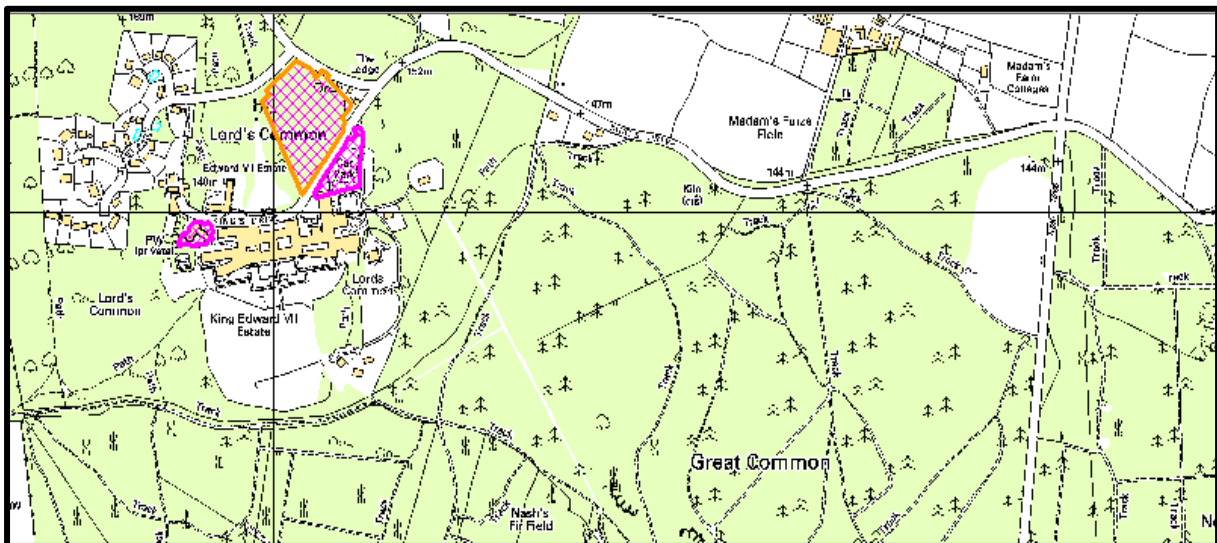




Report to **Planning Committee**
Date **8 September 2022**
By **Director of Planning**
Application Number **SDNP/21/06433/LIS**
Applicant **Pinebridge Benson Elliot Mr Nick Waring**
Application **Structural Repair, refurbishment, and internal alterations to enable use for restaurant and retail (Class E).**
Address **The Chapel, Kings Drive, Easebourne, Midhurst, West Sussex, GU29 0FA**

Recommendation: That the application be refused for the reasons set out in paragraph 9.1 of this report.

Site Location Plan



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Executive Summary

This application seeks Listed Building Consent for works to the Grade 2* Listed Chapel in order to bring it into use as a Restaurant/Shop in conjunction with the full application also being considered by members for development of Kings Green East and Superintendent Drive for Extra Care Accommodation. This application does not consider the merits or otherwise of the suggested 'enabling development' but focusses on the impact of the proposed works on the Listed Building.

The main issues for consideration in respect of the application are:

- The impact of the proposed works on the Listed Building
- The impact of the proposed works on any ecological interests.

The Listed Building Application is considered to have insufficient information to demonstrate that the works would not have an unacceptable impact on the fabric of the historic building. In addition, it is considered that appropriate surveys have not been undertaken to confirm that Ecological interests would not be affected. Refusal is therefore recommended.

The application is placed before the Planning Committee due to being linked to the full application, and due to previous consideration of applications for the Chapel and the site by Members.

1. Site Description

- 1.1 The description of the entire site is set out in full on the accompanying application (SDNP/21/06432/FUL). This application focusses solely on the Listed Chapel
- 1.2 The Chapel is located to the west of the Sanatorium. The chapel is of an unusual 'L' shaped plan with two naves for separate use by men and women, originally open to the south with a stone colonnade, linked by an octagonal chancel and tower. It was built under a separate bequest, of the Brickwood family, slightly later than the main complex. It is considered to be the finest individual building on the wider site.
- 1.3 A boxy, post-war extension was added to the north side of the western nave to accommodate the hospital mortuary. Consent for its demolition and replacement with a new, slightly larger extension for a kitchen and ancillary accommodation was granted in late 2011, as part of the wider proposals for the restoration of the complex. More recently an extension for a swimming pool for residents has been constructed alongside the western nave of the building.

2. Relevant Planning History

- 2.1 The planning history for the entire site is set out in full on the accompanying application (SDNP/21/06432/FUL)
- 2.2 It is important however to note that the original permission (SDNP/11/03635/FUL) included a requirement for restoration and ongoing maintenance of the Chapel by the applicants /landowner/management company.
- 2.3 The most recent applications relating specifically to the Chapel was SDNP/16/06393/FUL and SDNP/16/06394/LIS which were approved on 21 April 2017 and related to an extension and change of use of the Chapel for a shop/café, swimming pool and ancillary leisure/communal facilities. The swimming pool element has been built and is in use, but the Café/Restaurant area remains vacant at present.

3. Proposal

- 3.1 Works to the building were established and carried out under Listed Building Consent SDNP/11/03640 which enabled the shell of the building to be repaired to a suitable standard.
- 3.2 The works proposed in this application are intended to bring the building to a position where it can function as a restaurant and (achieving a use) be removed in time from the Historic England 'at-risk' register.
- 3.3 The works comprise the following:-
 - Introduction of a heating system utilising grilles within the floors.

- A ventilation/heating strategy utilising the originally designed pattern of circulation using a centrally driven fan driven air exhaust system utilising the chapel tower as a means of extract.
- Secondary glazing to the existing glazed doors.
- Kitchen and preparation area being accommodated within the centre of the Chapel on existing raised areas.
- Important items of furniture to be retained within the space (including sideboard and pulpit).
- Creation of a new doorway from a window in the north eastern corner of the building.

4. Consultations

4.1 Easebourne Parish Council – Comments

- Wishes to draw attention to its submission for SDNP/21/06432/FUL

4.2 Ecologist – Further Information Required

- Ecology Report submitted does not cover the Chapel.
- Suggest the applicant re-engages with the ecologist so that up to date survey information can be provided to accompany this application.
- Information should also be provided regarding any other habitats other than bats and species of conservation value present or likely to be present within and adjacent to the site.
- Recommendation that permission is not granted until further ecology information is submitted to address these points.

4.3 Historic England – Comments (Same as for SDNP/21/06432/FUL)

- Proposals for the Chapel and its impact: The key impact is the introduction of an open kitchen within the Chancel area. The indicative drawings suggest these units will marginally detract from the appreciation of the Chancel windows and space.
- Welcome in principle the repair, reuse of the former Chapel which should facilitate removal from the ‘at risk’ Register, which would be a heritage benefit.
- However it is unusual for high volume cooking to take place in historic interiors of this significance and sensitivity, so would expect to see a detailed heritage impact assessment to support the application, which hasn’t been provided, Therefore have concerns about the impact of the proposed use on the interior.
- Open Kitchen/Chancel: Intensive cooking will cause steam, smoke and fat spatter to enter the atmosphere, all of which creates a risk to historic building fabric, particularly to glazing and furnishings. All glazing is vulnerable to moisture and heat change, as well as air pollutants. These can cause glass and leadwork to deteriorate and can lead to organic growth on surfaces.
- No details of the kitchen extract have been provided. It is not clear what proportion and degree of grease, fumes and moisture will not be captured by the extracts and the likely impact of this on the historic fabric, or any monitoring to mitigate this.
- Recommend that further information should be requested that includes an inventory of all the historic features and assess the likely atmospheric conditions caused by the proposed use and consider its impact over months and years. This should include a review mechanism to demonstrate how the impact to historic would be monitored and mitigated. Recommend seeking further information as to how maintenance of filtration units would be enforced over time.

- Flooring:-Whilst we appreciate the need for more hygienic washable floor finished, it's unclear why the existing flooring could not be retained in situ beneath a suitably appropriate floor covering. Recommend seeking further details.
- Secondary Glazing: Would generally not support the use of secondary glazing in historic churches, particularly those listed at Grade II*, without strong justification as to why it is necessary for the ongoing use or reuse of the building.
- Conclusion: If the authority considers that following the submission of further information, the issues above can be addressed, and proposals clearly and convincingly justifies, it is vital that any repair and maintenance works required to the chapel are clearly laid out and secured through an appropriate mechanism, with the aim of enabling the removal of the Chapel from the At Risk Register.

5. Representations

- 5.1 Representations were received which referenced both applications, even though mostly not specifically mentioning the works proposed in the Listed Building Application. Comments made which reference either or both applications but relate specifically to the Listed Building works are set out below for ease of use.
- Plans to break through walls to create a main door should not be permitted
 - Would require strict conditions if approval were granted in relation to the Chapel.
 - Access to the Pool from within the Restaurant is inappropriate. Pool is not DDA compliant.

6. Planning Policy

6.1 Relevant Sections of National Planning Policy Framework:

- 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 I)

- Strategic Policy SD9 – Biodiversity and Geodiversity
- Strategic Policy SD12 – Historic Environment
- Strategic Policy SD13 – Listed Buildings

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

- Partnership Management Plan Policy 9
- Partnership Management Plan Policy 10

7. Planning Assessment

7.1 Background

7.2 The application needs to be considered in the context of the proposed works and the impact they will have on the Listed Chapel. In considering whether to granted listed building consent for works special regard to the desirability of preserving the building or its setting or any features of special architectural or historic significance which it possesses is required.

7.3 Principle of development

7.4 Policy SD13 confirms that proposals which affect a Listed Building will only be granted listed building consent where, they preserve and enhance the significance of the listed building and its setting by demonstrating the loss of historic fabric and detail of significance, including internal features, floor plans and the integrity of the rooms, is avoided.

7.5 It is acknowledged, through the original approval, that there was always an expectation (and an extant approval) for the use of the Chapel as a restaurant/café/shop but the details of works proposed to facilitate the use have not previously been submitted (in part due to the original owners difficulties in finding an end user.)

- 7.6 The applicants have clearly worked hard to seek solutions to some logistical issues in fitting out the building for a restaurant use. The efforts to ensure that the integrity of the main chapel is retained with very little permanent fixtures being proposed. In this respect those elements of the proposals are supported.
- 7.7 The introduction of a new doorway in the north eastern corner is also considered to be acceptable.
- 7.8 The main issues relate to the other elements which are proposed, in order to facilitate the end use.
- 7.9 Historic England raise concerns about a number of fittings and lack of information to demonstrate that the impact will be acceptable. In particular, there are concerns about lack of detailed information in relation to the following aspects.
- The lack of a Heritage impact Assessment supporting the application, given the high volume cooking which would take place.
 - Further information required including an inventory of all historic features and assessment of the likely atmospheric conditions caused by the proposed use and impact on the historic fabric (should include a review mechanism to demonstrate how the impact would be monitored)
 - No assessment of the intervention of the removal of the historic flooring to make way for the kitchen bar areas has been provided. Historic England remain unconvinced by the loss of this historic fabric and proposals have sought to minimise the impact on the interior.
 - Secondary glazing generally not supported without strong justification as to why it is necessary (which has not been provided).

7.10 Ecology

- 7.11 The Ecologist has raised concerns about insufficient surveys having been undertaken in relation to the Chapel. In particular there are concerns about the presence of bats. In this respect it is considered that the applicants have not demonstrated that there will be no adverse impact on Ecological interests within the Chapel. Despite the fact that the proposal relates to an application for listed building consent the Authority is still required to consider the protected species legislation.

8. Conclusion

- 8.1 The Listed Building Application does not provide sufficient detail or information to address concerns raised by Historic England in relation to the fabric of the Listed Chapel as such refusal of Listed Building Consent is proposed.

- 8.2 In the absence of appropriate surveys refusal is recommended in relation to the impact on Ecology.

9. Reasons for refusal

- 9.1 It is recommended that the application be refused for the reasons set out below.

Reasons

1. It has not been demonstrated, on the basis of the submitted information, that the proposed works would preserve and enhance the significance of the listed building and avoid unacceptable impact on or loss of historic fabric and therefore would be contrary to Policy SD13 of the South Downs Local Plan 2014-2033 and the NPPF.
2. In the absence of appropriate surveys it has not been demonstrated that the proposed works to the listed building would not have an unacceptable impact on ecological interests which may be present within the site and would therefore be contrary to Policy SD9 of the South Downs Local Plan 2014-2033 and the NPPF.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices: Appendix I - Information concerning consideration of applications before committee
SDNPA Consultees: Legal Services, Director of Planning
Background Documents All planning application plans, supporting documents, consultation and third party responses
National Planning Policy Framework
Defra: English National Parks and the Broads – UK Government Vision and Circular 2010.
South Downs National Park Partnership Management Plan
South Downs Local Plan 2019
Historic England Guidance – Enabling Development and Heritage Assets (2020)

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 Planning (Listed Buildings and Conservation Areas) Act 1990

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 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 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".

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

- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD13 - Listed Buildings

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