

Recommendation Report for Planning Permission

REF NO: BR/41/18/PL

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

PROPOSAL: Proposal 1: upgrading of provisions within existing substation compound to include provision of new concrete hardstanding, a GRP enclosure will be situated on base in compound. Proposal 2: upgrading of provisions on land adjacent to existing substation compound to include new concrete hardstanding & construction of shiplap wooden fence as means of closure. This application affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is as follows within an existing fenced substation enclosure; 1) New additional electricity substation (a box shape approx. 1 metre in height) on a concrete base measuring 2 metres by 0.8 metres. 2) A back up generator of a box shape 2 metres in height on a 6 metre x 3.5 metre concrete foundation pad. An additional 2.4 metre high fence and gate would enclose the back up generator within the existing compound on 3 sides (existing fence on northern side) .
SITE AREA	Approx.150 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Existing 2 metre fence and hedging outside.
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

None relevant.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/a

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 \(2003\):](#)

GEN3	Protection of the Countryside
AREA2	Conservation Areas
GEN32	Noise Pollution
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
HER DM1	Listed Buildings
HER DM3	Conservation Areas
SD SP2	Built -Up Area Boundary
HER DM4	Areas of Special Character
C SP1	Countryside
SD SP1	Sustainable Development

[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**PLANNING**

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.

OTHER MATERIAL CONSIDERATIONS

The proposed development is within the boundaries of an existing electricity substation which serves a University complex which has planning permission outside of the built up area boundary. The proposed development is within the boundary of the existing university complex.

CONCLUSIONS

PRINCIPLE

The development is outside of the built up area boundary and therefore contrary to policy GEN 3, however, as it is development associated with the approved existing use of the site as a university, the principle of the development is acceptable. Furthermore, the development of this university campus is supported by Bognor NDP policy 8j which is in favour of the development.

VISUAL AMENITY AND CONSERVATION AREA

The proposed electricity generator, back up generator and associated development would not have a visual impact above the existing boundary fence of the existing facility and would not impact on character of the substation and views of it from the street or adjacent conservation area will be largely obscured by the existing building, having a limited impact on visual amenity.

No comment has been received from the Council's Conservation officer however as the development is negligible in its impact on visual amenity and the setting of the adjacent Conservation area comments are not deemed necessary.

Overall the electricity plant additions are considered to respect the character of the existing development 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 electricity substation 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 not in the interest of the applicant for disturbance to be created from the electricity substation 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 within an existing compound. 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.

HERITAGE

It is not considered that the development by reason of its size, location or design would have a significant impact on the nearby conservation area, listed building or buildings of special character as, overall, the additional development would not significantly alter the appearance to the approved development.

The development is considered to be acceptable in terms of impact on design and visual amenity in compliance with saved policies GEN7 & AREA2.

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;

Dwg.no. - BRC-BG-02 - BRC Site Location & Proposed Area Elevation Plan dated Feb 2018

Dwg.no. - BRC_BG_01 REV A Site Location & Section dated 03/05/2018

Dwg.no. - BRC_BG_03 - Site Plan Detail - dated 03/05/2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 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.