Recommendation Report for Planning Permission

REF NO: BR/264/17/PL

LOCATION: University of Chichester
Upper Bognor Road
Bognor Regis
PO21 1HR

PROPOSAL: Plant on roof of EDTP building. This application affects the character and appearance of Upper Bognor Road & Mead Lane Conservation area & the setting of a Listed Building

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Various plant on roof of EDTP building to south of site.
SITE AREA	1 hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Part constructed university campus site with various high buildings and smaller buildings, car park and open space.
CHARACTER OF LOCALITY	Edge of built up area boundary site, adjoining the Mead Lane conservation area and existing listed Chichester University buildings. Area is mixed use with educational facilities, halls of residence and Butlins to the south. Residential dwelling to the east of the site.

RELEVANT SITE HISTORY

BR/54/16/PL	Development of land to east of The University of Chichester, Bognor Regis Campus to construct an Engineering & Digital Technology Park, new access from Felpham Way, erection of first phase of student accommodation (171 spaces), car parking & associated landscaping. This application affects the setting of listed buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area. This is a Departure from the Development Plan.	ApproveConditionally 14-07-16

EDPT building granted conditional consent by BR/54/16/PL in July 2018.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Conservation Officer

Listed Building Officer

Engineers (Drainage)

Environmental Health

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

Conservation Officer

Verbal meeting-suggested no objection.

CAAC- no objection. Colour of cladding to be agreed with Council.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

External metal materials are considered to be acceptable in relation to the modern host dwelling of various external materials and a condition is not required.

POLICY CONTEXT

Designation applicable to site:
Outside of built up area boundary
Adjacent Conservation Area
Adjacent to a listed building
Flood Zone 3

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA2	Conservation Areas
GEN32	Noise Pollution
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

W DM2 Flood Risk

QE DM1 Noise Pollution

D DM1 Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

HER DM1 Listed Buildings

HER DM4 Areas of Special Character

HER SP1 The Historic Environment

SD SP1 Sustainable Development

SD SP2 Built -Up Area Boundary

Bognor Regis Neighbourhood Plan 2015 Policy 8A Design Excellence

Bognor Regis Neighbourhood Plan 2015 Policy 8j The University of Chichester Bognor Regis Campus

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring;

Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The development is considered to comply with relevant Bognor Regis NDP policies 8a and 8j.

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area, setting of the listed building and would have a neutral impact on the adjoining conservation area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The development is outside of the built up area boundary, however, as it is roof addtions to the recently approved university building, the principle of the development is acceptable in line with policy GEN2. Furthermore, the development of this university campus is supported by Bognor NDP policy 8j which is in favour of the development.

VISUAL AMENITY

The plant is considered to be in character with the modern appearance of the building and views of it from the street and within the adjacent conservation area will be largely obscured by the existing building, having a limited impact on visual amenity.

No objection has been raised from the Council's conservation officer and the impact of the development is not considered to be significantly more than the existing impact from the EDTP building on the setting of the listed building and conservation area. The external metal materials are considered to be acceptable in relation to the various materials used for the EDTP building and respect its character.

Overall the plant additions are considered to respect the character of the host building and street scene and have a neutral impact on the adjacent conservation area and setting of the listed building in compliance with saved policies GEN7, AREA2 and Bognor Regis NDP policy 8a.

NOISE

The plant would not be located close enough to neighbouring residential properties to have a significant impact in terms of noise and disturbance. This includes the nearby halls of residence which have less protection than permanent residential accommodation. Furthermore, it is in the interest of the applicant for disturbance to be created form the plant as they operate the halls of residence as part of the University of Chichester. As such the development is considered unlikely to create significant noise pollution in line with saved policy GEN32.

FLOOD RISK

The additions to the building will be to the top of an existing structure. There will be a very limited increase in additional surface area for water run off. As such are not considered to create flood risk in terms of surface water flooding and are set up high so would not be at significant risk from fluvial or tidal sources in compliance with saved policy GEN9.

The application is considered to comply with the development plan and is recommended for conditional approval.

HUMAN RIGHTS ACT

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.

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:-

AP_001
AP_003 Rev. B
50136-AP_010 Rev. B
50136-AP_013 Rev. B
50136-AP_012 Rev. C
50136-AP_011 Rev. B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 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.