 or 71/71A Upper Bognor Road shall only take place between the middle of March and the end of October and all works to buildings 67/69 must be in accordance with the recommendations given at 4.2.1 of the Bat Scoping Report and Preliminary Ecological by the Ecology Co-op (ref 3457, 13/01/22). In addition, any brush, compost and/or debris piles on the site must be removed by hand outside of the hedgehog hibernation period mid-October to mid-March inclusive.

Reason: To avoid disturbing hibernating bats and hedgehogs in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 5 Prior to the construction phase of the site, all site operatives shall be briefed on the various measures in the Reptile Mitigation Statement (June 2021), Ecological Assessment (November 2019) and the Bat Scoping Report and Preliminary Ecological by the Ecology Co-op (ref 3457, 13/01/22) to protect wildlife and minimise disturbance.

Prior to commencement, the site shall be searched carefully and if any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats. In addition, clearance of the natural areas shall take place using a precautionary approach by staged vegetation management and a destructive search for reptiles by a suitably qualified ecologist.

During construction, the site shall be regularly monitored by an ecologist and during night time periods, all deep pits/trenches/holes present on the site shall either be covered or provided with a means of escape.

Reason: In the interests of the site biodiversity in accordance with policy ENV DM5 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because otherwise reptiles and hedgehogs may be harmed.

- 6 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building and no part of an extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 7 Prior to the commencement of the development hereby approved, a scheme to demonstrate that:

(a) the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 shall be complied by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms; and

(b) the external noise levels within the curtilage of residential units will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014 guidance on sound insulation and noise reduction for proposed developments shall be submitted to and approved in writing by the Local Planning Authority

The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of future local residents in accordance with policy QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because measures may need to be built into the fabric of the building.

- 8 Prior to the commencement of development, full details of all eaves, guttering, materials, windows (including conservation roof lights), doors and other proposed external finishings shall be submitted to the Local Planning Authority, in writing, for approval. Window/door details will need to be of an appropriate scale and include details of the sections and glazing or glazing bars. New materials should replicate the existing and any flint removed as part of the works should also be reused. Once approved, the development shall be undertaken in accordance with these details and retained as such at all times thereafter in perpetuity.

Reason: The necessity for this matter to be addressed prior to the commencement of development is to ensure that no harm to the listed buildings and/or new buildings is created which cannot be reversed. For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies HER SP1 and HER DM1 of the Arun Local Plan.

- 9 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because the commencement of construction work could harm any archaeology within the site area.

- 10 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development and arrangements for future maintenance. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity, the environment and heritage assets in accordance with policies D DM1, HER DM1 and HER DM3 of the Arun Local Plan.

- 11 No development above damp proof course (DPC) level shall take place until details of all new boundary treatments have been submitted to and approved by the Local Planning Authority and no part of the development shall be occupied until such boundary treatments have been erected. The estate fencing should not have a powder coated treatment.

Reason: In the interests of amenity, the environment and heritage assets in accordance with policies D DM1, HER DM1 and HER DM3 of the Arun Local Plan.

- 12 No development above damp-proof course (DPC) level shall take place unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 13 Prior to the occupation of the development hereby permitted, the mitigation measures and recommendations detailed in the Reptile Mitigation Statement (June 2021) and Ecological Assessment (November 2019) in relation to reptiles and hedgehogs shall be undertaken on site. Once undertaken, the mitigation measures shall be retained as such at all times thereafter in perpetuity. The discharge of this condition is not dependant on any enhancement works to the proposed biodiversity enhancement area should it not be possible to reach agreement with the landowner to enhance this area.

Reason: In the interests of minimising impact on protected species and securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 14 No part of the development shall be first occupied until full details of the placement of bat and hedgehog nesting facilities within the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority. The submission shall include three purpose designed bat tiles placed onto the new roof for the extension on 71/71A, and/or Beaumaris Wall-Mounted bat shelters installed upon the external faces of both buildings close to the eaves of the building on the south or eastern face; and a hedgehog nesting box within the site.

Reason: In the interests of minimising impact on protected species and securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 15 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats present on the site (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2, T SP1 & ENV DM5 of the Arun Local Plan.

- 16 No part of the development, hereby approved, shall be occupied until provision for parking and turning of cars associated with the development has been provided in accordance with the approved plans. Provision should thereafter be maintained solely for the purpose of the parking and turning of vehicles clear of the highway.

Reason: To ensure that adequate provision for the parking and turning of vehicles is provided for the development in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 17 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 18 No part of the development shall be first occupied until a Flood Emergency Plan has been prepared and provided to all future residents. This should achieve the following objectives:

- identification of the extent of flooding in a 0.5% annual probability including the effects of climate change event;
- anticipated/possible number, and vulnerability classification of residents/users (e.g. children, disabled, aged, etc.);
- plan of dry access routes, if they exist, or safest routes if dry routes don't exist;
- details of areas of safe refuge;
- details of Environment Agency Flood Warning Area and/or proposed Warning Evacuation Procedure before the flood; and,
- safe haven procedure for full duration of flood, plus Emergency Evacuation Procedure in case of sudden illness or exceedance flood.

Reason: In the interests of the safety of future residents in accordance with policy W DM2 of the Arun Local Plan and the NPPF.

- 19 Prior to the occupation of any of the new dwellings, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted

to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 20 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 protect the amenity of local residents in accordance with policy QE DM4 of the Arun Local Plan and the NPPF.

This application is subject to the Community Infrastructure Levy (CIL) as levied under Arun district Council's CIL Charging Schedule as adopted on 15th January 2020.

Shortly you will receive a Liability Notice which includes the calculated charge and person(s) liable to pay. If you have not submitted all the necessary CIL forms such as Assumption for Liability ([Form 2](#)) or any appropriate exemption or relief forms available on the Councils website <https://www.arun.gov.uk/cil> you must do so prior to commencement of your development. Failure to do so would invalidate any claim for exemption or relief. Furthermore, you must remember to submit your Commencement Notice no later than the day before the day on which the chargeable development is to commence. Failure to do so could result in a surcharge of up to £2,500.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the

invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

INFORMATIVE: The development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', available from:

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>

INFORMATIVE: All parts of the new flats must be within 45m of a fire appliance in accordance with the requirements of Approved Document B: Volume 1 2019 edition B5 section 13. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS4854 standards.

INFORMATIVE: Please note the comments of the Councils Conservation Officer with reference to the window treatments of the different buildings which is relevant to the condition on details of windows and other openings.

INFORMATIVE: The Environment Agency strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:

Flood resilient construction of new buildings: <https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>.

INFORMATIVE: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before

continuing.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **16th February 2022**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).