

DECISION NOTICE

Application Ref: BR/72/22/PL

1 To Addressee

Smith Simmons & Partners
32 North Street
Chichester
PO19 1LX

2 Site Address

University Of Chichester
Upper Bognor Road
Bognor Regis
PO21 1HR

3 Description of Development

Variation of condition 2 imposed under BR/311/18/PL relating to alternative floorspace plans, minor changes to building footprint and elevations, improvements to fire escape routes and changes to the approved materials (note no change to overall height or distances to nearby dwellings).

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 the planning permission under BR/311/18/PL (26/02/20).

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:

3122-APLB-BR-XX-DR-A-1000 Existing Site Rev P1.
3122-APLB-BR-XX-DR-A-1001 Proposed Site Layout Rev P1.
3122-APLB-BR-00-DR-A-2000 Proposed Ground Floor Plan Rev P5.
3122-APLB-BR-01-DR-A-2001 Proposed First Floor Plan Rev P4.
3122-APLB-BR-02-DR-A-2002 Proposed Second Floor Plan Rev P1.
3122-APLB-BR-03-DR-A-2003 Proposed Third Floor Plan Rev P1.
3122-APLB-BR-04-DR-A-2004 Proposed Fourth Floor Plan Rev P1.
3122-APLB-BR-05-DR-A-2005 Proposed Fifth Floor Plan Rev P4.
3122-APLB-BR-06-DR-A-2006 Proposed Roof Plan Rev P4.

3122-APLB-BR-XX-DR-A-3000 Proposed East & South Elevations Rev P4.
 3122-APLB-BR-XX-DR-A-3001 Proposed North-west & North-East Elevations Rev P4.
 3122-APLB-BR-XX-DR-A-3002 Proposed West & South-West Elevations Rev P1.
 3122-APLB-BR-XX-DR-A-4000 Proposed Sections - Sheet 1 Rev P1.
 3122-APLB-BR-XX-DR-A-4001 Proposed Sections - Sheet 2 Rev P1.
 3122-APLB-BR-XX-DR-A-4002 Proposed Sections - Sheet 3 Rev P1.
 3122-APLB-BR-XX-SK-A-8023 CGI views of the proposed building in context Rev P1.
 B39-HOA-AB-XX-GA-E-690-8501 Electrical Services External Layout Rev P1; and
 LLD2572-LAN-DWG-001 Landscape Masterplan Strategy Rev 02.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, T SP1, HER DM1, HER DM3, QE DM1, QE DM2 and QE SP1 of the Arun Local Plan.

- 3 Unless otherwise agreed in writing, the development hereby approved shall be carried out in accordance with the agreed proposed surface water drainage scheme which consists of the following drawings/documents:

"Standard Drainage Details" Dwg OUCC-ACM-ZZ-05-DR-DR-30001 Rev P02;
 "Section Through Attenuation" Dwg UOCC-ACM-ZZ-05-DR-DR-30002 Rev P02; and
 "Drainage Strategy" ref 60580070 April 2019.

The new building shall not 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.

- 4 The development shall be carried out in accordance with the ecological enhancement measures detailed in the Extended Phase 1 Report (Version 3) submitted with application BR/54/16/PL unless otherwise agreed in writing. The enhancements and mitigation measures shall be retained and thereafter maintained.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 5 The development permitted shall only be carried out in accordance with the approved Flood Risk Assessment Addendum Report dated March 2019 and the following mitigation measures detailed within it:

1. Finished floor levels are set no lower than 2.75m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Arun Local Plan policy W DM2 and the NPPF.

- 6 The accommodation shall only be occupied by those enrolled on courses or attending academic or professional events at the University.

Reason: The Local Planning Authority has granted permission on the grounds that the accommodation will be used in connection with Chichester University and it is necessary to impose such a control to ensure the building is not sometime in the future occupied as a HMO. In

accordance with policies C SP1, EMP SP2 and H SP4 of the Arun Local Plan.

- 7 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters

- An indicative programme for carrying out of the works;
- The anticipated number, frequency and types of vehicles used during construction;
- The method of access and routing of vehicles during construction;
- The parking of vehicles by site operatives and visitors;
- The loading and unloading of plant, materials and waste, including permitted times for deliveries;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- measures to control the emission of dust and dirt during construction;
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 8 No development shall commence until a scheme has been submitted to and approved by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the building. Thereafter, the building shall not be occupied unless and until the approved scheme has been fully implemented.

Reason: To protect the amenities of occupiers of nearby residential properties in accordance with Arun Local Plan policy QE DM1. It is considered necessary for this to be a pre-commencement condition because the noise control measures may need to be incorporated into the fabric of the building.

- 9 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to

implement a foul drainage scheme once development had been completed.

- 10 Development shall not commence until full details of measures to be undertaken to protect existing public sewers have been submitted and approved in writing by the Local Planning Authority in conjunction with Southern Water. The building shall not be occupied until the measures in respect of protecting sewers have been completed in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because new development has the potential to cause damage to any sewer crossing the site.

- 11 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the nearby 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 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. 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 and of the environment of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 13 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 scheme for the creation of new reptile habitat within the site (or in an alternative location as agreed) to include rough grassland margins, hibernacula, scrub and open basking areas within a dedicated reptile enhancement area. The approved scheme shall be carried out in the first planting and seeding season, following the occupation of the building or the completion of the development, whichever is the sooner, and any 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 accordance with Arun District Local Plan policy ENV DM5 and the NPPF.

- 14 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a scheme to show the location of a fire hydrant to serve the development. The fire hydrant shall be provided in accordance with the approved details before the first occupation of the development and shall be retained thereafter.

Reason: In the interests of amenity and fire safety in accordance with policy D DM1 of the Arun

Local Plan.

- 15 No part of the development shall be first occupied until an amended version of the existing University Sustainable Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with the NPPF and policies T SP1 and T DM1 of the Arun Local Plan.

- 16 The development shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems in accordance with the recommendations of the submitted "University of Chichester - Student Accommodation Phase 1" (Rev 0, 16 November 2018) (or a different document as otherwise agreed). The approved scheme shall thereafter be implemented prior to occupation of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan

- 17 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The spaces shall be permanently retained and maintained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 18 There shall be no partial occupation of the building whilst works to complete the development are continuing other than where a scheme has been submitted to and approved by the Local Planning Authority which specifies the measure to protect occupants from noise and vibration. In such cases, the approved scheme shall then be implemented in full prior to partial occupation of the building. This condition does not apply in cases of any post completion future internal works.

Reason: To protect the amenities of occupiers of nearby residential properties in accordance with Arun Local Plan policy QE DM1.

- 19 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment including fans, ducting and external openings, compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation of such plant/machinery/equipment. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises. The approved plant/machinery/equipment shall thereafter be implemented in accordance with the agreed details and permanently retained in good working condition.

Reason: To protect the amenity of local residents in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan and the NPPF.

- 20 No external lighting shall be installed on the building or elsewhere within the application site until plans showing the type of light appliance, the height and position of fitting, illumination levels and

light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 and shall also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Once the approved lighting has been installed a verification report shall be submitted to the Local Planning Authority to demonstrate that the light trespass does not exceed 5 Lux beyond 5m of the site boundaries.

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

- 21 In the event that contamination is found at any time during the carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All works must stop immediately and an investigation and risk assessment must be undertaken in accordance with the requirements of the local authority contaminated land officer. Where remediation is necessary, remediation scheme must be prepared in accordance with the local authority contaminated land officer guidance and which is subject to approval in writing of 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 policy QE DM4 of the Arun Local Plan.

- 22 No deliveries by commercial vehicles shall be taken or despatched from the site outside of the following times (7.00am - 6.00pm Mondays to Saturdays), nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: In the interests of amenity in accordance with the Arun Local Plan Policies QE SP1 and QE DM1.

- 23 The flat roofs on the student accommodation building are not to be used as amenity space or balconies at any time.

Reason: In the interests of the amenity of nearby residential properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 24 No Students residing in the accommodation will be permitted to keep a car on site. The University will manage this through a 'No Car' clause in the student tenancy agreement. Prior to commencement a copy of the standard tenancy agreement will be submitted for approval in writing by the Local Planning Authority.

Reason: The development is subject to maximum parking standards where parking is limited and alternative means of transport are provided as secured in the Travel Plan. In accordance with policies T SP1 and T DM1 of the Arun Local Plan.

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 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 National Planning Policy Framework.

INFORMATIVE: The original permission was granted in conjunction with a section 106 legal agreement relating to a contribution of £2,640 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis. This is to be paid prior to commencement. Clause 25 of that agreement ensures that it will apply to subsequent section 73 applications such as this one.

INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on SW's website: <https://beta.southernwater.co.uk/infrastructurecharges>.

INFORMATIVE: The Environment Agency would recommend as previously discussed with the original FRA consultant that a weedscreen be fitted to the culvert entrance which conveys water under Felpham Way, to prevent large blockages, thus increasing localised flood risk, which is known to have occurred.. Any works in under or over, or within 3-5 metres of the watercourse bank edges, a flood defence consent will be required from the Lead Local Flood Authority.

INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police as available on the Councils website for application BR/72/22/PL (dated 20/05/22).

INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500.

INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **28th June 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).