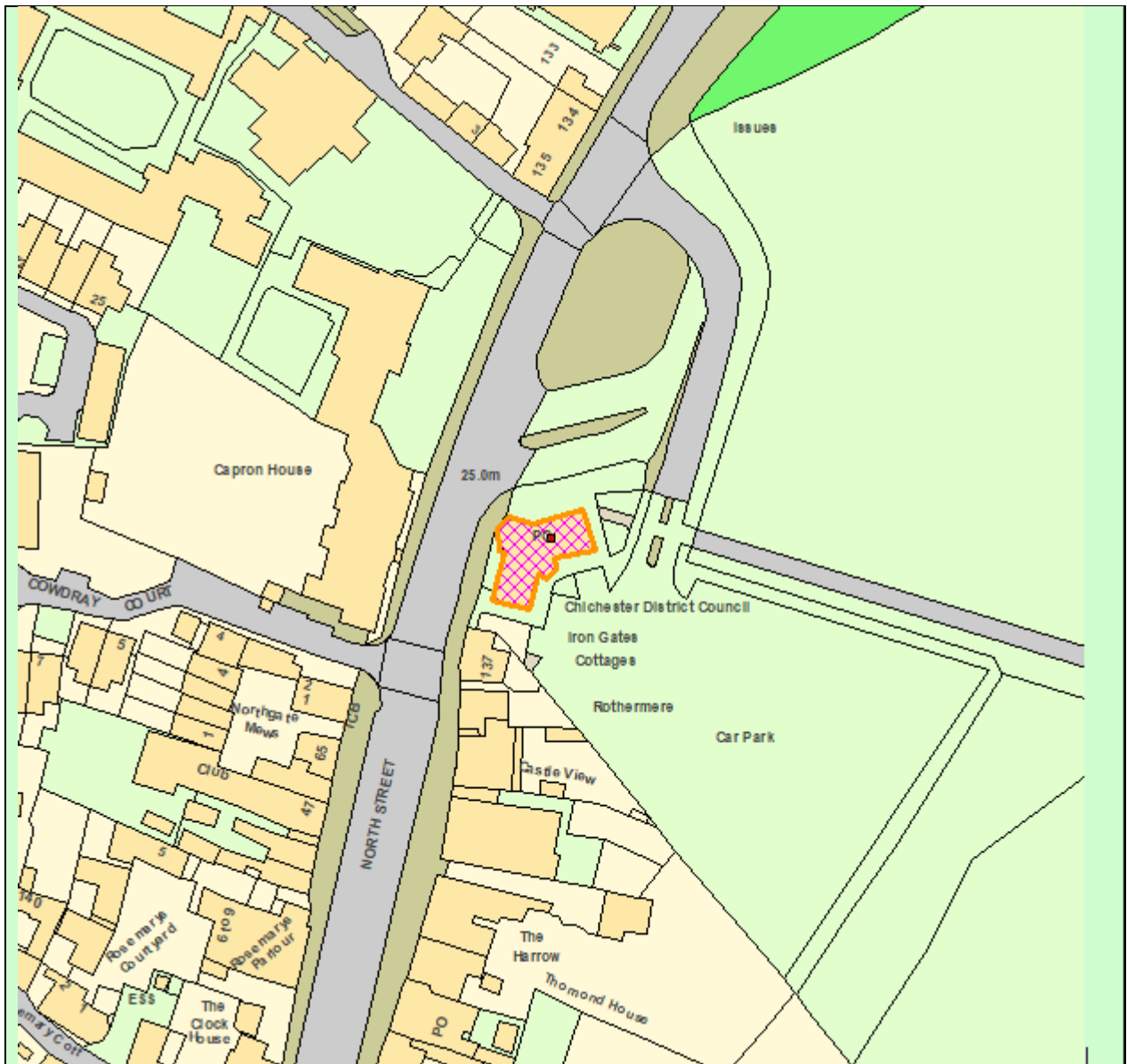


---

Report to	<b>Planning Committee</b>
Date	<b>27 September 2023</b>
By	<b>Director of Planning and Environment</b>
Application Number	<b>SDNP/23/02112/FUL</b>
Applicant	<b>Chichester District Council</b>
Application	<b>Converting a disused disabled WC/store into new changing places facilities.</b>
Address	<b>Public Conveniences North Street Midhurst West Sussex GU29 9DJ</b>

---

**Recommendation: That the application be Approved subject to the conditions set out in paragraph 10.1 of this report.**



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2023) (Not to scale).

## **Executive Summary**

Reason for committee Referral: Applicant is Chichester District Council

The application seeks to convert a disused disabled WC/store sited within the Midhurst, North Street public conveniences into a changing places facility. The site is within the Midhurst settlement boundary and Midhurst Conservation Area. The principle of the change of use of part of the building is considered acceptable and the physical alterations to the building to facilitate the change of use are minor and as such the proposals are recommended for approval.

### **1. Site Description**

The application site consists of a brick and stone building located on the east side of the A286 within the Midhurst settlement boundary and within the Midhurst Conservation Area. Externally the disabled WC/store is on the ground floor and accessed from the north elevation.

### **2. Relevant Planning History**

No recent planning history.

### **3. Proposal**

The conversion of a disused disabled WC/store within the Midhurst, North Street public conveniences into new changing places facilities.

### **4. Consultations**

Midhurst Town Council:

The Town Council has no objection in principle to this application.

### **5. Representations**

No third-party representations received.

### **6. Planning Policy**

#### **6.1 Relevant Sections of National Planning Policy Framework:**

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development
- NPPF08 - Promoting healthy and safe communities
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

#### **6.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1)**

- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD43 - New and Existing Community Facilities

### 6.3 Relevant Policies of South Downs Management Plan (2020-2025)

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 9
- Partnership Management Plan Policy 50

## 7. **Planning Assessment**

### Principle of development

- 7.1 The proposal provides a changing places facility within a space formerly used as an accessible WC (sometimes referred to as a disabled WC) within the existing Midhurst, North Street public conveniences. Changing places facilities vary from more traditional accessible WCs by providing a changing bench and hoist in addition to a toilet and wash basin to help facilitate greater access to public places for severely disabled people.
- 7.2 Paragraph 92 of the NPPF states planning decisions should achieve healthy, inclusive, and safe places which are safe and accessible and enable and support healthy lifestyles. The proposed changing places facility makes a positive contribution to providing a more inclusive and safer place for severely disabled people living in or visiting Midhurst to use. Policy SD43 requires development proposals for new community facilities to be accessible and inclusive to the local community they serve. The proposals are considered to meet the objectives of both policy SD43 and the NPPF and the principle of the development is therefore supported.

### Landscape & Design

- 7.3 Policy SD15 requires development proposals within a conservation area will only be permitted where they preserve or enhance the special architectural or historic interest, character or appearance of the conservation area. The use of the building as a changing places facility will require some modest alterations to the existing building consisting of minor alterations to the fenestration pattern. An existing doorway will be bricked up and an existing window will be opened up at its lower level to be made into a doorway. These alterations are considered to have a minor impact on the external appearance of the building and in the wider context the character and appearance of the Midhurst Conservation Area will be preserved.

### Ecology/Eco-System Services/Biodiversity Net Gain

- 7.4 The site is located within the Sussex North Water Resource (Supply) Zone; however, the proposals will not result in an increase in the demand for water as the existing use is very similar to the proposed use and the proposal is therefore considered to be water neutral. The proposals have been assessed as to whether they would have any likely significant effects on the Arun Valley SPA through the consumption of additional water and it has been concluded that there would not be.
- 7.5 The site is within the 6.5km buffer zone of the Singleton and Cocking Tunnels SAC and the 12km buffer zone of the Ebernoe Common SAC. As such an HRA screening assessment has been carried out. This concludes that there will not be likely significant effects on the Ebernoe Common SAC nor the Singleton and Cocking Tunnels SAC as a result of the proposals.

7.6 SD2: Given the nature of the site and nature of the proposals, the lack of ecosystem services enhancement is considered acceptable. The applicant explored all options for ecosystem services enhancement, but opportunities were not forthcoming considering the lack of external space. The case officer considers the proposals meet criteria 1(j) of policy SD2 by improving opportunities for peoples' health and wellbeing.

## **8. Conclusion**

The principle of development is considered acceptable within the scope of Policy SD43 and the NPPF. The proposals are considered to preserve the character of the Midhurst Conservation Area and there are not considered to be any negative ecological impacts. Approval is therefore recommended.

### **Added Value**

National Park for all

## **9. Reason for Recommendation and Conditions/Reasons for refusal**

9.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

### **Planning Conditions and Reasons**

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

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

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. All external materials used in the construction of the development hereby approved shall match the type, texture, composition, colour, size and profile of those used on the existing building and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Lauren Cripps

Tel:

email: [lcripps@chichester.gov.uk](mailto:lcripps@chichester.gov.uk)

Appendices \_Appendix  
1 - Information  
concerning  
consideration of  
applications before  
committee  
SDNPA Consultees            N/A

Background Documents    N/A

## **Appendix 1 – Information concerning consideration of applications before committee**

Officers can confirm that the following have been taken into consideration when assessing the application:-

### **National Park Purposes**

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

### **National Planning Policy Framework and the Vision & Circular 2010**

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

### **Major Development**

Paragraph 177 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 177 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 177 is undertaken in the Assessment Section of the main report.

### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

### **The Conservation of Habitats and Species Regulations 2017**

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

### **Relationship of the Development Plan to the NPPF and Circular 2010**

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered to be compliant with it.

### **The South Downs National Park Partnership Management Plan 2019-2025**

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

### **South Downs Local Plan**

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

### **All policies of the South Downs Local Plan which are of relevance to this application**

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design

- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD10 - International Sites
- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD43 - New and Existing Community Facilities

### Legislation for Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect Listed Buildings, Conservation Areas or their setting. Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority 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. Section 72 relates to conservation areas specifically, and states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is confirmed that, where the application relates to Listed Buildings, the setting of Listed Buildings, or sites within or adjacent to a Conservation Area, regard has been had to the above legislation

Scheduled Ancient Monuments (SAMs) are protected by law and any physical works affecting them is likely to require Scheduled Monument Consent from Historic England (on behalf of the Secretary of State) which is separate from the statutory planning process. In regard to planning decisions, the impact of development upon the setting of a scheduled monument and its nationally important heritage significance can be a material planning consideration and will have been taken into account when assessing the proposals.

### Human Rights Implications

These planning applications have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

### Equality Act 2010

Due regard has been taken within this application of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

### Crime and Disorder Implication

It is considered that the proposal does not raise any crime and disorder implications