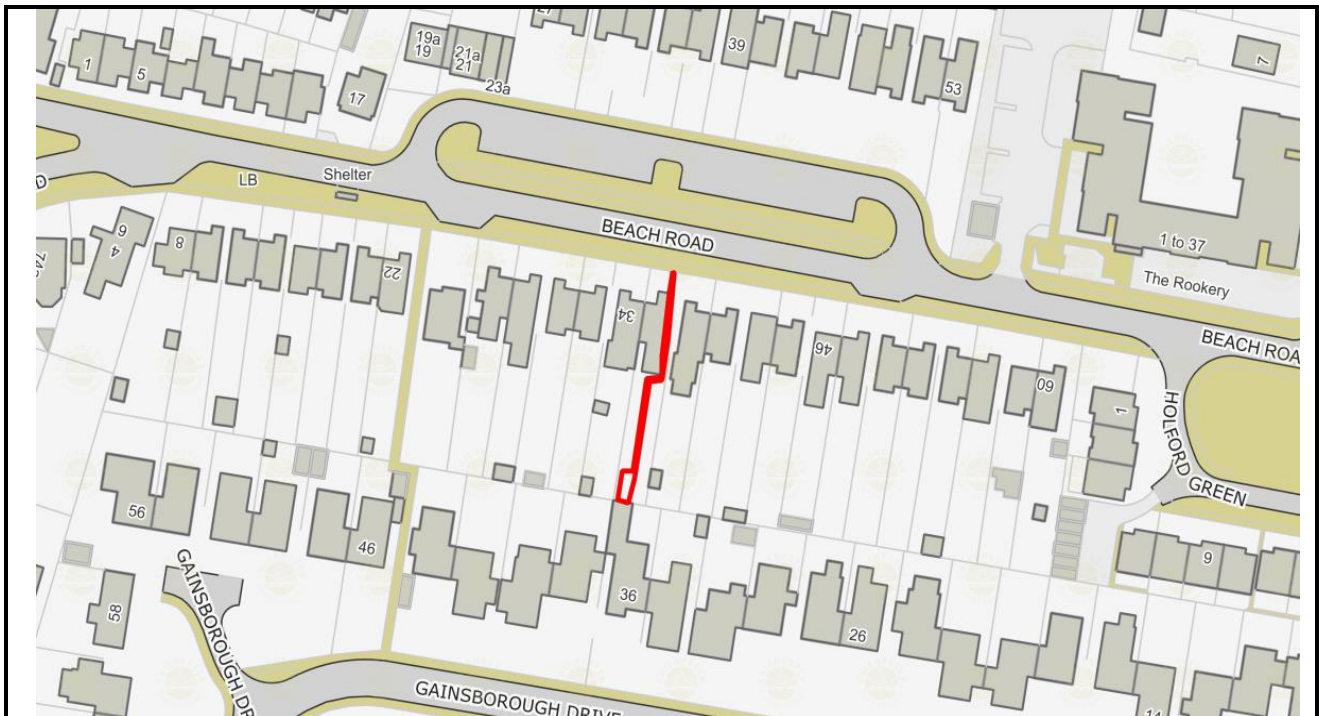



Parish: Selsey	Ward: Sidlesham With Selsey North
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SY/22/02481/FUL

Proposal	Erection of shed (retrospective) and change of use to gym for business, with associated access.		
Site	36 Beach Road Selsey West Sussex PO20 0LU		
Map Ref	(E) 486119 (N) 93550		
Applicant	Mr and Mrs Simon and Sarah Brown	Agent	

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for committee Referral

1.1 Parish Objection - Officer recommends Permit

1.2 The application was withdrawn from the Planning Committee on the 12 July 2023 for the following reasons:

- **Third party consultation via site notices had not been observed following the a change of access route via the dwelling rather than via the shared amenity space at the front of the property.**

Additional matters added to the initial report are referred to in the report in bold text.

2.0 The Site and Surroundings

2.1 The application site is situated on the south of Beach Road, within the Selsey Settlement Boundary Area.

2.2 The application property is a semi-detached two-storey dwellinghouse, cream rendered and with a pitched roof. The front is open, with parking space for two cars. The drive is shared with the neighbouring property. The rear garden is long and narrow, backing onto similar plots.

3.0 The Proposal

3.1 The proposal is for the erection of a shed (retrospective) and change of use to gym for business, with associated access.

3.2 The shed is 6.14 metres long, 4.14 metres wide and 2.89 metres high. It has a mono-pitched roof, sloping towards the rear, and the walls are of timber, painted a natural green. It has a double door with full length glass on the east elevation and four other full length glass windows (two on the north elevation and one on the east elevation).

3.3 The shed will be used for a personal training business for one-to-one sessions. The proposed business will be small-scale, being operational for two to three days a week with up to four clients a day. The proposed operating hours are 8am to 7pm Monday to Friday and 9am to 6pm on Saturday.

The application initially proposed access to the shed via the shared drive and garden, but following discussions with the applicant, following concerns being raised by the occupants of the neighbouring property, it is proposed that access to the gym studio will be via the applicant's dwelling.

3.4 For information, the application was originally submitted as a householder application (under reference 22/02481/DOM), but was changed to a full application (reference 22/02481/FUL) when it became clear that the proposals relate to a small business use.

4.0 History

95/01428/DOM	PER	Single-storey front and rear extensions.
16/03291/PA1A	NOPA	Single-storey rear extension (a) rear extension 4.7m (b) maximum height - 3.6m (c) height of eaves - 2.6m.
18/01668/DOM	PER	Front two-storey extension with pitched tiled roof.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Comments received under planning application 22/02481/FUL

Further comments (20.04.2023)

Further to our earlier correspondence, the Town Council's Planning Committee resolved that the Town Council's original objection remains and the matter referred back to the District Council.

Original comments (2.02.23)

The Selsey Town Council OBJECT to this application as it does not meet the planning regulations regarding sound proofing and shielding. The original application did not mention that there would be gym equipment in the garden which makes this un-neighbourly and noisy. The use of the shared access is not big enough to support amenities for the gym including parking, waste disposal, sewerage and changing facilities. This shared access pathway is also un-neighbourly.

Comments received under planning application 22/02481/DOM

The Selsey Town Council supports this application with the conditions that as a business it is adequately soundproofed, the lighting and access do not intrude on neighbours and the business is only during 8am to 8pm not including weekends due to the proximity of neighbouring property.

6.2 WSCC Local Highway Authority

No objection

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

I refer to your consultation in respect of the above planning application and would provide the following comments.

This proposal is for erection of a shed (retrospective) and change of use to gym for business, with associated access. The site is located and accessed off Beach Road, which is an unclassified road subject to 30mph speed limit.

There are no proposed alterations to the existing access or parking arrangements. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The proposal is to provide gym space for 1:1 coaching, up to 4 clients a day, 2- 3 times weekly. There will be one part time employee as a result of the proposal. Given the small scale nature of development, the proposed use is not anticipated to result in a material intensification of use onto Beach Road or the wider road network.

The existing onsite parking consists of two parking spaces. This would presumably be retained for the residential unit. The proposal may result in an overspill of up to two spaces. It would be hard to substantiate that such a small shortfall would result in highways safety hazard in this location. The Local Planning Authority (LPA) may wish to assess any implications on-on street parking from amenity perspective.

In order to promote the use of sustainable transport methods, the LHA recommends that secured and covered cycle parking storage is provided for the intended use.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA is minded to approve this application, a condition securing cycle parking is advised.

6.3 CDC Environmental Protection Officer

Further comments (10.03.23)

Our department has had the opportunity to review the Summary Assessment provided by Goodhand Acoustics, dated 27th February 2023. It is considered that the Assessment is proportionate to the scale of proposed development and assists with anticipating the noise impact at neighbouring dwellings.

Our department is supportive of the development, subject to conditions, considered necessary to safeguard residential amenity.

Conditions considered necessary:

- * 43mm rubber sprung anti shock flooring to be installed.
- * No fixed weight machines or treadmills.
- * Music to be played at background level.
- * Hours of operation to the public to be restricted to 8am to 8pm Monday to Friday and 9am to 6pm Saturday. No access to the public at any other time including Sundays, Bank Holidays or Public Holidays.
- * All windows and doors to be closed between 7pm and 8pm Monday to Friday. (It is considered that after 7pm is an evening period and more sensitive).

Of note, these comments are purely for use of the garden gym shed structure. Use of the outside garden area, for gym business use, has not been assessed and is not supported by our department at this time.

Original comments (30.01.23)

Our department cannot be supportive of this application, at this time, as it has not been adequately demonstrated that a significant adverse noise impact shall be avoided at the neighbouring dwellings.

It is considered that as it is proposed to operate a gym, as a business, in a residential setting, that a noise impact assessment from a competent professional shall have to be submitted to assess the extent of impact and put forward any required mitigation measures for review.

The use of weights, music and motivational voice would have to be assessed. Weights may give rise to unacceptable levels of impact noise and this would have to be accounted for during assessment. Flooring to accommodate weights would have to be considered, which would be difficult considering the structure.

It is noted that ventilation is proposed through windows and door. This would weaken the noise attenuating properties of the structure. Any assessment would have to be conducted considering windows and doors open.

6.4 Third party objection comments

No further comments have been received after the notices have been displayed at the front and rear of the property on the 13.07.2023. The consultation period expires on the 10.08.23, and any additional comments received will be provided on the Update Sheet to the Planning Committee.

Comments received under planning application 22/02481/FUL

Four third party representations of objection have been received from the same person, concerning the following matters:

- a) the overall size and design of the proposed outbuilding
- b) the use as a business and the potential noise impact; loss of privacy due to the access route via the shared drive and potential congestion due to parking.

Comments received under planning application 22/02481/DOM

Two third party representations of objection have been received from the same person, concerning the following matters:

- a) the design and size of the shed
- b) the use of the proposed shed as a business, intruding on the neighbour's privacy due to the shared drive

One third party representation of support.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made Neighbourhood Plans. The Selsey Neighbourhood Plan was made on the 22nd June 2021 and forms part of the Development Plan against which applications must be considered.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Access and Communications

Selsey Neighbourhood Plan

Policy 001: Design

Policy 003: Settlement Boundaries

National Policy and Guidance

- 7.3 Government planning policy comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed: or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.4 Consideration should be given to Section 12 (Achieving well-designed places). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19)

- 7.5 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in ~~late Summer~~ early Autumn 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications.

The relevant policies are:

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy P1 Design Principles
- Policy P4 Layout and Access
- Policy P6 Amenity
- Policy P8 Materials and Detailing
- Policy T4 Parking Provision

Other Local Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:
- Design Guidelines for Alterations to Dwellings & Extensions (Revised September 2009)

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties (including noise and pedestrian access)
- iv. Impact upon highway safety and parking
- v. Other matters

i. Principle of development

8.2 The application site is located within the defined settlement boundary of Selsey as set out in Policy 2 of the Local Plan. Therefore, the principle of the erection of an outbuilding for commercial use as a small-scale business is acceptable, subject to compliance with the development plan and other material considerations.

ii. Design and impact upon character of the surrounding area

8.3 Policy 33 of the Chichester Local Plan (CLP) and Policy 1 of the Selsey Neighbourhood Plan establishes that new residential development proposals must meet the highest standards of design and respects and/or enhances the character of the site and surrounding area, taking into consideration its proportions, form, massing, siting, layout, height, scale and overall design.

8.4 The shed is situated at the south end of the garden. Initially the shed was built under Permitted Development rights, but the height has been increased to 2.89 metres due to the gym program requirements, and therefore now requires permission, as it exceeds the height limitations set out within the General Permitted Development Order (2015).

The shed has a garden office appearance, with a mono-pitched roof, sloping towards the rear. It has a double door with full length glass on the east elevation and four other full length glass windows (two on the north elevation and one on the east elevation). It is constructed of timber, painted a natural green, which enhances its blending into the surroundings.

8.5 As the width of the shed is 4 metres and the garden width is approximate 6.8 metres, there is a distance in excess of 1m either side of the shed to the neighbouring boundaries. Although large, it is considered that the plot is big enough to accommodate the outbuilding, whilst retaining sufficient garden space.

- 8.6 Many of the surrounding properties have similar outbuildings, within the immediate vicinity, although not as high. The properties to the east and to the south have outbuildings situated on the dividing boundary of the application site. The height of the shed is considered to result in a development which would not appear dominant and would not significantly impact on neighbouring amenity.
- 8.7 The shed will be used for a small-scale personal training business for one-to-one sessions. It will be operational for two to three days a week with up to four clients a day, with the proposed operating hours 8am to 7pm Monday to Friday and 9am to 6pm on Saturday.
- 8.8 The shed, by reason of its size, form, siting, height, design and appearance would be appropriate having regard to the existing property. Its use as a very small scale 1 to 1 gym business, with restricted hours of use, would not cause significant harm or detriment to the wider area. As a result, the proposed development is considered to comply with Policy 33 of the Chichester Local Plan, Policies 1 and 3 of the Selsey Neighbourhood Plan and the NPPF.

iii. Impact on the amenity of neighbouring properties

- 8.9 The NPPF states in Paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places), and Policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.
- 8.10 The shed is situated at the rear of the garden, positioned approximately 1 metre from the neighbouring boundaries. The surrounding properties have similar outbuildings, although not as high, some of them situated very close to the application site boundaries, dividing properties. Thus, it is considered that the development would not result in overbearing effect or loss of light or privacy of the neighbouring properties.
- 8.11 The shed would be used for a small-scale personal training business for one-to-one sessions. The business use of the proposed development is small-scale, would provide gym space for 1:1 coaching, with up to 4 clients a day, 2- 3 times weekly.
- 8.12 The application initially proposed pedestrian access to the shed via the shared drive and garden, but following discussions, the proposed access has been moved to route through the main dwelling. **The proposed change of the access route was reflected in the change of the red line. New notices have been displayed at the front and rear of the property and the third-party consultation period has been observed.**
- 8.13 To reduce the noise impact, the shed will be sound proofed and will have reinforced flooring. This will be secured by condition in the event the application is permitted.
- 8.14 Due to the proposed commercial use of the shed, the Council's Environmental Health Department was consulted on the application and they requested a professional report to assess the noise impact of the development. Following the submission of the 'Summary Assessment' produced by Goodhand Acoustics, dated 27th February 2023, the Council's

Environmental Health Department has advised that, subject to conditions to safeguard residential amenity, the application proposals are acceptable.

The recommended conditions are:

- 43mm rubber sprung anti shock flooring to be installed
- no fixed weight machines or treadmills
- Music to be played at background level
- Hours of operation to the public to be restricted to 8am to 8pm Monday to Friday and 9am to 6pm Saturday. No access to the public at any other time, including Sundays, Bank Holidays or Public Holidays
- All windows and doors to be closed between 7pm and 8pm Monday to Friday. (It is considered that after 7pm is an evening period and more sensitive)

8.15 Following the recommendations from the Environmental Health Officer, the applicant proposes to reduce the operating hours until 7pm on weekdays and has stated that no music will be played within the shed.

A condition will be put in place to prohibit the use of music.

As the operating hours have been modified, until 7pm, no condition regarding the closing of windows between the sensitive evening period, from 7pm to 8pm is needed to safeguard the amenity of neighbours.

8.16 The noise assessments focused only on the use of the garden shed as a gym structure. Use of the outside garden area, for gym business use, was not assessed, and a condition is recommended to ensure that the outside area will not be used for the gym business.

8.17 For the reasons set out above, the proposal is considered to be in accordance with Policy 33 of the CLP and Paragraph 130 of the NPPF in terms of impacts upon residential amenity.

iv. Impact upon highway safety and parking

8.18 The site is located and accessed off Beach Road, which is an unclassified road, subject to 30mph speed limit. The existing on-site parking consists of two parking spaces, with no proposed alterations to the existing access or parking arrangements. The proposal may result in an overspill of up to two spaces.

8.19 WSCC Highways was consulted on the application, as the Local Highways Authority, and considered the proposal within the Development Control Scheme protocol for small-scale proposals.

8.20 In order to promote the use of sustainable transport methods, the LHA recommends that secured and covered cycle parking storage is provided for the intended use. This will be secured via condition in the event that the application is permitted.

8.21 The LHA did not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore it accords with Paragraph 111 of the National Planning Policy Framework.

v. Other Matters

- 8.22 It should be noted that the Selsey Parish Council has objected to the application on the grounds that; the application does not meet the planning regulations regarding sound proofing and shielding; there might be gym equipment in the garden which makes this un-neighbourly and noisy; and the use of the shared access is not big enough to support amenities for the gym including parking, waste disposal, sewerage and changing facilities.
- 8.23 Following the recommendations from WSCC Highways and the Council's Environmental Health Department, conditions are proposed to ensure that the disturbance caused to the neighbouring properties will be kept at a minimum level.

Conclusion

- 8.24 Based on the above, it is considered that the proposal is acceptable due to its size, form, siting, height, design and appearance, it is considered to be in keeping with the street scene and the character of the surrounding area and would not result in a harmful impact on the amenities of neighbouring properties. The proposal therefore complies with Chichester Local Plan Policies 2, 33 and 39, Selsey Neighbourhood Plan Policies 001 and 003, and Section 12 of the NPPF, and is recommended for approval.

Human Rights

- 8.25 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to refuse is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

3) Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the development hereby approved, shall not be used for business purposes until 43mm rubber sprung anti-shock flooring has been installed. The flooring shall be retained in perpetuity, or until the use of the building for business purposes has ceased.

Reason: To safeguard the amenities of neighbouring properties.

4) The use of the building as a personal training business for one-to-one sessions is restricted to 8am to 7pm Monday to Friday and 9am to 6pm Saturday. It shall not be used for this purpose at any other time, including Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of neighbouring properties.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking, re-enacting or modifying that Order) the personal training business shall only take place in the building, shown on plan 36 BR (9.01.2023) and shall not take place externally.

Reason: To safeguard the amenities of neighbouring residential properties.

6) The development hereby permitted shall be used in accordance with the following Noise Management Measures:

- no fixed weight machines or treadmills shall be installed in the proposed gym space
- no music to be played

Reason: To safeguard the amenities of neighbouring properties.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the studio hereby permitted shall be restricted to use in association with the existing dwelling at the site in perpetuity.

Reason: To ensure that safe access can be retained and residential amenity is maintained.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - PROPOSED SOUTH ELEVATION	BR 36/3		28.10.2022	Approved
PLAN - PROPOSED FLOOR PLAN	BR 36/4		28.10.2022	Approved
PLAN - PROPOSED NORTH EAST ELEVATION	BR 36/1		28.10.2022	Approved
PLAN - PROPOSED NORTH WEST ELEVATION	BR 36/2		28.10.2022	Approved
PLAN -	36 BR		09.01.2023	Approved
PLAN -	BLOCK PLAN OF THE SITE		01.10.2023 14.07.2023	Approved

For further information on this application please contact Miruna Turland on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RJ2S68ERM0200>