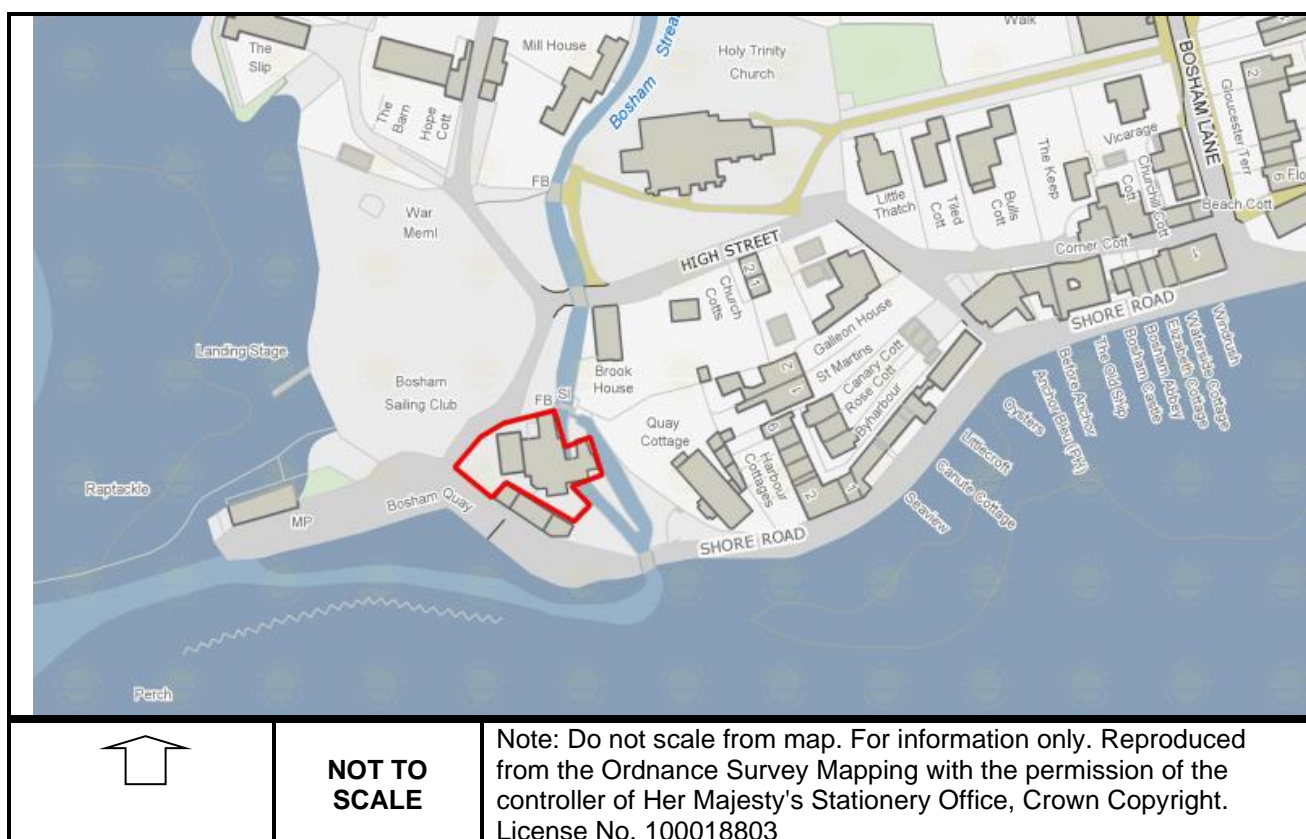


Parish: Bosham	Ward: Harbour Villages
-------------------	---------------------------

BO/22/01550/FUL

Proposal	Erection of balcony structure to replace the current marquee		
Site	Bosham Sailing Club The Quay Quay Meadow Bosham Chichester West Sussex PO18 8LU		
Map Ref	(E) 480389 (N) 103806		
Applicant	Bosham Sailing Club	Agent	Claire Bunton

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application property is located to the south of Quay Meadow, there are neighbouring properties to the north and open community space to the north-west of the application property. The application property is a two-storey property and is Grade II listed (list no. 1026429). The listed description is as follows:

'Irregular shaped building, originally the tide-mill. Mostly C18 but with some earlier timbering exposed in the north-west gable end. Faced with red brick stone rubble, tile-hanging and tarred weather boarding. Tiled roof. Casement windows.'

3.0 The Proposal

3.1 Erection of a single storey extension to include balcony structure to replace the existing marquee. The proposal includes the alteration of an existing dormer to allow access to the first floor balcony/terrace. This dormer window was subject to a previous permission, 91/00146/BO, which included two proposed dormer windows on the west elevation. However, only one of these dormer windows have been constructed. The current proposed works includes the construction of this previously permitted dormer with alterations to allow access to the balcony/terrace.

4.0 History

00/01709/LBC	PER	Refurbishment of bar and dining room, removal of walls to combine two offices.
00/03128/LBC	PER	Remove existing loadbearing brick columns (2no.) (approx 25 years old) and replace with 2 no. 200mm diameter steel columns.
01/00059/FUL	PER	Change in condition BO/56/91 4. increase boat numbers from 400 to 500 craft 5. Allow limited racking of craft. 6. clarify definition craft.
86/00180/BO	PER	Rebuilding and improvement of existing porch entrance.
86/00182/BO	PER	Rebuilding and improvement of existing porch entrance.
91/00146/BO	PER	General refurbishment and alterations. Construction of two dormers and new stair. Construction of cellar.
88/00086/BO	PER	Installation of HAIB 60 sea crane to replace existing derrick.
88/00128/BO	PER	8 inch reinforced concrete scrubbing down base laid flush with the bed of channel size o/a 35ft x 15ft

94/00157/FUL	PER	Reinforced concrete scrubbing-off base laid in channel.
94/02172/FUL	REF	Six metal posts already erected on quay to store tenders.
97/01762/LBC	PER	Proposed new bar store.
97/01763/FUL	PER	Proposed new bar store.
98/02721/FUL	PER	Raising the existing HAIB crane on to a new steel framed base fixed to quay.
BO/00086/88	PER	Installation of HIAB 60 sea crane to replace existing derrick
BO/00128/88	PER	8" reinforced concrete scrubbing down base laid flush with bed of channel
09/01602/FUL	PER	Storage container.
15/03319/LBC	PER	Strip out of existing changing rooms, internal layout alterations and new changing rooms.
16/00273/DOC	DOCDEC	Discharge of conditions relating to BO/15/03319/LBC Condition3.
19/01467/FUL	PER	Temporary 1 no. shipping container used as secure storage for boating.
22/00876/LBC	PDE	Single storey rear west elevation extension to include balcony/roof terrace above and external spiral staircase to access top deck and lifting side, to replace existing marquee. Enlargement of existing dormer window on first floor west elevation to create door access to balcony/roof terrace and proposed new dormer door to match. Internal alterations.
22/01598/FUL	PCO	Temporary location of 1 no. storage container.

5.0 **Constraints**

Listed Building	YES
Conservation Area	BO
Rural Area	NO
AONB	YES
EA Flood Zone	
- Flood Zone 2	YES
- Flood Zone 3	YES

6.0 **Representations and Consultations**

6.1 **Parish Council**

Bosham Parish Council objects to this application. Bosham sailing club is a listed building situated in a highly prominent position on Bosham Quay which is the most visited part of the conservation Area. The marquee is a temporary structure and whilst it has a visual impact on the building, there is no physical impact on the structure. We do not believe it can be used to validate a planning application. The elevated dining/sitting area is intrusive on the surrounding area and will allow the noise associated with the social aspect to radiate over a much wider area. We have concerns that the lighting necessary for this platform to be safe will be invasive and will be difficult to control to meet the requirement of the Dark Skies Policy.

6.2 **Chichester Harbour Conservancy**

No objection, subject to: -

- o Removal of the marquee from the site;
- o 1:20 drawings, detailing the physical attachment of the balcony to the Listed Building and a method statement for making the attachment and standard working practices to ensure the integrity of the Listed Building is not damaged during construction;
- o Agreement of materials samples, with external stairwell to be powder-coated matt black; and,
- o Installation of a system of drapes or blinds to be deployed or drawn in hours of darkness.

Reasoned justification:

Following a site visit made 22/8/2022 and having regard to the policy framework below I make the following observations.

A pre-application meeting was held between a few Club members and myself during the second Covid lockdown, at which time it was stressed that the acceptability of the proposals would revolve around how the integrity and significance of the heritage asset would be conserved, within the Bosham Conservation Area and wider Chichester Harbour AONB, of which the site is very prominently located.

The planning application form states that pre-application enquiries took place with the Council's Conservation Officer Owen Bradley, who appears to have been supportive of the tabled design solution. Curiously, the LB application form says no pre-application advice was sought from the local authority!

Historic England's list description of this grade II Listed Building - (previously listed as 10.5.73 Nos 1 and 2 Church Cottages) - reads -

"Irregular shaped building, originally the tide-mill. Mostly C18 but with some earlier timbering exposed in the north west gable end. Faced with red brick stone rubble, tilehanging and tarred weather boarding. Tiled roof. Casement windows."

On the face of it the submitted supporting written statement lacks an in-depth assessment of the Policy framework designed to conserve and enhance the AONB, safeguard the integrity of a designated heritage asset, with some views also impacting the setting of the Grade I Listed Holy Trinity Church.

For example, the installation of a bat box discretely and appropriately positioned on the building would have been a useful enhancement of the AONB's biodiversity.

The agent fails to acknowledge that the existing tented structure/marquee has never enjoyed the benefit of formal planning permission nor Listed Building Consent and sits away from the building envelope.

The proposed balcony is lightweight and appears to have been designed to cause the least intervention with the Listed Building, the retractable walling system, would also allow the Listed Building to be viewed in times of fine weather. That this structure is far more respectful of the Listed Building is indisputable and the structure would also have less mass than the marquee, yet staying subordinate to the main eaves line and setting of the Holy Trinity Church. The spiral staircase is discrete and its impact on the Listed façade minimal. Unfortunately, no detail is given of the colour finish of the staircase. The Conservancy considers a bare galvanised finish would not be respectful of the Listed Building and considers it should be powder-coated matt black during its manufacture.

It is agreed that the additional dormer window would balance out the west elevation. Reference has been made to an earlier unimplemented permission for a dormer window, but no reference number is given and the earliest consent I can trace is DC 86/00180/BO, which was for rebuilding and improvement of the existing porch. If such a consent was granted, it would have been helpful for the agent to have properly illustrated/documentated this.

I make no observations on the proposed internal alterations and leave those for the Council's Conservation Officer to comment on. It is considered that no lighting ought to be installed to the underside of the balcony, or that if this is the intention, a scheme of blinds or drapes should be considered to limit pollution of the night sky.

The proposed development, in the wider AONB landscape and Bosham Conservation Area, is acceptable, subject to the suggested planning conditions.

6.3 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 or landscapes.

6.4 Environmental Health Officer

No comment.

6.5 Third party comments

One letter commenting on the following have been received;

- Objection to the spiral staircase. It is considered that this is unsightly and intrusive and should be moved or omitted.

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 Parish Neighbourhood Plan was made on 22nd November 2016 and forms part of the Development Plan against which applications must be considered.

Chichester Local Plan: Key Policies 2014-2029

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 38: Local and Community Facilities
Policy 43 Chichester Harbour AONB
Policy 47: Heritage and Design

Bosham Parish Neighbourhood Plan 2014-2029

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

Policy 1 - The Settlement Boundary
Policy 5 – Conservation of the Historic Environment
Policy 6 - Landscape and the Environment
Policy 7 - Ecology, Wildlife and Biodiversity

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.4 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 early 2023. 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. Relevant policies include:

Strategic Policies

S1 Presumption in favour of sustainable development
S20 Design
S22 Historic Environment
S26 Natural Environment

Development Management Policies

DM19 Chichester Harbour AONB
DM27 Historic Environment
DM28 Natural Environment

National Policy and Guidance

- 7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20th 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.

- 7.6 Consideration should also be given to the following paragraph and sections: Sections 2, 4, 12, 14, 15, and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Bosham Conservation Area Character Appraisal

- 7.8 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
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of Development
- ii. Design and Impact upon visual amenity and character of the area
- iii. Impact upon Heritage Assets
- iv. Impact upon the amenity of neighbouring properties
- v. Ecological Considerations

Assessment

Principle of Development

- 8.2 The site is located within the Bosham settlement boundary area. Policy 2 of the Chichester Local Plan includes a presumption in favour of sustainable development within settlement boundaries. In addition, Policy 1 of the Bosham Neighbourhood Plan states that within the settlement boundary there is a presumption in favour of sustainable development that will apply to proposals that respect the setting, form and character of the settlement of Bosham. Therefore, the principle of the construction of an extension including a first floor terrace is considered acceptable, subject to other material planning considerations.

Design and Impact upon visual amenity and character of the area

- 8.3 Policy 47 of the Chichester Local Plan requires that proposals must conserve and enhance the special interest and setting of Conservation Areas, respect distinctive local character and maintain the individual identity of settlements. Policy 43 of the Chichester Local Plan states that planning permission will be granted where proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. In addition, paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Beauty and development within their setting should be sensitively located and designed.
- 8.4 The proposal consists of an extension on the west elevation of the property to include a balcony structure and a spiral staircase and alterations to the fenestration. The proposal includes the alteration of an existing dormer (subject to a previous permission 91/00146/BO) to allow access to the first floor balcony/terrace and the construction of the other previously permitted dormer window from the same permission with alterations to allow access to the balcony/terrace. The application property is a Grade II listed building located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The proposed extension consists of a lightweight structure with aluminium framed glazing. It is considered that the proposed materials would be acceptable in terms of the listed building and Bosham Conservation Area. Officers considered that the proposed lightweight design with a fold-up sides would be acceptable and would retain the visibility of the facade of the listed building and thereby have a neutral impact on the character and appearance of the conservation area. Given the localised impact of the proposed development, it is considered that the character and appearance of the AONB would be conserved. Overall,

the proposal is not considered to have a detrimental impact on the character of the surrounding area and would comply with Policies 43 and 47 of the Chichester Local Plan, Policy 5 of Bosham Neighbourhood Plan and Paragraph 176 of the NPPF.

Impact upon Heritage Assets

- 8.5 S. 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Planning Authority (LPA) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Also, S. 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Policy 47 of the Local Plan requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets. Policy 5 of Bosham Neighbourhood Plan states that any new development must recognise, respect, conserve and enhance and seek to reveal the local distinctiveness and character of the historic environment and the setting of designated and non-designated assets.
- 8.6 Bosham Sailing Club is a former tidal mill and mainly consist of 18th Century fabric, however earlier timber is understood to still exist in the north west corner of the building. The building is grade II listed within Bosham Conservation Area and Chichester Harbour AONB. The building consists of predominantly brick construction and the interior of the building appears to have been subject to a number of alterations. It is noted that there are number of nearby listed building within the conservation area. One of these building is the Parish Church of the Holy Trinity, which is grade I listed. The application property and Church would be visible from the adjacent green/open space. Therefore, the impact of the proposal on the setting on the grade I listed building would need to be assessed. It is considered that given the modest scale of the proposal and proposed materials, that it would not have a detrimental impact on the setting of the Parish Church of the Holy Trinity.
- 8.7 The current application follows an application for Listed Building Advice on site, which was generally positive. The proposal has been verbally discussed with the Council's Conservation and Design Officer during the course of the application. It is considered that the extension and would be an acceptable form of development. The proposal would represent an overall improvement from the existing marquee. However, it is acknowledged that the existing marquee is not a lawful development. It is considered that the proposal would result in less than substantial harm and would result in public benefit and would be in accordance with paragraph 202 of the NPPF 2021. The proposed materials for the development would be acceptable and would not detract from the setting of Bosham Conservation Area. In addition, it is considered that the spiral staircase would be acceptable and would not impact the character of the listed building or the setting of Bosham Conservation Area. Therefore, it is considered that the proposed development would comply with the requirements of the Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 47 of the Local Plan and Policy 5 of Bosham Neighbourhood Plan.

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 A concern has been raised by a Third Party regarding the impact of the proposed spiral staircase upon neighbouring amenity. It is considered that while the proposed spiral staircase may be visible from the nearby property, it would not have a detrimental impact on neighbouring amenity. The spiral staircase is sufficiently distanced from the neighbouring property and would not have an impact in terms of visual impacts and overlooking. In addition, the proposed extension and dormer window, due to their siting and distance from the neighbouring property, is not considered to have a detrimental impact on neighbouring amenity.
- 8.10 The Council's Environmental Health Department have been consulted during the course of the application regarding noise and have stated that they have no comments regarding the application. If the application is permitted, conditions would be added to prohibit the playing of music on the terrace and outdoor areas and that any future external lighting would need to be submitted and approved by the Local Planning Authority.
- 8.11 Overall, it is considered that the development complies with paragraph 130 of the NPPF which seeks to safeguard residential amenity.

Ecological Considerations

- 8.12 Policy 49 of the Chichester Local Plan requires, amongst other considerations, that the biodiversity value of the site is safeguarded and enhanced. The Chichester Harbour Conservancy has commented and suggested that the installation of a bat box discretely and appropriately positioned on the building would be a useful enhancement of the AONB's biodiversity and that drapes or blinds should be deployed in the hours of darkness. In light of the listed status of the building, it is considered that the siting of a bat box would not be appropriate in this instance.

Conclusion

- 8.13 Based on the above it is considered that the proposal complies with development plan policies 1, 2, 38, 43 and 47 of the Chichester Local Plan, Section 2, 4, 12, 15 and 16 of the National Planning Policy Framework 2021 and Policies 1, 5, 6 and 7 of the Bosham Neighbourhood Plan. Therefore, the application is recommended for approval.

Human Rights

- 8.14 In reaching this conclusion, the Human Rights of the applicants and those within the settled community have been taken into account under Article 8 and Article 1 of the First Protocol of Human Rights. The application has been assessed, upon its own merits in line with National and Local Planning Policy, with a decision issued accordingly.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

3) No development shall be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development.

4) No live or recorded music (acoustic or amplified) is permitted for the external terrace and outdoor areas.

Reason: To safeguard the amenities of neighbouring properties.

5) Notwithstanding the General Permitted Development Order 2015 there shall be no external lighting anywhere on the proposed extension and terrace other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the detailed design of the lighting, including the measures proposed to avoid light spillage. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the amenities of neighbours and the wider area.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - PROPOSED GROUND FLOOR PLAN	56XX_A_100	REV A	17.06.2022	Approved
PLAN - PROPOSED FIRST FLOOR PLAN	56XX_A_101	REV A	17.06.2022	Approved

PLAN - PROPOSED SECTION A-A	56XX_A_200		17.06.2022	Approved
PLAN - PROPOSED SOUTH ELEVATION	56XX_A_301		17.06.2022	Approved
PLAN - PROPOSED NORTH ELEVATION	56XX_A_302		17.06.2022	Approved
PLAN - PROPOSED WEST ELEVATION	56XX_E_300		17.06.2022	Approved
PLAN - LOCATION PLAN	56XX_E_500		17.06.2022	Approved
PLAN - BLOCK PLAN	56XX_A_500B LOCK		01.07.2022	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.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Rebecca Perris on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RDIZ9XER12Q00>