

Report to	Planning Committee
Date	11 July 2011
By	Head of Planning
Local Authority	Chichester District Council
Application Number	10/04389/FULNP
Application	Demolition of extensions to existing buildings and provision of replacement extensions and alterations, including provision of new swimming pool and gym at basement level in sanatorium; demolition of freestanding storage buildings north of engine house; use of sanatorium for assisted care living and associated communal facilities; use of chapel as shop and cafe; conversion of engine house, motor house and nurses accommodation to 25 no. houses and apartments; erection of 105 no. apartments, comprising 7 no. 1 bed, 95 no. 2 bed and 3 no. 3 bed units; erection of 115 no. houses comprising 37 no. 2 bed, 39 no. 3 bed and 39 no. 4 and 4+ bed units, together with detached garage/studios; construction of underground and surface parking facilities; construction of access roads and drives; provision of estate maintenance building and compound; construction of surface water balancing ponds; provision of natural recreation facilities and landscaping of grounds and gardens.
Address	King Edward VII Hospital Kings Drive Easebourne Midhurst West Sussex GU29 0BL
Purpose of Report	The application is reported to Committee for decision

Recommendation: The Committee is recommended to refuse planning permission for the reasons set out in paragraph 9.1 of this report.

1. The Proposal and the Site

- 1.1 The site is the former King Edward VII hospital and grounds which cover approximately 50 hectares and include designated and undesignated heritage assets. It is located in undulating wooded landscape approximately 5.5 kilometres to the north of Midhurst and 6 kilometres south of the village of Fernhurst on a south facing slope with extensive views out over the Rother Valley. The site rises up to the north and falls away to the west and is mostly covered by pine plantation with coppices of sweet chestnut and silver birch. 120 trees are protected by Tree Preservation Orders of which three are proposed to be removed. The surrounding area is a mosaic of heath and woodland and the site is bounded from the north west to the south west by Woolbeding and Pound Common, nationally important areas of acid heath land, an important habitat for ground nesting birds, which are both SSSIs and SINCs and owned and managed by the National Trust. A public foot path runs along the eastern and northern edges of the site. The site is well screened with limited public view points.
- 1.2 Access is via a driveway through metal gates from Kings Drive which runs in an south-east-north-west direction from the A286 where there is a simple priority junction. There is a lay-by on the south east side of this junction for buses stopping southbound. North bound

buses stop at the north west side of the junction. The A286 at this point has a 50mph speed limit. Bus Service 70 runs hourly between Midhurst and Guildford on the A286 and services 91 and 92 serving South Harting, Rogate, Trotten and Petersfield are scheduled to stop in the site itself but are currently very infrequent. The distance from the junction with the A286 to the site is just over a kilometre. Kings Drive is an unclassified road 5.5 metres wide with enough room for a cyclist and heavy goods vehicle to pass. There are no pedestrian foot paths (although the verge provides some refuge from on-coming traffic) and there is no street lighting.

- 1.3 The original hospital, completed in 1906, was built as a tuberculosis sanatorium, under the patronage on King Edward VII. It is a grade II* Listed Building. It was designed as two east-west aligned longitudinal blocks, with the southern, longer block splaying slightly out at either end, linked by a central corridor which divided the space between the buildings into 2 open courtyards. The plan divided the sexes with the west wing for male and the east wing for female patients. It is 3 storeys in height and in banded red and grey brick (as are the other original buildings on the site) with tiled and gabled roofs in an Arts and Craft style.
- 1.4 The area to the north was originally left as dense pine woods which was considered beneficial to the health of patients, but the area immediately in front of the building was subsequently cleared as it was found to be oppressive and was prone to mists. This created Kings Green, a 'V' shaped glade in front of the Sanatorium which is included in the designated area of the grade II Registered Historic Park and Garden referred to below.
- 1.5 To the west, and set apart from the Sanatorium, is the Chapel which was of an unusual 'V' shaped plan, with 2 naves opened up to the south with a stone colonnade, for separate use by men and women, linked by an octagonal chancel and tower. It is also a grade II* Listed Building.
- 1.6 To the north west of the Chapel is the Laundry and Engine House, which is grade II Listed and the Motor House which is not listed in its own right but is protected as a curtilage building of the Sanatorium and Chapel. To the east on the higher ground to the north of the Sanatorium is the nurses home. It was built in the mid 20th century in neo Georgian style which is also not listed in its own right but enjoys curtilage protection. At the entrance to the site is the Lodge, which is grade II Listed. There are a number of sheds and storage buildings adjoining these buildings.
- 1.7 Around the Sanatorium, but now largely surviving in the area adjoining the southern range, are the remains of the gardens which were designed and laid out by Gertrude Jekyll upon the completion of the hospital in 1906. These are a designated asset as they are on the English Heritage Register of Historic Parks and Garden as a grade II designation. A number of 'measured walks' run throughout the site and surrounding woodland. These were laid out for use by the TB patients as part of their treatment when the buildings were in use as a sanatorium.
- 1.8 Much of the original garden layout and design has been lost and the Sanatorium has been extended by a number of unsympathetic buildings additions in the second half of the 20th century to support the use of the site as a hospital specialising in cancer treatment. The remainder of the site comprises large areas of car parking, roads, drives and amenity grassland associated with the hospital use.
- 1.9 In the middle of the hospital grounds, to the north west of the Engine House is Hurst Park, a modern development of 28 houses. It was built in the 1980's to fund the hospital and does not form part of the application site. Despite this development and a series of applications for development proposed to support its continued use (detailed in section 4 of this report) the modern hospital closed in 2006. Since the buildings have been unoccupied there has been some water incursion and substantial damage to the interior of both the Sanatorium and Chapel. The Chapel is currently on the English Heritage 'Buildings At Risk' register.
- 1.10 The application proposes works to the heritage assets to bring them back into use and to build 220 new dwellings within the grounds.

The restoration and conversion works to the heritage assets would comprise:

- demolition of additions to and in the immediate vicinity of, the sanatorium namely the Geoffrey Marshall Wing, the West Theatre Wing, the flat roof extensions on the north side of both wings of the south block, the flat roofed extensions in the east and west courtyards, the flat roofed extensions to the central link, the X-ray Range and Consultants Wing, the Alexandra Wing, the unfinished linear accelerator building and removal of mansard roof either side of the entrance to the Sanatorium to reveal the original elements of the entrance on the northern elevation;
- restoration and recreation of the Gertrude Jekyll garden;
- 2 storey additions to the north sides of the both wings of the south range of the sanatorium and addition of dormers into the south roof slope to convert the building to 143 assisted living units (68 no. 1 bed and 75 no. 2 bed) with doctors surgery, pharmacy, swimming pool and gym;
- a 2 storey addition to the west end of the north block of the sanatorium
- the demolition of the later mortuary block, addition of an extension on approximately the same footprint containing a kitchen and store and conversion of the chapel to a shop and café;
- conversion of the lodge to a single 2 bed dwelling with the removal of a later extension, conversion of the engine house to 8 apartments, conversion of the motor house to 2 dwellings, and conversion of the nurses accommodation block to 15 dwellings (25 units).

1.11 In addition new build residential development (7 no. 1 bed, 132 no. 2 bed, 39 no. 3 bed, 42 no. 4+bed - 220 dwellings in total) is proposed to fund the restoration and conversion works listed in paragraph 1.6 above. This would comprise:

- 3 x 2.5 storey apartment blocks, two of which would be immediately adjacent to the eastern end of the Sanatorium, in an L shaped arrangement and one 'v' shaped block to the south west of the chapel following the line of the nave on that side (1 no. 1 bed, 87 no. 2 bed and 3 no. 4 bed - 91 units);
- a mixture of apartments (6 no 1 bed and 8 no. 2 bed) and terraced (10 no. 2 bed and 17 no. 3 bed) and detached (18no. 4 bed) houses to the area to the north of the sanatorium (referred to as Kings Green);
- a mixture of terraced (21 no. 2 bed and 17 no. 3 bed) and detached (2 no. 4 bed) houses to the south of the access drive which was cleared of pine woodland in the late 20th century to provided a large car park for the hospital (referred to as Superintendent's Drive);
- an additional 7 terraced houses (6 no. 2 bed and 1 no. 3 bed) next to the Engine House;
- 15 no. 4 and 5+ bed houses in the area to the south of the drive leading to the Sanatorium from Kings Drive which is currently naturally regenerated birch woodland (since the pines were destroyed in the 1987 storm) referred to as Bracken Lane;
- 4 no. 5+ houses in the area to the north of Kings Green (referred to as Pine Walk Wood);
- a maintenance compound with stores, workshops, staff changing facilities and an office (517 sq m) in an existing clearing to the north of Pine Walk Wood (referred to as The Loop).

1.12 Car parking and cycle parking and storage would be provided in accordance with Chichester District Council (CDC) standards (car parking assisted care 1 space per 2 units, 1 bed residential 1 space, 2 and 3 bed residential 2 spaces, 4+ bed residential 3 spaces; cycle parking 1 space per 1 bed and 2 spaces per 2+ beds) in 2 underground communal car parks either end of the Sanatorium (380 spaces for cars and 154 for cycles), in surface car parks next to the Engine House and Nursing Home and to the rear of Kings Green houses and on the individual residential plots (with garages for the houses). Purpose built refuse stores would be dispersed throughout the development but those serving the West Courtyard , assisted living and Chapel would be in the underground car park. Cycle parking for the houses would be provided on plot. Foul drainage would be through an existing sewer and

surface water drainage (which currently drains through the foul sewer) will be through soakaways, a swale, balancing ponds and a herringbone diffusion system. Improvements at the A286 and Kings Drive junction would be contained within the existing highway and passing places are proposed along Kings Drive. There would be a communal biomass system to heat the Eastern Courtyard Blocks but the houses would have wood burning stoves and in order to meet Sustainable Homes code level 3 the Energy Report submitted with the application recommends that each dwelling has solar thermal heating and the Western Courtyard Block has a solar photovoltaic array on the roof.

2. Consultations

- 2.1 English Heritage – whilst the scheme as a whole proposes enhancements and to bring the buildings back into use, some elements of the proposal would adversely affect the significance of the site through the effect on the setting as well as the fabric; on current calculations the amount of development is not certain to secure the future of the buildings – the risk may be alleviated by a robust S106 agreement which delivered the works at a relatively early stage of the scheme; the site has high evidential value for the evolution of health care, high historic associative value, exceptional aesthetic value and considerable communal value. The final response by English heritage is attached at appendix 3 to this report.
- 2.2 Natural England- no objection subject to implementation of the SSSI mitigation proposals.
- 2.3 The Highway Authority - the local planning authority should consider on balance whether there are other policy reasons that outweigh the concerns relating to the unsustainable location; in the event of a permission a robust Travel Plan should be implemented; no objection on road capacity grounds.
- 2.4 The Environment Agency - no objection subject to contamination remediation, surface water drainage details and sewerage improvements.
- 2.5 Southern Water – no objection.
- 2.6 Landscape Consultant (based on review of the EIA chapter 7 only) – no specific reference to SDNP designation of evaluation of impact on its special qualities such as tranquillity both in construction and use; visual impact may have been underestimated – particularly from mid to long range views if photovoltaics are used extensively within the development .
- 2.7 West Sussex County Council landscape, ecology and heritage officers - cumulatively the design will have a detrimental impact on the listed building, and its setting and the SDNP in landscape terms; no objection on ecological grounds subject to condition.
- 2.8 Chichester District Council (CDC) – this application was considered by CDC Planning Committee at its meeting on 20 April 2011. The Committee recommend that the South Downs National Park Authority grant permission subject to no additional development, a S106 Agreement to secure the conversion works and the grounds being open to the public.
- 2.9 Easebourne Parish Council - oppose the application and any additional development because the cost is too high in terms of the impact on the SDNP and lack of public benefit; no affordable housing and no demonstrable need for market housing; will impact on demographic balance of the parish; alternative site would be better; potential adverse impact on SSSI and no ecological survey to address this.
- 2.10 An open letter has been received from a number of Town and Parish Councils and local societies including Waverely Borough Council, Bramshott and Liphook Parish Council, Lynchmere parish Council and the Haslemere Society This letter states that the community does not support the application; there is no requirement for housing in this remote location; it is unsustainable with no schools, employment, public transport, medical facilities, and inadequate access; cultural heritage is more than bricks and mortar; where is the public benefit – there are no s106 agreement contributions and the site is not open to the public; this will scar the landscape and create light pollution; there will be an impact on Haslemere parking for commuters; that the suburban layout and density is inappropriate; that it doesn't conform with EH policy - the financial risk may be to the developer but the risk to

landscape and community is not; that assets have been transferred to a small company which can easily be liquidated; that enabling development proposals should be transparent; that the enabling development should take place on land outside the SDNP; that the buildings are an anachronism and should be demolished as there are more than 300 grade II* listed buildings in Susses and this one has many poor quality extensions and is in a poor state; chapel only should be restored as a tourist attraction.

- 2.11 Haslemere Parish Council – concerns over CDC decision; new town in isolated location; impact on Haslemere due to increased car use and commuters travelling to London using Haslemere Station and the parking problems that will bring; impact on medical services, leisure service, especially when taken together with potential development at the Syngenta site; contributions to mitigate required if permission granted.
- 2.12 Elsted and Treyford Parish Council - concerns over infrastructure capacity, lack of public benefit, impact on the SDNP and viability.
- 2.13 Fernhurst Parish Council - concerns over infrastructure capacity particularly parking and capacity of Haslemere station and the highway junction and the cumulative impact with development of the Syngenta site.
- 2.14 Stedham with Iping Parish Council - concern over infrastructure.
- 2.15 Waverly Borough Council - concerns over the cross boundary impact of public transport capacity, particularly Haslemere station, and capacity and maintenance of the A286.
- 2.16 Bepton Parish Council – object on 3 counts as cost is too great; lack of infrastructure and service make the project unsound; impact on landscape – greensand ridge constitutes a dramatic spine and replacement of trees with urbanisation is outrageous; damage to the enjoyment of the SDNP qualities by local people and visitors.
- 2.17 As this application was submitted before 1 April 2011 South Downs National Park Authority (SDNPA) were consulted by CDC who were at that time the local planning authority and at the meeting held on 8 November 2010 resolved to advise CDC that SDNPA:
- recognises the importance of the historic hospital buildings and the associated grounds to the cultural heritage of the National Park;
 - accepts some form of residential redevelopment of the main buildings and a proportion of the site as enabling development;
 - is aware of the extant permission for a total of 263 units on the site;
 - strongly believes that no more development should be allowed on the site than is necessary to secure the restoration and conservation and long-term maintenance and management of the site's historic assets;
 - welcomes the commissioning of an independent assessment of the applicants' financial case by the Council
 - considers that this independent assessment and the views of English Heritage and Natural England are paramount..

At the time of this response not all the consultations had been completed and this was a provisional and preliminary view of the SDNPA.

3. Representations

- 3.1 National Trust - support in principle the restoration of the heritage assets and the proposals for habitat management; request the preparation and implementation of a comprehensive landscape and environmental management plan and monitoring strategy; doubt measures to mitigate the potential impact of pet ownership on the SSSI will be effective.
- 3.2 RSPB – object due to impact on SSSI from recreational pressure which has not been correctly assessed (second application relies on first application EIA) therefore mitigation will not be effective; the heath of the SSI will be easily accessible and a significant draw for dog walkers and walkers; cats can roam more than a kilometre; urbanisation resulting in potential increase in fires, fly tipping etc.

- 3.3 Sussex Gardens Trust - welcomes the restoration of the Registered formal gardens and woodland management; concern over aspects of the design of the buildings and objects to intensification of development which requires the underground car park and a less sensitive restoration of the Gertrude Jekyll Garden.
- 3.4 Midhurst Society – objects to the significant amount of development in a remote and sensitive part of the SDNP and loss of woodland and creation of urban development in a high position visible from the Downs far particularly when taken in conjunction with proposals for housing at Syngenta and the Midhurst Convent Site outweighs any benefits; access is a cause of concern and this proposal will increase congestion on the A286 and the likelihood of accidents; new infrastructure required and without it the proposal is unsustainable.
- 3.5 More than 80 objectors have raised the following issues:
- principle of the development;
 - premature before LDF adopted;
 - alternative sites should be considered for new development;
 - little benefit to local people;
 - adverse effect on communities;
 - should be assessed in conjunction with Syngenta;
 - housing not needed – recent residential development in Easebourne still not sold;
 - hospital was an isolation unit and not a suitable location for a new town;
 - previous support was for the hospital not the building;
 - loss of natural habitat and woodland;
 - impact on wildlife particularly ground nesting birds;
 - impact on local infrastructure – medical services, schools, roads, water supply, drainage;
 - traffic generation;
 - impact of on street parking in Haslemere;
 - length of the construction period;
 - public access only 2 days per year;
 - highway safety of junction and King's Drive – owner will not allow improvements;
 - light pollution;
 - overlooking and loss of privacy.
- 3.6 Three letters have been received in support of the proposal making the following points
- exciting proposal;
 - restoration of buildings and gardens wonderful;
 - additional dwellings well placed and landscaped;
 - wide range of accommodation on site;
 - provision of facilities on site will reduce use of the private car;
 - will prevent further deterioration of the buildings.

4. Relevant Planning History

- 4.1 In May 2004 planning permission EB/03/01977/FUL and listed building consent were granted for a development that included the retention of a hospital use at the site together with a significant amount of new residential development. The proposals included the conversion of the existing hospital building to 198 units, a further 21 flats in existing outbuildings, 129 units within the grounds and a new 134 bed hospital building also within the grounds.. These permissions have now expired.

- 4.2 In 2006 planning permission EB/06/03700/FUL and listed building consent were submitted for the redevelopment of the site. The scheme comprised the provision of 263 residential units (including 97 affordable) through the conversion of the former hospital buildings (224 units), the construction of new buildings (38 units), the provision of leisure facilities as well as a shop (with flat above) and small business centre. The application retained the Lodge and proposed the reinstatement of the Gertrude Jekyll gardens. Permission was granted for this proposal in February 2008 and recently expired in February 2011.
- 4.3 In November 2008 planning permission EB/08/01501/FUL and listed building consent were granted for the extension and alteration of the main hospital buildings to enable its use as an 'assisted care' facility comprising 179 apartments. Other buildings on the site were to be converted to additional units and staff accommodation to provide a total of 228 assisted care units and 33 staff units. The proposal included the demolition of many of the more modern former hospital buildings and the restoration of the Chapel and historic gardens. These applications remain extant until November 2011.
- 4.4 The main objective of both the 2006 and 2008 planning applications was to secure the restoration and long term future of the King Edward VII hospital buildings. The site has been vacant since the closure of the hospital in March 2006. Roland Morgan, a Director in the Corporate Recovery team of property consultants, GVA Grimley, was appointed Law of Property Act Receiver (LPA) for the site on 19th December, 2008.
- 4.5 On 28 April 2011 a second application 11/01711/FULNP was submitted by City and Country as an 'adjunct' to this application proposing an additional 22 dwellings which is reported at item 7.
- 4.6 Application 10/04390 for Listed Building Consent was submitted by City and Country in conjunction with the application the subject of this report and is reported at item 8.

5. Planning Policy Context

- 5.1 The application site is within the SDNP boundary. The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas; and
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes. Government policy relating to national parks set out in PPS7: Sustainable Development in Rural Areas and Circular 20/10 is that they have the highest status of protection in relation to landscape and scenic beauty. Conservation of the natural beauty of the landscape and countryside must, therefore, be given great weight in development control decisions.

- 5.2 In addition the following national policy documents are relevant to this application:
- PPS1 Delivering Sustainable Development
 - PPS3 Housing
 - PPS4 Planning for Sustainable Economic Growth
 - PPS5 Planning for the Historic Environment
 - PPS9 Biodiversity and Geological Conservation
 - PPG13 Transport
 - PPS25: Development and Flood Risk.
- 5.3 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area in the South East Plan and the Chichester District Local Plan (Review) 2006.
- 5.4 The South East Plan was adopted by the Secretary of State on 6th May 2009 and supersedes the Hampshire County Structure Plan and RPG9. The Coalition Government's revocation of the Plan in July 2010 has been found to be unlawful so the Plan remains part of the

development plan at this time but the intention to revoke could be a material consideration. The following policies are relevant to this application:

C2: The South Downs - states that the purposes of designation should be a material consideration in the making of any planning decision that would affect it.

CC1: Sustainable development – states that the physical and natural environment of the south east is conserved and enhanced

CC4 Sustainable Design and Construction

CC6: Sustainable Communities and Character of the environment – requires new development to respect the character and distinctiveness of landscapes and use innovative design to create a sense of place.

SP3: Urban Focus and Urban Renaissance – states that the prime focus for development in the South East should be in urban areas.

NRM5 Conservation and Improvement of Biodiversity

H1 Regional Housing Provision 2006-2026

H3 Affordable Housing

H4 Type and Size of New Housing

H5 Housing Design and Density

T4 Parking

W2 Sustainable Design, Construction and Demolition

C4 Landscape and Countryside Management

BE6 Management of the Historic Environment

5.5 Chichester District Local Plan 1999 policies relevant to this application are:

RE1 provides for a presumption against new housing in rural areas

RE7 requires the local planning authority to refuse planning permission for development which would be likely to damage, destroy or adversely affect sites of special scientific interest

RE8 requires the local planning authority to refuse planning permission for development which would be likely to damage, destroy or adversely affect sites of nature conservation importance.

RE14 allows for the conversion and change of use of buildings in the rural area subject to certain criteria including protection of the historic character and integrity of the building.

RE15 relates to major institutions and requires proposals not to have an unacceptable effect upon the site, its surroundings or adjacent settlements

RE28 relates to Historic Parks and Gardens

BE2 requires that applications for the loss of community facilities will only be permitted where it can be demonstrated that there is no longer a demand for the facility

BE4 of the local plan requires the local planning authority to place a high priority on protecting the character and appearance of listed buildings

BE5 advises that where listed buildings are to be altered or extended the design, detailing and materials must be appropriate to the character of the listed building

BE11 requires that new development will not detract from its surroundings

BE12 requires that additions, alterations or conversions will be required to meet appropriate standards of design, construction and layout

BE14 advises that development that would have an adverse effect on wildlife species protected by law will not be granted permission

BE16 encourages energy conservation and energy efficiency

TR6 states that planning permission will be refused for proposals which would adversely affect highway safety or overload the highway network

H1 identifies housing

H4 advises on the size and density of dwellings

H5 sets out the open space requirements for new housing development

H8 advises on the provision of affordable housing in settlement policy area

H9 advises on the provision of affordable housing in rural areas.

CDC's Interim Statement on planning for Affordable Housing (effective 28 September 2007) and Interim Statement on Planning and Climate Change are both relevant to this application.

6. Enabling Development

6.1 The difference between the cost of carrying out works to bring a heritage asset such as a listed building, back into use and the end market value can be negative. In such cases the difference is known as the 'conservation deficit'. Enabling development is development which is contrary to the policies in the development plan but needed to meet the conservation deficit. National planning policy HE11 of PPS5: Planning for the Historic Environment states:

Local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the policies in the development plan... or from national policies taking into account whether

- *it will materially harm the significance of the heritage asset or its setting*
- *it will avoid detrimental fragmentation of management of the heritage asset*
- *it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation*
- *it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid*
- *there is a source of funding that might support the heritage asset without the need for enabling development*
- *the level of development is the minimum necessary to secure the conservation of the heritage asset and is of a design and type that minimises harm to other public interest.*

6.2 Guidance on assessing enabling development proposals is set out in Enabling Development and the Conservation of Significant Places (English Heritage 2008). It sets out two important principles. The first is that taking an incremental approach to enabling development, in which additional enabling development is sought once the scheme is under way or completed, as a means of recovering unforeseen or underestimated costs is not an acceptable practice. Such an approach distorts the process, because it is necessary to consider the effects of the enabling development proposals in their entirety before deciding whether the benefits outweigh the harm. The developer bears the risk - there can be no 'second bite of the same cherry'. The second principle is that the conservation deficit should be calculated using present day costs and values.

7. Planning Assessment

7.1 Major development within a National Park can have a significant impact on the qualities which led to designation. In consequence government policy is that major development should not take place in National Parks except in exceptional circumstances and that applications for major development should be subject to rigorous examination and proposals should be demonstrated to be in the public interest.

7.2 PPS7 also requires that where major development is proposed within a national park there should be assessments of need, the impact of a permission on the local economy, the cost and scope for developing outside the designation area or meeting the need in any other way and any detrimental impact on the environment and the extent to which it could be moderated.

7.3 PPS5 policy HE11 states clearly that in the exceptional circumstances where departing from national and local policy may be necessary to secure the future of a heritage asset the benefits must outweigh the disbenefits. This reflects the principle in paragraph 7.1 and the need for rigorous examination and to demonstrate the proposal is in the public interest.

7.4 The Public Benefit of the Proposal

The primary purpose of national park designation is to preserve the natural beauty, wildlife and cultural heritage. PPS5 states that heritage assets should be conserved for their own sake and the greater the significance of the asset the higher the presumption in favour of their conservation. Paragraph 7 sets out the reasons why the conservation of heritage assets is sustainable in itself and therefore a public benefit. The historic environment is a non renewable resource held in trust for the benefit of future generations and provides a link to the past which gives a sense of continuity. Heritage assets are essential to understanding the development of a place and therefore have an important role in guiding future development so a sense of place is retained. In addition, the re-use of buildings minimises waste.

7.5 The King Edward VII hospital is a cohesive group of designated and undesignated heritage assets of national importance of which two elements – the Sanatorium and Chapel – are grade II* listed buildings, that is in the top 7% of all listed buildings. The significance of these two buildings lies in their fabric, form and layout, and their setting within the Gertrude Jekyll designed garden and the pine woods and glade known as Kings Green, which are in part another designated heritage asset, and the wider views out into the surrounding countryside - and their association with each other.

7.6 The Sanatorium and Chapel have a high evidential value for the evolution of health care in the 20th century when fresh air and beauty were considered an essential part of the cure for tuberculosis. Thus the main block is built along a contour with a southern aspect and the length of the façade is given a human scale through adopting the architectural form and detailing of the Arts and Craft movement and the informality of the Gertrude Jekyll planting. There is also a high value in the historical association in that the hospital was founded by Edward VII (who laid the foundation stone) under the patronage of Sir Ernest Cassel and the Brickwoods and the architectural collaboration of Charles Holden, the world renowned architect best known for designing London Underground. The aesthetic and architectural value are also high as this was a major work of Arts and Crafts movement, and recognised as such by Pevsner, with local association to the SDNP because the movement originated in Sussex. The hospital has communal value too as many members of SDNP community have been cared for or have relatives who have been cared for there.

7.7 The Impact of the Proposals on the Significance of the Heritage Assets

Whilst the removal of unsympathetic additions to all the heritage assets and buildings in close proximity to the Sanatorium and Chapel will help to reveal their significance, there are elements of the proposal which would substantially affect the significance of the site through the effect on the setting as well as the fabric, namely:

- The west courtyard block which extends the built form beyond the Chapel, which was designed to be isolated, and intrudes on its setting – an impact which is likely to be exacerbated by a photo voltaic array on the roof – and inappropriately mimics the geometry of this unique grade II* listed building;
- The intensive development of King's Green which adversely impacts on the setting of the Sanatorium;
- The widening of the southern block of the Sanatorium which will significantly alter the original footprint of the building and intrude into the original space of the Gertrude Jekyll gardens;
- The Eastern Courtyard Blocks which close off the open courtyard of the original design of the Sanatorium

7.8 PPS 5 Policy 10.1 requires local planning authorities to treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, it is necessary to weigh the harm against the wider benefits of the application. The greater the negative impact on the significance, the greater the benefits needed to justify approval. The benefits in this case are that the buildings would be brought back into use. Consequently the critical factor is whether the proposal is the minimum necessary to secure the long term future of the heritage assets, given that some elements adversely affect their significance.

7.9 The level of development required to secure the conservation of the heritage assets ('the conservation deficit')

After submitting this application the applicants prepared a financial appraisal of the scheme in accordance with costs agreed with the District Valuation Service (DVS) which had been appointed by CDC to give independent financial advice. On the basis of this appraisal the applicants estimated the deficit to be approximately £20 million. They maintained that the deficit could be closed through their ability to engineer cost savings through the detailed design process. After reviewing the appraisal DVS concluded that the deficit would range between approximately £25 and £35 million. The applicants have subsequently provided information to the SDNPA, which has been independently reviewed by DVS, on various options for assessing the deficit including:

1. Excluding all new build from the costs and values (deficit estimated at a minimum of c.£53 million);
2. Increasing the number of dwellings by 22 through application 11/01711/FULNP reported at agenda item 7 (deficit estimated at c.£20 million);
3. Changing the use of the Sanatorium from assisted care to market units and providing assisted care units in the new build (deficit estimated at £17-18 million).

7.10 A significant proportion of the difference in costs between the first and second/third options arises from increased costs of the conversion works and depressed values of the heritage assets after the conversion if the new build is not undertaken. The applicants have stated that the main reason for the first is due to economies of scale and the main reason for the second is due to the increase in service charges.

7.11 The applicants have also submitted financial appraisals calculated on the basis that property values are likely to rise over the time period of the development, These show a deficit ranging from c. £7 -£13 million. These appraisals indicate that the deficit has the potential to decrease over time if economic conditions improve.

7.12 English Heritage guidance explicitly states that the appraisals should be carried out using today's values. In their final consultee response English Heritage has pointed out that not only are future property prices uncertain, but also that building costs and interest charges may also rise over the period of the development. For that reason, as the deficit is still substantial, English Heritage has advised that the only mechanism for preventing the buildings from being left half repaired and/or half converted if there is a shortfall, is a legal agreement whereby the repairs and conversion works to the Sanatorium and Chapel are front-loaded so as to achieve that objective at a relatively early stage of the project. However, the applicants' financial model used to assess the conservation deficit is based on a 10 year programme for the works to the heritage assets and the applicants have proposed a legal agreement whereby the works to the Sanatorium in particular take place in stages. This creates a risk if the applicants or future developers need more development to fund the completion of the works. In these circumstances applications may be difficult to resist when half finished conservation work has resulted in a loss of significance to the heritage assets. It is for this reason that policy HE11 requires the full extent of development to be known at the outset.

7.13 The Disbenefits of Departing from the Development Plan

The proposal is for a major housing development within the countryside within a remote area of the South Downs National Park which represents a significant departure from

- national policy and the development plan, and the disbenefits of this departure need to be fully understood in order to evaluate the proposal in the context of PPS5 policy HE11.
- 7.14 Government policy recognises the National Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets. Nevertheless, in order to fully understand the disbenefits arising from departing from the development plan and national policy, consideration has been given as to whether the scale of housing development proposed can be justified by housing requirements, through minimising the need to release greenfield land elsewhere.
- 7.15 The key consideration is whether there is enough deliverable housing land to meet PPS3 five year land supply requirements in this part of the National Park and, if not, the extent to which this site could meet such requirements.
- 7.16 Currently the 5 year land supply requirement is determined by reference to the figures in the adopted Regional Spatial Strategy (RSS) - The South East Plan. However the Government has announced its intention to revoke the RSSs and replace top-down targets by local assessments of housing need. A recent High Court judgement in relation to a challenge by Cala Homes has confirmed that the intention to revoke RSSs is a material consideration for development management purposes, although Local Development Frameworks must continue to be based on the RSS.
- 7.17 Based on the South East Plan requirements, and making certain assumptions (based on previous development) about requirements in the part of the north of Chichester outside the National Park, there is a shortfall of 176 dwellings and a supply of only enough land for 2.72 years. On this basis there might be justification for some release of housing land to meet this requirement.
- 7.18 However there are very good reasons why the King Edward V11 site would not be appropriate to meet the shortfall in the South East Plan. First of all the number of houses proposed is excessive in relation to this measure of need. Whilst it could be argued that as completion of development is likely to take longer than 5 years not all of it would count against the 5 year supply figure, longer term requirements have not yet been assessed so there is no basis to judge the contribution which could be made by houses to be delivered in later stages of the construction programme.
- 7.19 It would also result in a concentration of housing development within a single area of the South Downs National Park to meet the housing targets of Chichester District Local Authority set out in the South East Plan where the need has not been demonstrated. Many of those making representations have pointed out that it would lead to a demographic imbalance within the parish of Easebourne.
- 7.20 Importantly this is not a sustainable location, as the applicants acknowledge. It is remote and access to essential services and facilities will rely on use of the private car. PPS7 government objective (ii) is to promote more sustainable patterns of development focusing development in or next to existing towns and villages, taking into account accessibility to services and facilities necessary for day to day living. PPS1 paragraph 35 states that good design should address the connection between people and places by considering need to access key services. The first principle for design of housing set out in PPS3 paragraph 16 is that it should be easily accessible and well connected to transport and community facilities. Paragraph 69 of PPS3 requires local planning authorities to have regard to the suitability of a site for housing including its environmental sustainability when determining planning applications. PPS1 Delivering Sustainable development para 27 requires new development to be located where everyone can access services or facilities on foot, bicycle or by public transport and para 27 vii requires that new development reduces the need to travel by focusing development near to existing centres.
- 7.21 The policy requirement for sustainable patterns of development overrides the presumption in favour of developing previously developed where such 'brownfield' sites perform poorly in sustainability consideration, even where planning permission has previously been granted, where they are remote from settlements and services. Moreover the new definition in PPS3

means that the grounds of the hospital are not previously developed land which makes the new build properties even less sustainable.

- 7.22 Therefore other sites would be better to meet the South East Plan shortfall because they are better located in relation to services and sustainable transport and in terms of their ability to meet affordable housing needs (which is not required in proposals for enabling development because it is acknowledge that the development does not comply with the policies in the development plan and it increases the amount of development). It would also be inappropriate to allocate all the housing needed to a single location, particularly in a parish such as Easebourne where population density is low and settlement dispersed as this would create a demographic unbalance.
- 7.23 Moreover, In the light of the current shortfall to meet the housing target in the South east Plan, Chichester District Council has commissioned, with the assistance of the SDNPA, a Local Housing Requirements Study from consultants DTZ. This looks at various demographic and economic scenarios and projects household growth to 2031 on this basis, splitting the southern (coastal) part of the district and the north, which largely comprises the National Park.
- 7.24 The DTZ study, which recommends a requirement for the north of Chichester of 70-95 dwellings per annum, indicates there is either an over-supply of housing land (as against the 70 per annum figure) of 51 dwellings or a shortfall of 74 dwellings (as against the 95 per annum target). These equate to a current supply, excluding the current permission for the site and other emerging proposals of 6.6 years and 3.7 years respectively. Even the shortfall against the 95 per annum target is considerably less than is being proposed on the King Edward VII site within the next 5 years.
- 7.25 Landscape Impact
- The site is situated in an area of great tranquillity and perceived natural landscape of wooded hills and valleys where overt human impact appears very limited because settlement is dispersed leading to dark night skies and low noise levels, yet where heathland and early enclosure patterns provide time depth. The woodland around the site restricts low level views and provides a backdrop to the hospital building from distant views. Much of the new development is proposed to be located within existing woodland and it is also proposed that there will be a significant amount of new planting which is aimed at screening much of the new development. However, the prominent undeveloped ridges and skylines that are visible from adjacent landscapes are visually highly sensitive.
- 7.26 Chapter 7 (on landscape and visual impact) of the Environmental Impact Assessment (EIA) does not specifically refer to the qualities of the landscape which led to the SDNP designation and some of the view points selected do not show the worst case scenario. The impacts of both the construction phase and the resulting development appear to have been underestimated.
- 7.27 In the immediate vicinity of the site are historic commons which have public rights of way and open access. These areas provide an opportunity to enjoy and understand the special qualities of the landscape in this part of the SDNP. Although the assessment indicates that there will be minimal visual impact of the development on these areas it does note that construction activity and construction traffic will have a 'minor impact' on landscape and that 'scenic quality and tranquillity' will be affected. However, it is likely there would be considerable noise impact during the construction phase which would adversely affect the perceived tranquillity, remoteness and rural isolation of adjacent landscapes over considerable period of time and that these have been underestimated in the EIA.
- 7.28 Although the development would not be in keeping with the historic character of settlement in the wider area (low density and dispersed) it is on a site where there has previously been a unique development and arguably the proposed development responds to and helps conserve that uniqueness. It would not be widely visible from immediately adjacent landscapes and its impacts are most significant with the site itself – particularly impacts on listed buildings and the historic park and garden. However, even though the visibility of the proposed development may be limited, the special qualities of the landscape adjacent to the

site can be affected by other factors such as noise and increased numbers of people and traffic movement. Research on tranquillity has highlighted these factors detract from perceptions of tranquillity. In addition the energy report submitted with the application also recommends that all the houses and the West Courtyard Apartment Block will have solar panels which would, in certain lighting conditions, be reflective and would inevitably increase visibility of the proposed development particularly from long distance routes and public rights of way used by walkers and cyclists to the south of the site. This issue is not addressed in Chapter 7 of the EIA. On completion of the development there may also be secondary effects including increased traffic movements and increased numbers of people accessing the adjacent commons which are discussed below in relation to biodiversity issues.

7.29 Highway issues

The highway authority, West Sussex County Council, has considered the evidence submitted in the Transport Assessment and accepts that the proposal potentially generates less trips than the recent use of the site as a hospital. It has consequently have raised no objection relating to highway capacity. In summary, using an average of 7 trips per dwelling (which equates to the trip generation of the existing dwellings in the vicinity), it has been estimated there will be in 22% less trips with 4% less in the afternoon peak and 30% less in the morning peak without a travel plan. Projections to 2017 and 2027 show there will still be capacity within the existing junction and RTA data shows that 3 accidents with minor injuries out of 11 in this stretch of road occurred at the KD/286 junction in last 6 years up to March 2010. All occurred due to human error.

7.30 Nevertheless 2 traffic mitigation measures are proposed. These would comprise passing bays in Kings Drive and the introduction of buff high friction surfacing on the approaches and a hatched central area that reduces the width of the through lane to 2.75m within the existing highway at the junction of Kings Drive and the A286. The impact of these proposals on the landscape of the SDNPA has not been assessed by the applicants. In view of the landscape qualities of this area set out in paragraph 7.24 the urbanising influences of these measures will have a detrimental impact on the character of SDNP.

7.31 No contributions are proposed to be made towards transport schemes to reduce congestion in the area or promote more sustainable forms of transport because it would increase the conservation deficit and therefore the amount of development needed. However, a Travel Plan has been submitted and the mitigation measures within it (including a minibus service) could be secured through a S106 Agreement. In addition the proposed pharmacy and doctors surgery, the shop, the leisure facilities including the café, gym, swimming pool and restored walks in the Pine Wood, and the potential for home working through the provision of spaces for private offices within the dwellings provide further mitigation for the unsustainable location of the development.

7.32 Biodiversity and nature conservation

PPS9 'Biodiversity and Geological Conservation' sets out the government's planning policies on biodiversity issues. The policies contained within the guidance seek to maintain, enhance and prevent harm to biodiversity and geological features. Particular attention is given to designated sites and development would not normally be granted on land within or outside an SSSI which is likely to have an adverse effect upon its features.

7.33 Considerable concern has been expressed by some of those making representations, including the RSPB and the Sussex Ornithological Society, on the impact of the proposal about the impact of recreational pressure and domestic pets on the ground nesting birds on the adjacent SSSI heath-land habitat. Natural England has commented on the proposals and its response is included earlier in this report. Natural England supports the SSSI mitigation proposals, which include the provision of measured walks, alternative recreational space and a cat covenant banning ownership of cats in properties within 400 metres of the SSSI in order to protect the designated bird interest features. Natural England does not object to the proposed development subject to inclusion of appropriately worded conditions securing the mitigation proposed and the proposals being carried out in strict accordance with the terms of the application and the submitted plans.

- 7.34 Many of those making representations have also expressed concern about the removal of so many trees and the consequent effect on wild life. The applicants have justified their proposals on the basis that many of the trees are poor quality and the recent pine plantations and self generated birch coppices are low in biodiversity. They have argued that the creation of woodland glades would increase biodiversity in these mono culture areas and a landscape management plan has been submitted with the application, the implementation of which could be secured by condition or a legal agreement. Measures to protect slow worms and reptiles on the site could also be secured by condition.
- 7.35 Existing bat roosts in the Chapel sanatorium and lodge would be retained (under licence from Natural England) and additional roosts would be provided in the extension to the nurses accommodation and in roof spaces of maintenance buildings, in disused tunnel connecting sanatorium and engine house, bat access tiles in individual dwellings and bat boxes in woodland and bat corridors kept free of artificial light.
- 7.36 Residential Amenity
- The applicants have stated that the proposal has been designed so that it minimises the impact on neighbouring residential properties. In particular new development has been sited away from the development at Hurst Park so that the impact on the amenities of the occupiers of those properties is minimised. With the amount of development proposed there will inevitably be a change in character from the site at present and from when it was a working hospital. It is argued that vehicle movements will however be less than when the site was a working hospital so there should be improvements to what is this base line position. The nearest properties (The Engine and Laundry House) due to the distance and falling ground will not overlook the nearest properties in Hurst Park and due to the orientation and intervening tree belt there will be no overlooking from the properties proposed in Kings Green. Therefore it is not considered that there will be any significant harm to the amenities of adjoining occupiers as a result of the proposed development.
- 7.37 Other issues
- Whilst concern has been expressed regarding water pressure in the area, South East Water have confirmed they have no objection on the basis that the applicants will fund off site reinforcement which will give sufficient capacity to serve the development, provided no major other development taking place before this development commences.
- 7.38 There are low levels of some contaminants from the previous hospital use and some further investigation is required. However this issue could be addressed by the use of standard conditions relating to contamination investigation, mitigation and monitoring.
- 7.39 Alternative provision
- English Heritage guidance states that enabling development can be provided off site. The potential for this has been raised with the applicants but they have responded with the view that this would not be feasible as they would have to bear the cost of acquiring the land and this would increase the amount of development required. They have also stated that in their opinion it would be unfair for the disbenefits of enabling development to be borne by a community that would not be experiencing the benefits. However both arguments are flawed. On an alternative site in a less sensitive and more sustainable location where housing would be contrary to the development plan, the land value would be reflective of the lack of potential for residential use and the volume of development would be more acceptable as there would be no adverse impact on the heritage assets or their settings or on the landscape and less reliance on the private car. On the second point the public benefit of conserving the heritage assets relates to the national importance of the heritage assets and therefore arguably it is most unfair that the local community experience all the disbenefits – which are higher in this location than in a more sustainable location and less sensitive landscape – for the national public benefit.
- 7.40 The EIA submitted with the application sets out the alternatives to this development. However there is no reference to the potential for developing on an alternative site. There is also no reference to any investigation of a source of funding that might support the

heritage asset without the need for enabling development which is an extremely inefficient method of closing the conservation deficit.

8. Conclusion

8.1 In assessing these proposals account must be taken of the strong presumption in favour of bringing these nationally important heritage assets back into beneficial use, both as part of the first purpose South Down National Park designation and the requirements of PPS5 policy HE 9. However the presumption against major development within the national park is equally strong. The disbenefits of departing from the development plan are considerable. There is no requirement for this amount of housing to meet local needs and it is likely to unbalance the community with such a high proportion of new residents in a single location, with no provision for affordable housing. Moreover the location has limited access to services and facilities and would result in an increased reliance on the use of the private car and there is no provision for mitigation through transport contributions. Both in construction and use the development would result in a level of activity which would disturb the tranquil character of this remote area. Whilst the issues may be quite finely balanced, in weighing up these opposing presumptions there is also the adverse impact of the proposals on the significance of the heritage assets to consider, and more importantly whether the development proposed will secure their future conservation, having regard to the outstanding conservation deficit – and whether there is an alternative to this form of enabling development which would cause less harm to the character and appearance of the national park. In the absence of certainty in such important and critical factors and the harm to the heritage assets, the unsustainable nature of the development and the harm to the character and appearance of the South Downs National Park it is recommended the application is refused.

9. Recommendation

9.1 It is recommended that planning permission be refused for the following reasons:

Having regard to:

- the substantial harm to the significance of the grade II* Sanatorium and Chapel and the less than substantial harm to the grade II Registered Historic park and gardens by reason of development which adversely affects their fabric and setting; and
- the financial appraisals which have not demonstrated that the enabling development will secure the long term future of the heritage assets and the public benefits will be delivered without the need for further enabling development which will have an unknown impact on the significance of the heritage assets;
- the inherent needs of the heritage asset rather than the circumstances of the present owner or the purchase price paid;
- the lack of evidence to demonstrate there is no alternative to support the heritage assets without the need for enabling development;
- the design and type of development that will harm other public interests;

it is considered that the public benefit of bringing the heritage assets back into use does not outweigh the following disbenefits of departing from the development plan:

- (i) The proposal is for a major development within a remote part of the South Downs National Park where there is a presumption against major development.
- (ii) The proposal is contrary to the provisions of the development plan and national planning policy in that it proposes new residential development outside any area allocated in the development plan for that purpose for which there is no proven need which will adversely affect the character and appearance of the landscape and social well being of the community in this part of the SDNP.

- (iii) The development is proposed in an unsustainable location where there is limited access to services and facilities essential for day to day living which will result in an over-reliance on the private car.
- (iv) The noise and activity during construction and the increased activity when the development is brought into use will adversely affect the tranquillity of this remote area and the quiet enjoyment of the special qualities of the SDNP.
- (v) The alterations to the A286-Kings Drive junction and to Kings Drive will have an inappropriately urbanising effect on the rural character of the area.
- (vi) There is no provision for affordable housing.
- (vii) There is no provision for transport contributions to mitigate against the use of the private car;
- (viii) There is no provision for a means of securing mitigation for the potential impact on the SSSI from domestic pets there is a risk to protected species of ground nesting birds.

The proposal is therefore contrary to PPS5 policies HE9.1, HE9.2, HE9.3, HE9.4, HE10.1, HE11, national planning policy set out in Circular 20/10, PPS3 PPS4 PPS7, PPS9, PPG13 and the following policies of the development plan: policies C2, CC1, CC4, CC6, H1, H3, BE6 and SP3 of the South East Plan 2006-2026 and policies, BE4, BE5, BE11, BE12, RE1, RE15 and RE28 of the Chichester District Local Plan.

10. Crime and Disorder Implications

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

11. Human Rights Implications

11.1 This planning application has 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.

JIM REDWOOD **Head of Planning**

Contact Officer: Pat Aird
Tel: 01730 811759
email: pat.aird@southdowns.gov.uk

Appendices
1. location map
2. planning history
3. final response from English Heritage

SDNPA Consultees
Head of Planning; LDF Policy Lead; Cultural Heritage Strategy Lead; Monitoring Officer & Senior Solicitor.

Background Documents

Letters of representation from members of the public, National Trust, RSPB, Sussex Garden Trust, Sussex Orthinological Trust

Letters of support from the applicant

Observations of English Heritage, Natural England, Environment Agency, Highways Agency and Southern Water

Observations of West Sussex County Council, Chichester District Council, Waverly Borough Council, and Easebourne, Haslemere, Bramshott and Liphook, Lynchmere, Elsted and Treyford, Fernhurst, Stedham with Iping Parish Councils

PPS1, PPS3, PPS4, PPS5, PPS7, PPS9, PPG13, PPS25

Circular 20/010

Chichester District Local Plan 1999

South East Plan 2009

Chichester District Local Housing Requirement Study:Chichester District Council and South Downs National Park Authority