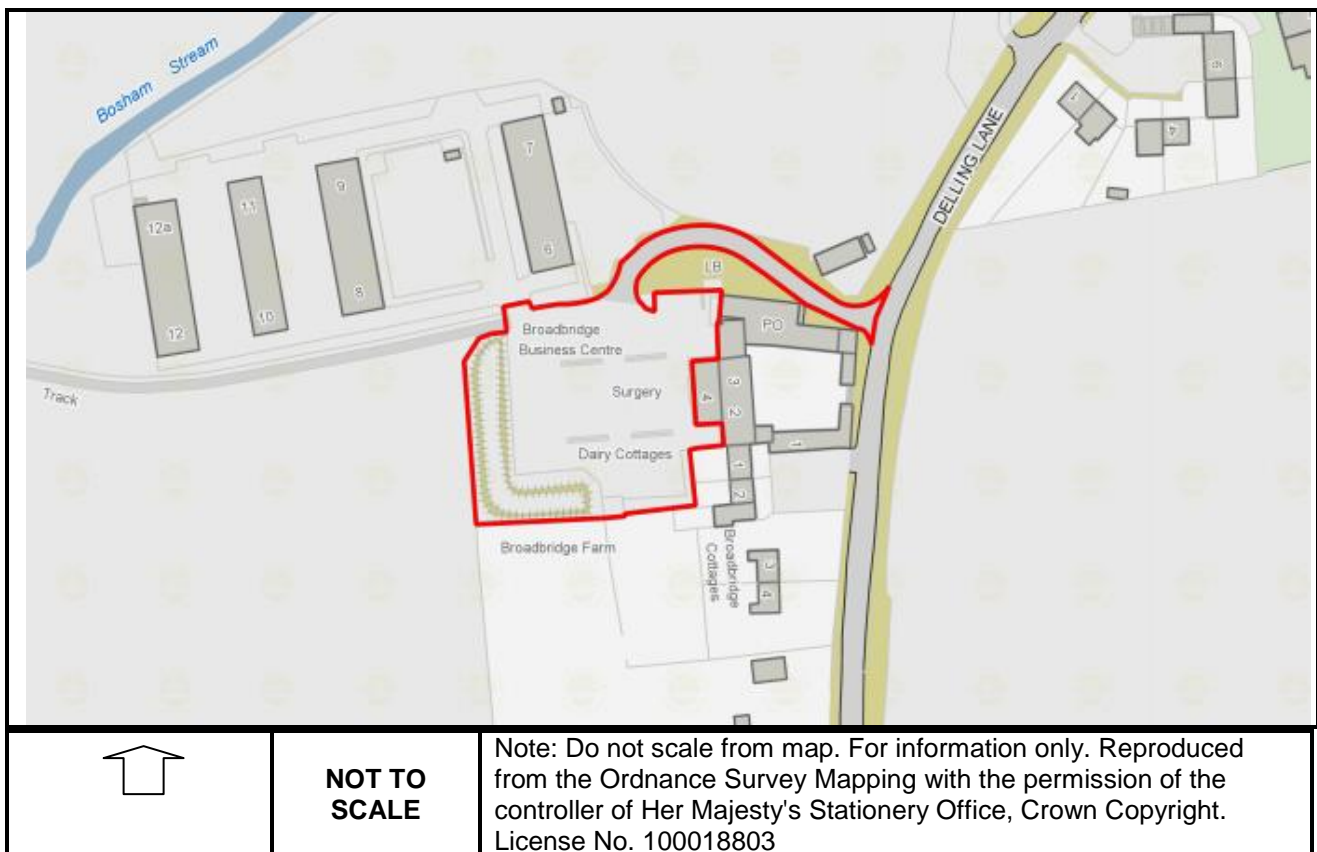


Parish: Bosham	Ward: Harbour Villages
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BO/21/02186/FUL

Proposal	Erection of a single storey building comprising a gymnasium and offices (Use Class E), reconfiguration of existing parking area, with associated hard and soft landscaping (modifications to planning permission BO/20/02432/FUL).		
Site	Broadbridge Business Centre Delling Lane Bosham PO18 8NF		
Map Ref	(E) 480943 (N) 105079		
Applicant	Heaver	Agent	Mrs Elizabeth Lawrence

RECOMMENDATION TO PERMIT



NOT TO SCALE

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the southern part of the Broadbridge Business Centre, which is located 200 metres to the south-west of Bosham's Settlement Boundary (i.e. within the 'Rest of the Plan Area') and is accessed from Delling Lane. There are various uses within the Business Centre including Use Class E (previously B1) / B8 units to its north-west part and amongst others, a shop, medical centre and architect's practice in the buildings to its eastern part. The eastern buildings have attached to their southern side 3 dwellings (Dairy Cottages), with further dwellings (Broadbridge Cottages) fronting onto Delling Lane to the south. Vehicular access is taken directly from Delling Lane.
- 2.2 Broadbridge Business Centre benefits from a large car park which has an L-shaped grassed bund wrapping around part of its western and southern boundaries. This serves to largely screen views of the car park from the flat arable land to the west which extends across to the head of the Bosham Channel. To the north of the application site a line of TPO trees bound the northern field to the west and continue east, dotted though the car park, along the southern side of the access, and north on the western side of Delling Lane.
- 2.3 The application site comprises a 0.1 hectare, broadly rectangular parcel of land in the Centre's south-west corner and currently comprises car parking and the abovementioned bund. The southern boundary of the site comprises partly brick wall and partly hedgerow and flanks land belonging to Broadbridge Farm House - the land flanking the southern boundary is domesticated, although it does not appear to be used intensively as garden land.
- 2.4 The whole site lies within the Chichester Harbour Area of Outstanding Natural Beauty (AONB).

3.0 The Proposal

- 3.1 *Erection of a single storey building comprising a gymnasium and offices (Use Class E), reconfiguration of existing parking area, with associated hard and soft landscaping (modifications to planning permission BO/20/02432/FUL).*
- 3.2 The proposed building would be 'L-shape' in plan and would occupy a similar location as the previously approved building (refs. 20/02432/FUL, 19/02433/FUL, 17/01349/FUL and 15/03083/FUL). However, the current proposal would include an additional office unit extending to the east, situated along the southern boundary of the site. The current proposal would be situated on the footprint of the previously approved building and the man-made bund located in the south-west corner of the Business Centre. In addition, the current proposal would be entirely single-storey (i.e. no floorspace is proposed within the roofspace, as 19/02433/FUL permitted). As with the previous extant permissions the proposed uses of the new building are for a gym and offices (now covered by Use Class E).

3.3 The proposed southern elevation of the building would measure approx. 40m in length and approx. 9m in width. The additional 'unit' would measure 16m in length. The 'L-shaped' building would be finished with a dual pitched roof, with a maximum ridge height of 5.8m and an eaves height of 2.7m. The proposed materials include trapezoidal insulated roof and wall panels, with a six-course brick plinth; windows and doors would be finished in grey powder-coated aluminium, with black UPVC rainwater goods. The building would now provide 6 units, providing a total Gross Internal Area (GIA) of 703sqm floorspace (Use Class E). It is noted the previous extant scheme (ref.20/02432/FUL) provided a total GIA of 573sqm (i.e. this proposal would result in an increase of 130sqm or 22.6%). Each unit would comprise the following:

Unit A (gym) = 192sqm.
 Unit B (office/ancillary) = 92sqm.
 Unit C (office) = 92sqm.
 Unit D (office) = 92sqm.
 Unit E (office) = 92sqm.
 Unit F (office) = 130sqm.

3.4 Access to the building would be from the north and east elevations of the building, fronting the existing car park for the Broadbridge Business Centre.

3.5 The extension to the design will remove 1 car parking space; however, the overall provision will still be 76 spaces. The proposal will also provide 12 cycle parking spaces.

3.6 Floor to ceiling window features are proposed on the east and north elevations, with high level windows proposed on the southern (rear) elevation. Single doors serving the individual units would be inserted in the western (rear) elevation and floor to ceiling window features, servicing the building are proposed on the northern flank elevation.

3.7 This application does propose some landscaping and engineering works to remove the soil bund, within the south-west corner of the Business Centre.

4.0 History

82/00066/BO	PER	Conversion/modifications to existing obsolete or derelict farm buildings to farm shop and store.
89/00098/BO	REF	Conversion of farm shop and adjacent buildings to 4 dwellings with garages and new garage for neighbours.
90/00042/BO	DISMIS	Conversion of farm shop and adjacent buildings to four dwellings with garages and garaging for the adjoining property to the south.
92/00066/BO	PER	Extension to farm shop and conversion of existing outbuilding to shop use.
97/00434/FUL	PER	Proposed conversion of redundant dairy buildings to business units.

97/00851/FUL	PER	Conversion and renovation of dairy buildings to two dwellings.
97/02178/FUL	REF	Conversion of chicken houses to Class B1/B8 storage buildings - realignment of existing agricultural service road, repositioning of pavilion, toilets and shed.
97/02852/FUL	PER	Conversion of existing dairy building to form 2 cottages.
97/02881/FUL	PER	Extension of existing farm shop (A1 retail) to provide additional retail floor space to accommodate sub-post office, bakery and pharmacy.
97/02933/FUL	REF	Amendment to planning permission BO/97/00434/FUL to include new extension to rear (west) revised elevations and consequential alterations to condition 2 and deletion of condition 12.
98/00419/FUL	PER	Change of use of 2 no. chicken sheds to Class B1 and associated works.
99/01939/FUL	PER	Use of agricultural building for B1 use.
00/01682/COU	PER106	Change of use of 2 no. redundant poultry sheds to B1 (Business) use.
01/02583/COU	PER	Use for the storage of non-perishable domestic retail goods.
07/06036/FUL	PER	Change of use of agricultural buildings for B1 use.
11/00110/FUL	PER	Erection of 2 holiday lets in lieu of B1 buildings.
15/03083/FUL	PER	Construction of nursery school.
17/01349/FUL	PER	Construction of building for B1, B8 and D1 use.
19/02433/FUL	PER	Erection of single-storey building comprising a gym (Use D2) at ground floor and office space (Use B1(a)) in loft space utilising existing access off Delling Lane and existing vehicular parking, with associated landscaping.
20/02432/FUL	PER	Erection of a single-storey building comprising a gymnasium and offices (Use Class E), reconfiguration of existing parking area, with associated hard and soft landscaping.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Strategic Gap	NO
Tree Preservation Order	YES
EA Flood Zone	FZ1
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Bosham Parish Council

Bosham Parish Council objects to this application as overdevelopment in a sensitive location adjacent to the harbour in the AONB, turning an open space into a closed courtyard.

6.2 Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

6.3 Chichester Harbour Conservancy

No objection.

Suggested considerations:

- Schedule/samples of materials to be agreed prior to construction / as indicated on application forms / approved drawings / approved plans.
- A detailed landscape scheme for the boundaries and enclosures to the red-site to be submitted to and agreed with the LPA and implemented fully prior to the occupation of the proposed building, and such a scheme to include both native species hedgerows and native species tree planting (minimum standard size).
- The glazed fenestration should employ tinted glass panels where appropriate, and these should be fitted with working internal screen blinds to reduce light spillage during evenings and night-times (dark skies policies) in order to minimise and reduce the amount of light illumination arising from the uses of building as emitted both to the surrounding skyline and to the visual horizontal aspect of the new window openings.
- Any and all external lighting to the building and to the car parking area within the red-line site shall be fitted with a suitable and effective cowling to focus the light-beam and illumination downwards and prevent light spillage above the horizontal and into the night sky, so as to comply with the Dark Skies approach within the AONB protected landscape and to limit disturbance to wildlife
- Securing other ecological enhancement measures as considered appropriate within the red-line site.
- Submission of an up-to-date noise impact assessment and implementation of findings of same.

6.4 WSCC Highways

No objection. This proposal is a modification of approved planning application BO/20/02432/FUL, the main change to this application is the increase in floor space to provide an additional 130sqm of office space. Creating a total of 690sqm, comprising of 6 units, 368sqm for gym use, and 322sqm for office use.

The extension to the design will remove 1 car parking space; however, the overall provision will still be 76 spaces.

CDC parking SPD has been consulted to determine the additional number of parking spaces required for this additional use. Office space standards in the CDC SPD are 1 space for every 25sqm, which equates to 5 spaces.

Given the previous application had an over provision of 6 spaces, this increase in demand for 5 spaces can be accommodated in the new layout. This can be accepted as the site also has good walking, cycling and public transport links.

As mentioned in previous applications the existing access to the site is well established, and the site is considered to provide a range of transport options including good walking and cycling links to Bosham and Broadbridge. Local buses can offer connections to Fishbourne and surrounding villages.

Cycle parking should still be provided but this should be increased by 1 space. These should be Sheffield hoop design.

Trips

Previous applications have demonstrated the additional parking demands and new trips created on to the highway network from this proposal. In fact the two uses will work well together as the gyms peak times will be in the early morning and early to late evening, which is in opposition to the offices which will require parking during the daytime.

Given this will be a small increase, 130sqm with 5 car parking spaces, the trips associated with the office use are unlikely to cause any parking issues or significant trip impacts.

Summary

WSCC has considered the additional impact 130sqm of office space will have on the overall development site. As per the NPPF development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. It is not considered to be the case and therefore no objection is raised.

Recommended Conditions

- CEMP
- Cycle parking

6.5 WSSC Fire and Rescue

Having viewed the plans for Planning application no 21/02186/FUL for the erection of a single storey building comprising a gymnasium and offices, evidence is required showing vehicle access for a fire appliance is provided to whichever is the less onerous of the following:

- Within 15% of the perimeter of the building, or
- Within 45 metres of every point of the footprint of each building.

From the plans submitted the access widths into the car park area looks to be restrictive and may prevent a fire appliance gaining suitable access to the property. A fire appliance requires 3.1 metres width through any gateway and 3.7 metres access width to gain suitable access and operate the appliance. Any widths less than this will restrict our access.

Any areas not within the requirements of AD-B volume 2 section 15 will need to be mitigated by the installation of commercial sprinkler or water mist systems complying with BS9251 or BS8458 standards.

6.6 CDC Environmental Protection

The comments provided with the previous submission (BO/20/02432/FUL) are still applicable in this application.

Previous comment:

I refer to extant permission 19/02433/FUL for gymnasium at ground floor level and office use above. We provided comments with respect to noise which informed the conditions attached to that permission. The application under consideration now, 20/02432/FUL, represents an improvement with respect to potential noise transmission from gymnasium to office. A gymnasium remains a likely source of noise, while the office accommodation and the nearby dwellings are noise sensitive development.

Likely noise arising from the gym includes airborne sound, from amplified music and voices, and structure-borne sound from impact activities and the use of weights and other equipment. The revised scheme shows the gym and office uses separated by the facilities / WC area which is a far preferable layout than a shared party wall or floor, and should help reduce the passage of sound through the building from one use to the other. The emission of noise will still require management control, however, so I am satisfied that the conditions attached to 19/02433/FUL with respect to noise control remain necessary and appropriate to the revised scheme and would therefore recommend that they are applied here. Specifically:

- Noise and Vibration Management Plan
- Restricted hours
- No sound at boundaries
- CEMP
- Construction hours

6.7 CDC Drainage Engineer

We have previously commented on a similar application for the site (19/02433/FUL), and our comments remain similar.

Flood risk: the proposal falls wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The proposal for surface water drainage is to discharge to ground via a soakaway (subject to winter percolation testing), and if this is not viable then a discharge to the existing surface water drainage network on-site. This approach is acceptable in principle, subject to a condition to secure full details of the proposed surface water drainage scheme.

6.8 CDC Archaeology

The archaeological potential of this area is such that any significant ground-works resulting from development are likely to impact on deposits of interest. This impact would be best mitigated through an archaeological investigation in line with a standard planning condition.

6.9 CDC Environmental Strategy Unit

The comments from Environmental Strategy Unit regarding BO/20/02432/FUL on ecology still apply and are attached to this email.

Sustainable Design and Construction

The measures proposed within the Sustainable Design and Construction Statement, including the 19% improvement in the energy standards over those within the Building Regulations, will be acceptable provided the measures are implemented in their entirety if planning permission is granted.

Previous comment

Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should 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. We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work). We would like a bird box to be installed on the building and / or tree within the garden of the property.

6.10 Third Party Representations

1 letter of objection has been received concerning:

- Opening hours of new business.
- Car park is already very busy with the GP Surgery and the general business of the nearby Co-Op store.

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 Bosham Neighbourhood Plan 2014-2029 was made on the 22nd November 2016 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 3: The Economy and Employment Provision
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 26: Existing Employment Sites
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 52: Green Infrastructure
- Policy 54: Open Space, Sport and Recreation

7.3 Bosham Neighbourhood Plan 2014-2029

Policy 1 The Settlement Boundary
Policy 3 Commercial and Economic Development
Policy 4 Community Facilities
Policy 6 The Landscape and the Environment
Policy 7 Ecology, Wildlife and Biodiversity
Policy 8 Flooding and Drainage
Policy 9 Transport and Highways

National Policy and Guidance

7.4 Government planning policy now 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

7.5 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 6, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Chichester Local Plan Review Preferred Approach 2016 - 2035 (December 2018)

7.6 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2019. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted in spring 2023.

7.7 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

S1 Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S3 Development Hierarchy
S8 Meeting Employment Land Needs
S9 Retail Hierarchy and Sequential Approach
S10 Local Centres, Local and Village Parades
S12 Infrastructure Provision
S20 Design
S21 Health and Wellbeing
S22 Historic Environment
S23 Transport and Accessibility
S24 Countryside
S26 Natural Environment
S27 Flood Risk Management
S28 Pollution
S29 Green Infrastructure
S31 Wastewater Management and Water Quality

Part 2 - Development Management Policies

DM7 Local and Community Facilities
DM8 Transport, Accessibility and Parking
DM9 Existing Employment Sites
DM10 New Employment Sites
DM12 Edge and Out of Centre Retail Sites
DM16 Sustainable Design and Construction
DM18 Flood Risk and Water Management
DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
DM22 Development in the Countryside
DM23 Lighting
DM24 Air Quality
DM25 Noise
DM26 Contaminated Land
DM27 Historic Environment
DM28 Natural Environment
DM29 Biodiversity
DM31 Trees, Hedgerows and Woodlands
DM32 Green Infrastructure

Other Local Policy and Guidance

7.8 Consideration has also been given to:

- Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)
- Chichester Landscape Capacity Study (March 2019)
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Chichester Harbour Area of Outstanding Natural Beauty: Joint Supplementary Planning Document (May 2017)
- CHC Chichester Harbour AONB Management Plan (2014-2029)
- Dark Night Skies Technical Advice Note (2018)
- Bosham Village Design Statement

7.9 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:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Promoting and developing a dementia friendly district
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Coordinate and promote services that help those living with low level mental health conditions
- Maintain the low levels of crime in the district in the light of reducing resources
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. The Principle of Development
- ii. Highways Safety and Parking
- iii. Design, Visual Amenity and Character of Area
- iv. Landscape and impact on Chichester Harbour AONB
- v. Residential Amenity
- vi. Flooding and Foul Disposal
- vii. Sustainable Design and Construction
- vii. Other Matters

i. Principle of Development

- 8.2 The principle of development has previously been established by the granting of extant permissions refs. 20/02432/FUL and 19/02433/FUL for similar schemes.

ii. Highways Safety and Parking

- 8.3 The extension to the design will remove 1 car parking space; however, the overall provision within the whole car park be 76 spaces. CDC parking SPD has been reviewed to determine the additional number of parking spaces required for this additional use. Office space standards in the CDC SPD are 1 space for every 25sqm, which equates to 5 spaces. Given this increase in demand for 5 spaces can be accommodated in the existing car park layout which is not at capacity the proposed floor space is acceptable. WSCC Highways raise no objection to the current application.
- 8.4 Access to the site is well established, and the site is considered to provide a range of transport options including good walking and cycling links to Bosham and Broadbridge. Local buses can offer connections to Fishbourne and surrounding villages. WSCC advise that cycle parking should be increased by 1 space (i.e. 11 cycle spaces in total). The proposal would provide 12 cycle spaces. WSCC Highways also consider that there would be no significant increase to the number of trips associated with this proposal, which would cause any highway safety or capacity issues and as such raise no objection to the scheme, subject to conditions securing a CEMP and cycle parking.
- 8.5 In regards of the sustainability of the site, there are bus stops on Delling Lane immediately outside the Broadbridge Business Park and a rail station (Bosham) 500m away. The A259 is also a short walk from the Business Park (250m) with a bus stop which has a very regular bus route from the 700 Coastline bus service. The site is therefore considered to be sustainably located despite its Countryside setting, in policy terms.
- 8.6 Subject to conditions, the development also caters for the transport demands it would create consistent with Policy 39 of the CLP and Policy 9 of the Bosham Neighbourhood Plan.

iii. Design, Visual Amenity and Character of Area

- 8.7 The proposed building would be 'L-shape' in plan and would occupy a similar location as the previously approved buildings (refs. 20/02432/FUL, 19/02433/FUL and 17/01349/FUL). However, the current proposal would include an additional office unit extending to the east, situated along the southern boundary of the site. The current proposal would be situated on the footprint of the previously approved building and the man-made bund located in the south-west corner of the Business Centre. In addition, the current proposal would be entirely single-storey (i.e. no floorspace is proposed within the roofspace, as 19/02433/FUL permitted). As with the previous extant permissions the proposed uses of the new building are for a gym and offices (now covered by Use Class E).

- 8.8 The location of the additional office unit to the south-east corner of the car park would result in a courtyard type parking area, similar in layout to the extant permission ref.20/02432/FUL. Whilst the Parish Council comments are noted, due weight must be afforded to the extant permission for a building of a similar size in a similar location. Furthermore, the building would enclose a car park as opposed to 'open space'. Keeping the building to a single-storey (max ridge height 5.8m) is considered more sympathetic and would reduce the impact on the open landscape, reflecting the sites semi-rural location within the Chichester Harbour AONB. Whilst the modest, increased (130sqm or 22.6%) enclosure of this area at ground floor will further enclose the parking area, it will also help reduce light and noise pollution, by containing the activity. The additional area of enclosure will not be visible from the Chichester Harbour area, the open landscape to the west, north, east or south, or from Delling Lane. The extended area is fully screened from the north, west and east by existing buildings and planting; and, to the south by a combination of walls, hedges, trees and buildings. These features already enclose the parking area.
- 8.9 The building's contemporary appearance, clad in trapezoidal insulated roof and wall panels, with a six-course brick plinth and grey powder coated aluminium windows and doors, is considered appropriate in this 'business centre' setting and would preserve the character and appearance of the area. This final palette of materials would be secured by condition.
- 8.10 The proposed would be primarily orientated towards the car park; this is beneficial for light emissions in the harbour. However, it is recommended that a condition is included to secure details of any external lighting, along with a scheme to minimise and reduce the amount of light illumination arising from the uses of the building.
- 8.11 Policy 45 of the CLP requires that proposals are well related to existing buildings and ensure that the proposal would have a minimal impact on the landscape and rural character of the area. It has already been established, in policy, that this site is part of a wider business centre, with a different character to the surrounding coastal landscape of the AONB. The design of the building, for the reasons stated above, is considered to be appropriate to this semi-rural setting and therefore consistent with the criteria of Policy 45 of the CLP and Policy 6 of the Bosham Neighbourhood Plan.

iv. Landscape and impact on Chichester Harbour AONB

- 8.12 The site is located within the Chichester Harbour AONB, an area protected by National Legislation and Policy. Buildings within the Broadbridge Business Centre can be seen from public vantage within the wider AONB, but have a low profile and with their muted, traditional, palette of materials assimilate into the landscape. Although the bund to the west of the application site would now be removed, it is recognised the proposal would now only be single-storey in height; and, given the existing buildings to the east, it is considered that the proposed building could only be glimpsed from the wider AONB. It is considered the proposal, would be seen as part of the business centre and would not detract from the intrinsic beauty of the AONB. The main elements of the building (active frontage) would only be viewable from within the business centre.

8.13 The proposal respects the openness of views within the coastal plain and has been designed to minimise its impact in the wider landscape. This proposal has demonstrated consistency with Policy 6 of the Bosham Neighbourhood Plan and the aims of Policies 43 and 48 of the CLP, to protect and enhance the natural environment of the AONB, and is in accordance with the criteria of those policies. Further to this, Chichester Harbour Conservancy raises no objection to the proposal.

v. Residential Amenity

8.14 The closest residential properties (Dairy Cottages) are 14 metres from the application site, with the rear of the proposed southern elevation, flanking part of Broadbridge Farm House's large curtilage.

8.15 The activity level is considered to be low and movements associated with the use would be the same as granted under the extant permissions refs. 20/02432/FUL and 19/02433/FUL.

8.16 In order to minimise any disturbance to residents and other business users, a condition is proposed seeking details of a Construction Management Plan, which would include such details as working hours, construction compounds and dust and noise management.

8.17 As discussed below (see Section viii. Other Matter), with the tight control of noise through a Noise and Vibration Management Plan and appropriate construction techniques, residential amenity is not considered to be harmed by noise, activity or overlooking and is therefore consistent with Paragraph 130 of the NPPF and Policy 33, both of which advocate that residential amenity should not be harmed from new development.

vi. Flooding and Foul Disposal

8.18 The site is located within Flood Zone 1, the lowest risk for flooding. Policy 42 of the CLP encourages development to areas at the lowest risk of flooding; it also requires that as a minimum, there is no net increase in surface water run-off. The application proposes to discharge surface water to ground (subject to percolation test results), and should infiltration rates mean infiltration is not sufficient in isolation a connection to the adjacent watercourse, via the existing network is proposed. This approach is acceptable in principle, ideally there will be no off-site discharge, but if it is required then rates must not exceed greenfield rates (minimum 2l/s). A condition is recommended to secure full details of the proposed surface water drainage scheme.

8.19 The submitted Design and Access Statement indicates that the building will be connected to the main sewerage system, as with the rest of the business park.

vii. Sustainable Design and Construction

8.20 The site is considered to be sustainably located despite its countryside setting (see Section ii. Highways Safety and Parking). Furthermore, the submitted Sustainability Statement details an electric car parking point will be provided within the car park servicing business centre. Details for an EV charging facility would be secured by condition.

- 8.21 The central principle of the design will be investing in a Fabric First Approach. The building would be designed to minimise heat loss through increased levels of insulation and considered junction details (reduced thermal bridging) to meet the 19% CO² reduction.
- 8.22 Although the initial investment will be in the Fabric First Approach to reduce energy consumption, the submitted Sustainability Statement details the building will be heated via air source heat pumps. This will be reviewed prior to the construction of the building, with the contractor running an assessment in line with statutory requirements to ensure at least 10% saving through renewable energy and a 19% carbon reduction through the fabric first approach.
- 8.23 The development has also committed to a water saving of 110 litres per person per day which achieves a betterment in terms of the current Building Regulations where the maximum is 125 litres per person per day. It is recommended that the applicant's commitment in this regard is secured by a planning condition. It is considered that in terms of the relevant criteria in Policy 40 and the Council's declaration of a climate change emergency the development demonstrates that it will deliver a proportionate and acceptable response.

viii. Other Matters

- 8.24 The application has been supported by a Noise Assessment. The Assessment details typical noise levels associated with the gym use and mitigation measures to prevent noises and vibrations heard internally and by those outside the building. CDC Environmental Health have provided comment to this application and raise no objection in terms of noise impact, subject to a condition for a Noise and Vibration Management Plan to be submitted and agreed before the gym is occupied. The Noise and Vibration Management Plan must detail the use of music, ventilation, air conditioning and the use and measures in place to prevent noise and vibration from structure-borne noise and vibration caused by users of the gym dropping heavy weights. The applicant will need to demonstrate that these noises are suitably controlled and mitigated by construction and operation techniques.
- 8.25 With regards to the comment made by WSCC Fire and Rescue, it is noted that the access into the car park is already in existence and currently serves the business park. Furthermore, it is acknowledged that there are two extant permissions for a similar scheme which could be implemented. The requirement to install commercial sprinklers or water mist systems would fall under separate Building Regulation legislation (an informative to this effect has been included).
- 8.26 As noted from the consultation responses set out above and the previous extant permissions (20/02432/FUL and 19/02433/FUL refer) the proposal raises a number of other detailed issues concerning matters such as surface water drainage, ecology and archaeology. Such matters can be satisfactorily dealt with by suitable worded planning conditions.

Significant Conditions

- 8.27 Key conditions attached to the recommendation include securing the precise details of the surface water drainage systems, construction and management plan, lighting details and the sustainable development components.

CIL

8.28 This development is not CIL liable.

Conclusion

8.29 The application for a gym with office use is considered an acceptable and compatible use on this semi-rural business centre site. The building itself is sympathetic to its location and would not detract from the character and appearance of the AONB. The proposed building's use as a gym with office space would not cause any detriment to public or residential amenity subject to conditions mitigating construction disturbance and noise.

8.30 The applicant has demonstrated that the proposed building can be served by appropriate infrastructure and would propose measures to ensure that surface water is managed through SUDs.

8.31 For the reasons set out above, the proposal is considered to be in accordance with local and national development plans and is acceptable, subject to the recommended conditions.

Human Rights

8.32 The Human Rights of all affected parties have been taken into account and the recommendation is considered justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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 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) **No development shall commence**, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that Phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control vibration and the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing,
- (p) waste management and recycling including prohibiting burning and litter; and,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

4) **No development shall commence** on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken by an appropriately qualified archaeologist fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

5) **No development shall commence**, until full details of the proposed overall site wide surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. The building shall not be occupied until the complete surface water drainage system serving the building has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

6) **No development shall commence on site, including demolition**, until protective fencing has been erected around all trees, shrubs, hedgerow and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

7) Notwithstanding any details submitted, no development shall commence above slab level, until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

8) Notwithstanding the details submitted, no development shall commence above slab level, until a scheme to mitigate light spill during the hours of dusk to dawn, from the windows on the building, has been submitted and approved in writing by the Local Planning Authority. The scheme shall include full details, including method, specification and material. The development shall be carried out in full accordance with the approved scheme and shall thereafter be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the Dark Skies approach within the AONB protected landscape and to limit disturbance to wildlife.

9) Notwithstanding any submitted details, no development shall commence above slab level, until details of any external lighting of the site have been submitted to and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme shall set out how the design of the lighting shall not exceed thresholds from the Institution of Lighting Professional's for Environmental Zone E1 (AONB), 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)'; and shall 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; any and all external lighting to the building and to the car parking area within the site shall be fitted with a suitable and effective cowling to focus the light-beam and illumination downwards and prevent light spillage above the horizontal and into the night sky. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To comply with the Dark Skies approach within the AONB protected landscape and to limit disturbance to wildlife.

10) Notwithstanding the details submitted, no development shall commence above slab level, until a detailed Sustainable Design and Construction statement, demonstrating how CO2 emissions saving of at least 19% through improvements to the fabric of the building together with at least a further 10% improvement through renewable resources, are to be met for the approved use, in accordance with the submitted Sustainability Statement (by ELawrence Planning). The statement shall also include the proposed location, form, appearance and technical specification of the air source heat pumps (including acoustic performance). The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan Key Policies 2014-2029.

11) Notwithstanding the submitted details, no part of the development hereby permitted shall be first brought into use, until 1 no. bat box has been installed on a building onsite facing south/south-west, positioned 3-5m above ground level; and, one bird box is installed on a building or tree onsite facing north/east (unless there are trees or buildings which shade the box during the day), positioned 2-4m, above ground level.

Reason: To ensure that the protection of the species is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

12) No part of the development hereby permitted shall be first brought into use, until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

13) The development hereby permitted shall not be first brought into use, until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. The scheme shall make particular provision for landscaping at the boundaries (any gaps in the existing hedgerow should also be filled in using native hedge species to improve connectivity) and enclosures of the site and for the conservation and enhancement of biodiversity on the application site, to include native species hedgerows and native species tree planting. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

Reason: In the interests of amenity and of the environment of the development.

14) All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion or first occupation of the development**, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

15) **The development hereby permitted shall not be first brought into use or fitted out with sound amplification equipment**, until a Noise and Vibration Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Noise and Vibration Management Plan shall ensure that noise associated with the business is controlled without adverse impact on residents and businesses; and shall include steps to effectively manage the following sources of noise and vibration:

- Customers (including their vehicles) using the premises particularly between the hours of 22:00 and 06:00;
- Music, plant or other equipment used for heating, ventilation, air conditioning or other operational needs; and,
- The use of gym equipment giving particular regard to structure-borne noise and vibration.

The Noise and Vibration Management Plan shall demonstrate that all likely noise sources have been identified and evaluated; and, controlled by good acoustic design where possible and supported by suitable management controls including operational hours. The Noise and Vibration Management Plan shall be implemented and maintained in full accordance with the approved details thereafter and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties.

16) The building hereby permitted shall be designed to ensure the consumption of water by persons occupying the building must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The building shall not be first occupied until the requirements of this condition for the building have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order in perpetuity.

Reason: To ensure water efficiency within the building and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

17) Notwithstanding the submitted details, **no part of the development hereby permitted shall be brought into use**, until the Electric Vehicle Charging (EVC) facility, including specification, management and maintenance details to serve the active spaces have been provided in accordance with a detailed scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the EVC facility and spaces shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To accord with current parking standards and the sustainable development objectives of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

18) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

19) The premises shall not be used except between the hours of:
0600 and 2200 Monday to Friday;
0700 and 1800 on Saturday; and,
0900 and 1400 on Sunday, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

20) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other statutory instrument amending, revoking and re-enacting such Orders, the building hereby permitted shall not be used for any purpose other than for purposes in Use Class E(d) & (g)(i) (Gym and Office Use).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of protecting the character of the AONB and in the interests of protecting residential amenity.

21) No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the site boundary shall be installed or operated at any time on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

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 - LOCATION PLAN	1442/DPA01		14.07.2021	Approved
PLAN - BLOCK PLAN	1442/DPA02	02	24.09.2021	Approved
PLAN - SITE PLAN	1442/DPA03	02	24.09.2021	Approved
PLAN - FLOOR PLAN AS PERMITTED AND PROPOSED	1442/DPA04		14.07.2021	Approved
PLAN - EAST AND WEST ELEVATIONS AS PERMITTED AND PROPOSED	1442/DPA05		14.07.2021	Approved
PLAN - SOUTH AND NORTH ELEVATIONS AS PERMITTED AND PROPOSED	1442/DPA06		14.07.2021	Approved

INFORMATIVES

1) 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.

2) The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the Council's expectations and requirements for Surface Water Drainage Proposals. If pre-commencement surface water conditions are applied to the application this document should be used for any subsequent Discharge of Conditions Applications.

3) Your attention is drawn to the provisions of the **Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.**

These make it an offence to:

- Kill or injure any protected species or wild bird,
- Damage or destroy the breeding sites and resting places (roosts) of certain animals including bats and dormice even if the species is not present.
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)

The onus is therefore on you to ascertain whether such bats, birds, other animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require undertaking a bat survey or delaying works until after the nesting season for birds.

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523. Trees which have any holes, cracks, ivy or deadwood are more likely to have roosting bats.

The nesting season for birds is between the 1st March and the 30th September. If you need to undertake works during this period you are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

4) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1 (AONB) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01/20" issued by the Institute of Lighting Professionals.
<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusivelight-2020/>

5) A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on Southern Water's website via the following link
<https://beta.southernwater.co.uk/infrastructure-charges>.

6) As part of the Building Regulations 2004, adequate access for fire fighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly on very large developments (BS5588 Part B 5). For further information please contact the Fire and Rescue Service.

7) This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

For further information on this application please contact Jane Thatcher on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QW8ENYERKQG00>