

Parish: Bosham	Ward: Bosham
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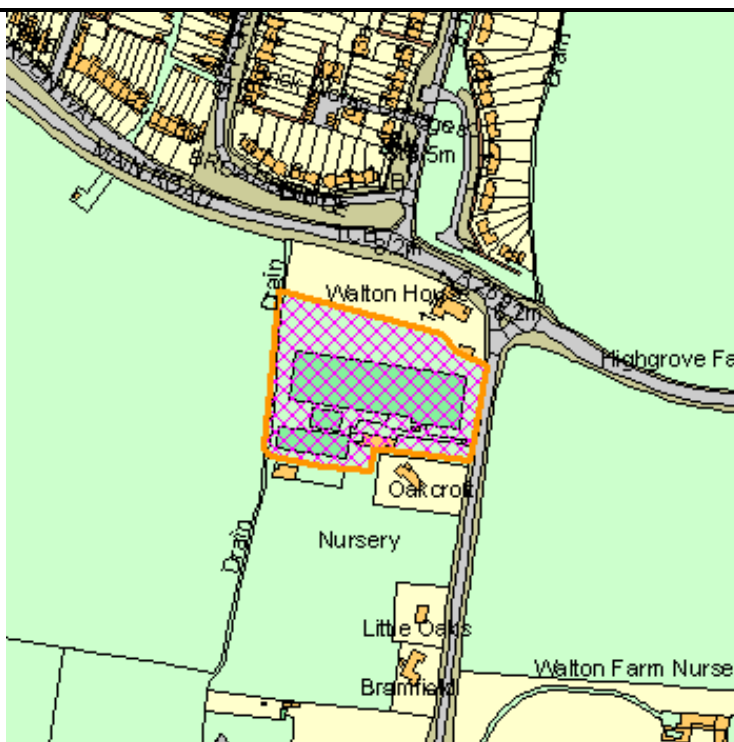
Proposal Demolition of existing redundant glasshouses and associated buildings. Construction of new hospice with 18 bedroom inpatient unit and day hospice with associated external stores, cafe, shop, offices car parking and landscaping. New section of footway linking site to the A259 together with associated enhancements to pedestrian crossing facilities.

Site Oakcroft Nursery Walton Lane Bosham West Sussex PO18 8QB

Map Ref (E) 481472 (N) 104923

Applicant St Wilfrid's Hospice (South Coast) Projects Ltd

RECOMMENDATION TO REFUSE



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Red Card: Cllr Penny Plant - Exceptional level of public interest

2.0 The Site and Surroundings

2.1 The application site extends to 1.1 hectares and comprises a redundant complex of former nursery buildings accessed off the western side of Walton Lane at a point approximately 90m south of its junction with the A259. The majority of the existing buildings are in a state of disrepair and the site is in a generally overgrown condition. With the exception of a tall, industrial-style chimney located centrally within the site, a peripheral belt of vegetation serves to substantially screen the existing buildings from wider views.

2.2 The northern boundary of the site is flanked by Walton House, a substantial Edwardian property which has been converted to form seven flats. To the south of the site lies a detached dwellinghouse, Oakcroft. Bordering the rear (western) boundary is a large, flat arable field which extends 350m westward to Delling Lane, from where views of the site are available. Similar farmland is located on the eastern side of Walton Lane, with long views towards the site possible from various points on both the A259 and Chequer Lane, a minor road that runs parallel to Walton Lane approximately 400m to the east of the site.

2.3 For the purposes of the Development Plan the site lies within countryside located between the northern and southern boundaries of the Bosham village and Broadridge Settlement Areas respectively. The site is also located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB), the northern boundary of which is formed by the A259.

3.0 The Proposal

3.1 Permission is sought to demolish all of the existing buildings on the site and to erect a hospice consisting of an 18 bedroom in-patient unit and day hospice together with various associated facilities such as offices, stores, kitchens and an ancillary café and shop. The facility would replace the applicant's existing premises which are located in Donnington.

3.2 The applicant's rationale for relocating to the Bosham site is set out in detail in a number of the application's supporting documents. However, in summary, the applicant explains that the increased demand for the hospice's services has resulted in it outgrowing the Donnington site which is physically constrained. The new, larger site and premises would allow the hospice to increase the number of in-patient beds from 14 to 18, providing larger, better equipped rooms together with improved external landscaped areas, all in a suitably tranquil setting. The new building would also facilitate improvements to other associated patient and family facilities such as Community Care, Palliative Day Services, Physiotherapy, Occupational Therapy and Bereavement Services.

3.3 The proposed hospice would have a floor area of 4900m² and a footprint of 3520m², approximately 1000m² less than the existing buildings on the site. The applicant's Design and Access Statement explains that the design rationale is based on a number of linked single and two storey elements, with the overall approach based broadly on the theme of a range of traditional farm buildings. These elements comprise:

(i) the two storey 'Sussex Barn', set back from but parallel to Walton Lane - 11m high with a hipped plain clay tile roof and timber boarded elevations, comprising the entrance to the facility and accommodating the day hospice, café and treatment rooms at ground floor with offices and meeting rooms above

(ii) the two storey 'Granary Barn', parallel to the southern boundary - 11m high with a hipped, plain tile roof above brick and flint walls, comprising treatments rooms and storage at ground floor with offices above

(iii) the 'Hay Loft', a more contemporary two storey structure located parallel to the northern boundary - 8.8m high with a curved, standing seam metal roof with vertical timber boarding to its elevations, comprising a kitchen and various staff facilities at ground floor with offices and training rooms above

(iv) the 'Stables', a range of single storey buildings on the western (rear) part of the site - 5.6m high with a mixture of pitched slate and zinc roofs above brick and stone elevations, accommodating the 18 in-patient rooms together with various communal facilities, treatment rooms and storage.

3.4 A number of small ancillary buildings and structures providing storage for waste, medical gas and maintenance equipment would be located along the northern boundary of the site.

3.5 The facility, which is expected to have a maximum of 79 members of staff on site during 'normal working hours' (out of a total of 165 full and part time staff), would be served by a total of 84 car parking spaces distributed around the building in three locations close to the site's northern, southern and eastern boundaries. The site's vehicular access point would be located 5m to the north of its existing position and would be of a width sufficient to allow two vehicles to pass one other. Pedestrian access from Walton Lane would be provided via a breach in the existing vegetation belt at the north-east corner of the site. This would lead to a new section of footway to be formed on the western side of Walton Lane, which in turn would link to enhanced crossing facilities at its junction with the A259; these include new sections of tactile paving together with improvements to an existing pedestrian refuge in the centre of the A259 carriageway.

3.6 A number of largely self-sown trees would be removed from the centre of the site to make way for the new building. The majority of site's peripheral planting would be retained, however, in order to facilitate the development a 25m section of hedgerow would be removed on the Walton Lane frontage immediately to the north of the proposed vehicular access, with a similar length removed from the western boundary. It is proposed that these areas would be replanted following the completion of the development.

3.7 The application is accompanied by a substantial range of supporting technical and other documents including Planning Policy and Design and Access Statements together with a number of assessments relating to matters such as flood risk, transport, lighting, noise, trees, landscape and visual impact and ecology. All of these documents are available to view on the application file.

3.8 The Committee will be aware that the applicant has submitted a planning application to carry out a development of 21 dwellings on its existing site at Donnington (D/15/01583/OUT refers); that application is reported elsewhere in this agenda.

4.0 History

Not Applicable.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Original Comments

BPC supports the desire of the Hospice to expand its facilities and provide an improved a wider service to the people of Chichester District. Notwithstanding the strong support for St Wilfrids both here in Bosham and across the whole of the local area, there are some very serious planning issues which need to be addressed before a decision is reached to permit development on this site.

Firstly, the proposal to re-site the Hospice in Walton Lane on the site of Oakcroft Nursery is contrary to the policies of the emerging Bosham Parish Neighbourhood Plan and further, is outside the Settlement Boundary and in the AONB.

It is also contrary to the Chichester District Local Plan which expressly resists major large scale development projects in the Chichester Harbour AONB. We also query whether the application has passed the required Sequential Tests.

Further, there are additional serious detailed concerns with the planning application in regard to:-

Traffic - There is no proposed improvement to the access to Walton Lane from the A259 and indeed the access will be further restricted by the proposed footpath on the west side. There are serious concerns that this main and well used access to the east side of Bosham, Bosham Hoe and the Walton Farms will be overrun by the daily movement of some 100 staff and many day patients and visitors. The planning documents expect a daily traffic movement of some 500 vehicles per day down a narrow country lane without centre line markings. Already, when heavy lorries arrive or depart from the Walton Farm there is little room for other traffic at the junction or in the lane. Further this lane is used extensively by families walking and cycling children to school and this planning application will seriously increase the risk of an accident.

Parking - It is noted that there are at least 100 staff for this expanded Hospice. However there are only 84 car parking spaces. Factoring in Day patients and visitors we believe there to be inadequate provision for parking. This will inevitably lead to on road parking off site. The Broadbridge area of the parish already has an inherent parking problem and this application will exacerbate the problem. Further we are concerned that Walton Lane, which has no parking restrictions, will be used as overflow parking. This will increase the danger of an accident for pedestrians as there is no footpath. We note that the proposed footpath does not protect pedestrians crossing the main vehicle access

Fluvial Flooding - Whilst the plan to construct special soakaways to cope with surface water seems carefully considered, it is noted that the system will need to discharge excess water in times of heavy rain into the Walton Lane ditch. It is at such times that the junction of Chequer Lane and Walton Lane is rendered impassable due to overflow flooding of this ditch and the planned proposals will only aggravate this problem.

Lighting -The amount of lighting planned for this project will make a regrettable industrial statement in this rural area of the AONB. We can find no consideration of light pollution controls as required of local authorities by the Royal Commission report 2010 Artificial Light in the environment. Bosham is regarded as a dark environment.

Foul Water Drainage - This is the area of greatest concern. The current deficiencies in the sewage system are well known and have received wide publicity. The consequence of Combined Sewage Overflows (CSO) leaves raw sewage on our streets and contaminates the harbour water. The present situation is truly unacceptable. CSOs happen regularly at the main pumping station in Stumps Lane in the wetter months and discharges are common at manhole covers in Delling Lane and Bosham Lane, as well as household drains backing up. The hospice plans to join this sewer at the A259 pumping station. It is clear that the hospice will add a substantial extra load to the system and this has been recognised by Southern Water who have stated in a letter of 6 February 2015 that, unfortunately, it may be several years before adequate infrastructure is provided via a prioritised capital expenditure programme. Therefore, this proposed development would be considered premature until such time as adequate sewerage infrastructure could be provided.

Motion Proposed: Bosham Parish Council objects to this application. RESOLVED: the motion was carried 9 votes to 1.

Further comments (summary section only)

Whilst the Parish and Bosham Association are confident that professional engineers can provide a smoothing arrangement for sewage flow from the proposed development, the bottom line is that any development at Oakcroft Nursery will produce a significantly increased volume of sewage which needs to be transferred to the WWTW. It has already been clearly established that the sewage network from West Ashling to Stumps Lane is operating at maximum capacity. Indeed in times of stress the system at Stumps Lane becomes overloaded and sewage is pumped into Chichester harbour. The fact that a CSO discharge outlet is required at Stumps Lane demonstrates that a relief method is required to reduce the amount of sewage that backs up through the manhole to flood our streets.

Regrettable though it is for this particular planning application, it must be accepted that no major development of any kind can be accepted in Bosham until Southern Water have improved the infrastructure. To quote their letter of February 2015 'this proposed development would be considered premature until such time as adequate sewage infrastructure could be provided'

We hope you will take these facts into account when preparing the planning recommendation to the planning committee.

6.2 Chichester Harbour Conservancy

Original comments

After debating the Officer recommendation to raise an objection, the Planning Consultative Committee resolved that this recommendation would not be supported. 5 Members voted against that recommendation, one supported and one abstained.

As a result, CHC resolved to raise no objection to the application subject to the Council securing conditions in respect of:-

- the protection of retained trees
- a scheme to be agreed so as to limit the amount of lighting seen from the building and its grounds
- implementation of the proposed ecological mitigation

Subsequent comments

After further consideration of recent correspondence between Southern Water and the Parish Council concerning the issue of foul water disposal, the Conservancy remained concerned about the possibility of untreated sewage entering the Harbour's ecosystem. Where a suitable technical solution is secured by the District Council the Conservancy's 'no objection' would stand.

6.3 Environment Agency

No objections subject to conditions

6.4 Southern Water Services

Southern Water has reviewed the hydraulic analyses that have been undertaken, due to conflicting information previously sent out regarding the capacity of the existing public foul sewerage system downstream of manhole reference 3104 located in Main Road.

We confirm that there is currently inadequate capacity downstream of manhole 3104 to accommodate the proposed foul flow from the above development.

The Developer and Southern Water have accordingly been in consultation with regard to delivering a scheme to service the foul-only flow from the proposed development. The results of the most recent hydraulic assessment indicate that if the existing 225mm foul sewer was upsized to 675mm between manhole reference 3104 and the existing waste water pumping station (approximately 41 metres of upsizing), then the development could connect the proposed foul only flow. The hydraulic solution provided would keep the existing sewerage network (upstream and downstream) to the current levels of flow.

It should be noted that this scheme would not be a solution to the existing catchment-wide issues. The works identified in the hydraulic solution ensure that this proposed site does not increase flooding within the area. Southern Water will continue to work together with the Developer to ensure that the necessary infrastructure is provided to service this Site.

No objections subject to conditions.

6.5 Natural England

The proposal is not likely to have a significant effect on the interest features of the Chichester and Langstone Harbours SAC/SPA/Ramsar designations and, accordingly, an Appropriate Assessment is not required. There should be no adverse effect on the nearby SSSI. The Harbour Conservancy should be consulted with regard to the impact of the proposal upon the AONB. NE's standing advice on protected species should be taken into account.

6.6 WSCC - Local Highway Authority

No objections subject to conditions concerning access and visibility splay provision, the provision and maintenance of on-site parking and turning, the securing of the proposed off-site works and a Construction Management Plan.

6.7 WSCC - Lead Local Flood Authority

Advice. No objections subject to conditions.

6.8 CDC - Environmental Health Officer (contamination and air quality)

No objections subject to conditions securing contamination investigation and remediation, neighbourly practices during construction and adherence to a Travel Plan.

6.9 CDC - Environmental Health Officer (Noise)

I have been provided with additional information to address some of my initial concerns and the applicant seems willing to sign up to some fairly exacting noise conditions. This will be challenging but the applicant is confident in meeting these as demonstrated by technical information already supplied, which will involve investment on the applicant's part in terms of specialist equipment and noise attenuation measures. The applicant has suggested conditions to reflect the proposed operating hours for service deliveries and waste collections. The hours are confirmed by condition.

Other noise details to be reserved by condition relate to the maximum noise levels at the adjacent properties together with the provision of a Noise Management Plan to include measures such as waste not being put into bins at night, staff having regular briefings reminding them of the need for neighbourly behaviour and details of the location of parking for staff leaving/entering the site at night. Final details of the kitchen extraction and lighting should be reserved by condition.

No objections subject to the above conditions.

6.10 CDC - Archaeological Officer

No objections subject to a condition securing pre-development site investigation.

6.11 CDC - Drainage Coastal and Drainage Engineer

No objections subject to conditions

6.12 CDC - Environmental Strategy Unit

No objections subject to conditions

6.13 CDC - Design and Conservation Manager

An approach to a design based on an agricultural buildings group can be supported. Whilst there are no objections to the proposal, there are some possibilities to improve the proposal by, for example, breaking up the massing of the individual elements and rationalising the materials palette.

6.14 CDC - Planning Policy Manager

The application site falls in the countryside where planning policies presume against development that does not, by its nature, require a countryside location. However, the application does not justify why the hospice needs to be located outside the settlement boundary on this specific site. As Bosham is a Service Village defined in Policy 2 of the Local Plan, development at the village to help serve the local community may be acceptable. The proposal cannot be said to primarily serve a local function as it is a type of development that serves an important need for specialist facilities within the wider community.

In terms of the Neighbourhood Plan, it is agreed that NPPG paragraphs 007 and NPPF paragraph 216 set out the weight that should be given to neighbourhood plans, one factor is 'unresolved objections to relevant policies'. It is noted that an objection has been made by the consultants on behalf of the Hospice to the submission version of the Bosham

Neighbourhood Plan in relation to the allocation of the site at Oakcroft Nursery for housing. The objection presented by the consultants is that the allocation for 23 houses would conflict with the planning application for the Hospice. Therefore, although the neighbourhood plan remains a material consideration, in this respect it is accepted that there are unresolved objections to this part of the Plan.

4 objections to the allocation of this site for housing have been received.

- 2 comment that other sites being promoted for residential development are preferable to this site.
- 1 objection is from the promoters of the hospice and states that the plan will be immediately out of date if planning permission is granted for a hospice.
- Another comment objects to the allocation of another residential site but supports a hospice on this site.

When considering the weight to be given to the neighbourhood plan in terms of unresolved objections it should be noted that the other sites being promoted do not have the support of the parish council. The NP is based on extensive local engagement and consultation and when submitted represents the views of local people with regard to the development of their local area. The objection from the promoters of the hospice is somewhat circular and falls away if planning permission for the hospice is refused as their objection relates to the timing of the planning application rather than any objection in principle to the development of the site for housing. Reference to the current planning application in the unresolved objection undermines the plan-led process that the neighbourhood plan forms part of.

The final comment above would mean that the plan does not make sufficient provision for housing development and therefore only has limited weight without alternative sites. Therefore given the nature of the objections above and taking into account the low level of objections received in respect of this site from local residents, it is suggested that although there are unresolved objections these only result in a limited reduction in the weight that

could be accorded to the draft NP and it still has significant weight at this point in making a decision on this application.

With regard to the issue of major development, the NPPF seeks to resist such proposals in AONB locations; however paragraph 116 allows major development in the AONB in exceptional circumstances where there has been an assessment of need, whether the development can take place elsewhere and any detrimental effect on the environment. It is considered that there remains insufficient justification to demonstrate the need for the hospice to be located in the AONB in line with NPPF paragraph 116.

The applicant has forwarded a paper on Potential Sites considered however it is not clear why the sites forwarded were considered or why other sites have not been considered. The assessment and some of the conclusions are vague, they do not assess sites which are comparable to the Bosham site, and no reference has been made to policies in the Development Plan which rules 3 of the sites out immediately.

Fuel Depot Site (Junction of A27 / Bognor Road) - Part of the site is currently allocated for a waste use in the Waste Local Plan. Currently an application for retail use

Former Landfill site, Westhampnett - Outside the Settlement Boundary, potential contamination issues.

Tangmere, former airfield - The site is within the Horticultural Development Area (defined in the Local Plan) applications for non-horticultural uses are contrary to policy. The owners of the area highlighted are the Church Commissioners not WSCC.

Shopwyke Lakes - The site currently has permission for 500 homes and has been subject to masterplanning

In terms of impact on the character and appearance of the AONB, development of the site for housing may lead to some adverse impacts. However if the site is now used for a hospice rather than housing as identified in the NP, there will be a need to identify another site for 23 units in the Bosham area, potentially in the AONB. Although there are a number of other sites which have been assessed through the NP site selection process and subject to community consultation the NP would need to go back to pre-submission consultation for another potential site to be considered.

6.15 28 Third Party Objection

Inappropriate, major development in AONB; should be within or on outskirts of town rather than within village; conflict with emerging Neighbourhood Plan which allocates the site for housing; insufficient capacity in local sewage network; 500 traffic movements on a narrow rural lane is too many; serious harm to appearance of AONB; contrary to local and national planning policies concerning development within the countryside and AONBs; contrary to the development hierarchy in the Local Plan; insufficient parking provision; Bosham's infrastructure cannot sustain a development of this nature and scale - sites in and around Chichester would be more appropriate; the area frequently floods and the proposal will exacerbate these problems; increased risk to pedestrians currently using Walton Lane; light pollution; the applicant's moral high ground should not be allowed to dominate the planning constraints applicable to the site; site is much more suitable for a housing development as opposed to a bulky institutional style proposal; unrealistic to expect many of the staff to make use public transport; the facility should be closer to the population it predominantly serves; proposal could be the thin end of the wedge and could be subject to future expansion; the

residents won't experience the peace and tranquillity which is suggested given the proximity of the A259 and railway line.

6.16 73 Third Party Support

Projects will allow more people to be treated; design is tasteful; good use of site; site is accessible; will enable improved services to be provided; adequate parking; housing development on the Donnington site would represent a quid pro quo in terms of housing numbers; Bosham will be proud of and welcomes the facility; neighbours won't be overlooked; buildings will hardly be seen; will provide job opportunities for local people; technical objections by Parish Council can be overcome; those objecting to the proposal should visit the existing hospice; the number of people requiring palliative care will grow as the population becomes increasingly aged, and the proposal should therefore be welcomed; if the proposal is suitable for housing then it should be equally suitable for a hospice; the existing use of Walton Lane by pedestrians has been overstated;

6.17 4 Third Party Other

Before the application can be determined further work should be undertaken to address the many technical challenges it raises; the comments of consultees should be fully taken into account.

6.18 Applicant's/Agent's Supporting Information

The new Hospice will replace the existing structures and along with additional landscaping will bring net benefits to the local environment and the landscape of the AONB.

The proposed Hospice will replace the present Hospice at Donnington which has outgrown its existing building and cannot expand on that site. The new facility will offer specialist palliative and end of life care in a larger building and allow for updated patient and family facilities, so that specialist Community Care, Palliative Day Services, Physiotherapy & Occupational Therapy and Bereavement services can better meet people's needs now, and in the future both within the building and patients' homes.

The site of the proposed new Hospice is over 60% larger than the existing. With the additional space it is proposed to increase the number of inpatient bedrooms from 14 to 18. All rooms will be larger than those on the current site and offer full ensuite facilities for all patients and better overnight facilities for relatives. Day hospice facilities will be expanded with more treatment rooms, a dedicated physiotherapy gym and an art room.

Importantly the site with its semi-rural setting is the ideal environment to provide the tranquil gardens which are as important as the building in providing the care environment for both patients and relatives, and also for staff to take a break. The design approach of splitting the hospice into 4 linked buildings, some single storey, that give the perceived impression of a converted farm is responsive to the character of the surrounding area. This reduces the scale of the building reducing any visual impact.

The site is sustainable with good transport links for staff and visitors along the A259 with regular bus services between Chichester and Havant. Bosham rail station is within easy walking distance and cycle storage, with changing facilities provided for staff, to enable a much greener travel plan to be implemented. A new pedestrian footpath link is provided from the A259 to the north east corner of the site and along with the upgraded traffic island and crossing points on the A259 ensures pedestrians can safely reach public transport.

The proposed drainage strategy involves discharge into the current upgraded sewer network at the pumping station along the A259. This will ensure that the current drainage problem within Bosham village is not exacerbated.

This application evolved from a Pre Application in November 2014. A screening opinion for Environmental Assessment followed in January 2015 which concluded that an Environmental Statement was not required. Representatives of the Hospice had met with the Parish Council members to explain the proposal as it differed to the Neighbourhood Plan residential proposals.

The current proposal has therefore evolved and been informed by the pre-application response and public consultation including two public exhibitions. The submitted reports illustrate that the proposal does not conflict with the Key Policies of the Local Plan.

Some weight can be attached to an emerging Neighbourhood Plan Policy in determining a planning application but this depends on the stage of preparation of the Plan and the extent to which there are unresolved objections to an emerging policy. As there are unresolved objections to the inclusion of the Oakcroft Nursery site as a housing site in Policy 2 the BPNP carries less weight and it should not pre-determine decisions on the alternative proposal for a Hospice.

It is considered that the proposal does not constitute major development for the purposes of paragraph 116 of the NPPF, not least because the site is only just over 1ha and the conclusions of the screening opinion were that the Hospice would not have 'significant effects' on the environment. However, even if the development is considered to be 'major', the NPPF allows development in the AONB as exceptions. In brief the exceptions relate to 4 tests.

- Test 1 - Public Interest - On any assessment the facility and the work of the Hospice is clearly in the Public Interest.
- Test 2- Need - There is a pressing need for a larger bespoke facility to meet current needs.
- Test 3 - Availability and Cost of Developing Elsewhere - The Charity has carried out an extensive site search of alternative sites in the local area and the availability has been extremely limited. Even with the fall back residential potential of the application site, all other site options either proved more costly, were too small or were simply unavailable to purchase.
- Test 4 - Detrimental Impact on the Environment - Any impact on the environment is moderated by the replacement of the existing structures, bringing net benefits to the local environment and landscape of the AONB. The new building will be less intrusive and existing landscaped screening will contain views from the wider area. The site is within 30m of the main A259 road which will easily cater for the additional traffic from the development. Lastly the nature of the proposal will not lead to additional recreational impacts on the Chichester Harbour SPA

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Chichester Local Plan 2014-2029: Key Policies which was adopted by the District Council on 14th July 2015.

7.2 The policies in the Local Plan now carry full weight and those relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 38: Local and Community Facilities
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

7.3 The Bosham Parish Neighbourhood Plan (BPNP) completed its local authority consultation stage on 9 October. The application site is allocated by Policy 2 of the Plan for a development of at least 23 dwellings. The relevance of the BPNP and the weight to be attached to its policies is discussed in detail below.

National Policy and Guidance

7.4 Government planning policy comprises the National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means that, unless material considerations indicate otherwise, development proposals that accord with the development plan should be approved without delay.

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), Section 3 (Supporting a prosperous rural economy), Section 4 (Promoting sustainable transport), Section 7 (Requiring good design), paragraph 70 (social, recreational and cultural facilities), Section 11 (Conserving and enhancing the natural environment) with particular regard to paragraphs 116 and 117 concerning AONBs and paragraphs 215-216 concerning the weight to be given to existing and emerging development plan policies.

7.6 The National Planning Practice Guidance (NPPG) was published 6th March 2014 and provides guidance aimed at aiding the interpretation of national planning policy. The Guidance is both detailed and wide ranging and, whilst it is not considered necessary to list all of its relevant paragraphs and sections here, its contents have been taken into account in the preparation of this report and are referred to specifically where necessary.

Other Local Policy and Guidance

7.7 The contents of the Chichester Harbour AONB Management Plan 2014-2019 are material to consideration of this planning application and have been taken into account during the preparation of this report.

7.8 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

A1 - A strong local economy where businesses can thrive and grow

C4 - Services for older people

C5 - Accessible health and wellbeing services in rural areas

C6 - Health Protection

D4 - Understanding and meeting community needs

8.0 Planning Comments

8.0 Planning Comments

8.1 The application proposes the erection of a substantial institutional-type facility outside of any defined settlement and within a statutorily protected landscape (AONB). Such an application raises a range of issues in respect of both the principle of the proposed development in such a location and also its detailed impact on the surrounding environment. This report seeks to address these issues under the following headings:

- (i) Overarching planning policy context
- (ii) Principle of the development
- (iii) NPPF policy on major development in AONBs
- (iv) Relationship with the emerging Neighbourhood Plan
- (v) Character and appearance
- (vi) Residential amenity
- (vii) Other detailed matters and technical considerations
- (viii) The planning balance

Assessment

- (i) The overarching planning policy context

8.2 For the purposes of the Development Strategy set out in Policy 2 of the recently adopted Local Plan, the site lies outside of any defined settlement and is therefore within the 'Rest of the Plan Area' where Policy 45 (Development in the Countryside) applies. Whilst the Plan provides a presumption in favour of sustainable development within settlement boundaries, Policy 45 states that development in the countryside will only be permitted where it 'requires a countryside location and meets the essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements'.

8.3 The Local Plan's approach reflects the higher level policies of the NPPF which seek to carefully control proposals in the countryside in order to achieve sustainable patterns of development and to recognise 'its intrinsic character and beauty'.

8.4 The Local Plan does not contain policies that specifically concern the provision of new community or health-related facilities of the type proposed. The NPPF does, however, require local planning authorities to plan positively and to take an integrated approach to such provision.

8.5 In respect of AONBs, paragraph 115 of NPPF states that these have 'the highest status of protection in relation to landscape and scenic beauty'; this reflects the statutory duty placed on all public bodies to have regard to the purposes of AONB designation to conserve and enhance their natural beauty, wildlife and cultural heritage when carrying out their

functions. Paragraph 116 sets out how proposals for major developments within AONBs should be considered.

8.6 At a local level, Local Plan policy 43 relates specifically to development within the Chichester Harbour AONB. The policy reflects both the NPPF's aims and the statutory duty referred to above, seeking to ensure that 'the natural beauty and locally distinctive features of the AONB are conserved or enhanced' by proposals.

8.7 A number of other local and national planning policies are relevant to the consideration of detailed aspects of the proposal. These are listed in paragraphs 7.3-7.8 above.

8.8 With regard to the status of the site for planning purposes, the NPPF's definition of previously developed, or 'brownfield', land excludes land which, like the application site, is or was last used for agricultural purposes. Consequently, the Framework's general encouragement of the re-use of such land is not relevant to this proposal.

8.9 Turning to the emerging Bosham Parish Neighbourhood Plan (BPNP), the application site is allocated by Policy 2 of the Plan for a development of at least 25 dwellings. This comprises one of five housing sites identified in the BPNP which seek to provide a total of at least 61 dwellings. These allocations stem from the Local Plan's requirement for Bosham Parish to provide an indicative total of 50 dwellings in the early part of the Plan period. The BPNP completed its local authority consultation stage on 9 October.

(ii) The principle of the development

8.10 The proposal would result in the erection of a large, institutional-type facility within AONB countryside and therefore in a location where the Local Plan seeks generally to restrict development to that which requires a countryside location and meets an essential, small scale and local need. Given the substantial scale of the proposed hospice, the understanding that it would serve a relatively wide catchment population and the fact the facility to be replaced has historically operated successfully within an urban context, none of these criteria can be considered to apply to the proposal.

8.11 In terms of locational sustainability, whilst the application site is positioned reasonably close to bus and rail services and therefore presents some opportunities for the use of sustainable modes of transport by staff and visitors, the submitted Transport Statement still envisages that over 500 daily vehicle movements will be generated by the proposal. This suggests a certain level of conflict in terms of the general aim of all tiers of planning policy to wherever possible minimise unsustainable journeys by focussing significant development in locations that maximise the use of public and other sustainable modes of transport. There is a clear contrast between the sustainability credentials of the applicant's existing facility and the proposed site.

8.12 In view of the preceding comments, the proposal can be considered to involve a prima facie conflict with the Local Plan's strategy for locating development within the Plan Area.

8.13 Furthermore, the introduction of a substantial increase in built form together with the likely significant level of attendant activity will inevitably result in a substantial change to the existing situation which is characterised by well screened buildings and very little if any activity. Whilst the impact of the proposal upon the AONB is discussed in more detail below, such a proposal is clearly difficult to reconcile with the statutory and policy requirement to conserve and enhance the character and appearance of such Areas.

8.14 It is also the case that the grant of permission could have fundamental consequences in terms of potentially undermining the housing policies of the Neighbourhood Plan which has now reached a relatively advanced stage in the plan-making process.

8.15 In view of the comments set out above there is on the face of it very little in-principle support for the proposal from the point of view of existing and emerging development plan policies. That said, it is the case that planning law requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained in the NPPF are one such material consideration, and the applicant has sought to establish how the proposal might be justified in terms of, firstly, the Framework's policies concerning development within AONB's and, secondly, the approach it requires decision makers to take in respect of the weight to be attached to emerging Neighbourhood Plan policies. It is also clearly the case that the service provided by St Wilfrids is greatly valued by a significant section of the local community, and it is appropriate that this factor is weighed against any potential adverse impacts when considering 'the planning balance'. These issues are discussed in greater detail in the following sections of the report.

(iii) NPPF policy on major development in AONBs

8.16 Paragraph 116 of the NPPF states that major developments in designated areas including AONBs 'should be refused...except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

8.17 The applicant's position is, in the first instance, that the development does not constitute major development for the purposes of the NPPF. However, even if it were to meet that definition, the applicant's view is that the proposal is indeed in the public interest and, for the reasons summarised in paragraph 6.18 above, it would satisfy the 3 criteria set out at paragraph 116.

8.18 There is no definition in the Framework as to what constitutes 'major development'. The NPPG clarifies that 'this will be a matter for the relevant decision taker, taking into account the proposal in question and the local context'. In this case the site is located in a primarily rural context, with open arable land to its west and east and a scatter of residential-scale development on the adjacent part of Walton Lane to its north and south. The proposal would involve the erection of a substantial two storey building (with a floor area of almost 5000m²) which, as demonstrated by the submitted street scene and massing drawings, would involve a step change in the quantum and bulk of built form on the site. Given also that the proposal would involve the introduction of over 500 additional daily vehicular movements, your officers' view is that it is appropriate for the proposal to be considered as a 'major development' for the purposes of the NPPF.

8.19 Having established that the proposal would constitute major development, the starting point for consideration of whether the 'exceptional circumstances' referred to in paragraph 116 might exist should be an acceptance that the applicant's existing St Wilfrids hospice facility provides a much valued service to the local community which, it is understood, would not otherwise be provided by the public sector. A proposal that would result in such services being enhanced is, therefore, capable of being 'in the public interest'.

8.20 Turning to paragraph 116's first bullet point concerning the need for the development, the applicant has explained the increased demand for the hospice's services which has resulted in a requirement for four additional bed spaces and enlarged premises that would allow for the services to be provided in an enhanced way. The applicant has provided information to demonstrate how demand for its services is on an upward trajectory, and this would appear consistent with the general demographic shift toward an increasingly elderly population.

8.21 With regard to the remaining criteria in the first bullet point, given the likely catchment population the proposed facility would serve, the proposal is not considered to raise any 'national considerations'. Concerning any impact on the local economy, it is accepted that permitting the development would bring with it some short term benefits associated with the construction of the facility. It is also accepted that the new hospice would employ a relatively large number of full and part time staff, however, whilst this must be taken into account, the applicant has confirmed that a large number of these positions would be transferred from the existing hospice.

8.22 Paragraph 116's second bullet point concerns the cost of and scope for carrying out the development outside of the AONB. In order to address this point the applicant has submitted a document detailing a number of alternative sites that have been considered. The document, which is available to view on the application file, considers a total of 4 sites, 3 located around Chichester city and one in Tangmere, and sets out why they are not suitable for the applicant's needs.

8.23 Whilst the fact that the applicant has considered alternative sites must be acknowledged, it can be seen from the response of the Planning Policy Manager that there are fundamental concerns about the limited nature and scope of that exercise. The number of alternative sites considered is clearly very small, none appear directly comparable to the application site and all of those chosen appear inherently unsuitable as realistic alternatives given their fundamental physical or policy constraints.

8.24 Turning to paragraph 116's third bullet point, the impact of the proposal upon the environment is discussed in detail in paragraphs 8.40 to 8.45 below. It will be noted that the conclusion reached in this regard is that the proposal would result in harm to the character and appearance of the AONB and that this is not capable of being sufficiently mitigated.

8.25 The applicant argues that any environmental impact of the proposal must be considered in light of the fact that the site has already been considered acceptable for development given its proposed allocation as a housing site in the emerging Neighbourhood Plan. This is not considered to comprise a compelling argument. In the first instance, a housing development would be fundamentally different in character to the current proposal - it would most likely involve a lower and more disaggregated form of development and, in addition, would, according to the applicant's own evidence, involve significantly fewer vehicle movements. Moreover, if the site were to be developed as a hospice, it would clearly be necessary for the community to find an alternative housing site. Such a site may be within

the AONB but, wherever it is located, its development for housing would inevitably have an additional impact on the environment of the Parish.

8.26 The applicant also considers that weight should be attached to the fact that the Council has previously adopted a screening opinion confirming that the proposal would not constitute Environmental Impact Assessment (EIA) development. Whilst the applicant's view on this matter is noted, screening under the EIA Regulations is subject to considerations and thresholds which differ to the NPPF's assessment criteria for major development. Consequently, it does not follow that a proposal, such as this one, which is subject to a negative EIA screening opinion, cannot be a major development for the purposes of the NPPF.

8.27 In summary on this issue, it is considered that the development should be considered a 'major development' for the purposes of the NPPF. With regard to the method of assessing such proposals set out in the Framework, it is considered that the proposal does not engage any overriding issues of national or economic importance. The assessment of alternative sites has failed to demonstrate that there are no equally suitable sites outside of the AONB - the fact that the applicant's relatively limited assessment indicates that locations between Bosham and Tangmere would be suitable in geographical terms indicates that a more extensive and rigorous search of the intervening and perhaps wider area is required. Harm would be caused to the character and appearance of the AONB, and the applicant's argument that any impact should be considered against the 'fall-back' position of the allocation of the site for housing development in the emerging Neighbourhood Plan is not accepted.

8.28 In view of the preceding considerations it is considered that exceptional circumstances that might justify granting permission for such a development within the AONB have not been demonstrated.

(iv) The emerging Bosham Parish Neighbourhood Plan

8.29 As referred to in previous sections of this report the application site is allocated for a development of up to 23 dwellings in the emerging Neighbourhood Plan which is being prepared by Bosham Parish Council. This is the second largest of five housing allocations in Policy 2 of the Plan and accounts for over a third of the overall indicative housing number of 63 dwellings for the Parish. The Plan has recently completed its submission (Regulation 16) consultation stage.

8.30 Whilst it is clear that the grant of permission for an alternative use would represent a fundamental conflict with this policy, it must be acknowledged that the BPNP does not yet form part of the development plan. In terms of the weight that may be attached to policies in emerging plans, paragraph 216 of the NPPF states that decision makers may give weight to such policies according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan

to the policies in the Framework, the greater the weight that may be given).

8.31 With regard to the stage of the preparation of the plan (bullet point 1 above), guidance in the NPPG indicates that refusal on the grounds of prematurity in respect of an emerging Neighbourhood Plan 'will seldom be justified...before the end of the local planning authority publicity period'. As referred to above, the LPA publicity period has recently concluded and, accordingly, the policies of the BPNP may now be afforded weight as a material consideration.

8.32 In respect of the extent to which there are 'unresolved objections' to Policy 2 (bullet point 2 above), it is understood that 4 objections have been received. All of the objections refer to the fact that there is a current and as-yet-undetermined application for an alternative use of the site (i.e. the current application) and two specifically seek to promote other sites as preferable alternatives. One of these objections has been submitted by the applicant whose substantive point is that, in omitting to recognise the possibility of permission being granted for an alternative use of the site, the Plan risks being out of date due to its consequent failure to meet its housing requirement.

8.33 Whilst it is acknowledged that there are unresolved objections to Policy 2 and that this might affect the weight that may be attached to it, it is important to note that the NPPF requires the decision-taker to make an assessment of the significance of any such objections.

8.34 When assessing the significance of the objections it is useful to first briefly review the process by which allocation of the site in the BPNP for housing has been arrived at. In summary, this results from a need for the Plan to meet the housing requirements of the recently adopted Local Plan (bullet point 3 above). The allocation follows a lengthy consultation and site-selection process which the Parish Council describes as having been not 'at all easy'. Further, it is clear from the footnote to Policy 2 that the Parish Council has resolved to retain the allocation in full knowledge of the fact that the current planning application has been submitted.

8.35 In view of the process which has led to the BPNP allocation, the applicant's argument that the weight to be attached to Policy 2 should be materially reduced simply because an alternative form of development has been proposed is unconvincing. To accept such an argument would fundamentally undermine what is meant to be a plan-led system that, through the evolution of Neighbourhood Plans, is intended to empower communities to make their own decisions about where the development they are required to accommodate will be located.

8.36 Accordingly, it is considered the objections that have been received to Policy 2 are not 'significant' in the context of the NPPG guidance and, consequently, that they do not materially reduce the weight that may be afforded to it when considering the current application.

8.37 The NPPG further clarifies that refusal on the ground of prematurity in respect of an emerging plan may be justified where:

'the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Plan'.

8.38 With this guidance in mind, the grant of permission in this case would clearly undermine the plan making process by effectively removing the BPNP's ability to meet a large proportion (over 30%) of the established housing needs of its area, a requirement that is clearly central to the Plan.

8.39 If, as a result of the BPNP examination and/or referendum processes the community decides not to proceed with the allocation of the application site for housing, then at that stage an objection to the current proposal on the grounds of conflict with the Plan's housing policies would fall away. However, for the reasons as set out above, it is considered that a reason for refusal on the grounds of prematurity in respect of the emerging Neighbourhood Plan can be sustained at this stage.

(v) Character and appearance

8.40 When assessing this issue it is necessary to initially acknowledge that there are no objections to the approach that has been taken to the detailed design and treatment of the buildings. A rationale based largely on vernacular rural buildings and good quality materials is appropriate given the context of the site.

8.41 The principal considerations in terms of character and appearance are, however, firstly, any impact on character arising from the increase in activity that would result from the proposal and, secondly, any impact on the appearance of the AONB in terms of the proposed increase in mass and bulk. It is noted that the applicant has submitted a Landscape and Visual Impact Appraisal (LVIA) in order to address the second issue.

8.42 With regard to the first issue it is clear that the proposal will result in a material increase in vehicular and other activity when compared to the existing use. That said, given the impact of traffic noise associated with the nearby A259 it would be difficult to describe the site as being in a particularly tranquil part of the AONB, a characteristic that both planning and AONB management policies seek to protect. Further, the applicant has set out in detail a number of mitigation measures designed to minimise noise emanating from the site, and also makes the point that the proposed hospice is by definition a type of use that would be operated in as peaceful a manner as possible.

8.43 Whilst the impact of the proposal in terms of the tranquillity of the AONB is perhaps marginal, its consequences for the appearance of the surrounding landscape is more clear-cut. When assessing visual impact, it should first be acknowledged that whilst on the one hand the site does not meet the NPPF's definition of 'previously developed land', on the other it cannot, given the existing buildings and structures on the site, be considered to comprise a pristine area of countryside. However, whilst it is the case that the removal of the existing buildings and structures would enhance the appearance of the locality, there are fundamental concerns about the impact of the new proposals given the relative increase in scale and height that is proposed, particularly in respect of views from Walton Lane and wider vantage points to the east of the site.

8.44 Of particular concern is the impact of the proposed two storey, 11 m high Sussex Barn and, albeit to a lesser extent, Granary elements of the building. Whilst being set back from the Walton Lane frontage and softened to an extent by retained and proposed (primarily deciduous) planting, the submitted massing and street scene drawings indicate that the proposal would result in a significant consolidation of built form when the site is viewed from Walton Lane and wider vantage points to the east. It is noted that any such impact will at times be exacerbated by light spillage from first floor windows and by a reduction in the

effectiveness of screening during winter months. In this regard the conclusion of the applicant's LVIA that the impact on views from the east of the site would be 'negligible' lacks credibility.

8.45 As set out in the preceding sections of this report, AONBs are afforded the highest status of protection in planning terms, and decision makers must by law have regard to the purpose of their designation to, amongst other things, conserve or enhance their natural beauty. The need to conserve or enhance is a necessarily exacting 'test' and, for the reasons set out above, the proposal is considered to fail it by some margin.

(vi) Residential amenity

8.46 A facility of the scale and nature described above will inevitably result in the occupiers of the dwellings immediately to the north and south of the site experiencing a noticeable change in its character and use - the existing nursery has been redundant for some time and these residents have therefore become accustomed to very little activity being associated with it. Consequently, the proposal requires very careful consideration in this regard, and officers have visited both Oakcroft and Walton House in order to better assess any impact. The views of the Environmental Health Officer have also been sought, and these are summarised in paragraph 6.9 above.

8.47 It is likely that the occupiers of both properties will, in respect of the two storey elements closest to their respective boundaries, experience a noticeable increase in mass and bulk which will have some impact on the outlook from some facing windows and adjacent garden areas. That said, given the separation involved and the presence of some mature boundary screening which would be retained and enhanced should permission be granted, the development should not prove unduly overbearing or oppressive when viewed from these areas. With regard to overlooking, for the similar reasons any views from proposed outward facing first floor windows should not result in privacy being diminished to an unacceptable degree. It is considered that light spillage from the site can be suitably controlled via a planning condition.

8.48 With regard to noise, a use of the nature and scale proposed will result in a level of activity generated by, amongst other things, plant and extract equipment, waste disposal and collection and, perhaps most notably, vehicle movements associated with staff, deliveries and visitors. Clearly, the 24hr hour nature of the proposal will inevitably result in some such activity occurring at unsociable hours.

8.49 This issue has been subject to careful consideration by the EHO who has sought additional information from the applicant on various matters. As a result of these discussions the applicant has, in the event of permission being granted, agreed to a number of planning conditions in respect of, amongst the things, adherence to maximum noise levels at nearby properties, the attenuation of noise from plant and equipment and the production of a Noise Management Plan which would include practical, on-going measures to mitigate the noise arising from the everyday operation of the site. Adherence to these restrictions and criteria will be challenging but, in the EHO's view, by no means impossible. Accordingly, in the event of permission being granted, it is considered that appropriate and enforceable planning conditions could be used in order to ensure that any noise impacts are maintained at an acceptable level.

8.50 On balance, therefore, no objection is raised on the grounds of impact on residential amenity.

(vii) Other matters

8.51 The issue of foul sewage disposal has been a contentious matter given the position accepted by Southern Water (SW) that the local infrastructure is subject to infiltration during times of high rainfall and groundwater levels, which has resulted in a number of pollution events in recent years. During the course of the application SW has been in detailed discussion with the applicant in order to seek a technical solution that would allow the proposed hospice to connect to the existing system without worsening the existing situation. As a result of these discussions it is proposed that the storage capacity of the system would be increased by enlarging the diameter of a 40m section of pipe near an existing pumping station to the north-west of the site. SW has stated that the effect of this improvement is that the connection of the proposed development would have no net effect 'downstream' of the site.

8.52 Notwithstanding Southern Water's view that there is a technical solution that would result in the existing situation not being worsened, it can be seen above at paragraph that the Parish Council continues to question the validity of the suggested approach. Further comments have been sought from Southern Water and its response will be reported to Members at the meeting.

8.53 The proposal raises a number of other detailed matters in respect of, for example, protected species, archaeology and land contamination. In the event of permission being granted it is considered that all such matters are capable of being satisfactorily dealt with via appropriate planning conditions.

Conclusion and planning balance

8.54 This is a challenging case that requires the careful consideration of a range of planning policy considerations and a number of other sometimes competing material considerations. What is readily apparent is that the service the applicant currently provides in terms of end-of-life care and support for a large number of patients and their families is greatly valued. The fact that the proposal would lead to such services being enhanced is, therefore, an important material consideration that weighs in favour of the proposal.

8.55 On the other side of the balance, the proposal would involve a fundamental conflict with a number of planning policies concerning development in the countryside generally, and within AONBs in particular. The erection of a major, activity-generating facility of the nature proposed would, in this location, be contrary to the overarching development strategy of the Local Plan and the national planning policies that underpin it. Further, the proposal would result in some harm to the character and appearance of the Area of Outstanding Natural Beauty and, whilst a major development may be permitted within an AONB in some cases, the exceptional circumstances required to justify such a proposal are not considered to apply in this case. In terms of the emerging Neighbourhood Plan, the grant of permission would undermine the plan-making process by effectively removing its ability to meet a significant proportion of the housing needs of the Parish.

8.56 Both the NPPF and Local Plan provide a presumption in favour sustainable development. For the reasons set out in the preceding analysis it is considered that the proposal would comprise a form of development to which that presumption should not apply. It is therefore recommended that permission is refused.

8.57 It is important to note that there is no evidence to suggest that refusal of permission in this instance would result in the applicant ceasing to operate its existing facility at

Donnington. Going forward, officers are prepared to work with St Wilfrids and to provide advice on potential alternative sites.

Human Rights

8.58 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 REFUSE

- 1 U97602 - Contrary to development strategy
- 2 U97603 - major development in AONB
- 3 U97641 - Harm to appearance of AONB
- 4 U97605 - Conflict with Neighbourhood Plan

INFORMATIVES

- 1 U97606 – Decision plans
- 2 U97607 - Proactive

INFORMATIVES

For further information on this application please contact Steve Harris on 01243 534734