



Parish: Bosham	Ward: Harbour Villages
-------------------	---------------------------

BO/21/03586/FUL

Proposal	Change use of 2 no. redundant farm buildings to 2 no. live/work units.		
Site	Dairy And Calf Barn Buildings Taylors Lane Bosham PO18 8EN		
Map Ref	(E) 481399 (N) 103150		
Applicant	Mrs S Shalit	Agent	Mrs Elizabeth Lawrence

RECOMMENDATION TO DEFER FOR S106 THEN 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>
---	----------------------------	--

1.0 Reason for Committee Referral

1.1 Red Card: Cllr Moss Exceptional level of public interest

2.0 The Site and Surroundings

- 2.1 The application site is located to the east side of Taylors Lane, within the rural parish of Bosham and the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The site lies within a loose cluster of agricultural buildings and residential properties, immediately north-west of Petworth Barns, a former agricultural barn, now converted into a dwelling in 2004. The wider surroundings comprise, flat, open agricultural land interspersed with several small clusters of further agricultural buildings and dwellings.
- 2.2 The site comprises two agricultural buildings, known as the Dairy and Calf Budlings, which were constructed during the 1940's as cattle buildings out of brickwork with metal sheet roofing. The buildings are simplistic in form, with a fairly domestic style fenestration and are of solid construction. The site also comprises of associated hardstanding, and shares its existing vehicular access with Petworth Barns, which is located to the west of the side, with a post and rail fence with metal five-bar gate. There are also several well-established trees to the west of the agricultural buildings.
- 2.3 The character of the wider area is rural; however, the agricultural buildings are set within a loose cluster of residential dwellings, against the backdrop of an existing converted (and subsequently) extended agricultural building.

3.0 The Proposal

3.1 The proposal seeks planning permission for the change of use of the Dairy and Calf buildings into two live work units. The existing buildings have a combined floor area of approximately 393 square metres (sqm), comprising the Dairy's floor area of 130 sqm and the Calf's floor area of 262sqm. The proportion of the live/work split is show in the table below.

	Dairy Building	Calf Building
Living Accommodation	70sqm (53.8%)	126sqm (48.22%)
Commercial (work) space	60 sqm (46.2%)	136sqm (51.78%)

3.2 The proposal work element would comprise uses falling within Use Class E (Commercial, Business and Service), but restricted further in order to minimise the impacts upon the character of the area. The following categories within Class E are therefore sought:

- E(c)(i) Financial services,
- E(c)(ii) Professional services (other than health or medical services), or
- E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

4.0 History

There is no planning history relating to the Dairy and Calf Barn Buildings

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

Bosham Parish Council objects to this application. The barns are situated in the rural area of CHAONB. This is not an expectation site and the countryside need or a suitable sewage system has been demonstrated. The conversion to domestic accommodation would cause harm to this protected area by way of increased human activity

6.2 Chichester Harbour Conservancy

Objection:

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. This application contravenes the Joint Chichester Harbour AONB SPD, and AONB guidance AONB PP01, PP04, PP05, PP06, and PP09. The site is located within a countryside location within the AONB. The proposal for the Change of Use to residential development on previously used agricultural land would physically change the character of the site within the countryside area, creating a remote enclave of two dwellings which would be out-of-place and unnecessary with this countryside location within the visually

important AONB protected national landscape. - Lack of land-use justification in the unnecessary provision of dwellings in the countryside (no exception case justified as required by AONB PP06) - Visible impact on the AONB landscape from the activity associated with two live/work dwelling units (domestic garden and associated items, domestic and live/work employment vehicular traffic, etc.) - Waste water sewerage systems arrangements not demonstrated or land drainage capacity proven - Wildlife disturbance mitigation contribution measure (Solent Bird Aware Initiative) required

6.3 Natural England

Further Comments 06.07.2022

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

Original Comments 26.01.2022

No Objection Subject to Securing Appropriate Mitigation

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

6.4 WSCC Local Highway Authority

No changes to the access point are proposed. While no trip generation figures have been provided consideration has to be given to the existing use of the site as agricultural use which could have generated its own trips. Live work units do not typically generate trips to of the same quantum compared to a development that was wholly commercial.

Given the scale of commercial floorspace involved it would not be anticipated that a development such as this would result in the site, or access point onto the adopted highway network, being used significantly more intensively in highways terms when compared to the existing use.

Based on the submitted plans and aerial photography it seems reasonable that this quantity of parking can be accommodated formally / informally on the hardstanding area within the red edge of the plan.

In conclusion the Local Highways Authority does not consider that the proposal would have and 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.

6.5 CDC Economic Development

Further Comments 23.03.2022 (Officer Summary)

The information provided regarding potential demand is sufficient, and it is agreed there is likely to be plenty of business in need of this type of workspace. It is important to ensure the workspace is retained, and not lost to residential. It is unlikely intensive commercial use in this location would be appropriate.

Original Comments 11.03.2022

The Economic Development Service does neither supports nor objects to this application.

The loss of this employment and commercial space would be a loss to the overall offer of this village location and the district. Generally, we would not support the loss of this employment land use/ commercial space. Although, we do support the principal of live/work units this is something that would provide employment space, potentially creating a couple of businesses with a number of job opportunities.

Any introduction of non-commercial use in this location needs careful consideration. A full range of alternative commercial operations should be explored and presented before any change of use to residential is considered. Although, it is appreciated that the type and number of commercial uses would be limited in this particular location.

Nonetheless, for example, demand for storage space in the UK remained robust in recent years and the sector is well placed to deal with the impact of COVID19. The sector may be more resilient, as previous economic downturns have presented opportunities. This includes demand from smaller retailers expanding their online presence and requiring space for additional stock, businesses requiring more space for equipment and increased demand as house sales picked up. Demand for workshop, warehousing and storage facilities appears to be high in Chichester with nearby sites in Funtingdon and Terminus Road at capacity.

As far as we can ascertain there has been no extensive investigation into alternative commercial uses for the site. Furthermore, it would good see to what interest there has been for a live/work unit on this site. This would help to ascertain the viability and longevity of the use at this location.

6.6 CDC Environmental Strategy

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.

Should any works be required to T01, these shall be scheduled to avoid times when bats would be present (April-October). Should the tree require significant works such as removal of limbs with cavities, further survey would be required to confirm whether a bat roost is present, to enable a licence application.

Should either tree offering low bat roost potential be proposed for removal, the trees shall be section-felled under ecological supervision to ensure no bats are present and harmed. The boundary vegetation on site is 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 vegetation (5m) 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.

A condition should be used to ensure this.

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).

Barn Owls

Due to the presence of barn owls within a nest box in B01, mitigation has been proposed within the Preliminary Bat Roost and Ecological Impact Assessment (Oct 2021). We are happy with the proposed mitigation and a condition should be used to ensure this takes place. If barn owls are present on site, then no works can take place between March September or any time while the barn owls are nesting.

Reptiles

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Water Voles

All materials shall be stored at least 5.0 m from the ditch, with all fuels, paints, chemicals or other liquids at least 10.0 m in suitably bunded containers. Should any resurfacing of the adjacent track be required, debris mesh and silt barriers shall be installed to prevent any debris reaching the ditch.

Hedgehogs

As detailed within the Preliminary Bat Roost and Ecological Impact Assessment (Oct 2021) precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs and amphibians are found, they should be relocated away from the construction area into surrounding suitable habitats.

Nutrient Neutrality

Following submission of the Nutrient Neutrality Management Plan (Dec 2020) the proposal will cause an increase in nitrogen of 1.35 kg/N/yr. Due to this increase we require that mitigation has been proposed with 0.17ha of land on site being planted as a wildflower meadow. This should be secured within the S106 agreement in perpetuity for 85 years.

Recreational Disturbance

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour.

Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met.

6.7 CDC Drainage

The site of the two buildings is wholly within flood zone 1 (low risk) and we have no additional knowledge of site being at risk of flooding. We have considered the proposal, and we are satisfied that it should not have a significant impact on flood risk or surface water drainage. Therefore, we have no objection to the proposal, and require no conditions should permission be granted

6.8 Third party objection comments

No third-party representations of objection have been received

6.9 Third party support comments

One letter of support has been received concerning

- Support scheme to convert buildings
- Greenhouses are undesignated heritage assets
- Should retain character of windows
- Retain post and rail fencing and hedges
- Sensible scheme
- Put buildings to good use
- Retain character

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 was made on the 22 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 33: New Residential Development
- 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 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Bosham Neighbourhood Plan

- P2 - Criteria for housing development
- P3 - Commercial and Economic Development
- P4 - Community facilities
- P5 - Neighbourhood Plan Policies
- P6 - Landscape and the Environment
- P7 - Ecology, Wildlife and Biodiversity
- P8 - Flood and Drainage
- P9 - Transport and Highways

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 late 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 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 In addition, consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment). In addition, the relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- CHC Chichester Harbour AONB Management Plan (2014-2029), including Planning Principles
 - PP01
 - PP05
 - PP06
 - PP08
 - PP09

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:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- 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. Principle of development
- ii. Design and impact upon character of the surrounding AONB
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Ecological considerations
- vi. Drainage
- vii. Nutrient neutrality
- viii. Recreational disturbance
- ix. Other matters

Assessment

i. Principle of development

8.2 The application site lies outside of a defined settlement boundary, within the designated countryside and within the Chichester Harbour AONB. The proposal seeks the conversion of two former agricultural buildings, to provide two live/work units.

8.3 As the proposal involves the re-use of an existing building, within the countryside, the principle of development would be considered under Policy 46 of the Local Plan, which provides support for the conversion or reuse of buildings in the countryside, outside Settlement Boundaries, subject to compliance with the six criteria set out within the policy. The supporting text of Policy 46 (Para 19.26-19.33) advises the conversion of rural buildings helps to sustain the communities and aid economic diversification, whilst confirming there is a preference to reuse existing building, over the creating the need for new building. It also acknowledged the conversion for residential use is likely to have a more significant impacts, with economic or commercial uses encouraged before residential uses are considered. Moreover, it supports opportunities of appropriate diversification, through employment uses which can help to breathe life into old, derelict buildings. Consideration has been given to each of the six criteria of Policy 46:

1) The building is structurally sound and is capable of conversion for employment uses without the need for significant extension, alteration, or rebuilding.

8.4 The buildings are structurally sound and is capable of conversion, with the buildings being constructed out of rendered/painted brickwork, with metal sheet roofing and timber window and doors. The proposal seeks limited physical alterations to the existing fabric of the building, with works concerning revisions to the fenestration. It is appreciated internal works would be required to divide the space into the proposed live/work accommodation; however, this is to be expected and would not amount of significant alterations or rebuilding and would not go beyond what would be acceptable under this policy.

2) It has been demonstrated that economic uses, including live/work units, have been considered before residential and are unviable.

8.5 The proposal seeks a live/work unit and therefore complies with this criterion. The proposed split is considered sufficient to ensure that the commercial space would accommodate an active economic use.

3) The proposal is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses.

8.6 The Dairy and Calf Barns lie within a separate parcel of land, which is surrounded a larger parcel of agricultural land and therefore the proposed conversion would not prejudice any nearby agricultural activities. The buildings have not been in agricultural use for a considerable period, and it is unlikely they would be brought back into such use, given their proximity to nearby residential dwellings, including Petworth Barns.

4) The form, bulk and general design of the building is in keeping with its surroundings and the proposal and any associated development will not harm its landscape character and setting.

8.7 This criterion will be addressed in the following section below; however, the conversion works seeks minimal alteration to the form of the existing buildings, thus would have a minimal impact upon the surrounding landscape character. The buildings have been a feature of the local landscape for a considerable period (approximately 80 years) are therefore form part of the character and setting of the area. The formation of residential curtilages is likely to result in some change to the existing character; however, this is not considered to be unduly harmful as it would be read in conjunction with the existing curtilage of Petworth Barns and has been sensitively designed, with appropriate boundary treatments and planting.

5) For residential, including holiday use, the proposal would involve the re-use of a traditional building of architectural or historic merit;

8.8 The Dairy and Calf barn are unlikely to be considered of any particular architectural or historic merit; however, there are nevertheless traditional buildings of some notable age and a long-standing feature of the landscape and therefore the proposal is considered to comply with this criterion.

6) The proposal will not damage the fabric or character of any traditional building or the historic character and significance of the farmstead and in the case of a Heritage Asset, whether designated or not, the proposal will not damage the architectural, archaeological, or historic interest of the asset or its setting

8.9 The conversion works seek modest and respectful alterations to the existing building, which is not of any notable historic character. The works have not impact upon the significance of a farmstead of heritage asset, and the scope of the works would not impact upon any archaeological deposits or historic interests.

8.10 The proposal is therefore considered to comply with the six criteria, set out within Policy 46 of the Local Plan.

- 8.11 As explored fully below, the proposal is considered to maintain the tranquillity and character of the area, and whilst located outside of an existing settlement, it is an appropriate reuse of an existing building, providing a low-key and flexible employment options within the district.
- 8.12 Finally, the proposal is required to demonstrate compliance with Policy 43 of the Local Plan, which concerns development within the Chichester Harbour AONB. The policy sets out five criteria, which a proposal is required to meet, with the aim of the policy to protect the natural beauty and distinctive features of the AONB, whilst also limiting development to that which reinforces and response to, rather than detracts from the special qualities of the AONB. Criterion 5 of Policy 43 requires proposal to comply with the policy aims of the Chichester Harbour AONB Management Plan, including the relevant Planning Principles listed in paragraph 7.6 above.
- 8.13 In assessing the principle of this application, PP06 is relevant as it concern the conversion of existing building, inside and outside of settlements. The proposal is considered to comply with the 6 criteria set out within PP06, which are required to be met for the conversion of an existing building to be considered justified and appropriate. The following section will detail fully how the proposal complies with Policy 43, including the Planning Principles.
- 8.14 In light of the above, the proposal is considered to comply with the requirements of Policy 46 and 43 of the Local Plan and PP06 of the Chichester Harbour AONB Management Plan and Policy 1 of the Bosham Neighbourhood Plan and can be considered acceptable, in principle subject to the further material considerations set out below.

ii. Design and impact upon character of the surrounding AONB

- 8.15 Policy 33 refers to new residential development and sets out that proposals must meet the highest standards of design and a high-quality living environment in keeping with the character to the surrounding area and its setting in the landscape; In addition, that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.
- 8.16 Policy 43 concerns development within the Chichester Harbour AONB, and requires proposal to meet the five criteria listed within the policy, whilst also ensuring proposals protect the natural beauty and distinctive features of the AONB and limiting development to that which reinforced and response to, rather than detracts for the special qualities of the AONB
- 8.17 Policy 47 relates to design and requires development to respect distinctive character and sensitively contribute to creating places of high architectural and built quality, respect existing natural landscapes, and maintain the predominantly open and undeveloped character of the area
- 8.18 Planning Principle 01 reaffirms the importance of the Chichester Harbour AONB, and its primary purpose to conserve and enhance the natural beauty of the area. It advises, The Conservancy will oppose any application that, in its opinion, is a major change or will cause material damage to the AONB or which will constitute unsustainable development.

- 8.19 Paragraph 85 advises 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements' and that 'in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable'.
- 8.20 The Dairy and Calf barns are located to the east side of Taylors Lane, within a loose cluster of agricultural buildings and residential dwellings, and are read in conjunction with Petworth Barns, a former agricultural barn which is now converted to a residential dwelling and latterly extended. The surrounding landscape is flat, consisting of farmland to the north, east and south with long views of the buildings and neighbouring properties possible across the adjoining fields. There are a number of existing boundary treatments, including hedgerows and several established trees which help to filter views of the buildings.
- 8.21 The character of the area remains predominantly rural, but there is clear evidence of residential activity within the locality, including vehicle movements. One of the benefits of live/work units includes working where you live, reducing the need to commute to your place of work and potential vehicle movements. It is likely there will be some movement through potential deliveries, but this is not unusual for many residential properties, and it is unlikely the proposed commercial activities would result in a significant number of deliveries in any event. The resultant employment uses are unlikely to result in a significant number of visitors, to the extent that it would result in significant harm to the character of the area or the safety of the road network. In addition, it is important to consider the is likely to be or have been in the past vehicle movements associated with the previous agricultural and storage uses of the buildings.
- 8.22 The physical works to convert the buildings are modest, with limited physical intervention sought to the external appearance. The roof and walls of the building are to remain unchanged, besides for additional and enlarged window and doors openings. The existing rooflights are to be removed in the interests of reducing light pollution in accordance with PP09 (Dark Skies) and to mitigate the additional windows proposed within the elevations of both buildings. In addition, solar PV panels are proposed on the southern roof plane of the Calf building, which would be appropriately sited within the roof slope.
- 8.23 The proposed residential curtilage, associated with each live/work unit would be modest, and contained within the existing associated yard/grassed area of both buildings, thus would not result in any further erosion upon the undeveloped countryside and would be contained within an area which already appears to be reasonably well maintained. The curtilage would adjoin that of Petworth Barns to the south, which although clearly defined, does not appear overly domesticated in its appearance and much like the proposed development if laid to lawn with hedgerow and tree planted boundaries. There are no physical boundary treatments proposed, with native hedgerows utilised instead to divide the outdoor space. As part of the nitrogen mitigation a large wildflower meadow is proposed to the east of the buildings, which, once established, would provide an attractive addition to the landscape, enhancing the current grassed area and it would help to soften the more formal residential curtilages close to the buildings. Finally, the vehicle parking and bin storage would be located to the west of the site, within the existing area of hardstanding, with the bin storage discretely positioned between the two buildings.

- 8.24 In considering the above, the physical alterations and formation of residential curtilage and wildflower meadow is considered to remain in keeping with the rural character of the surrounding landscape and Chichester Harbour AONB.
- 8.25 The proposed commercial elements of the scheme, includes uses which fall within Use Class E (Commercial, Business and Service) and restricted further as set out above. The proposed limited uses are considered to be suitable for this rural location, as they are unlikely to give rise to an unacceptable impact upon the character and tranquillity of the area. The proposal has purposely sought least disruptive uses, rather than more intensive a manufacturing uses, for example, due to the rural location of the site and proximity to residential dwellings. As such, whilst there may be some localised perception of the employment uses, it would not to an extent that would adversely impact the character or rural tranquillity of the site, particularly when consider the existing nearby residential uses and the former agricultural and domestic uses of the barns.
- 8.26 Understandably, the proliferation of domestic paraphernalia which often occurs with commercial and residential uses would have an impact upon the character of the area, particularly if larger amounts of external storage were proposed. As such, several safeguarding conditions have been recommended. The conditions would secure appropriate storage provision on the site, for example for the storage of cycles and refuse, as well as the prevention of outside storage, to ensure the visual amenities of the area are adequately protected.
- 8.27 Consequently, taking the above considerations into account, the proposal would result in the appropriate and sympathetic reuse of two existing buildings, by providing mixed live/work uses, contributing to the flexible employment options within the district. Whilst the proposal would be partially visible from wider views, within the AONB, the modest physical alterations, in combination with a backdrop of existing residential development ensures the proposal would not result in an unduly prominent form of development within this protected landscape. The type and level of commercial floorspace is unlikely to result in an intensive use, which could adversely impact the level of tranquillity of the area, and whilst there would clearly be an increased level of activity, though both commercial and residential uses, it would be proportionate to the scale of the live/work units. Finally, the improved landscaping, including larger wildflower meadow, provision of on-site parking and turning which define a modest curtilage for both buildings, help to minimise the visual impact of the development, ensuring the proposal does not result in further encroachment into the undeveloped countryside. Therefore, the proposal is considered to comply with Section 2, 6 and 12 of the NPPF, Policies 33, 43 and 47 of the Local Plan, Planning Principles 06, 08 and 09 of the Chichester Harbour AONB Management Plan, Policies 3 and 6 of the Bosham Neighbourhood Plan.

iii. Impact upon amenity of neighbouring properties

- 8.28 Paragraph 130 of the NPPF states that planning decisions should create places that offer a high standard of amenity for existing and future users. In addition, Policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties in terms of their outlook, privacy, or available light.

8.29 There would be an appropriate level of separation between the buildings and the neighbouring dwellings, to ensure the proposal would not have an unacceptable impact on the amenities of the neighbouring properties. It is considered that the proposed commercial use of the buildings would not give rise to an unacceptable increase in noise or disturbance, nor a significant intensification in traffic movements. Therefore, the proposal would retain an acceptable living environment of the neighbouring properties, and the occupants of the tourism accommodation, and would accord with the contents of Policy 33 of the Local Plan and Section 12 of the NPPF.

iv. Impact upon highway safety and parking

8.30 Policy 39 of the Chichester Local Plan requires developments have safe and adequate access to the public highway and parking needs can be met within the site.

8.31 The proposal would utilise a gated access, via a tarmac and gravel track off Taylors Lane, which is also shared by an existing residential dwelling. The proposal would provide adequate onsite parking and turning for the scale of development, utilising an existing area of concrete hardstanding. The provision of an electric vehicle charging point, would contribute towards sustainable modest of transport. The proposal has been reviewed by WSCC Highways, who have raised no concerns with the proposed access or the proposed parking arrangements. Therefore, the proposal is considered to comply with Policy 39 of the Local Plan.

v. Ecological considerations

8.32 Policy 49 of the Chichester Local Plan and Policy 7 of the Bosham Neighbourhood Plan require the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.

8.33 The proposal would retain all existing trees and hedgerows, and also proposes native hedgerows to the north, east and southern boundaries, as well as between the two separate residential curtilages and six native trees. In addition, a larger wildflower meadow is proposed, to the east of the buildings, which once established would, together with the native hedgerow and tree planting, contribute to the overall biodiversity enhancement of the site.

8.34 The Council's ecology officers have reviewed the supporting ecology surveys and are satisfied with the findings and recommendations of the reports, subject to securing the mitigation and measure via condition. In addition, several enhancements, including bat and bird boxes have also been suggested, which have been incorporated into the suggested condition. Therefore, subject to compliance with the recommended conditions the proposal would adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

vi. Drainage

8.35 The site is within flood zone 1 which is low risk of flooding, which is an appropriate location for residential development. The proposed change of use of the building, is not considered to material impact the existing surface water drainage for the site, therefore the council's drainage officers have raised no objection to the proposal no require any further information secured via condition.

vi. Sustainability

8.36 The proposal has been accompanied by a sustainability statement, which indicates the applicants' intentions to improve the existing fabric of the building, including internally insulating all external walls, and existing roof structure. The provision of insulation above the existing concrete flooring, which would be set below a new screed and the replacement of all existing doors and windows. In addition, the proposal includes a combination of solar panels (shown on the proposed elevations) air source heat pumps and a mechanical ventilation heat recovery system, which will contribute further towards the reduction in emissions. An electric vehicle charging point and secure cycle parking will also be secured for both live/work units, to promote the use of alternative modes of transport. Finally, the proposal will comply with the 110 litres per person per day water use, through the provision of dual flushing toilets, low use shower heads and the provision of water butts or tanks to store surface water. Therefore, subject to compliance with the measures indicated above, the proposal would result in a sustainable for of development.

vi. Nutrient neutrality

8.37 The proposal comprises new overnight accommodation, served by a Package Treatment Plant it is accepted that the treated effluent from the development may eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites; therefore, is directly connected to the increase in wastewater from the development.

8.38 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the by the Local Planning Authority (LPA) via an 'appropriate assessment' (AA) to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

8.39 To assist the LPA with its appropriate assessment, the application has been accompanied by a nitrogen mitigation proposal, which details the additional nitrogen resulting from the proposed development (1.51 kg of Nitrogen per year) and a Nitrate Mitigation Proposal which details the proposed offsite mitigation. The mitigation involves the conversion of the grassland from lowland grazing to wildflower meadow which would reduce nitrogen runoff by 1.67kg per year, which is slightly greater than the 1.51kg required to be offset. The mitigation proposal details how the existing grassland will be prepared for seeding with a suitable wildflower-only seed mix such as Emorsgate EM2F - Standard General-Purpose Wildflowers, sown at the recommended rate of 1.5g/m². It also details the ongoing management of the wildflower meadow.

- 8.40 The proposed mitigation, including the initial preparation and sowing, and the ongoing managing of the wildflower meadow has been tested via an AA in consultation with Natural England, who have confirmed in their comments that they raise no objection to the proposal, subject to securing the proposed mitigation.
- 8.41 As the proposed mitigation lies on land within the applicant's ownership, the use of a planning condition is considered appropriate to secure the provision of and the ongoing management of the wildflower meadow.
- 8.42 Consequently, taking the above considerations into account, the proposal would result in a nitrogen neutral scheme, ensuring the proposal would not impact upon the European designated sites because of nitrates, and therefore the proposal would comply with policy 49 of the CLP and section 15 of the NPPF.

vii. Recreational disturbance

8.43 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area where a net increase in dwellings would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required to mitigate recreational disturbance as a result of the proposal.

8.44 The following contribution shall be obtained via the S106 agreement:

1 x 2-bedroom property (£563)
1 x 3-bedroom property (£735) + Monitoring and Obligation fee (£100)
Total = £1398.00

8.45 Subject to the completion of a Unilateral Undertaking, securing the required recreational disturbance fee of £1398.00 the proposal would comply with Policy 50 of the CLP and the requirements of the Habitat and Protected Species Regulations 2017, and the proposal would be acceptable in this respect.

Conclusion

- 8.46 In considering the above, the proposal would result in the appropriate and sympathetic reuse of two existing barn buildings, by providing mixed live/work uses, contributing to the flexible employment options within the district. The proposal would result in a high-quality development, which would be sympathetic to the surrounding protected landscape of the Chichester Harbour AONB. The proposal would not result in any adverse impacts upon the tranquillity of the AONB, and would not result in harm to the environment, highways safety or biodiversity.
- 8.47 The proposal therefore accords with the relevant local and national planning policy and associated guidance. Having also had regard to all other material considerations it is recommended that, subject to the conditions set out below, permission is granted.

Human Rights

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

DEFER FOR S106 THEN 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) (1) 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, or any other statutory instrument amending, revoking and re-enacting the Order, the workspace of the live/work unit, as labelled on drawing number 2020.12.11 Rev B and 2020/12/02 Rev B not be used for any purpose other than for purposes within Class E E(c) (i, ii and iii), E(e) and E(g) (i, ii and iii) and for no other purpose (including any other purpose in Class E only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

(2) The residential floorspace of the live/work units, as labelled individually on plan number 2020.12.11 Rev B and 2020/12/02 Rev B shall not be occupied other than by occupiers of the business floorspace or any resident dependants.

Reason: To ensure that the employment use of the building is safeguarded and not lost through the sub-division of the building. Furthermore, that the live-work units are occupied for the purposes of live-work only and shall not be used as a single residential use or any other use(s), in accordance with Policy 46 of the Chichester Local Plan 2014 and the expectations of paragraph 80 of the National Planning Policy Framework 2021

4) No part of the development hereby permitted shall be first occupied 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.

5) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

6) Notwithstanding the details submitted the development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The 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. The approved scheme 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: In the interests of the visual amenities of the locality and the biodiversity of the site.

7) No part of the development hereby permitted shall be first occupied until at least one Electric Vehicle (EV) charging point has been provided, per live/work unit in accordance with plans and details that shall first be submitted to and agreed in writing by the Local Planning Authority. Thereafter the Electric Vehicle Charging point shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

8) No part of the development hereby permitted shall be first occupied until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

9) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented

- a) The integration of one bat box/brick into each of the live/work units hereby approved, or the provision of a bat box within a tree sited within the grounds of the development proposal. The bat box shall face a south/south westerly and positioned 3-5m above ground.
- b) The integration of one bird box into each of the live/work units hereby approved or within a tree sited within the grounds of the development proposal.
- c) The provision of hedgehog nesting boxes within the site.

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

10) The following ecological mitigation measures shall be always adhered to during construction:

- a) Due to the potential for bats within the existing hedgerows to be retained, a buffer around the existing hedgerows shall be maintained during the course of the development. The buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time.
- b) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition.
- c) If any works need to take place to the trees or for vegetation clearance on the site, they 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).
- d) All materials shall be stored at least 5.0 m from the ditch, with all fuels, paints, chemicals, or other liquids at least 10.0 m in suitably bunded containers.
- e) Any resurfacing of the adjacent track, debris mesh and silt barriers shall be installed to prevent any debris reaching the ditch.

Reason: In the interests of protecting biodiversity and wildlife

11) The development hereby permitted shall be carried out in strict accordance with the Preliminary Bat Roost and Ecological Impact Assessment (18.10.2021) and the methodology and mitigation recommendations it details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting biodiversity and wildlife.

12) The development hereby permitted shall be carried out in strict accordance with the Sustainability Statement, prepared by RJCA Chartered Architects (15.07.2022) and the sustainability measures it details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change.

13) 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) no materials shall be stacked, stored or deposited in the open on the site at any time.

Reason: To ensure that the visual appearance of the area is not adversely affected.

14) Prior to the first occupation of the live/work units hereby approved, the development shall have fully implemented the required nitrogen mitigation, in strict accordance with the Nutrient Budget Assessment (16.05.2022) and drawing no. 2020.12.13 (Proposed soft landscaping). That is to say, the wildflower meadow shall be provided in accordance with the specification details within the nutrient budget assessment in the location as shown of the aforementioned drawing, and thereafter retained and maintained in accordance with the management schedule, in perpetuity for the purpose of achieving nitrogen neutrality for the lifetime of the development.

Reason: In the interest of ensuring the proposal is nitrate neutral and does not result in an increased nitrate level within the Chichester Harbours.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

16) No deliveries in association with the business uses of the development hereby approved shall be taken to or despatched from the site outside of the hours of 08:00 and 18:00 hours Monday to Saturday and on Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties in this rural location.

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 - Bosham Barns Tree Planting Plan	2020/17/13		23.03.2022	Approved
PLAN - SITE LOCATION PLAN (A3)	001		05.01.2022	Approved
PLAN - PROPOSED SITE LAYOUT & BLOCK PLAN (A3)	2020/17/00	B	05.01.2022	Approved
PLAN - PROPOSED CALF BARN FLOOR AND ROOF PLANS (A3)	2020/17/02	B	05.01.2022	Approved
PLAN - PROPOSED CALF BARN ELEVATIONS (A3)	2020/17/03		05.01.2022	Approved
PLAN - PROPOSED DAIRY BARN FLOOR AND ROOF PLANS (A3)	2020/17/11	B	05.01.2022	Approved
PLAN - PROPOSED DAIRY BARN ELEVATIONS (A3)	2020/17/12	A	05.01.2022	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.

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R443AHERIX800>