


Parish: Bosham	Ward: Harbour Villages
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BO/23/01216/FUL

Proposal	Refurbishment of public conveniences including enlargement of disabled WC and 1 no. additional door to south east elevation.		
Site	Public Conveniences Bosham Lane Bosham West Sussex PO18 8HS		
Map Ref	(E) 480616 (N) 103998		
Applicant	Chichester District Council	Agent	Mr Craig Taylor

RECOMMENDATION TO PERMIT



	NOT TO SCALE	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
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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 located within Bosham Settlement Boundary and Bosham Conservation Area. The application site is also located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The application site consists of public toilet conveniences located within the Bosham car park. The toilet building has a pitched roof, and measures approximately 12.8m x 7.6m, with a ridge height of 5.2m.

3.0 The Proposal

3.1 The proposal includes the installation of 1 no. additional door on the south east elevation of the building. The proposal also consists of the external refurbishment of the building, including the repair or replacement of the existing door like for like, the installation of vents within the roof and soffits of the building. There are also internal alterations proposed to the building to create a larger disabled toilet and an overall refurbishment of the facilities, however these works do not require planning permission.

4.0 History

No relevant history.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

No objection, but would point out that these facilities are very well-used and experience has shown us that the loss of them for any length of time will cause great inconvenience to visitors and residents alike. Please could serious consideration be given to supplying temporary mobile toilets for the duration of the works.

6.2 Chichester Harbour Conservancy

No Objection, subject to conditions:

- External and internal lighting to avoid light spill to maintain the AONB's dark skies.

Reasoned Justification: The proposed works would not significantly affect the external appearance of the building in terms of its impact within the AONB, subject to sensitive lighting which safeguards the AONB's dark skies, as required by the Environment Officer.

6.3 CDC Environmental Strategy Officer

Bats

Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the building / trees onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the building / and or tree within the site.

Hedgehogs

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

6.4 Third party comments

2 no. letters commenting on the following have been received concerning the following:

- a) Welcome the works to refurbish the toilets.
- b) The proposed new door is located in the area that the bin collections are for Adelaide Terrace. Requested confirmation of where the new bin collection location will be.
- c) Requested confirmation that access will be maintained to Adelaide Terrace during the works.
- d) Requested confirmation that replacement toilets will be provided during the works if the toilets need to be closed.

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 22nd November 2016 and forms part of the Development Plan, against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 38: Local and Community Facilities
Policy 47: Heritage and Design
Policy 49: Biodiversity

Bosham Neighbourhood Plan

Policy 1 - The Settlement Boundary
Policy 4 - Community Facilities

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 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in early 2024. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from September 2023. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 7.5 Consideration should also be given to the following paragraph and sections: 1, 2, 8, 12, 15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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:

- Support and empower communities and people to help themselves and develop resilience
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Ecological Considerations

Assessment

i. Principle of development

8.2 The proposal involves refurbishment of the toilet facilities for members of public. Whilst the internal works do not need planning permission, replacement toilets/sanitary ware and sinks, the provision of nappy bins, replacement internal doors, insulation, new tiles/decorative finish and repair of the ceiling are all welcome enhancements which will be of benefit to all members of the visiting public. The proposal also provides an enlarged toilet facility for disabled members of public within existing Bosham public conveniences. The enlargement of the toilet will help facilitate greater access to public places for disabled people and those with access needs.

8.3 Although the proposal does not result in the loss of an existing community facility, Policy 38 of the Local Plan requires new or replacement community facilities to meet an identified need in locations which are well-related and easily accessible to the settlement or local community. The public conveniences are well-related and located within a public park. As such, they are easily accessible to the local community. In addition, the proposed works to the public conveniences make a positive contribution to providing a more inclusive and safer place for disabled people living in or visiting Bosham to use.

8.4 The location is popular with visitors due to its location and siting within the existing car park.

8.5 The proposals are considered to meet the objectives of both Policy 38, the NPPF and Policy 1 and 4 of the Bosham Neighbourhood Plan and the principle of the development is therefore supported.

ii. Design and impact upon character of the surrounding area

8.6 The NPPF states in paragraph 130 that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the

development. Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment.

- 8.7 Policy 1 of the Bosham Neighbourhood Plan advises 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. Policy 4 of the Bosham Neighbourhood Plan states that proposals for new community facilities of an appropriate scale will be supported.
- 8.8 The proposals consist of external alterations to the existing building comprising the installation of 1 no. new external door, the replacement of the existing fascias, soffits and guttering and the installation of vents in the roof of the building. The proposal also includes the replacement of the existing external timber doors to match the existing. The new external door would also match the existing doors.
- 8.9 Policy 47 of the Chichester Local Plan and Section 16 of the NPPF set out that proposals should conserve or enhance heritage assets. While, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires proposal to preserve or enhance the character of conservation areas. The application site is located within Bosham Conservation Area. The proposed external alterations are considered to have a minor impact on the external appearance of the building and would have a minimal impact on the character of the surrounding area and the Conservation Area. As such, it is considered that the proposal would comply with Policy 47 of the Chichester Local Plan, Section 16 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.10 The general refurbishment of the public conveniences, including the replacement of the existing doors and the enlargement of the disabled toilet would be considered to be an overall improvement to the visual amenity and accessibility of much-used public conveniences.

iii. Ecological Considerations

- 8.11 The application needs to be carefully assessed in terms of potential impact on bats and other protected species. A Phase 1 and Phase 2 survey was submitted as part of the application and states that no bats emerged from the building and bat activity within the area was low. The report recommends that any new lighting should be hooded or baffled to ensure minimal light spillage from the site and lamps of greater than 2000 lumens must not be installed. A condition will be added for the application to ensure that the works are carried out with the recommendations detailed within the Phase 2 bat survey.
- 8.12 Following consultation with the Council's Ecology Officer, they have stated that any lighting scheme should take into consideration the presence of bats within the surrounding area. They have also stated that a bat box and bird box should be installed on site. In addition, any brush piles on the site must be removed outside of the hibernation period for hedgehogs mid-October to mid-March inclusive and a hedgehog nesting box should be installed on site. It is considered that given the nature and scale of the proposals, it would not be reasonable to require the provision of a bat box and bird box.

8.13 The proposal is therefore considered to be acceptable in ecological terms and would not cause harm to any protected species; thus complying with Local Plan Policy 49 and Section 15 of the NPPF.

Other Matters

8.14 Third Party comments have been received regarding the bin collection locations, access for Adelaide Terrace and whether temporary toilets will be provided if the existing toilets are closed.

8.15 The applicant has advised that the new door will provide access to a store in the building and as such, it will not be used often. Therefore, it is expected that the existing bin collection location will still be able to be used. The applicant has advised that there may be some reduction in access for Adelaide Terrace during some of the works. They have advised that potential contractors will be made aware of the concerns over access to assist with access requirements. In addition, the applicant has advised that a works programme will be used to determine how long the works will take place and whether the whole site will be out of action for the duration of the works and whether there is a requirement for the provision of temporary toilets for the site.

Conclusion

8.16 Based on the above it is considered that the proposal is acceptable. The proposal therefore complies with development plan policies 1, 2, 38 and 49 and Paragraphs 94 and 130 of the NPPF and Policy 1 and 4 of Bosham Neighbourhood Plan and 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 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) 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.

4) The development hereby permitted shall be carried out in strict accordance with the Phase 2 Bat Survey, prepared by Dr Jonty Denton (August 2023) and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

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 – LAYOUT PLAN - PROPOSED	531	7	25.05.2023	Approved
PLAN - PROPOSED ELEVATIONS & SECTIONS	540	3	25.05.2023	Approved
PLAN – LOCATION & SITE PLAN	500	1	25.05.2023	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/simpleSearchResults.do?action=firstPage>