

<b><u>No:</u></b>	<b>BH2022/01500</b>	<b><u>Ward:</u></b>	<b>Rottingdean &amp; West Saltdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>St Margarets Church The Green Rottingdean Brighton BN2 7HA</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey extension to north elevation.</b>		
<b><u>Officer:</u></b>	Sonia Gillam, tel: 292265	<b><u>Valid Date:</u></b>	19.05.2022
<b><u>Con Area:</u></b>	Rottingdean	<b><u>Expiry Date:</u></b>	14.07.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	14.02.2024
<b><u>Agent:</u></b>	Thomas Ford And Partners 177 Kirkdale London SE26 4QH		
<b><u>Applicant:</u></b>	The PCC Of St Margaret's Church Rottingdean St Margarets Church The Green Rottingdean Brighton BN2 7HA		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	EX-001		4 May 2022
Block Plan	GA-010c	P2	13 September 2023
Proposed Drawing	GA-100c	P3	13 September 2023
Proposed Drawing	GA-150c	P2	4 May 2022
Proposed Drawing	GA-200c	P2	4 May 2022
Proposed Drawing	GA-210c	P3	13 September 2023
Proposed Drawing	GA-220c	P1	4 May 2022
Proposed Drawing	GA-230c	P1	4 May 2022
Proposed Drawing	GA-300c	P2	4 May 2022
Proposed Drawing	GA-310c	P1	4 May 2022
Proposed Drawing	GA-320c	P3	13 September 2023
Proposed Drawing	GA-330c	P2	13 September 2023
Proposed Drawing	GA-340c	P2	4 May 2022
Proposed Drawing	GA-350c	P2	4 May 2022

Proposed Drawing	GA-360c	P3	13 September 2023
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2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The works hereby permitted shall not be commenced until a method statement for the excavation works, including measures to protect and support the foundations to the north wall of the nave, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 and CP15 of the Brighton & Hove City Plan.
4. The works hereby permitted shall not be commenced until section details at 1:20 scale showing the junction of the approved extension with the north wall and including the roof light above, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.  
**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies DM27 and CP15 of the Brighton & Hove City Plan.
5.
  - i) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
  - ii) The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority for approval in writing within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in advance and in writing with the Local Planning Authority.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 and CP15 of the Brighton & Hove City Plan.
6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the on-site and off-site retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS), including details for the delivery and storage of construction materials, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22, DM37, CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan and SPD06:Trees and Development Sites.

7. No development shall take place, including any site preparation works involving machinery, breaking of ground, demolition and vegetation clearance, until an updated survey for the presence of badgers has been undertaken, in accordance with best practice. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

**Reason:** As badgers are a mobile species whose activities/patterns varies across the year and in reaction to a range of influencing factors, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed

8. Works shall not in any circumstances commence unless the local planning authority has been provided with either:
  - a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017, as amended, authorising the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

**Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction in accordance with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

9. The development hereby permitted shall not be occupied/ brought into use until details of measures to protect the internalised stained-glass windows to the north elevation have been submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 and CP15 of the Brighton & Hove City Plan.

10. No development above ground floor slab level of any part of the development hereby permitted shall take place until a sample panel of flintwork has been constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 and CP15 of the Brighton & Hove City Plan.

11. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples/details of all brick, stone, render, roof tiling and flat roof covering.
  - b) samples/details of all hard surfacing materials
  - c) samples/details of the proposed window and door treatments.
  - d) samples/details of all rainwater goods.
  - e) samples/details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 and CP15 of the Brighton & Hove City Plan.

12. The development hereby permitted shall not be occupied/ brought into use until a plan detailing the positions, height, design, materials and type of any proposed walls, railings or balustrades to the path and steps hereby approved has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 and CP15 of the Brighton & Hove City Plan.

13. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

**Reason:** Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

14. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal received on the 21 December 2022 and the Bat Addendum Report received on the 17 January 2024

as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 180 and 186 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

## **2. SITE LOCATION**

- 2.1. The application relates to a grade II\* listed church building within the Rottingdean Conservation Area. It is a flint faced village church with a Norman nave and a 13th century tower. Its setting is formed by the churchyard with its flint walls and mature trees.
- 2.2. The building was extensively restored in the nineteenth century, by the nationally renowned architect G.G. Scott, when the south aisle was constructed. A vestry addition to the north was added in 1974. Of special significance are the several stained-glass windows made by Morris and Co and designed by the celebrated artist Edward Burne-Jones, who lived and worked in Rottingdean.
- 2.3. The church is a local landmark and has a strong relationship with the public open space of The Green, from where the west end of the nave and the tower above form a focal point. From here the church is seen in context with the grade II listed The Grange and The Elms. The north side of the church is less prominent but can be seen in views from Dean Court Road, particularly the nave roof and tower. It is also viewed in the context of the grade II listed Tudor Close, a 1930s residential development in 'Tudorbethan' style in the western end of Dean Court Road.
- 2.4. The site lies within an Archaeological Notification Area and is designated as Open Space in the City Plan. It is also subject to Tree Preservation Orders.

## **3. RELEVANT HISTORY**

- 3.1. **BH2021/03462** Erection of two storey extension to north elevation. Withdrawn 12.11.2021.

- 3.2. **PRE2020/00034** A small extension to the north side of the church to provide a new kitchen, vestry/office, flower store, and a large meeting room for Sunday School. Advice Given.
- 3.3. **BH2001/02409/FP** and **BH2001/02410/LB** Moving of existing stained-glass window to new position. New stained-glass window. Approved 18.02.2002.

#### **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks permission for the erection of a two-storey extension to the north elevation of the church. The structure would be clad in flint stone, with quoin details and a red tile roof to match the existing roof.
- 4.2. The extended space would provide for church and community activities. The ground floor would include a vestry, a new modern kitchen, accessible w.c. and shower facilities, storage including a buggy store and a ramped access and lift. The first floor would incorporate meeting rooms and a gallery area. Underfloor heating would be installed.
- 4.3. The proposed scheme has evolved over time following pre-application advice from Historic England, the County Archaeologist and the Council's Heritage and Planning Teams. Amended plans have been received during the lifetime of this application to address minor revisions recommended by Historic England.
- 4.4. Listed Building Consent is not required for the proposed extension or the internal works as the Church benefits from 'ecclesiastical exemption'.

#### **5. REPRESENTATIONS**

- 5.1. **Thirty-six (36)** letters have been received objecting to the proposed development for the following reasons:
- Impact on heritage assets
  - Impact on stained glass windows
  - Poor design/ inappropriate height
  - Overdevelopment
  - More community facilities not required
  - Increased footprint not necessary
  - Highways safety
  - Traffic/ Parking/ Pollution issues
  - Impact on infrastructure
  - Impact on archaeological remains
  - Impact on trees
  - Removal of graves
  - Impact on wildlife/ protected species
  - Omissions/ inaccuracies in submission documents

- 5.2. **Twenty-six (26)** letters have been received supporting the proposed development for the following reasons:
- Design in keeping with listed building
  - Community facility needed
  - Improved accessibility
  - Family facilities such a baby-changing area
  - Revitalise the Church
  - Public / community benefit
  - Sustainable measures
  - Parking impact would be minimal
  - Less than substantial harm
- 5.3. Objections relating to impact on views, financial incentives, and inconvenience from build, are noted however these are not material planning considerations.
- 5.4. **Councillor Bridget Fishleigh** has made a representation supporting the application. A copy of the letter is appended to this report.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Arboriculture:** No objection  
Subject to conditions relating to a method statement for the delivery and storage of materials and confirmation of tree protection measures for both on and off-site trees.
- 6.2. **Heritage:** No objection  
The proposed extension would cause harm to the architectural and artistic interest of the listed building and minor harm to the appearance and character of the conservation area, however there are also clear heritage and public benefits to the proposal.
- 6.3. **Planning Policy:** *Verbal comment* No objection
- 6.4. **Sustainable Transport:** *Verbal comment* No objection  
Trips to site and parking impact are unlikely to increase significantly.

### External:

- 6.5. **Brighton and Hove Archaeological Society:** Comment  
The proposed development close to an ancient church has the possibility of disturbing burials. The archaeology of Rottingdean and the surrounding area is relatively unknown, and as such any intervention may produce important records of past landscapes and ancient activity. Recommend consulting with County Archaeologist.
- 6.6. **CAG:** Objection  
The proposal does not relate well to and would be out of character to the existing building, and would have a harmful and detrimental impact on heritage assets and views from surrounding streets. There would be impact on natural light

through the windows. Regret the removal of the graves which can be seen from Dean Court Road.

- 6.7. **County Archaeologist:** No objection  
Subject to a programme of archaeological works.
- 6.8. **County Ecologist:** No objection  
Provided the recommended mitigation, compensation and enhancement is implemented, the proposed development can be supported from an ecological perspective.
- 6.9. **Historic England:** Comment  
Much improved scheme, although some harm caused through internalisation of significant window. The LPA should consider whether the level of harm caused by the proposal has been minimised, and the extent to which there are public benefits, before undertaking the weighting exercise as required by paragraph 208 of the NPPF.
- 6.10. **Rottingdean Parish Council:** No objection  
Would make for a larger and more flexible space and would provide for improved facilities and enhanced accessibility. Design would complement the existing vestry.
- 6.11. Full details of all of the representations can be found on the online planning register.

## **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019).

## **8. RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:



SS1	Presumption in Favour of Sustainable Development
CP5	Culture and tourism
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open Space

Brighton & Hove City Plan Part Two:

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM31	Archaeological Interest
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

Neighbourhood Plan:

Rottingdean Neighbourhood Plan

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to impact of the proposed development on the historic interest of the listed building and the character and appearance of the Rottingdean Conservation Area, plus impact on ecology and protected species, neighbour amenity, trees, archaeological features, highways and sustainability issues.

**Principle of the Development:**

- 9.2. The proposal would result in the development within a small area (41m<sup>2</sup>) of the church grounds. The site is designated as Open Space and Policy CP16 of the CPP1 applies; Criterion c) states that planning permission resulting in the loss

of open space will only be granted where the proposed development is ancillary to the use of the open space and would result in only a small loss of open space, provides improvements to and better use of the remaining space and optimises public access. Policy DM12 of the CPP2 supports the provision of new community facilities where they are compatible with existing uses and are easily accessible to the community that will use them.

- 9.3. The application states that currently the building can only be used for east-west worship and is very restricted. Church and community activities previously took place in St Margaret's Cottage, adjacent to the churchyard, to the south-western boundary. This Victorian era property was constructed as a hall space in which the church and community activities could take place. The cottage was sold in early 2022 as it required urgent repairs, and the ongoing running and maintenance costs of the building were considered unsustainable. The building was deemed unfit for purpose in an independent Health & Safety Report.
- 9.4. It is acknowledged that there would be clear public benefits in works that would enable the Church to improve and increase its offer to the local community and provide wider and more inclusive access. Given this, notwithstanding the loss of the area of open space, there is no objection in principle to extending the church in order to help achieve community benefits and thereby sustain the use of the listed Church as a flexible and accessible place of worship in the longer term. The proposal is considered to positively contribute towards meeting the objectives of the above City Plan policies.

**Design and Appearance and Impact on Heritage Assets:**

- 9.5. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to 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. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.6. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

Proposed Extension

- 9.7. It is considered that the north side of the Church nave would be the least harmful location for an extension, adjoining the existing 1970s vestry extension. It is understood that the existing graves in this area date from the 1940s and it is noted that there are no listed tombs in, or close to this area. The north wall of the nave is, however, one of the oldest surviving elements of the church. In addition, it contains two of the stained-glass windows by Burne-Jones/ Morris & Co. Both elements are identified among the aspects of the church that are of the highest significance.

- 9.8. It is acknowledged that the proposed extension would impact on the external appearance of the church, in conjunction with the previous vestry addition. It would obscure more than half of the currently visible north wall, though the wall itself would remain physically intact and visible from the publicly accessible meeting room.
- 9.9. However, overall, the design of the extension is considered to be appropriate, reading as a fairly simple elongation of the existing vestry extension with continuous eaves and ridge, although with a slight set back proposed and a shallow recess where the two meet. The walls would be flint to match the existing church, however there would be contemporary glazing to distinguish the extension, giving it greater visual lightness and introducing some appropriate vertical elements to the elevations. The overall proportions of the extension are considered to be satisfactory. There is no objection to the re-formation of the doorway in the north wall.
- 9.10. Although the north elevation of the church is one the least prominent views from the public realm, the extension would be visible from Dean Court Road, as well as by visitors to the churchyard. By obscuring part of the original north wall, including two windows, and part of the nave roof, it is acknowledged that there would be some harm to the appearance and setting of the church and conservation area, but this harm is considered to be minor. From Dean Court Road it would be visible in the gap between Tudor Close and its associated car park, garaging and outbuildings, the extension would be visible but not be prominent as it would be set behind the existing buildings and in summer months it would be partly screened by trees. Despite some degree of intervisibility between the north side of the Church and the listed Tudor Close, the development would have a negligible impact on the setting of those listed buildings.
- 9.11. Overall, it is considered that the extension is proposed in the least harmful viable location, and is appropriate in design terms with a minor impact on the setting of the church and conservation area. Although it would obscure more than half of the visible north wall, the wall itself would remain physically intact and visible from the publicly accessible meeting room. Given the prevailing context, the extension is considered acceptable in terms of impact on heritage assets and would be in compliance with policies CP15, DM26, DM27 and DM29 of the City Plan and SPD12 guidance.

#### Stained Glass Windows

- 9.12. The greatest impact on the significance of the Church would come as a result of the internalisation of the single lancet window. It is inevitable that less external light would fall on this window as a result of the proposals, thereby affecting how the window is seen from within the church. However, the windows are north facing and do not benefit from direct sunlight. The loss of light would therefore be mitigated to some degree by the proposed long rooflight over the flat roof where the extension would adjoin the church, as well as by the glazed entrance and the windows to the first-floor meeting room.

- 9.13. The adjacent bi-partite Burne-Jones/ Morris and Co. window would remain external, though the quality of the light entering may also be affected to some degree by the proximity of the extension, particularly in the afternoon. It would also be the case that these two windows would no longer both be able to be viewed together externally from the churchyard. In this respect, though, it must be acknowledged that the windows were not deliberately installed together, the bipartite window having been installed 17 years after the lancet window.
- 9.14. Any extension of viable size here would inevitably impact on the single lancet window, given its position, so it is not considered that a reduction in scale of the extension would be able to overcome this harm and no further mitigation measures appear feasible in this respect, given the position of the opened-up doorway. It is noted that Historic England has recommended that a lighting assessment is undertaken to identify ways to improve lighting levels to the affected windows. This is noted, however for the reasons outlined above, it is considered that appropriate measures have been considered, such as the glazed rooflight and fenestration, and are part of the proposals.
- 9.15. Given the above, it is considered that the proposed extension would cause some harm to the architectural and artistic interest of the listed building and minor harm to the appearance and character of the conservation area. However, it is acknowledged that there would be clear heritage and public benefits in works that would enable the Church to improve and increase its offer to the local community and thereby sustain the use of the listed Church as a flexible and accessible place of worship in the longer term.
- 9.16. It is acknowledged that the Conservation Advisory Group (CAG) has objected to the scheme, by reason that the development would be out of character with the existing building and would have a harmful and detrimental impact on heritage assets and views. However, the Council's Heritage Officer considers the scheme acceptable, subject to further details of materials, excavation works and protection for the stain-glass windows; these measures be secured by condition. Historic England has raised no objection to the scheme as a whole.

**Impact on Amenity:**

- 9.17. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.18. The proposed development would be sited a sufficient distance from the nearest residential properties in Tudor Court and Dean Court Road, and no significant harm has been identified in terms of impact on daylight, sunlight, outlook and privacy. There may be some increased activity at this part of the site, however this would not be significant and given the nature and use of the site, it would not warrant refusal of the application.

**Sustainable Transport:**

- 9.19. The additional space proposed would be for church business and local community activities, many of which previously would have taken place in the

adjacent St Margaret's Cottage. Trips to the site and parking impact are unlikely to increase significantly. The Council's Highways Officer has no objections to the scheme as it is considered to be in compliance with City Plan policies DM33 which aims to promote and provide for the use of sustainable transport and DM36 which relates to parking.

**Ecology:**

Badgers

- 9.20. Badger activity on site is clearly high; the species is protected under the Protection of Badgers Act 1992. Given the distance of the proposed works from the setts identified and based on the assumption that works vehicles would access the site from the north, the County Ecologist has advised that there are unlikely to be any impacts on the setts. However, given the highly mobile nature of the species, it is recommended that a pre-construction survey is carried out and that best practice safeguards are put in place to ensure badgers are not harmed or trapped during works. This is proposed to be secured by condition.
- 9.21. The County Ecologist considers that the potential impacts of the works can be mitigated, however a licence from Natural England may be required depending on the proximity of any potential new setts to the works.

Bats

- 9.22. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species.
- 9.23. The assessment of the building in October 2023 identified five potential roost features (PRFs) none of which offered potential for bats to enter the internal fabric of the building, however, they could offer potential for individual or low numbers of crevice roosting species. Of these five PRFs, three would not be impacted by the proposed works, and two would not be directly affected, however scaffolding would be erected in front of them. The features themselves would be retained.
- 9.24. There remains some uncertainty if bats are using the roof tiles of the existing extension for roosting, however from the evidence available, there was potential emergence from under a roof tile on the vestry roof. As such, works will require a European Protected Species Licence (EPSL), the application for which would require further survey. From the available evidence, there is high confidence that any potential roost present is likely to be of low conservation status, and as such, a Low Impact Licence would be appropriate. To provide certainty that bats are being appropriately addressed, it is recommended that a copy of the EPSL is proposed to be secured by condition.
- 9.25. The submission states that a bat box would be provided on a tree prior to works commencing, and that an integrated bat tube will be incorporated into the proposed new extension. The proposed mitigation is in line with best practice and is acceptable. It should be noted that a mitigation strategy is required for the EPSL application and would be approved through that process.

**Archaeology:**

- 9.26. Policy DM31 of the City Plan states that development proposals affecting heritage assets with archaeological interest will be permitted where it can be demonstrated that development will not be harmful to the archaeological interest of the heritage assets or their settings, having regard to their significance.
- 9.27. The proposed scheme has the potential to expose / disturb archaeological features that may shed light on the origin and history of St. Margaret's Church and the wider Rottingdean area. The County Archaeologist has therefore advised that the area affected by the proposals should be subject to a programme of archaeological works. This would enable any disturbed archaeological deposits and features to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. The programme of works is proposed to be secured by condition.
- 9.28. It is acknowledged that there have been objections received to the proposed removal of approximately ten marked burials within the parcel of land proposed for the extension. The parish has identified an area in the newer section of churchyard which could be used for reburials.
- 9.29. Although not a material planning consideration, it is noted that, given the relatively recent date of some of the graves (within the last 50 years), the submission documents state that it would be important to consult locally and publicise the proposals so that family members are given the opportunity to come forward.

**Sustainability:**

- 9.30. Policy DM44 of the City Plan states that the Council will encourage all development to improve energy efficiency and achieve greater reductions in CO2 emissions in order to contribute towards Brighton & Hove's ambition to become a carbon neutral city by 2030. New build development should achieve a minimum Energy Performance Certificate (EPC) rating of 'B'.
- 9.31. However, Section 5 of The Energy Performance of Buildings (England and Wales) Regulations 2012 ("2012 Regulations") sets out circumstances that the duties relating to EPC do not apply to and includes: "buildings officially protected as part of a designated environment or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance;"
- 9.32. The proposal has been designed to deliver a scheme that would be energy efficient and promote resource conservation. Sustainable features would include insulated walls, floors and roofs, energy efficient boilers, energy efficient appliances and light fittings, low flush toilet and sanitary fittings, and double-glazed windows.
- 9.33. Given that the development consists of a small extension to a listed building, and therefore is exempt in relation to EPC, the measures are considered sufficient in terms of the aims of Policy DM44.

**Other issues:**

- 9.34. City Plan policy DM22 requires development proposals to retain, improve and wherever possible provide, appropriate landscape elements/ landscaping, trees and planting. It is noted that the site is subject to Tree Preservation Orders. However, the Council's Arboriculture Officer has no objections to the scheme subject to a method statement for the delivery and storage of materials, and confirmation of tree protection measures for both on and off-site trees. These measures are proposed to be secured by condition.

**Conclusion and Planning Balance:**

- 9.35. There is a statutory presumption against granting permission for any development which would cause harm to heritage assets. However, Paragraph 196 of the NPPF makes clear that, in determining applications, the local planning authority should take account of the desirability of putting heritage assets to viable uses consistent with their conservation, and the positive contribution that conservation of heritage assets can make to sustainable communities. Additionally, Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.36. It is acknowledged that the proposed extension would cause some harm to the architectural and artistic interest of the listed building and minor harm to the appearance and character of the conservation area. However, in each case the level of harm is less than substantial under the terms of the NPPF and the statutory presumption can be outweighed by material considerations powerful enough to do so.
- 9.37. It is considered that there are clear heritage and public benefits to the proposal arising from helping to sustain the listed church in a long term flexible and viable use. This is through the positive contribution that conservation of the listed building, as a community asset, can make to a sustainable community, particularly in terms of accessibility and inclusivity.
- 9.38. Subject to the recommended conditions, it is considered that the benefits of the scheme significantly outweigh the negative impacts on the heritage assets. Furthermore, provided the recommended mitigation, compensation and enhancement is implemented, the proposed development can be supported from an ecological perspective.
- 9.39. Approval of the application is therefore recommended.

**10. EQUALITIES**

- 10.1. Accessibility features proposed include: a ramped access and enlarged entrance lobby; a fully accessible lift to first floor level; accessible WC; designated buggy storage area; a step lift to new timber platform at east end of

nave; creation of large open-plan flexible space for use by the church and non-secular user groups for a wide range of activities.