


Parish: Chichester	Ward: Chichester South
-----------------------	---------------------------

CC/21/03421/FUL

Proposal	Change of use of from (B1) Office to Residential Use as a single dwelling.		
Site	The Old Church Whyke Road Chichester PO19 8HA		
Map Ref	(E) 486978 (N) 104107		
Applicant	Hanslip & Co Ltd Simon Dyson	Agent	

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT

	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
---	----------------------------	--

1.0 Reason for Committee Referral

1.1 Red Card: Cllr Barrie - New information to bring to the debate and a level of public interest.

2.0 The Site and Surroundings

2.1 The application site is located to the east side of Whyke Road within the Chichester Settlement Boundary Area and lies outside of the Chichester Conservation Area. The application property is a Grade II* Listed building (list no. 1354384).

2.2 The Historic England description for the property is:

'593/23/394 WHYKE ROAD 05-JUL-1950 (East side) CHURCH OF ST MARY (Formerly listed as: RUMBOLDSWHYKE CHURCH OF ST RUMBOLD)

II* DATES/ARCHITECTS The nave and chancel date to the C11, the church was refenestrated and given some new liturgical fittings such as piscinas in the early C13. The church was very little changed until 1866, when a N aisle was added. A NE organ chamber was added in 1890. It was restored again in the mid C20, but was made redundant in the late 1970s. It was converted to offices by CMA architects in 2002.

MATERIALS Flint rubble with some Roman tile, stone dressings, some old render on S side, E end of chancel also rendered, tiled roofs. Inserted steel and timber mezzanine, with timber and ply lavatories and kitchen below it at W end. Interior largely painted and plastered.

PLAN Nave with N aisle, chancel with NE organ chamber. Mezzanine in nave.

EXTERIOR Enormous, crudely tooled, C11 quoins survive at the SW and SE corners of the nave, and at the SE corner of the chancel. Traces of the nave NW quoin also remain. The other original quoins are reused on the N aisle NE and NW corners.

There is a small bell cote on the nave W gable. The W wall had a door with a lancet above until the C19, when both were replaced by the present two-light window. The nave S wall has a C13 roll moulded S door and a single, tall, early C13 lancet. The chancel S wall has two lancets, that to the west being longer, and there is another lancet in the E wall. The N aisle has a single lancet in the E wall and pairs of smaller lancets in the N wall. The N wall is low, and the roof has a long slope.

INTERIOR The interior is now dominated by the late C20 mezzanine in the nave, which is hung with tension cables from the nave roof beams. The plain C11 chancel arch is round-headed on plain, chamfered impostes and has crude tooling. C19 N aisle of 3 bays in an early C13 style has slightly chamfered pointed arches on polygonal piers with elegant waterleaf capitals and waterholding bases. The responds have moulded impostes. The N organ chamber opens from the chancel through a large pointed, slightly chamfered arch with two smaller, steeply pointed sub arches within it. The sub-arches are set on a single round pier with a square moulded capital and moulded base. A small, C12 window with a pointed head now opens internally above the pier. The outer arch replaces a pointed medieval arch that opened into a shallow recess of unknown medieval date. The nave roof has 5 old tie beams with queen posts, possibly C18, but the rafters are entirely closed in with C20 panels. C19 wagon roof in chancel, divided into panels with roll moulded beams and ribs. The aisle roof has exposed principal rafters and purlins, but is otherwise plastered in.

PRINCIPAL FIXTURES Probably C13 piscina in chancel has a pointed head and incorporates a pillar piscina made from an Anglo-Saxon baluster shaft. There is a roll-moulded statue bracket on the chancel E wall near the SE corner. There is a piscina in the SE corner of the nave with a trefoiled head, and stoup near the door also has a trefoiled head.

Simple C19 pitch pine pulpit, polygonal on a polygonal stem in NE corner of nave. Simple C19 altar rails are stored. C19 red and black checked tiles in chancel floor, now partly covered, and ledger slabs in nave under the present removable floor.

A number of C18 and C19 wall monument in both nave and chancel, mostly simple black and white marble slabs.

SUBSIDIARY FEATURES A large uncleared churchyard with many C18 and C19 slabs. The church forms a group with a one-storey cottage to the SW.

HISTORY St Mary's church was also sometimes known as St Rumbold's church. The place Rumboldswyke is in the Domesday book, and while the church itself is not mentioned, the C11 fabric indicates that there was already a church there by 1086. The church was refitted in the early C13, when the lancet windows were added, probably replacing much smaller windows. The former recess in the N wall of the chancel may also have been added at this time. In the later middle ages, there were two fraternities in the church, one dedicated to the Virgin Mary, the other to St Rumbold.

Structurally the church was little changed between the C13 and the C19, but it had some new furnishings in the C17 that were subsequently removed in the C19 restorations. Despite being extended in 1866, the church was too small for the growing parish and went out of regular use in the early C20 after St George's was built, being used only for funerals and occasional services. St Mary's was restored in the late 1950s, but it was permanently closed in 1979.

In the late 1990s, it was taken on by CWA architects, the Chichester diocesan architects, and refitted for use as their offices in 2000-2002 with an entirely removable inner structure to create a mezzanine and service facilities.

SOURCES Pevsner, N and Nairn, I, *The Buildings of England: Sussex* (1965) Salzman, L F (ed), *Victoria County History: A History of the County of Sussex: Volume 4* (1953), 171-74

REASONS FOR DESIGNATION The church of St Mary, Rhumboldswyke, is designated at Grade II* for the following principal reasons: * An extremely interesting survival of a church of the C11, including its chancel arch and massive quoins with relatively few subsequent medieval additions and sympathetic C19 and C21 alterations.'

3.0 The Proposal

- 3.1 This application seeks full planning permission to change the use of the existing building from office (B1) use to residential use as 1 no. dwelling. The proposal does not include any external alterations to the appearance of the building. The internal alterations have been considered separately under the accompanying listed building consent application.

No on-site parking is proposed in association with the development and no garden is proposed for the dwelling.

- 3.2 The application site has been revised during the course of the application to include a section of land to the south west of the building, which will provide pedestrian access to the building. The revised red line for the application was re-advertised to enable further opportunity for third party comments.

4.0 History

89/00918/CC	PER	Change of use to Restorations and Records Department for the mechanical music and doll collection, Portfield, Chichester.
90/00610/CC	REF	Change of use to Church to Night Refuge centre for the homeless.
90/00612/CC	REF	Change of use from Church to Day Care centre.
95/00373/FUL	PER	Change of use to Restorations and Records Department for Mechanical Music, Portfield, Chichester.
99/01592/LBC	PER	Removal of bell.
99/01777/FUL	REF	Proposed conversion of redundant church to office use and forming three rooflights in the roof of the north aisle.
99/01778/LBC	REF	Proposed conversion of redundant church to offices. Form freestanding unit within building for services and insert mezzanine within the nave. Form three rooflights in the roof of the north aisle.
00/00188/LBC	PERSS	Proposed conversions of redundant church to offices. Forming a free standing unit within the building for services and inserting a mezzanine within the nave. Forming three roof lights in the roof of the north aisle.
00/00189/FUL	PER	Proposed conversion of redundant church to office use and forming three roof lights in the roof of the north aisle and erect a secure metal fence.
13/03957/FUL	PER	External works and cycle shelter.

21/03422/LBC

PER

Change of use of from (B1) Office se to Residential Use as a single dwelling, various internal alterations including installation of partition walls, installation of kitchen on the ground floor and installation of WC and bathroom facilities on the ground floor and first floor.

5.0 Constraints

Listed Building	Yes
Conservation Area	No
Rural Area	No
AONB	No
Tree Preservation Order	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 Chichester City Council

None received.

6.2 Natural England

No Objection - subject to appropriate mitigation being secured:

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, as well as Solent Maritime Special Area of Conservation (SAC).
- damage or destroy the interest features for which Chichester Harbour Site of Special Scientific Interest (SSSI) has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:
 - Mitigation measures need to be secured as set out in the Appropriate Assessment (May 2022) and applicant's Nutrient Budget Assessment (15 May 2022).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

6.3 WSCC Highways

This application is for the change of use from B1 Office use to C3 residential use for single dwelling. The site is located on Whyke Road, a B-classified road subject to a speed limit of 30mph.

No vehicular access to the site is proposed. As such, a nil car parking provision is proposed for the new dwelling. Under the WSCC Car Parking Guidance (adopted August 2019), three car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

The site is sustainably located within walking distance of Chichester city centre. Cycling is a viable option within the vicinity to reduce the reliance upon the private car. The proposed plans do not demonstrate secure and covered cycle storage provision for the proposed dwelling. Details of this can be secured via condition.

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.

If the LPA is minded to approve the application, the following condition should be applied:

Condition

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

6.4 CDC (Senior) Historic Buildings Adviser

Updated Comments (23 March 2023)

I would suggest a full range of standard listed building conditions including:

Materials;

Plumbing;

Method statement for any alterations; and

Notwithstanding the details submitted no works shall commence to the north aisle until the following details of the proposed partitions and wall linings to accommodate Bedroom 2

and its ensuite bathroom have been submitted to and approved in writing by the Local Planning Authority:

- 1) 1:10 section of any wall linings / treatment to existing church internal wall
- 2) 1:10 section of new partition interaction with existing adjacent floors and walls
- 3) 1:25 plans, sections and elevations showing partitions in situ
- 4) Material sample of proposed partition and framing to be viewed in situ

The works shall be carried out in accordance with the approved details.

Reason: To protect the architectural/historic interest of the building. 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.

Informative:

The proposed oak veneer material for the north aisle partition is not likely to be acceptable. The applicants may wish to consider a privacy framed glazed system to fulfil the above condition.

Further comments (7 November 2022)

Thank you for consulting Conservation and Design on the application at the Old Church, which is listed at Grade II* and lies outside of the nearby Chichester Conservation Area. I am familiar with the proposals and have conducted several site visits. We have engaged extensively with the applicant, providing advice and suggesting alternative ways in which the church can be sympathetically converted to residential use.

The proposals are mainly concerned with the reordering of the internal spaces to convert from the current office use to a three bedroomed dwelling house, with several ensuite bathrooms. The existing office scheme centres around a large suspended mezzanine which dominates the western part of the nave although retains views to the roof above. The eastern half of the nave, the entire northern aisle and the large chancel remain open, retaining the inter visibility between these constituent parts of the church that is a central part of its character as an important designated heritage asset.

In order to install two of the three bedrooms the proposals include extensive subdivision of the aisle. More than two thirds of the aisle would be obscured in this manner and would seriously curtail an appreciation of the open, historic relationship between nave, aisle and chancel. Views into and from the aisle, nave and chancel would be seriously affected. The inter visibility and open relationship between these important ritual spaces is a key part of the character of the listed building.

Important historic features would be obscured from view by the works. These include; decorative stonework, historic memorials, floor finishes and windows. The open roof space of the aisle would be awkwardly compacted by the introduction of the low ceiling timber pods. The applicant correctly identifies the aisle as having a moderate to high level of significance.

Other parts of the works are largely acceptable, including the bedroom on the mezzanine and the other minor alterations to areas underneath the mezzanine, including the new kitchen and dining area which are low level and have quite a neutral impact on the internal appreciation of space.

The building is capable of sensitive conversion to residential use. The number and location of bedrooms proposed constitute the level of harm identified. It is clear that either a reduction in bedroom numbers or a bedroom within the vestry, which is already an enclosed space and of secondary importance to the aisle, nave and chancel, could avoid much of the harm identified. This advice has been communicated to the applicant over a period of several months.

The proposals as they stand cause an unacceptable level of harm to the interior of the listed building. Due to the obscuring of important historic details and the loss of inter visibility between ritual historic spaces, the proposals are considered to constitute significant harm to the heritage asset. The NPPF is clear that harm to assets of the highest significance, including grade II* listed building's, should be wholly exceptional.

Residential development may constitute the optimum viable use of the heritage asset. It is clear however, that this use could be achieved with a far lower level of intervention into important historic spaces.

For the reasons given above the application should be refused

Comments (2 March 2022)

Thank you for consulting Conservation and Design on the application at the above property which is listed at Grade II* and lies outside of the nearby Chichester Conservation Area. I am familiar with the proposals and have conducted a recent site visit.

The proposals are mainly concerned with the reordering of the internal spaces to convert from offices to a four bedroomed dwelling house. The existing office scheme centres around a large suspended mezzanine which dominates the nave. The large chancel and northern aisle remain open. The proposals would see extensive subdivision of the aisle, in order to squeeze in three bedrooms with the fourth on top of the mezzanine. The building out of the aisle in this manner would fatally curtail an appreciation of the open space and historic relationship between nave and aisle which forms a key characteristic of the special interest of the interior of the building. The decorative stonework, memorials and historic finishes of the aisle would be almost totally obscured behind an incongruous mix of oak veneer panelling, bedroom doors and oddly framed glazed panels.

Other parts of the works are largely acceptable, including the bedroom on the mezzanine and the other minor alterations to areas underneath the mezzanine, including the new kitchen and dining area which are low level and have quite a neutral impact on the internal appreciation of space.

The building is capable of sensitive conversion to residential use but the number of bedrooms proposed here puts too high a burden onto the historic interior plan form of the church building which is an important part of its historic character. The partitioning of the

aisle in the manner proposed causes significant harm to this historic character and is unacceptable in principle.

Recommendation: Refuse

6.5 CDC Environmental Strategy Officer

Updated Comments (21 August 2023)

Bats

Following confirmation that there will be no external works to the building or internal works to the roof structure we are satisfied that a bat survey will not be required. However if any works do need to take place externally or to the roof, bats surveys would be needed.

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.

Comments (28 February 2022)

Bats

Due to the location of the site, the proposed works and the records of bats within close proximity of the site there is a moderate likelihood of bats roosting within the building. Unfortunately no bat surveys have been undertaken on the site so we are unable to establish if bats are present. Prior to determination we require that an initial bat survey is undertaken on the building to determine if there is evidence of bats roosting within the building. If there is evidence of bats, further bat activity surveys would be required and mitigation strategies will need to be produced. These surveys plus mitigation strategies required will need to be submitted as part of the planning application prior to determination.

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.

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).

A check will also be required for birds nests within the building prior to work commencing. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged.

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

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.

Nutrient Neutrality

Following submission of the Nutrient Budget Assessment (Feb 2022) the proposal will cause an increase in nitrogen of 0.7 kg/N/yr. Due to this increase we require that mitigation is undertaken. As detailed within the Nutrient Budget Assessment (Feb 2022) it has proposed that mitigation will be in the form of 0.0343ha strip of hay crop grassland being planted with woodland. Though details of this have been provided within the report the Nitrogen Budget Calculator assessment has not been completed for these updated proposed mitigation. Please can the Nitrogen Budget Calculation document be completed to reflect this.

Recreational Disturbance

For this application, we are satisfied that the HRA issue of recreational disturbance can be resolved as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

6.6 Third Party Representations

4 no. letters of objection has been received concerning;

- a) There is no parking for the property and the surrounding streets are congested. Parking within the surrounding roads is limited and the proposal will result in further parking issues.
- b) There is no garden for the property and no access.
- c) The building should not be turned into a private residence.
- d) The building has been a public venue in the past and other uses should be considered for the building.
- e) The proposal would result in the loss of access of the public to view the wall plaques and other historic features.
- f) The church would better serve the community as a community centre. Before any other use. The community should be given the opportunity to purchase the church and use it as a community asset.
- g) The proposal will result in the building being permanently removed from community use.

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. There is no made Neighbourhood Plan for Chichester.
- 7.2 The principal policies relevant to the consideration of this application are as follows:

Chichester Local Plan

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 8: Transport and Accessibility
Policy 26: Existing Employment Sites
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbour
Special Protection Areas

National Policy and Guidance

- 7.3 Government planning policy comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed: or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.4 Consideration should be given to Sections 2 (Achieving Sustainable Development), 4 (Decision-making), 6 (Building a Strong, competitive Economy), 12 (Achieving Well-Designed Places) and 16 (Conserving and Enhancing the Historic Environment) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

7.5 Consideration should be given to:

- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

The relevant policies are:

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
- Policy NE19 Nutrient Neutrality
- Policy P1 Design Principles
- Policy P10 Listed Buildings
- Policy E2 Employment Development

Other Local Policy and Guidance

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

- Chichester Conservation Area Character Appraisal

7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Support local businesses to grow and become engaged with local communities
- Maintain the low levels of crime in the district in the light of reducing resources
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and Impact Upon Visual Amenity/Character of Area
- iii. Impact upon the amenity of neighbouring properties
- iv. Highway Safety
- v. Ecological Considerations
- vi. Nitrate Neutrality
- vii. Recreational Disturbance
- viii. Infrastructure
- ix. Other Matters

Assessment

i. Principle of development

- 8.2 Policy 1 of the Chichester Local Plan includes a presumption in favour of sustainable development within settlement boundaries. The application site is located within the Chichester Settlement Boundary Area. The existing use of the building is office (Class E(g)(i) formally known as B1) and the proposal consists of the change of use of the building to residential use to provide 1 no. dwelling. The proposal does not include any external alterations to the existing building. The internal alterations have been considered separately under the accompanying listed building consent application.
- 8.3 Policy 26 of the Chichester Local Plan seeks to safeguard existing employment sites and states that planning permission for alternative uses on the land or floorspace currently or previously in employment generating uses will need to demonstrate that the site is no longer required and is unlikely to be re-used or redevelopment for employment uses.
- 8.4 The evidence requirements for the policy are set out within Appendix E of the Chichester Local Plan. Appendix E, E.3 of the Chichester Local Plan states that 'In general, applicants should provide evidence that the site has been vigorously and exhaustively marketed for between a year and 18 months. The period of marketing must have ended on a date within the nine months prior to the date the planning application was submitted'. In addition, further requirements are set out within Appendix E section E.6, where a planning application may lead to the loss of an existing site currently in business use class to an alternative use.
- 8.5 An Appropriate Marketing Report has been submitted in support of the application, which sets out that approximately 14 months of marketing had been completed at the time the report was produced. Officers consider that the evidence is sufficient and would be in accordance with the requirements set out within Appendix E of the Chichester Local Plan. Therefore, the principle of the proposal is considered to be acceptable and would comply with Policies 1, 2 and 26 of the Chichester Local Plan.

ii. Design and Impact Upon Visual Amenity/Character of Area

- 8.6 Policy 33 of the Chichester Local Plan refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the

landscape. In addition, that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site. Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, which states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Policy 47 of the Chichester Local Plan states that permission will only be granted where it can be demonstrated that the proposal conserves or enhances the special interest and settings of the designated heritage assets.

- 8.7 The proposal consists of the change of use of the building from offices to a residential use. The proposal does not include any external alterations, therefore there would not be any impact on the character of the surrounding area or the external appearance of the listed building.
- 8.8 The red line for the application has been revised to include a section of land to the south west of the existing building. The revised red line was verbally discussed with the Council's Conservation and Design Officer, it was considered that the inclusion of this land within the red line would not have a significant impact on the character of the listed building.
- 8.9 The works to the building to facilitate the change of use includes internal alterations to the building to provide 3 no. bedrooms, bathrooms and living space. The impact of the internal alterations on the listed building have been considered separately under the accompanying listed building consent. It was considered under the listed building consent application that the internal alterations would preserve the special architectural and historic interest of the building and thereby accords with Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF section 16 and Local Plan Policy 47.

iii. Impact upon the amenity of neighbouring properties

- 8.10 The NPPF states in Paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places), and Policy 33 of the Chichester Local Plan includes requirements to protect the amenities of neighbouring properties.
- 8.11 The proposal involves the change of use of the building and internal alterations. The proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook and privacy. Therefore, it is considered that the development complies with Policy 33 of the current Chichester Local Plan.

iv. Highway Safety

- 8.12 The application is for the change of use of the building from office to residential use, no vehicular access is proposed for the site and no on-site parking provision is proposed. WSCC Highways has been consulted on the application and has advised that they do not anticipate the lack on on-site car parking provision to be detrimental to highway safety. The site is located within walking distance of Chichester City centre and cycle parking provision could be secured via condition, to promote sustainable forms of transport. It is

noted that the proposed floorplans detail cycle storage within the existing building. Therefore, a condition will be added to require the provision of the cycle storage in accordance with the plans.

8.13 Therefore, subject to compliance with the covered cycle parking condition, the proposal would accord with Policies, 8 and 39 of the Chichester Local Plan.

v. Ecological Considerations

8.14 Policy 49 of the Chichester Local Plan requires, amongst other considerations, that the biodiversity value of the site is safeguarded and enhanced. Section 15 of the NPPF states that development should minimise impacts on biodiversity and protect sites of biodiversity value.

8.15 The proposal consists of the change of use of the building from offices to a residential use and includes internal alterations to provide 3 no. bedrooms, bathrooms and living space. The proposed works do not include any external alterations to the building or internal works that would affect the roof. Therefore, it is considered that a bat survey would not be required for the application.

8.16 The Council's Ecology Officer has commented that the lighting scheme will need to take the presence of bats within the local area into consideration and minimise potential impacts to bats. In addition, they have requested that a bat box is installed on site in the south/south west position 3-5m above ground. While the requested mitigation is noted, it is considered that it would not be reasonable to request this mitigation. The reasoning behind this is that it would not be appropriate to install either a bat or bird box on external walls of the grade II* listed building and the proposed development does not include any curtilage that the mitigation could be installed within.

8.17 Overall, it is considered that the proposal would not have a significant impact in terms of ecology and would comply with Policies 48 and 49 of the Chichester Local Plan and Section 15 of the NPPF.

vi. Nitrate Neutrality

8.18 Natural England has recently issued updated advice in respect of the impact of an increase in nitrates on Chichester Harbour. The maps within their Advice on Achieving Nutrient Neutrality for New Development in Solent Regent document show that foul waste from the site would discharge into Chichester Harbour. The cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites and in order to mitigate this impact, development must be nitrate neutral. The impact of the proposed works upon nitrates in the Harbour may be a constraint to development. Therefore, Natural England's advice is a material consideration and the requirements of the habitat regulations are engaged.

8.19 In order to assess whether the development would have a negative impact on nitrates within the Harbour, an appropriate assessment has been undertaken by the LPA, who as the competent Authority, are charged with assessing the impacts of the development upon the designated sites. A nitrogen mitigation report has been provided, which has indicated that mitigation will be necessary to offset the increased nitrogen that shall result from the development.

8.20 The proposed mitigation measures seek the removal of 0.0515 ha of land from its current use, and its re-purposing and re-wilding by way of planting of deciduous trees with a tree planting density of 100 trees per hectare. The mitigation land is located north of B1246 to the west of The Osiers within the West Ashling Area. Natural England has been consulted and have no objection to the proposal, subject to the appropriate mitigation being secured. The mitigation would be secured via a S106 agreement, which would be completed prior to the determination of the application. Therefore, subject to the completion of the S106 agreement and implementation of the nutrient mitigation, the proposal would comply with Policy 49 of the Chichester Local Plan and section 15 of the NPPF.

vii. Recreational Disturbance

8.21 Policy 49 of the Chichester Local Plan states that planning permission will be granted for development where it can be demonstrated that the proposal protects, manages and enhances the District's network of ecology and biodiversity sites, including international, national and local designated sites, priority habitats and wildlife corridors. Policies 50 and 51 set out the requirements for appropriate avoidance/mitigations of detrimental effects associated with net increases to residential development within the vicinity of Chichester and Langstone Harbours Special Protection Areas, and Pagham Harbour Special Protection Area.

8.22 The application site is within the Zones of Influence for the Chichester and Langstone Harbour SPA. A unilateral undertaking has secured the required mitigation payment and as such the development now accords with Policy 50.

viii. Infrastructure

8.23 On 24th January 2023, the Council agreed the Pre-Submission Local Plan for Regulation 19 consultation, beginning 3 February 2023. Therefore, at the time of writing (Regulation 19) the Plan is at an advanced stage of preparation and its weight as a material consideration in the determination of planning applications has increased. The Chichester Local Plan Review (LPR) will require all new housing in the southern part of the Plan Area to contribute to a scheme of infrastructure improvements to the strategic road network (A27).

8.24 The LPR sets out a strategy to provide long term mitigation of these impacts, up to 2039, which requires all new housing development (where there is a net increase) to contribute towards identified improvements. In the absence of any such contribution the proposals would lead to an unsustainable increase in impacts upon these networks and would undermine the ability of the emerging LPR to deliver an appropriate mitigation strategy to see further growth of up to 3,600 dwellings beyond existing commitments. The applicant has confirmed their acceptance to the necessary financial contribution, which will be secured via a S106 agreement, together with the nutrient mitigation. Therefore, subject to securing the S106 agreement, the proposal would comply with Policy 9 of the Chichester Local Plan 2014-2029, Policies I1, T1 and T2 of the emerging Chichester Local Plan Review 2021-2039: Proposed Submission and Paragraphs 8, 104, 105 and 110 of the National Planning Policy Framework.

ix. Other Matters

- 8.25 It is noted that third party representations have been received which have raised the potential impact of the change of use on the graveyard and suggesting that the building should be used as a community facility. No external alterations are proposed to the building or its setting, or landscaping of the application site proposed. It is therefore considered that the proposal would not have a detrimental impact on the surrounding graveyard or the surrounding area.
- 8.26 It is noted that third party representations have been received which suggest that the building should be used for alternative uses. Planning permission was granted for a change of use of the building from a church/community facility to offices in 2000 under planning application reference CC/00/00189/FUL. The previous change of use application considered the loss of the church use with the officer report stating 'The Church has been redundant for many years, and it is considered that a use should be found for it. It is understood that the Church is not included on the list of churches preserved by The Churches Conservation Trust'.
- 8.27 In this instance, the principle of the loss of the building as a community facility was considered under that previous application and the current established lawful use of the building is as an office. Therefore, the application can only be considered in relation to the change of use of the building from offices to residential. In this case, the marketing has been provided in accordance with the requirements set out within Appendix E of the Chichester Local Plan.
- 8.28 It is noted that third parties have suggested alternative uses for the building. Officers can only consider the proposed change of use of the building from offices to residential use and are not able to consider potential alternative uses for the building under the planning application.

Conclusion

- 8.29 Based on the above it is considered that the proposal would not have a significant impact upon the character of the listed building, visual amenity of the surrounding area, neighbouring amenity or the ecology of the site. The proposal therefore complies with Sections 12, 15 and 16 of the National Planning Policy Framework and Local Plan Policies 1, 2, 8, 26, 33, 39, 47, 48, 49 and 50 of the Chichester Local Plan. Therefore, the application is recommended for approval.

Human Rights

- 8.30 The Human Rights of all affected parties have been taken into account and the recommendation is considered justified and proportionate.

RECOMMENDATION

DEFER FOR SECTION 106 THEN PERMIT subject to the following conditions and informatives:-

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

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

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

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

3) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the submitted floor plans (Plan No. C151-03-11 REV C).

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

4) There shall be no external lighting within the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The 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. The scheme shall include detailed design of all lights, a plan of their location and the mitigation proposed to avoid light spillage.

Reason: In the interests of protecting biodiversity.

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 -	C151-03-11	C	23.03.2022	Approved
PLAN -	C151-03-03	C	23.03.2022	Approved
PLAN -	C151-03-04	C	23.03.2022	Approved
PLAN -	C151-03-05	C	23.03.2022	Approved
PLAN - LOCATION PLAN	C151-03-00	A	14.07.2023	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) S106

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

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R34EIAERI5S00>