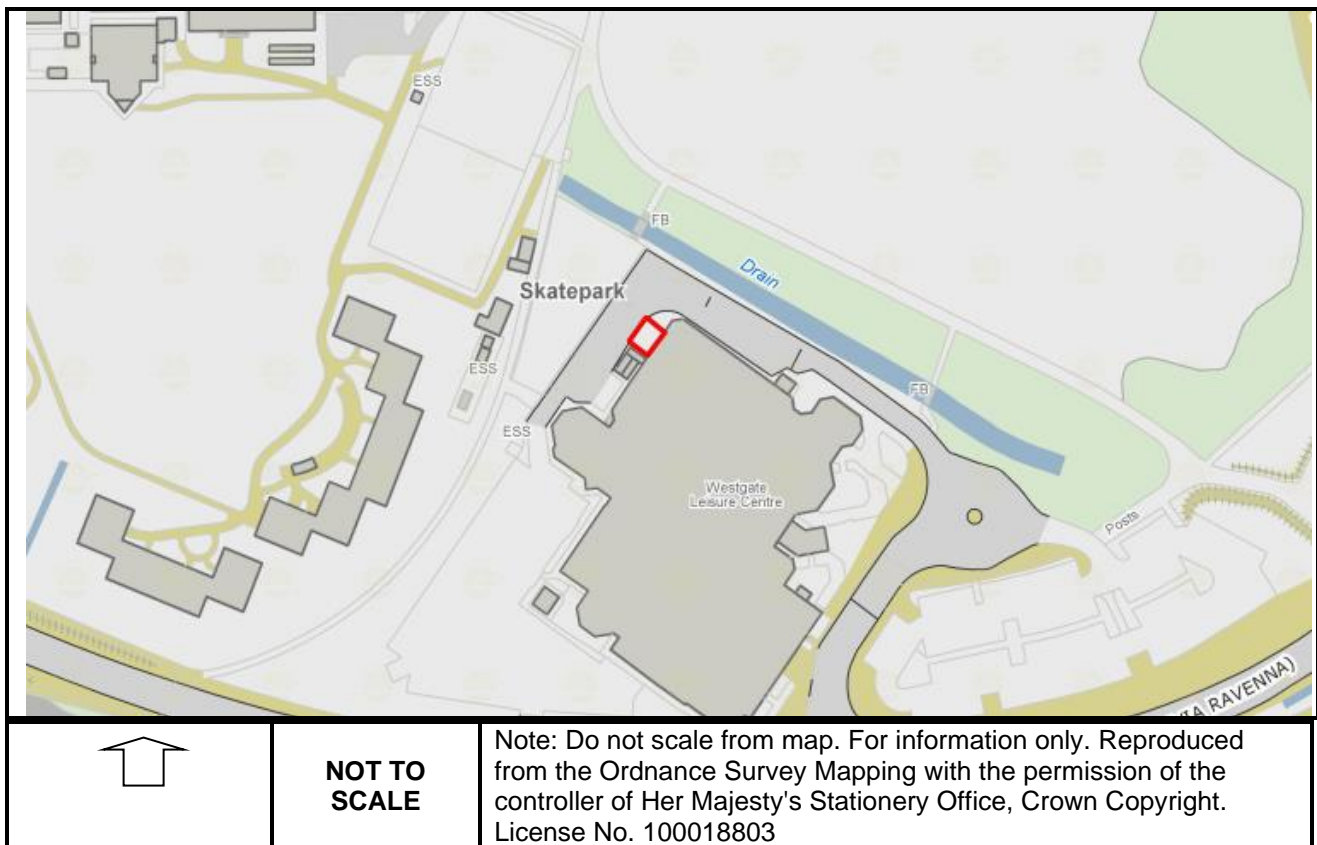


Parish: Chichester	Ward: Chichester Central
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CC/22/00648/FUL

Proposal	Installation of 1 no. air-source heat pump. With associated installations of civil's, plate heat exchangers, pipe work, power and controls, concrete plinth and perimeter fence.		
Site	Westgate Leisure Centre Via Ravenna Chichester PO19 1RJ		
Map Ref	(E) 485528 (N) 104455		
Applicant	Sarah Peyman	Agent	Mr Martin Cruickshank

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Chichester District Council is the applicant.

2.0 The Site and Surroundings

- 2.1 The application site is a leisure centre located within the defined settlement of Chichester. The building is located outside of Chichester Conservation Area, which is to the north of the site.
- 2.2 The planning application site is a small area of grass to the immediate north west of the building, adjacent to existing car parking. The leisure centre site comprises a large building which includes a swimming pool, fitness gym, exercise studios, sports hall, health suite and café. The building is set back from the A259 which runs along the southern boundary. There are trees along the northern, western, and southern boundaries of the site. Car parking is located to the east and west of the building. A skatepark and accommodation for Chichester College is located to the west.

3.0 The Proposal

- 3.1 The application seeks planning permission for an air source heat pump and associated equipment. The air source heat pump would be used to deliver heat for the pool heating system.
- 3.2 The proposed works area is shown to be on a concrete plinth and fully contained in a mesh fence compound measuring 2.258m in height and with a footprint of 4.899m x 5.141m.

4.0 History

84/00812/CC	PER	Outline - Sports and leisure centre.
85/00258/CC	PER	Sports and leisure centre.
88/00698/CC	WDN	One illuminated externally static sign.
85/00478/CC	PER	Minor alterations to position of building - sports and leisure centre and access road.
98/02742/REG3	PER	Extension and alteration to form enlarged health, fitness and creche facilities.
99/02909/REG3	PER	Provision of temporary access by contractors vehicles and personnel involved in the construction of an extension and alterations to the existing leisure centre.
00/01586/REG3	PER	Skate Park/rollerblading facilities, including all weather tarmac surface, 2.4m fencing, lighting, seating and new footbridge to cycle/walkway.

07/04666/ADV	PER	Replacement of 2 no. existing signs with 3 no. individually applied lettering signs.
10/05166/COU	PER	Extension of outside nursery/play area.
15/01481/FUL	PER	Construction of new timber framed, purpose built baby room for Nursery School.
16/01670/ADV	PER	1 no. internally illuminated sign and 2 no. non-illuminated signs.
22/00496/PA14J	YESPAP	Solar panel installation.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 Parish Council

None received.

6.2 CDC Environmental Protection

Our department does not object to the proposed development, in principle, however it is considered that if permission were to be granted the following condition shall be necessary to protect amenity.

Consideration has been given to the Noise Condition Statement provided by Avieco. The document is considered satisfactory to accompany the application.

Noise Condition:

Prior to the air source heat pump being first brought in to use, a noise validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall demonstrate that the free field rating level from the approved plant, in maximum operation, does not exceed 35dBA, 15mins at the most sensitive neighbouring

receptor (Rating level to be calculated in accordance with BS4142:2014+A1:2019 'Methods for Rating and Assessing Industrial and Commercial Sound'). If noise mitigation is required to achieve the specified rating level, then the noise mitigation shall be implemented in full and in strict accordance with the approved noise validation report; and shall be retained and maintained for the lifetime of the development.

It is considered that the above condition would avoid an adverse noise impact, even with night time use.

6.3 Third party comments

None received.

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. There is no made neighbourhood plan for Chichester City at this time.

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 10: Chichester City Development Principles

Policy 38: Local and Community Facilities

Policy 39: Transport, Accessibility and Parking

Policy 47: Heritage and Design

Policy 54: Open Space, Sport and Recreation

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

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 sections: 4, 8, 12 and 16 and relevant paragraphs of the National Planning Practice Guidance.

Other Local Policy and Guidance

7.6 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:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- 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 area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking

i) Principle of development

8.2 The application site is located within the Settlement Boundary Area of Chichester which is designated within the development plan as the sub-regional centre for the District. The principal policies of the development plan support development within the settlement. Policy 10 of the CLP supports proposals in principle which provide or contribute towards improved facilities for education, health and other social and community uses.

8.3 The proposed works relate to an established leisure centre and the proposed air source heat pump would provide heat for the pool as part of enhancements through the Public

Sector Decarbonisation Scheme. The broad principle of the proposed development complies with policy and is therefore acceptable.

ii) Design and Impact upon character of the area

- 8.4 Policy 10 and 47 of the Chichester Local Plan require development to have special regard to the city's historic character and heritage, and conserve and enhance the special interest and settings of Conservation Areas. The proposed works would be located to the north west of the existing building on a small area of grass adjacent to an area of car parking and the vehicular access which wraps around the building from the A259.
- 8.5 The air source heat pump would be located on a concrete plinth and would sit within a black powder coated galvanised metal mesh fenced compound, similar in scale to adjacent compounds serving the building. The proposed works would be sited adjacent to existing containers and wire mesh enclosures in an area of the site which is set away from the public entrances and is functional in appearance.
- 8.6 The proposed siting, design and scale would be in keeping with the immediate surroundings and would not detract from the character of the area. The proposed siting would also mean the proposal would not be readily visible from the more open, undeveloped space to the north and north east of the site, and the proposal is therefore considered to preserve the setting of the conservation area.
- 8.7 For these reasons the proposal is considered to comply with policy in this regard.

iii) Impact upon the amenity of neighbouring properties

- 8.8 The National Planning Policy Framework in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users.
- 8.9 The operational hours of the air source heat pump would be during the night (10pm-6am), and advice was sought from the Council regarding noise impacts prior to submission of the planning application.
- 8.10 There would be a separation distance of approximately 65m from the proposed works to the College accommodation to the west. A Noise Condition Statement has been submitted, and this states that the air source heat pump would be positioned on vibration dampers in order to prevent the transmission of any vibration to the supporting surface and reduce the noise level. In addition, the proposal would be in close proximity to an existing chiller compound which is louder than the proposed installation.
- 8.11 The Council's Environmental Protection Team have been consulted on the application and raise no objection. They have suggested a condition to ensure that the free field rating level from the approved plant, in maximum operation, would not exceed 35dBA,15mins at the most sensitive neighbouring receptor. If noise mitigation is required to achieve the specified rating level, then the noise mitigation shall be implemented in full and in strict accordance with the approved noise validation report.

8.12 Subject to securing the noise level via a condition, it is considered that the proposal would not have a detrimental impact on the amenities enjoyed by neighbouring premises, and therefore the proposal would be acceptable in this respect.

iv) Impact upon highway safety and parking

8.13 The proposed compound would be located adjacent to parking spaces to the rear of the building; however, this would not result in the loss of any parking spaces or any impact to visibility affecting highway safety.

8.14 The resultant layout would be very similar to the adjacent container siting which is up to the edge of the car parking spaces, but not encroaching onto the car parking spaces. Access to the compound would be through the side meaning that access could be maintained without reducing car parking provision. The proposal would therefore be acceptable in this regard.

Conclusion

8.15 Based on the above it is considered that the principle of the development would be acceptable, there would be no adverse impact on the character of the area or setting of the Conservation Area, and the proposals would be acceptable with regard to amenity and highways safety. There is no conflict with the NPPF, the proposal complies with development plan policies, and there are no material considerations that would justify refusing the application. Therefore, the application is recommended for approval.

Human Rights

8.17 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 permit 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 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) Prior to the air source heat pump being first brought in to use, a noise validation report shall be submitted to and approved in writing by the Local Planning Authority.

The validation report shall demonstrate that the free field rating level from the approved plant, in maximum operation, does not exceed 35dBA,15mins at the most sensitive neighbouring receptor (Rating level to be calculated in accordance with BS4142:2014+A1:2019 'Methods for Rating and Assessing Industrial and Commercial Sound'). If noise mitigation is required to achieve the specified rating level, then the noise mitigation shall be implemented in full and in strict accordance with the approved noise validation report; and shall be retained and maintained for the lifetime of the development.

Reason: To accord with the terms of the application and in the interests of neighbouring amenity.

4) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

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	001		14.03.2022	Approved
PLAN - EXISTING AND PROPOSED ELEVATIONS (FENCE ASHP)	1/4 WESTGATE ASHP 04.03.22	REV A	31.03.2022	Approved
PLAN - PROPOSED ASHP FLOOR PLAN	2/4 WESTGATE ASHP 04.03.22	REV A	31.03.2022	Approved
PLAN - SITE PLAN	3/4 WESTGATE ASHP 04.03.22	REV A	31.03.2022	Approved
PLAN - SITE PLAN WITH PHOTO'S	4/4 WESTGATE ASHP 04.03.22	REV A	31.03.2022	Approved

INFORMATIVE

- 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.

For further information on this application please contact Martin Mew on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8QVDCERM8200>