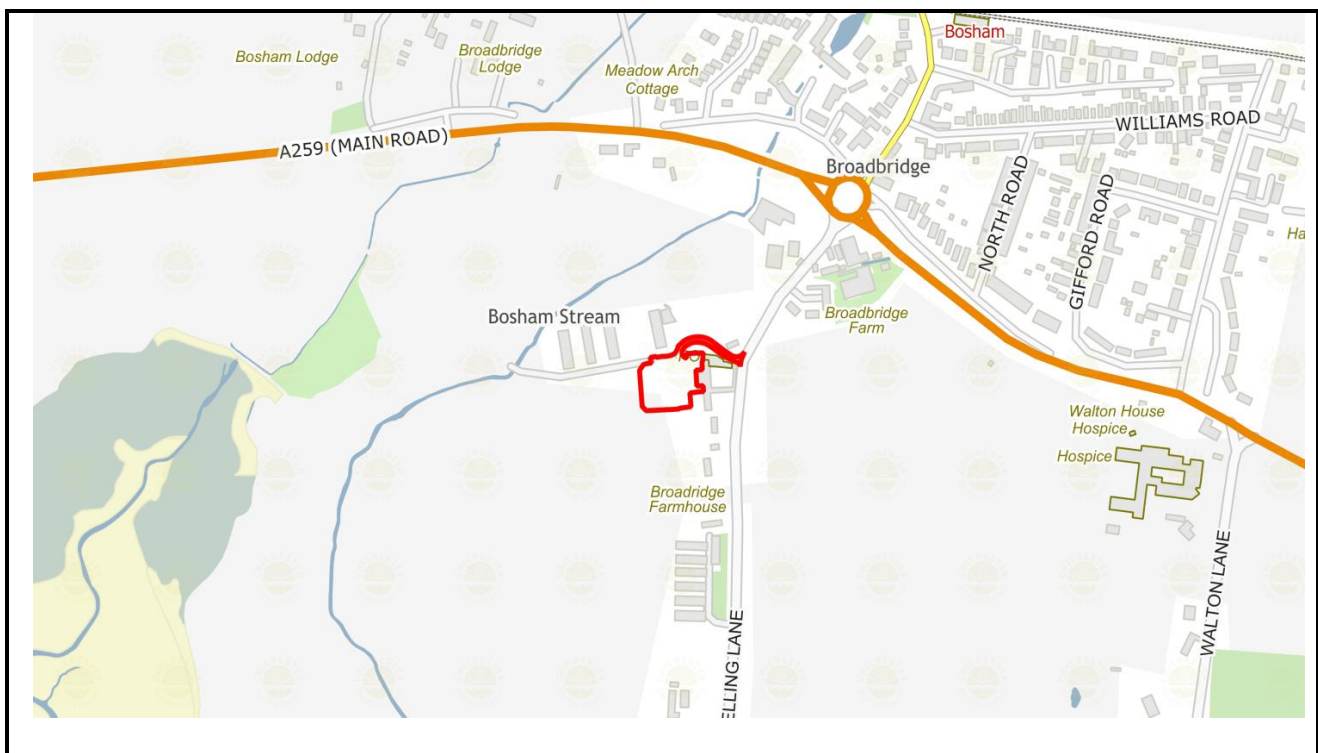



Parish: Bosham	Ward: Harbour Villages
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BO/23/01032/FUL

Proposal	Erection of single storey building comprising the following classes E, F1(a) and F2(b) uses: fitness gym (indoor sport), offices/community room, children's nursery (education) and veterinary practice (medical) (Revisions to previously approved scheme).		
Site	Broadbridge Business Centre Delling Lane Bosham West Sussex		
Map Ref	(E) 480943 (N) 105079		
Applicant	Mr Miles Heaver	Agent	Mrs Elizabeth Lawrence

RECOMMENDATION TO DEFER FOR S106 THEN 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 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the west of Delling Lane, outside of Bosham's Settlement Boundary and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB), which is to be branded a National Landscape in recognition of its importance. The site is accessed from Delling Lane.
- 2.2 The application site is located in the southern part of the Broadbridge Business Centre. There are various uses within the Business Centre including Use Class E (previously B1) / B8 units in its north-west part and, amongst others, a shop, medical centre and architect's practice in the buildings in its eastern part. The centre has a large car park with an L-shaped grassed bund wrapping around part of its western and southern boundaries. The grassed bund serves to largely screen views of the car park from the flat arable land to the east which extends across to the head of the Bosham Channel.
- 2.3 The application site comprises the existing access and broadly rectangular parcel of land measuring approximately 0.1ha in the south-west corner of the Business Centre. The site currently comprises car parking and part of the above mentioned bund. The southern boundary of the site comprises partly a wall and partly hedgerow and flanks what appears to be part of the land belonging to Broadbridge Farm. The land flanking the western part of this boundary is agricultural land, whereas that adjacent to eastern part is more domesticated, although it does not appear to be used intensively as garden land.

3.0 The Proposal

- 3.3 The proposal seeks the erection of two single storey buildings arranged at right angles and connected by a link attachment. Cumulatively the buildings would measure approximately a maximum of 44m in length, 39m in depth and 6m in height. The two buildings would have a Sussex hip roof design with a flat roof link. The proposed materials include slates tiled roof with solar panels, horizontal boarding above a brick plinth on the elevations with aluminium grey powder-coated fenestration. There would be air source heat pump air handling units on the rear elevation.
- 3.4 The building would partially sited on land currently occupied by a manmade bund and partially on land used for vehicular parking.
- 3.5 The proposal seeks the following uses: fitness gym (indoor sport) (Use Class E(d)), offices (Use Class E(g)(i)/ community room (Use Class F2(b)), children's nursery (education) (Use Classes E(f) and F1(a)) and veterinary practice (medical) (Use Class E(c)(ii)).
- 3.6 The proposed floor area would be 599m². The building would allow for flexible subdivision, although it is suggested by the applicant that 92m² would be for the gym, 209m² for the children's nursery, 148m² for the veterinary practice and 50m² for the co-work office (a flexible space that can accommodate a number of users).

- 3.7 The proposal also seeks reconfiguration of the existing car park including soft landscaping. Whilst the layout would be reconfigured there would be no loss of parking provision and 67 parking spaces including 5 disabled spaces would be retained.
- 3.8 A cycle shelter for 12 bikes would be provided to the north of the building and bin stores would be provided adjacent to the northern and eastern flank elevations.
- 3.9 The proposal seeks soft landscaping comprising traditional field hedgerow with interspersed small trees along the western and south-western boundary of the Business Park and a wild meadow strip inside the hedgerow. To the south of the proposed building the existing hedgerow would be retained in its entirety and an acoustic fence would be erected along the western side of the proposed children's outside play area.

4.0 History

- 4.1 There is an extensive planning history for the site the most relevant decisions are listed below.

12/04003/FUL	PER	Demolition of existing store and construction of nursery school.
15/03083/FUL	PER	Demolition of existing store and construction of nursery school.
17/01349/FUL	PER	Demolition of existing store and construction of single storey building for B1, B8 and D1 use.
18/00208/FUL	PER	Demolition of existing store and construction of single storey building for B1, B8 and D1 Use. Variation of condition 11 of planning permission BO/17/01349/FUL to include nursery use.
19/02433/FUL	PER	Erection of single-storey building comprising a gym (Use D2) at ground floor and office space (Use B1(a)) in loft space utilising existing access off Delling Lane and existing vehicular parking, with associated landscaping.
20/00468/NMA	PER	Non-material amendment to planning permission BO/19/02433/FUL. Replace 7 no. dormer windows with 7 no. Velux conservation roof lights, additional fire escapes to ground floor and reconfiguration of entrance doors to create 3 separate doors
20/02432/FUL	PER	Erection of a single-storey building comprising a gymnasium and offices (Use Class E), reconfiguration of existing parking area, with associated hard and soft landscaping.

20/03387/FUL	PER	Change of use of part of the existing car park into a sandwich bar including installation of shipping container, internal and external alterations including adding external cladding.
21/02186/FUL	PER	Erection of a single storey building comprising a gymnasium and offices (Use Class E), reconfiguration of existing parking area, with associated hard and soft landscaping (modifications to planning permission BO/20/02432/FUL).
21/02654/DOC	PER	Discharge of condition 3 and 4 from planning permission BO/20/03387/FUL.
21/03472/FUL	PER	Erection of a single storey building comprising a gymnasium and offices (Use Class E), reconfiguration of existing parking area, with associated hard and soft landscaping (modifications to planning permission BO/20/02432/FUL). (Variation of condition 2 of permission 21/02186/FUL - amendments to elevations and parking layout).

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
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Bosham Parish Council

Comments received 09/11/2023

Bosham Parish Council maintains its objection the revised addendum does not convince us that this site can manage the anticipated transport movements.

Comments received 03/08/2023

Bosham Parish Council maintains its objection to this application. Having read the updated Transport Report (TR) there remain considerable concerns about the feasibility of operating the additional business units proposed. We consider the TR to be flawed and misleading as they have incorporated the 74 parking spaces allocated for the commercial

units with the 79 spaces open to the public. Further we note the inspection took place at an off-peak time during February whilst recent observations indicate greater usage in the summer as substantiated by the Harbour Conservations report undertaken in June. The access to the site remains narrow, especially for large commercial vehicles with no designated pedestrian access.

Original Comments received 08/06/2023

Bosham Parish Council objects to this application. There are considerable concerns about the feasibility of operating all these business units without a new Highways traffic and parking survey; especially in light of the recent addition of the Crate Café to the site which has had a profound effect on the amount of traffic and parking within the business centre. The council believe the nature of the businesses proposed e.g. the nursery, vet and gym will exacerbate these problems.

6.2 Chichester Harbour Conservancy

Holding objection: the north-south wing currently presents a very hard edge to open countryside, easily seen from the public footpath that leads to the harbour edge. The proposed native species hedge would take a very long time to establish and is considered insufficient to effectively screen and soften the impact of the development, outside the defined settlement boundary.

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 WSCC Highways

Further Comments received 28/11/2023

The applicant has submitted a revised Transport Statement and Site Plan and as such, the LHA can provide further comment.

The Transport Statement includes trip generation data ascertained from the TRICS Database. The data indicates that the proposed development would 10 arrivals and 6 departures during the morning peak and 8 arrivals and 10 departures in the afternoon peak. Such an increase is not considered significant and is not anticipated to give rise to a capacity concern.

A Parking Stress Survey has been undertaken, with the focus being the site's red edge boundary. 67 car parking spaces are to be retained within this area of the site. The survey data indicates peak stress of 72% from 10:30 – 11:30, with 19 available spaces during these times. The LHA would agree with the Transport Statement in that peak times for the site would be during the morning for nursery drop-off, and given the TRICS data would suggest 10 additional arrivals to the site during AM peak, the LHA are satisfied that there is sufficient capacity within the site to accommodate this.

Given the mix of proposed uses, the LHA would request that a Travel Plan is provided for the proposed development. This can be secured by a suitably worded condition.

In summary, the LHA has reviewed the amended Transport Plan and Site Plan, and does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and therefore, is not contrary to the National Planning Policy Framework (paragraph 111) and that there are no transport grounds to resist the proposal.

Further Comments received 18/10/2023

I have inspected the submitted additional Technical Note by TPA which addresses the Parish Council's Comments. The points made regarding parking, surveying and access are accepted by the LHA, and therefore the LHAs previous consultation response (dated 02/08/2023) would still be considered valid.

Further Comments received 02/08/2023

Access and Visibility

No alterations are proposed to the existing access point on Delling Lane. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing vehicular access point. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposals would exacerbate an existing safety concern.

Capacity

The Transport Statement includes trip generation data ascertained from the TRICS Database. The data of the combined proposed uses indicates an additional 10 arrivals with 6 departures during the morning peak and 8 arrivals with 10 departures during the afternoon peak. Considering this, the increase in trips to and from the site are not anticipated to give rise to a significant highway safety or capacity impact.

Parking and Turning

153 car parking spaces will be made available for use within the Business Centre. The Transport Statement includes a parking stress survey, which found the average stress levels to be 62%. With the proposals taken into account, the survey data suggests an average of 64 parking spaces available for use. Taking into consideration the scale of the proposed development against that of WSCC Parking Standards, the LHA is satisfied that there is sufficient capacity within the car park to accommodate the anticipated demand. Appropriate levels of cycle parking facilities have also been demonstrated.

From inspection of the plans, the parking layout appears suitable and on-site turning appears achievable, allowing vehicles to exit the site in a forward gear.

Sustainability

The site is situated in a location considered sustainable by the LHA. Walking and cycling are viable options in the local area. Delling Lane and the nearby A259 are served by regular bus services. Bosham Railway Station is located approximately 600m northeast of the site.

Conclusion

The LHA does not consider that this proposal would have 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.

Original Comments received 20/06/23

The site is located off Delling Lane, a C-classified road subject to a speed restriction of 30 mph.

The site benefits from a number of similar permissions over the past couple of years, the most recently being 21/03472/FUL, of which the LHA raised no objections. The current application is a revision of this previously approved scheme.

This application is supported by a Transport Statement prepared by TPA - however, this Transport Statement appears to have been prepared for a previous scheme at this site.

Given that the current proposals are somewhat different to what has been previously approved at this site, the LHA would request that an updated Transport Statement be submitted to reflect these changes.

In particular, the LHA request that trip generation data be submitted, ascertained from the TRICs Database. This will allow the LHA to assess the impact the proposals will have on the local highway network, compared with that of the previously approved scheme.

6.5 WSCC Early Years and Childcare

No comments received.

6.6 CDC Archaeology Officer

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

The aim would be to secure a suitable investigation, and this might take the form of a watching brief on all significant ground-works or an initial investigation by trial trenching followed by targeted investigation thereafter as appropriate.

6.7 CDC Drainage Engineer

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

Surface Water Drainage: The drainage statement proposes that surface water is to be disposed of via a soakaway, with an alternative approach (discharge to a watercourse) should infiltration prove unviable at detailed design stage, this approach is acceptable in principle. Wherever possible, driveways, parking spaces, paths and patios should be of permeable construction. Conditions are recommended.

6.8 CDC Environmental Health Officer

Comments received 27/10/23

Thanks for the opportunity to comment on the revisions to this application and for the helpful discussion today outlining the current proposals. There are some significant changes that require updated comments from Environmental Protection:

- The proposal is now for a single storey - there is now no concern about gym operations conflicting with quieter office space on the floor above. However there is still potential for conflict between adjacent uses that may be noise emitters or noise sensitive. Our comments in relation to the applicants noise assessments will therefore be updated.
- There are roof lights so there needs to be consideration of risks associated with any potential mezzanine development in the future, which could be subject to PD. In the event that Mezzanine level is created there may be conflicting uses above one another, so a condition that requires LPA approval before this can take place should be applied.
- There are now two buildings proposed.
- The uses in each unit are intended to be flexible - individual occupation not yet determined.
- Although not set in stone I understand the eastern portion of the eastern building is mainly intended for a vet practice; the nursery intended to occupy units in each building that sit either side of the outside corner space, with acoustic barrier on boundary; and the fitness gym and offices/community room will occupy the northern building.
- Noise from ASHP or any other plant still requires consideration. In a previous iteration, external plant was located only along the western façade, such that the building itself offered shielding from any potential noise that may affect the existing dwellings to the south east. The latest version includes ASHP on the southern façade. There are quiet ASHPs available on the market so it is perfectly feasible for units to be selected and installed that will operate without adverse noise impact. However a noise performance condition is required to protect amenity.

Conditions are recommended that should replace comments made on 20/06/23.

Comments received 20/06/23

No objection to proposal, provided that the recommendations of the two acoustic reports are implemented.

For the proposed gym the recommendations proposed by Airtight and Noisecheck in section 9 of their report, relating to floor construction and section 10.3 (relating to wall cavity) should be conditioned so that they are included in the construction of the building.

With regard to the nursery the Acoustic Barrier/Screen recommended by Hepworth Acoustics in their report reference: P23-115-L01v1 dated 23rd April 2023 should be conditioned to ensure it's construction.

6.9 CDC Environmental Strategy Officer

Policy 40

Following submission of the Sustainability Statement we are satisfied that this meets the requirements of Policy 40 and a condition should be used to ensure this takes place.

Ecology

Our comments under the previous two applications remain valid. These have been included below for information.

Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this. The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Hedgehogs

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Nesting Birds

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

6.10 CDC Economic Development

The Economic Development Service supports this application. There is a demand for these types of services, as proven by the applicant already having occupiers lined up. This proposal will support the wider community while keeping the business elements within a current business centre, therefore mitigating against adverse impact on residential properties.

6.11 CDC Landscape Officer

Comments received 04/12/2023

- The submitted tree and hedge planting schedule and management plan is not exactly at par with an industry standard hedgerow translocation and management plan.
- It is important that a qualified arborist/tree surgeon not only undertakes the hedgerow translocation work, a suitably experienced and qualified ecologist should also be appointed to supervise key aspects of the work. At the same time it is essential that the translocation statement is written by a qualified arborist.
- The submitted management plan does not refer to any British Standard specifications relating to tree works, landscape works etc it is important that these standards are mentioned in the document.
- Translocation works for a hedgerow should be undertaken with other protected species specifically nesting birds in mind etc and the submitted document does not make reference any such key aspects.
- The ratios of planting species in the hedgerow are a vital and standard requirement for any planting proposal, there is no mention of the percentage of these. I have just mentioned a few things that I have found are missing from this document and the list is non-exhaustive.
- In my opinion, even if we ignore the fact that an industry standard planting plan is not submitted at this stage. I am not convinced that this statement is written by a qualified arborist and as such I think we should secure it by condition.

Comments received 29/11/2023:

- A hedgerow translocation plan and aftercare method statement are required to be submitted as the proposal includes moving the existing mature hedge.
- The submitted softworks plan indicates proposed trees T4, T5, T6, T8 and T9 located in the hard paved parking areas. It is considered an impractical proposal to support and achieve tree planting without having a green verge in between the parking spaces or without having a tree root cell system that provides enough soil volume to the trees to encourage growth. The likelihood of incorporating trees in the green verge that is to the north of parking spaces 8 and 17 can be explored, although it is highly recommended to use specialist advice for softworks and tree planting proposals.
- The submitted drawings do not appear to be industry standard and do not contain enough details or required specification. A detailed softworks plan indicating details of proposed planting species, densities, locations, form, and sizes (height, spread, girth sizes) is required to be provided for all proposed planting. The softworks plan should also contain accurate description of all the proposed plant and tree species illustrated in the softworks/planting plan.
- A softworks management plan and specifications document is required to be produced along with the softworks plan.

- It is reiterated to consider interspersing the hedgerow with select standard trees to achieve a denser all-around screening impact. Although, it is important to choose tree varieties with smaller root zones considering there is approximately 4m between the site boundary and the building edge. At present three numbers of trees are proposed to the west façade of the building, this number can be increased for a denser impact.

Comments received 15/11/2023:

- To achieve immediate screening and visual mitigation to the western façade of the building, instant hedges can be proposed. It is important to consider species mix that contain evergreen varieties to ensure all round year interest. A double staggered row can ensure a more impactful and denser hedgerow.
- A detailed softworks plan indicating details of proposed planting species, densities, locations, form and sizes (height, spread, girth sizes) is required to be provided for all proposed planting. The softworks plan should also contain accurate description of all the proposed plant and tree species illustrated in the softworks/planting plan.
- A softworks management plan and specifications document is required to be produced along with the softworks plan.
- Hedgerows can also be interspersed with select standard trees to achieve a denser all-around screening impact. Although, it is important to choose tree varieties with smaller root zones considering there is approximately 4m between the site boundary and the building edge.

6.12 Third Party Objection

7 letters of objection have been received in including a letter from the Bosham Association concerning:

- Noise
- Traffic congestion
- Detriment of the scenic nature of this area
- Loss of parking spaces and highway safety
- No demand for more nurseries - 2 already in Bosham
- Loss of funding for village hall if nursery lost
- Gym within half mile of proposed development and sports activities take place in village hall
- Thanks to the Crate Cafe on top of the Co-op and the Doctors' Surgery, the existing parking is heavily used and the narrow vehicle and pedestrian entrance is hazardous
- Potential increase in use of the current car parking area next to the proposed site
- Incorrect parking figures in the submitted Transport Statement dated July 2023

6.13 Third Party Support

4 letters of support have been received concerning:

- There are not enough full time, all year round nursery spaces available. This problem is going to be further compounded with the introduction of Free Entitlement childcare being offered to children from as young as 9 months old

- Currently have to drive to Emsworth and back to access childcare which adds another car on the roads and is also time consuming while juggling full time work
- The current nurseries in the village only cater for term time only and aged 2 and above childcare. This does not support working families and their needs
- Employment provision

6.14 Applicants supporting information

- All uses falling within Class E have been found to be acceptable within Broadbridge Business Park.
- There are no publicly accessible nursery schools or veterinary practices in Bosham. The demand for such services is reflected in the fact that occupiers for all three uses have approached the applicant to secure the uses on the site.
- Little Diggers Montessori (LDM) LDM already operate nurseries in Sidlesham and Itchenor, where they have waiting lists for places at both nurseries. Since opening the nurseries, they have found that there is huge demand for nursery school places between Emsworth and Chichester and to the south of Chichester. Lack of public transport is an issue for parents and potential staff, particularly staff wanting to care for the early years children. The site at Broadbridge addresses this. Not only is it within walking distance of much of the built-up area, the site is accessible by bus and train. The business has a mini-bus for children's outings and this can be used to collect staff from the railway station and collecting staff who live within Broadbridge.
- The purpose of Day Nurseries are cater to the working parents. It's these parents that are struggling to find suitable childcare places. The nearest local day nurseries are in Southbourne and both operate waiting lists (as do most good quality day nurseries). As a Day Nursery, this is a wholly different business the two preschools in the village.
- The proposal will provide local employment and will contribute to the local economy.
- These proposed facilities will be accessible by foot, cycle, bus and are located close to coastal railway services.
- The building will screen the car parking area and associated activity from the open countryside to the west and countryside and dwellings to the south.
- The proposal will provide direct and indirect employment for local people - The proposed gym will likely directly employ up to 4 persons and the proposed office will likely employ some 3/4 persons. The children's nursery will employ some 12 people and the veterinary practice will employ up to 5 people. The staff employed in the nursery, gym and veterinary practice will work shifts and so will not all be on site at any one time.
- The proposal will aid the viability of Broadbridge Business Centre and add to the range of local community facilities offered
- The proposal will make full and appropriate use of this previously developed site.
- The vets would have 2 consulting rooms. A maximum of 3 pets could be kept on the premises overnight, but not pets that require 24 hour supervision. ie: rodents, rabbits, etc.

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

Bosham Neighbourhood Plan 2014-2029

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

The Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

- 7.3 The Proposed Submission Local Plan was published for a 6-week consultation from 3 February 2023 to 17 March 2023 under Regulation 19 of the Town and Country Planning (England) Regulations 2012 (as amended). Following this the Plan will be submitted to the Secretary of State for Independent Examination, together with representations and a statement of consultation.

Relevant policies from the Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) are:

Policy S2 Settlement Hierarchy
Policy NE2 Natural Landscape
Policy NE10 Development in the Countryside
Policy NE13 Chichester Harbour Area of Outstanding Natural Beauty
Policy NE21 Lighting
Policy NE22 Air Quality
Policy NE23 Noise
Policy P1 Design Principles
Policy P2 Local Character and Distinctiveness
Policy P6 Amenity
Policy E1 Meeting Employment Land Needs
Policy E2 Employment Development
Policy T2 Transport and Development
Policy T4 Parking Provision

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF December 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: Sections 2, 4, 6, 8, 9, 11,12, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.6 The following Supplementary Planning Documents are material to the determination of this planning application:

- Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)
- Chichester Landscape Capacity Study (March 2019)
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Chichester Harbour Area of Outstanding Natural Beauty: Joint Supplementary Planning Document (May 2017)

- CHC Chichester Harbour AONB Management Plan (2014-2029)
- Dark Night Skies Technical Advice Note (2018)
- Bosham Village Design Statement

7.7 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
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- Principle of Development and Planning History
- Economic and Social Benefits
- Landscape and impact on Chichester Harbour AONB
- Highway Safety and Parking Provision
- Residential Amenity
- Flooding and Foul Drainage
- Ecology
- Sustainable Design and Construction

i. Principle of Development and Planning History

8.2 The application site lies outside of the Settlement Boundary for Bosham and therefore within the designated Countryside where new development is generally subject to careful control, under Policy 45 of the Chichester Local Plan (CLP). However, in this case the site does form part of the Broadbridge Business Centre (as defined in the Bosham Parish Neighbourhood Plan (BPNP)) which, due to its range of uses and good access by various means, serves as a busy community hub. BPNP Policy 3 (Commercial and Economic Development) provides support for 'Proposals to upgrade, modernise or make more efficient use of space' within such 'principal employment sites'. Also Policy 4 of the BPNP states that proposals for new community facilities of an appropriate scale that comply with BPNP policies will be supported. Policy 26 of the CLP supports development of employment floorspace, refurbishment, upgrading or modernisation of existing premises, and/or proposals which make more efficient use of underused employment sites and premises subject to meeting criteria discussed in the relevant sections of this report.

8.3 There is an extensive planning history of the site. Planning permission was granted under application number 12/04003/FUL in 2012 for a nursery on the southern part of the site with associated play area, this planning permission was renewed under application 15/03083/FUL. Planning permission was then granted under planning application 17/01349/FUL for the erection a building for B1, B8 and restricted D1 uses (Chiropractic Clinic, Dental Surgery, Dental Hygienist or Physiotherapy Practice) (These use classes are now use classes E(g), B8 and E(e)). The range of approved uses was subsequently expanded to include children's day nursery (formally use Class D1 now E(f)), under planning application 18/00208/FUL. After this, planning permission 19/02433/FUL was granted on 31/01/2020 for a development comprising a gym at ground floor level (formally

use class D1, now use class E(d)) and offices (formally use class B1(a), now use class E(g)(i)) in the roof space and then subsequently amended by 20/00468/NMA to replace dormers with rooflights. None of these applications were implemented and all of these applications have now expired. Whilst this planning history is a material planning consideration, these permissions have lapsed and therefore they are not a valid fallback position.

- 8.4 There is extant planning permission for commercial development under planning applications 20/02432/FUL, 21/02186/FUL and 21/03472/FUL. Planning permission was granted under application 20/02432/FUL for the 'Erection of a single-storey building comprising a gymnasium and offices (Use Classes E(d), (g)(i)), reconfiguration of existing parking area, with associated hard and soft landscaping' on 18/12/2020. The building had an 'L' shaped footprint, sited in the same location as the current application. Planning application 21/02186/FUL sought a larger footprint for the 'L' shaped building and planning application 21/03472/FUL sought amendments to the roof design to incorporate Sussex hips, entrance porches and alterations to fenestration, materials, parking reconfiguration and landscaping.
- 8.5 Having regard to the planning history of the site and its location within an established business park, it is considered that the principle of the development in this location is acceptable, subject to the following considerations.

ii. Economic and Social Benefits

- 8.6 Some third party objectors have commented that there is not a need for a nursery or gym on the site. However, the application is supported by the Council's Economic Development Team who have commented that there is a demand for these types of services, as proven by the applicant already having occupiers lined up. Furthermore, the applicant has clarified that the proposed nursery would be a day nursery which would provide a materially different offering to the existing pre-school nurseries in the area by way of the operational hours and days and the wider age range of children accepted. Other third parties have written in support for the provision of a day nursery. The proposal would provide direct employment opportunities and could facilitate indirect employment by provision of childcare facilities for working families.
- 8.7 The proposed gym (Use Class E(d)), offices (Use Class E(g)(i)), children's nursery (Use Classes E(f) and veterinary practice (Use Class E(c)(ii)) would add to the variety of businesses based at the business park and enhance its vitality and therefore accord with policy 3 of the BPNP. The building has been designed so there would be flexible floor areas, which will allow adaption to future changes in the demands for these uses.
- 8.8 The proposal also seeks local community and learning use classes F1(a) and F2(b). The applicant has explained that this is to maximise the use of this space and to benefit the local community as it would allow potential use of the building for other educational purposes such as homework clubs, or as a meeting place for the local community. Community spaces are supported by policy 4 of the BPNP.

iii. Landscape and impact on Chichester Harbour AONB

- 8.9 The site is located within the Chichester Harbour AONB and within the countryside. Policies 43 and 45 of the CLP require that proposals are well related to existing buildings and ensure that the proposal would have a minimal impact on the AONB landscape and rural character of the area. It has already been established, in policy, that this site is part of a wider business centre, with a different character to the surrounding coastal landscape of the AONB. Policy 48 requires that for planning permission to be granted, there must be no adverse impact on the tranquil and rural character of the area. Policy 52 of the CLP requires development to contribute towards the provision of additional green infrastructure and protect and enhance existing green infrastructure. In addition, Policy 6 of the BPNP seeks to conserve and enhance the AONB, whilst meeting the economic, social and environmental needs of the parish.
- 8.10 Whilst it is noted that the landscape to the south and west is flat and open towards harbour edge and that Chichester Harbour Conservancy have expressed concerns about the impact of the development on the AONB, there are extant planning permissions (20/02432/FUL, 21/02186/FUL and 21/03472/FUL) for development with a similar footprint, height, bulk and mass. The removal of the man-made bund and replacement with hedgerow was also considered acceptable under the aforementioned applications.
- 8.11 The main visual differences between the most recent extant planning permission (21/03472/FUL) and the current proposal is the reduction of the footprint of the proposed building and the provision of a nursery playground in its place, which would be enclosed by an acoustic fence. The built form would appear as two buildings at right angles with a flat roof link attachment, opposed to one 'L' shaped building. There would also be roof lights in the northern and eastern elevations (fronting the car park area) and solar panels on the western and southern roof planes. A condition is recommended to secure details of materials. The proposed rooflights would face the car park area and a condition is recommended to secure automatic blinds on these windows as such light spill outside the application site would be minimised.
- 8.12 The reduced footprint and bulk of the building would reduce its visual impact. The proposed acoustic fence on the southern boundary site would measure 2.5m in height, which is below the proposed eaves height of 2.7m. It is acknowledged that acoustic fences can appear utilitarian and therefore conditions are recommended secure details of the position and finish of all boundary treatments and to secure a soft landscaping scheme, to ensure that planting would be robust to effectively screen the fence and help soften the appearance of the development as a whole. The Council's Landscape Officer has recommended that as a minimum the landscaping scheme shall include instant hedges with a double staggered row with evergreen species and interspersed with trees. Officers consider that this would ensure that the planting would be robust and minimise the timeframe required for this to be effective. Notwithstanding the landscaping shown on plan number 1619/DPA08 Rev. 04, further details of the proposed hard and soft landscaping would be secured by condition which would require a soft landscaping management plan and landscaping scheme to include details and samples of the hard surfacing materials proposed and a soft landscaping plan indicating details of proposed planting species, densities, locations, form, and sizes (height, spread, girth sizes) for all proposed planting and a programme for the provision that shall meet British Standard specifications and informed by a qualified arboriculturist.

- 8.13 A condition is recommended to ensure the air source heat pump air handling units are installed on the ground and not mounted upon the elevations of the building. The air source heat pumps would therefore be adequately screened between the building and the proposed soft landscaping. The solar panels would be installed on the rear of the building and a condition is recommended to ensure glare is minimised.
- 8.14 The design of the proposal would therefore be appropriate to this semi-rural setting and would accord with the criteria of Policies 43 and 45 of the CLP.

iv. Highway Safety and Parking Provision

- 8.15 Policy 39 of the CLP seeks to ensure that developments have safe and adequate means of access and turning for all modes of transport. In addition it would not create residual cumulative impacts which are severe.
- 8.16 The Local Highway Authority (LHA) is satisfied that the proposed development would not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.
- 8.17 It is noted that both Bosham Parish Council and the Bosham Association have raised objection, particularly with regards to parking provision and traffic generation. In response the applicant has updated their Transport Statement and provided an existing parking plan as well as amended layout plans showing that 67 parking spaces would be retained on the application site.
- 8.18 The amended Transport Statement prepared by TPA and dated November 2023 sets out in paragraphs 5.17-5.21 a parking sensitivity test which specifically relates to the land within the red site line. This states that 'the busiest hours for the car park are between 10:30 and 11:30, with 75% of spaces occupied in the car park. Thus, during the peak hours (10:30-11:30) there would be a total of 19 available spaces in the car park for use by the proposed development. Peak hours in terms of demand of the proposed development will be in the morning (with nursery drop off), when, for example, at 8:30am, there would be 25 spare parking spaces for occupiers of / visitors to the development. Similarly, at the end of the day there will be some 41 parking spaces spare. Noting that peak hour traffic demand for the proposal is calculated as 10 vehicles, there will clearly be more than adequate parking on site, even when the wider car parking areas outside of the red line are excluded.'
- 8.19 The LHA is satisfied that there is sufficient capacity within the car park to accommodate the anticipated demand and they are satisfied with the proposed parking layout. The LHA concludes that they do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and therefore, is not contrary to the National Planning Policy Framework (paragraph 111) and that there are no transport grounds to resist the proposal. Conditions are recommended to secure a travel plan statement, cycle and car parking and a construction management plan. Further to this, the recommendation is to defer for a S106 agreement to secure a fee for monitoring the travel plan.

8.20 In light of the above the proposed development would accord with policy 39 of the CLP.

v. Residential Amenity

8.21 Paragraph 135 of the NPPF and Policy 33 both advocate that residential amenity should not be harmed by new development.

8.22 The closest residential properties (Dairy Cottages) are 14 metres to the east of the application site. Whilst the proposed southern elevation would flank part of Broadbridge Farm House's large curtilage.

8.23 Given the separation distances between the proposed development and the existing dwellings and their primary amenity spaces it is considered that there would be no harm by way of overbearing impact, loss of light or loss of privacy.

8.24 The application is supported by the Noise Impact Assessment prepared by Airtight & Noisecheck Ltd dated October 2019 (submitted with application 19/02433/FUL which sought a gym at ground floor level and offices in the roof space) and a letter prepared by Hepworth Acoustics dated 11th April 2023 specifically in relation to the proposed nursery. The Council's Environmental Protection Team has reviewed these submitted documents and considers that noise mitigation could be appropriately controlled by planning conditions which would secure a noise and vibration management plan, wall cavity noise insulation, acoustic fencing around the proposed playground area of the nursery, restriction on noise emitted from the proposed air source heat pumps and any other external plant, machinery or equipment.

8.25 Hours of construction would also be controlled by the recommended CEMP condition to minimise disruption to neighbouring occupiers during the construction works.

8.26 The proposal, subject to the aforementioned conditions, would not result in material harm to residential amenity.

vi. Flooding and Foul Drainage

8.27 The site is located within Flood Zone 1, the lowest risk for flooding. The Council's Interim Strategic Flood Risk Assessment December 2022 suggests that groundwater levels are between 0.025m and 0.5m below the ground surface. As the proposal constitutes minor development (site area less than 1 hectare and less than 1,000 sqm of floor space proposed), as such the Town and Country Planning (Development Management Procedure) (England) Order 2015 does not require the consultation of the Lead Local Flood Authority. Nonetheless, the Council's Drainage Officer has commented on the proposal and is satisfied that use of a soakaway, with an alternative approach (discharge to a watercourse) should infiltration prove unviable at detailed design stage would be acceptable in principle for surface water drainage. Subject to conditions the proposal would accord with policy 42 of the CLP and policy 8 of the BPNP.

vii. Ecology

- 8.28 The Council's Environmental Strategy Officer has commented that their comments on the previous applications remain valid. They have stated that the hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. The removal of the western hedgerow, adjacent the bund as well as the ornate hedgerows throughout the existing parking provision, has already been considered acceptable in the determination of applications 20/02432/FUL, 21/02186/FUL and 21/03472/FUL. A condition is recommended to safeguard the other hedges and trees on site and to secure a robust soft landscaping scheme to ensure adequate replacement planting with native species. Further to this a condition is recommended to secure the submission of a sensitive lighting scheme prior to the occupation of the development. The proposal seeks rooflights these would face the car parking area away from the countryside and a condition is recommended requiring automated blinds.
- 8.29 Conditions would also be used to secure the installation of a bat box, bird and hedgehog nesting boxes and to require that the timing of removal of vegetation and debris outside of bird nesting and hedgehog hibernation seasons respectively. Subject to conditions the proposal would therefore accord with Policy 49 of the CLP.

viii. Habitat Regulations

- 8.30 The European Court of Justice (CECJ) ruling in April 2018 disbars planning and other competent authorities when screening a plan or project for Habitats Regulations Assessment (HRA) from taking account of any measures intended to avoid or reduce the harmful effects on such a site. Under Article 6(3) of the Habitats Directive an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European site..
- 8.31 Given that the site does not seek a residential use of the site, harm to the Chichester Harbour Special Protection Area (SPA) and Special Area of Conservation (SAC), and the Solent Maritime SAC, through recreational disturbance and nutrient discharge can be screened out.
- 8.32 The site is located within the 12km buffer zone of the Singleton and Cocking Tunnels SAC, which is designated for the Barbastelle and Bechstein bats. The Council's Environmental Strategy Officer has advised that the development can be screened out given that the application site comprises no suitable habitat as it comprises a well-used, lit car park. The existing hedgerow is relatively new and well-manicured and there will be a new hedgerow proposed with native species. Further to this planning conditions would be used to ensure a sensitive lighting scheme with no lighting facing the open countryside, automated blinds on the proposed rooflights and the restrictions to the hours of use of the building.
- 8.33 Further to this it is noted that Natural England has raised no objection to the application. The proposal is therefore considered to be acceptable in terms of the Habitat Regulations Assessment.

viii. Sustainable Design and Construction

- 8.34 Policy 40 of the CLP required all new developments to demonstrate sustainable design and construction.
- 8.35 The applicant has submitted a sustainability statement with the application. This sets out that the building would be heated by air source heat pumps. It would have improved fabric u-values beyond regulatory minimums to deliver a reduction of 19 percent carbon emissions. Water efficient fittings will be installed to ensure that water consumption is minimised and would be below 110l/per person/day. Further to this the submitted plans show that solar panels will be installed on the southern and western roof planes.
- 8.36 The Council's Environmental Strategy Officer is satisfied that the proposals will meet the requirements within Policy 40. Conditions are recommended to secure the measures set out in the submitted sustainability statement and the solar panels are installed prior to the occupation of the site.

Planning Obligations

- 8.37 As previously mentioned, this recommendation is subject to a S106 agreement. This would be in the form of a Unilateral Undertaking to secure a financial contribution of £3,500 for the monitoring a travel plan by WSCC Highway Authority.

Conclusion

- 8.38 The application site lies outside of the Settlement Boundary for Bosham and therefore within the designated Countryside, however, in this case the site does form part of the Broadbridge Business Centre (as defined in the Bosham Parish Neighbourhood Plan (BPNP)). Furthermore, there is extant planning permission for commercial development on the site under planning applications 20/02432/FUL, 21/02186/FUL and 21/03472/FUL. As such, the principle of the development has been established. The proposal would make more efficient use of space at this employment site and therefore the proposal would accord with policy 3 of the BPNP. Furthermore, the proposed uses would add to the variety of businesses based at the business park and enhance its vitality. The proposal seeks a similar siting, footprint, height, bulk and mass as the extant planning permissions. The amendments to the built form in this proposal would not result in material harm to the visual amenity and landscape character of the AONB above that already permitted, subject to conditions. The LHA is satisfied that there would be no harm to highway safety and that there is sufficient capacity within the car park to accommodate the anticipated parking demand. Subject to conditions there would be no material harm to residential amenity, increase in flood risk or harm to ecology. The proposal would also have a sustainable construction.
- 8.39 Based on the above it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

Human Rights

8.40 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation 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 3 years from the date of this permission.

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

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

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

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions

to be taken when conducting dust generating activities if weather conditions are adverse,

- (l) measures to control vibration and the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing,
- (p) waste management including prohibiting burning,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction, and
- (r) the construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

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

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

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

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

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase. This is a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

6) **No development shall commence** on site, including demolition, until the existing hedgerow and trees to be retained have been protected by a fence providing a landscape buffer 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 plans showing the type and position of all protective fencing. The landscape buffer shall be undisturbed during the construction period and the fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site.

Reason: To protect foraging areas for bats and in the interests of preserving the visual amenities of the area. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

7) **No development shall commence on the site** until a noise mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. This shall take into consideration the mitigation measures identified in section 10.3 (relating to wall cavity) of the submitted Noise Impact Assessment prepared by Airtight & Noisecheck Ltd dated October 2019 and shall include a 2.5 metre high acoustic screen along the southern boundary of the proposed playground area of the nursery in accordance with the Hepworth Acoustics report dated 11th April 2023 (ref: P23-115-L01v2). The development shall then be carried out strictly in accordance with the scheme as approved and retained thereafter.

Reason: In order to protect the amenity of neighbouring occupiers and the tranquillity of the AONB. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

8) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

9) No existing hedgerow on the site shall be removed until a hedgerow translocation plan and aftercare method statement have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the health of the hedgerow to be relocated and to in the interest of visual amenity and ecology.

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

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan Key Policies 2014-2029 and in the interest of landscape character, visual and residential amenity.

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

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

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

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

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

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

14) Notwithstanding condition 7, **prior to first occupation of the nursery hereby permitted** the associated boundary treatments shall be provided 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;

- (a) scaled plans showing the location of the boundary treatments and elevations
- (b) details of the materials and finishes

Thereafter the boundary treatments shall be maintained as approved in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the amenity of neighbours.

15) **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 and block plan. 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.

16) **No part of the development hereby permitted shall be first occupied** until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council as the Local Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document and in accordance with the agreed timescales. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

17) **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.

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

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

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

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

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

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

21) Notwithstanding the landscaping shown on plan number 1619/DPA08 Rev. 04, **the development hereby permitted shall not be first brought into use**, until a scheme detailing hard and soft landscape works and a soft landscaping management plan have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposed details and samples of the hard surfacing materials and a soft landscaping plan indicating details of proposed planting species, densities, locations, form, and sizes (height, spread, girth sizes) for all proposed planting and a programme for the provision of the hard and soft landscaping that shall meet British Standard specifications and informed by a qualified arboriculturist. The scheme shall make particular provision for landscaping at the boundaries and shall include native species hedgerows and native species tree planting. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

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

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

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

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

Reason: To protect the amenity of neighbouring properties

23) 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) at no time shall any mezzanine or first floor be inserted into the buildings hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To accord with the terms of the application and with the policies of the Council, to ensure adequate parking provision and to ensure that the proposal would not prejudice the amenities of other users of the building.

24) Notwithstanding the provisions of the Town and Country Planning ((General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no window(s) shall be inserted into the western or southern elevations or roof planes of the building hereby permitted without a grant of planning permission.

Reason: In the interests of amenity and preventing light spill into the countryside.

25) All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so positioned, enclosed and/or attenuated so that any noise generated at any time, when assessed according to British Standard 4142:2014, and expressed as a sound rating level, does not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

Reason: To protect the amenities of the adjacent occupiers.

26) The premises shall not be used except between the hours of:
0600 and 2200 Monday to Friday;
0700 and 1800 on Saturday; and,
0900 and 1400 on Sunday, bank and other public holidays.
Unless otherwise agreed in writing by the Local Planning Authority. The only exception to the above will be for the care of animals staying at the veterinary clinic by medical professionals employed by the veterinary business.

Reason: To safeguard the amenities of neighbouring properties.

27) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other statutory instrument amending, revoking and re-enacting such Orders, the building hereby permitted shall not be used for any purpose other than for purposes in Use Classes E(c)(ii), E(d), E(g)(i), E(f), F1(a), F2(b).

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

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

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

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - SITE LOCATION PLAN	1619/DPA01	REV 01	03.05.2023	Approved
PLAN - PROPOSED FLOOR PLAN	1619/DPA04	REV 01	03.05.2023	Approved
PLAN - PROPOSED EAST AND WEST ELEVATIONS	1619/DPA05	REV 01	03.05.2023	Approved
PLAN - PROPOSED NORTH AND SOUTH ELEVATIONS	1619/DPA06	REV 01	03.05.2023	Approved
PLANS - Plans PLAN -	1619/DPA03	Rev 04	01.12.2023	Approved
PLANS - Plans PLAN -	1619/DPA07	Rev 04	01.12.2023	Approved
PLANS - Plans PLAN -	1619/DPA08	Rev 04	01.12.2023	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The applicant's attention is drawn to the joint advice from Institute of Acoustics and Chartered Institute of Environmental Health on Air Source Heat Pumps and noise: [briefing_note_-_heat_pumps_-_professional_advice_note_-_publication_8.pdf](#) (ioa.org.uk)

3) S106

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

4) 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 Kayleigh Taylor on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RU38LVERKBZ00>