

Recommendation Report for Planning Permission**REF NO:** BR/53/17/PL**LOCATION:** University of Chichester
Upper Bognor Road
Bognor Regis**PROPOSAL:** Repairs to rat trap bond wall & extend east by 2.5m then turn South by 3.5m to meet existing footpath & structural repairs to Western flint wall. This application affects the setting of Listed Buildings & the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2.5m wall, some trees, some lower wall sections.
SITE CHARACTERISTICS	University campus with various buildings, grassed areas and parking.
CHARACTER OF LOCALITY	Urban, buildings of varying heights and design.

RELEVANT SITE HISTORY

BR/100/87	Prefabricated Classroom	ApproveConditionally 02-07-1987
BR/634/87	Retention of building without compliance with Condition 1 imposed on planning permission BR/100/87	ApproveConditionally 18-01-1988
BR/62/94	Installation of TV satellite dish aerial	ApproveConditionally 25-03-1994
BR/215/98/	Demolition of 2 No. staff bungalows and outbuilding & construction of 160 units of student residential accommodation with associated car parking & landscaping .Revised siting of elevations to proposed buildings;reduced car parking from 48to 9 spaces;incorporation of 2 bus shelters & improved pedestrian crossing.(This	App Cond with S106 14-07-1999

application is a departure from the development plan)

BR/98/03/	Replace existing windows with PVCu windows in keeping with existing visual appearance.	Refused 30-05-2003
BR/3/10/	2 no. temporary cabins to provide 4 No. teaching classrooms with storage space/wc.	ApproveConditionally 12-03-2010
BR/15/10/	Internal refurbishment of a Grade 1 listed building and construction of access lift	ApproveConditionally 26-03-2010
BR/13/10/	Part demolition of wall & erection of Oak boarded fence & lower wall to east of Longbrook Car Park	ApproveConditionally 01-04-2010
BR/58/10/	Erection of 48 bay cycle compound.	ApproveConditionally 28-04-2010
BR/86/10/	Proposed Disabled Access Vestibules to Blocks 1 and 11, Barbra Smith Halls of Residence Bognor Regis Campus	ApproveConditionally 14-05-2010
BR/67/10/	New two storey learning and resource centre building including demolition of existing cycle shed, science block and boundary wall and associated landscaping	App Cond with S106 11-06-2010
BR/227/10/	The entrance road is to be widened in two locations; at the south eastern entry to the site from Upper Bognor Road, and to the south of the eastern car park. A number of trees along the access route will require trimming or removing.	ApproveConditionally 27-09-2010
BR/229/10/	Demolish & rebuild the boundary wall between the southern site entrance to the Bognor Regis Campus and 67/69 Upper Bognor Road	ApproveConditionally 15-10-2010
BR/150/12/	Various landscape works. Demolition of wall to be re-built to 1.5m in height. Remove parking from frontage & create new car park to west side. New pavement to front of building, footpath & paved circle	ApproveConditionally 22-08-2012
BR/223/12/	A ground mounted Photo Voltaic Solar Panel Array constructed on an existing grassed area immediately to the South of the Barbara Smith Halls of Residence building.	ApproveConditionally 10-12-2012
BR/54/16/PL	Development of land to east of The University of Chichester, Bognor Regis Campus to construct an Engineering & Digital	ApproveConditionally 14-07-2016

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.

None directly relevant.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer

Listed Building Officer

WSCC Strategic Planning

Consultations responses received:

WSCC Strategic Planning (Highways)

No highways concerns would be raised to the principle of the works, however the applicant has indicated that the works will require scaffold to be erected on the Mead Lane carriageway which would result in a reduction in carriageway width to 4.0 metres. The applicant would be required to gain the appropriate scaffold licence and agree any traffic management measures required from WSCC Streetworks prior to the commencement of the works. If the LPA are minded to grant planning consent the following informative note would be considered appropriate.

Informative Note:

Minor Highway Works

The applicant is advised to contact WSCC Streetworks (01243 642105) to obtain the appropriate scaffolding licence and to agree any traffic management measures that may be required.

Scaffold Licence

The applicant is advised to contact WSCC Highway Licencing (01243 642105, HighwaysLicencing@westsussex.gov.uk) to obtain the appropriate scaffolding licence and to agree any traffic management measures that may be required.

Conservation Officer

Although not individually listed, the subject walls are locally distinctive features of historic interest which make a notable contribution to the settings of the wider group of listed buildings

and structures, and also to the special qualities of the surrounding conservation area.

The remedial works are essential to secure a sustainable future for the historic walls, and appropriate methods and materials are specified. Care has evidently been taken to ensure that the new part of the 'rat trap' wall will match existing, while the southward projection will match the wall opposite. The new elements will sit comfortably in the context and result in little alteration to the aesthetic qualities of the setting.

The importance of sustaining and enhancing the significance of heritage assets is emphasised throughout section 12 of the NPPF and para. 132 requires great weight to be given to their conservation. The proposed works are appropriate to the sensitive historic context and they cause no harm to the significance of the adjacent listed buildings and structures.

Subject to the conditions below, there is no objection in terms of the following Policies:

- Local Plan 2003 Policy Area 2
- Local Plan 2014 Policy HER DM1 & 3.

Conditions:

1. Approval of mortared sample panels of the new sections of wall.
2. Approval of a detail drawing of the juncture between the 'rat trap' masonry of the east-west wall and the brick/flint masonry of the wall projecting southwards.

CAAC

No objection. Sample Panel to be agreed on site.

Comments on Consultation responses:

Comments noted. Conditions and informatives to be imposed.

POLICY CONTEXT

Designation applicable to site:

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA2 GEN2 GEN7	Conservation Areas Built-up Area Boundary The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality HER DM3 Conservation Areas SD SP2 Built-Up Area Boundary
Bognor Regis Neighbourhood Plan 2015 Policy 1		Delivery of the Vision

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following

circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

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.

Conservation Area

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the the setting of the Grade II Listed Buildings or the character of the 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

The works are considered to enhance the appearance of the walls and conservation area, should conditions be complied with.

There will be limited impact on residential amenity as the height and scale of the walls are not being increased.

The fig tree may be affected by the proposal but it is not visible from the street scene and is a small specimen. As such it is not considered to have high amenity value. Conditions to protect the tree are not considered reasonable or necessary.

The application 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:-

BRC_SP_01
BRC_WE_01 (site block plan)
BRC_WE_01 (site plan)

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 Any new sections of wall shall conform with a mortared sample panel which shall be erected on site and approved in writing by the Local Planning Authority before work to walling is commenced.

Reason: To preserve the appearance and special character of the building for the future in accordance with the National Planning Policy Framework.

- 4 No development shall take place unless and until a detailed drawing of the juncture between the 'rat trap' masonry of the east-west wall and the brick/flint masonry of the wall projecting southwards, have been submitted to and approved by the Local Planning Authority and the constructed in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the National Planning Policy Framework.

- 5 **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.

- 6 **INFORMATIVES:** Minor Highway Works

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