



report PC23/10

8th November 2010

CHICHESTER DISTRICT COUNCIL

Application No: EB/10/04389/FUL

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 the Sanatorium; demolition of freestanding storage buildings north of the Engine House; use of the 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 houses and apartments; erection of 105 apartments comprising 7 no 1 bed, 95 no 2 bed units and 3 no 3 bed units; erection of 115 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 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 the grounds and gardens.

King Edward VII Hospital, Kings Drive, Easebourne, Midhurst, West Sussex.

Report by: Interim Head of Planning

Purpose of the report – This report relates to an application for the demolition of a number of modern buildings, the conversion of a listed former sanatorium to 143 care assisted units, the conversion of other historic buildings to 25 residential units, the erection of 220 new residential units and the restoration of gardens and grounds. The purpose of this report is to gain members' agreement to comments to be submitted to Chichester District Council on the application.

Resource implications - There may be implications for staff resources should the application go to appeal.

1. Recommendation

That Chichester District Council be advised that:

1. The National Park Authority recognises the importance of the historic hospital buildings and the associated grounds to the cultural heritage of the National Park, the conservation and enhancement of which forms part of the primary purpose of National Park designation and the conservation of which is identified in PPS7 as a specific purpose for National Parks. The Authority therefore wishes to see these historic buildings conserved and the gardens restored and managed.
2. The Authority accepts that some form of residential redevelopment of the main buildings and a proportion of the site as “enabling development” is the only viable means of securing the future of the historic buildings and grounds, and is aware of the extant permission for a total of 263 units on the site.
3. However, given the sensitivity of the site and its location and to accord with the principles of enabling development, the Authority 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. Accordingly, the Authority welcomes the commissioning of an independent assessment of the applicants’ financial case by the Council.
4. Notwithstanding the conclusions of the Heritage Statement and the Environmental Impact Assessment, the Authority considers that this independent assessment and the views of English Heritage and Natural England are paramount in assessing the acceptability of these proposals.
5. The Authority is concerned at the indication by the applicants that the quantum of development proposed may not be enough to secure the restoration and maintenance of the listed buildings, as the Authority believes that if the development barely supports the financial requirements of the restoration of the heritage assets the justification for the development itself becomes questionable. The Authority considers that enabling development should not only support restoration but it should support a scheme which is financially viable in the long term to ensure that more enabling development is not sought in the future if, for example, the condition of the listed buildings deteriorates, or is at risk again in the future. The District Council is encouraged to seek the advice of English Heritage on this point, and to suggest how this concern might be taken into account in any legal agreement for the development.
6. Therefore, provided that:
 - (i) the independent assessor confirms that the quantum and nature of development proposed is no more than is necessary to achieve the objectives set out in 3. and 5. above;
 - (ii) neither English Heritage nor Natural England raise insurmountable objections to the proposed development;

(iii) the minimal works to King's Drive and its junction with the A286 are acceptable to the Highway Authority; and

(iv) the permission, if granted, is subject to a conditions or a legal agreement regarding:

- materials, which should be of good quality and harmonise with those of the main historic buildings and their setting;
- landscaping, both hard and soft;
- the provision of on-site affordable housing or of a commuted sum for this housing to be provided elsewhere to meet the needs of Midhurst/Easebourne (subject to the independent assessor's views on the financial viability of the scheme);
- the preparation and implementation of a long-term landscape/historic environment/ecological management plan for the site;
- the removal of permitted development rights for extensions, alterations, ancillary buildings and means of enclosure;
- the repair of the listed buildings and restoration of the gardens to an agreed standard in accordance with a timetable to be agreed by the Council and English Heritage;
- any conservation measures required by English Heritage;
- any ecological protection or enhancement measures required by Natural England;
- external lighting;
- public access to the historic garden and chapel at least once a year (ideally with access on request for bona fide students and garden enthusiasts);
- the provision of an on-site shop, recreation and leisure facilities and the sustainable traffic measures proposed by the applicants;
- measures to achieve at least Code for Sustainable Homes Level 3 and preferably Level 4 for the new dwellings including woodburning stoves and biomass boilers, and possibly the provision of a wood-fired combined heat and power plant using locally-produced timber from managed woodlands or an energy from waste plant using waste arisings from the proposed development and water recycling measures;
- the provision of waste recycling facilities on-site to reduce the need to transport waste arisings off-site;
- the minimisation of construction and demolition/conversion waste through the implementation of a construction environmental management plan.

the National Park Authority raises **no objections** to this application

- (v) The Authority would also welcome the provision of public access to the measured walks on an unrestricted basis through the dedication or permitting of rights of way.

2. The Site

- 2.1 The former King Edward VII Hospital is located a little way to the north of Midhurst, to the west of the A286, on an elevated, south-facing site extending now to some 50.9 ha, part of Lord's Common. The hospital site was originally extended to 150 acres and was created out of an area of heathland and woodland on the common.
- 2.2 The hospital complex now comprises a range of buildings, the principal amongst which is the original sanatorium building (Grade II*), built between 1903-1906 and comprising a long range of building in an Arts and Crafts and local vernacular style constructed to a butterfly plan with three storeys in banded red and grey brick, with substantial tiled and gabled roofs. Substantial wings were added in the latter half of the last century.
- 2.3 To the west of the Sanatorium is situated the Chapel, (also Grade II*) constructed to a V shaped plan, with two naves, designed for separate use by men and women, linked by an octagonal chancel with tower. To the north-east of the Sanatorium, at the entrance drive, is The Lodge (Grade II). To the north-west of the Sanatorium is the laundry, engine house and boiler room (also Grade II) and the motor house. To the north of these buildings is a range of three utilitarian storage/maintenance buildings of poor construction. To the north of the north-west wing of the Sanatorium is an L shaped block in red brick with tiled roofs, the original part of which dates from the 1930's with a further wing added in the 1960's, which provided accommodation for the nurses.
- 2.4 The grounds comprise gardens, lawns, woodland and heathland around the hospital complex. Around the Sanatorium, but now largely confined to the area adjoining the southern range, are the remains of the Jekyll Gardens which were designed and laid out by Gertrude Jekyll upon the completion of the hospital in 1906. Large parts of the original garden layout and design have been lost or heavily affected by the eastern and western extensions to the hospital, and the extensions in the courtyards. Only about 30% of the area of the original now remains, which was registered as a historic garden by English Heritage in 2000 (Grade II).
- 2.5 To the north of the Sanatorium and opposite its main entrance is the largely open slightly raised grassed area, known as Kings Green, which creates a formal setting to the north elevation. This was not part of the original proposals, or of Jekyll's garden, but was created at a later date to brighten the outlook from the north side of the Sanatorium. The access driveway, from the Lodge south-west to the Sanatorium, is also within the boundary of the registered garden.

2.6 To the south of the Sanatorium, and the terracing of the Jekyll Gardens, the land is primarily open acid grassland between two wooded areas, and affords views south over the Rother Valley, with long distance views back from Midhurst and the footpath network of the Downs. This area is also included within the boundary of the registered garden, though it was never laid out by Jekyll, but has at various stages been used for differing recreational pursuits since 1912.

2.7 Within the woodland around the hospital buildings and gardens complex are a number of “measured walks”, which originally formed part of the patients’ rehabilitation. However, these and the woodland suffer from a lack of management. There are no rights of way crossing the site, although a public footpath runs along the southern boundary and there are other public footpaths a little to the west and east. Immediately to the west of the hospital site is the heathland of Woolbeding and Pound Commons SSSI, which is open access land, whilst a little way to the north is Northpark Copse to Snapeland Copse SSSI.

2.8 In recent years a number of individual dwellings formerly associated with the hospital have been sold off, and a complex of staff dwellings sold to a developer, who redeveloped the complex into 28 larger dwellings, all of which are excluded from this current application.

3. The proposals

3.1 The proposals, in summary, are to:

- demolish later extensions to existing principal buildings;
- demolish freestanding storage buildings north of the Engine House;
- use the Sanatorium for assisted care living and associated facilities (143 units);
- use the Chapel as shop and cafe;
- convert Engine House, Motor House and Nurses Accommodation to 25 no houses and apartments;
- erect 105 no 2½ and 3½ storey apartments;
- erect 115 no 2 and 2½ storey houses with detached garage/studios;
- construct underground and surface parking facilities (638 car spaces, 632 cycle spaces);
- provide new swimming pool and gym at basement level in the Sanatorium;
- construct 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 the grounds and gardens.

3.2 In more detail, the proposed 220 new build dwellings would be:

37 no 2 bed houses
39 no 3 bed houses
39 no 4 & 4+ bed houses
7 no 1 bed apartments
95 no 2 bed apartments
3 no 4 bed apartments

3.3 The new dwellings would be developed in five “zones” (a masterplan will be displayed at the Committee meeting):

- Zone 1: The main Sanatorium and Courtyards
 - Three apartment buildings will be constructed, two to the east of the Sanatorium and one to the west, providing a total of 91 apartments, comprising 1 no 1 bed, 87 no 2 bed and 3 no 4 bed units.
- Zone 2: The Kings Green (undeveloped woodland and grassed area to the north of the Sanatorium)
 - One apartment building, providing 6 no 1 bed units and 8 no 2 bed units; 10 no 2 bed terrace houses, 17 no 3 bed terrace houses and 18 no 4 bed detached houses.
- Zone 3: Superintendent’s Drive (on area of former car park and within woodland to the north-east of the Sanatorium)
 - 21 no 2 bed terrace houses, 17 no 3 bed terrace houses and 2 no 4 bed detached houses.
- Zone 4: Engine House Cottages (site of utilitarian storage/maintenance buildings to the north-west of the Sanatorium)
 - 6 no 2 bed terrace houses and 1 no 3 bed terrace house.
- Zone 5: Bracken Lane (within woodland to the north-east of the Sanatorium)
 - 15 no large detached houses of 4 and 5+ beds.

3.5 The proposals do not include any provision for affordable dwellings, either in the development or through a commuted payment for provision off-site..

3.6 It is proposed to restore, refurbish and where necessary recreate the Jekyll Gardens within the Sanatorium courtyards, the South Gardens, and adjoining the main entrance drive to the Sanatorium, using the archive planting plans that are available. Beyond the areas where built development is to take place, the whole site will be the subject of a management plan, the object of which is to improve the physical condition, visual appearance and ecological diversity of the landscape. This will not involve development per se, but will entail the removal of inappropriate invasive species, reintroduction of coppicing, thinning of areas of etiolation, reintroduction of understorey and creation of areas of acid grassland.

3.7 It is also intended to restore and recreate the measured walks throughout the estate (5.9km in length) for the use of the residents of the estate. A certain amount of these routes will be specifically designated as trim trails or outdoor gyms, and for rough cycling. The area south of the South Gardens will be laid with surface water diffusion drainage and re-sculpted to its original levels using the material excavated from the underground car parks. The whole area will be provided for informal recreation. A maintenance compound with stores, workshop and staff facilities, totalling some 520 sq m in floor area, will be provided in a clearing to the north of the site to service the requirements of the built and natural areas of the site.

4. Background

4.1 Originally built as a tuberculosis sanatorium, the King Edward VII hospital became a general surgery and cancer facility in the 1940's. However, in more recent years, due to changes in NHS policy, the hospital's finances became precarious, resulting in a reduction in the number of NHS patients being treated there. In 2000 a number of staff dwellings were sold off in an attempt to keep the hospital economically viable pending a more permanent solution (these dwellings were redeveloped to form Hurst Park).

4.2 A "rescue package" was proposed for the existing hospital buildings in 2002, but this later collapsed, with the result that the hospital went into provisional liquidation. In 2003 an application was submitted for '*a mixed use scheme to provide a newly extended purpose-designed hospital to provide long-term health care to the community*'. That application was withdrawn in July 2003, but a revised application was submitted later that month for a mixed use development including:

- a new hospital
- the conversion of the former sanatorium building into 198 flats
- the conversion of the nurses' accommodation block, the Estate Office and the Motor House into 21 flats
- the conversion of the Chapel into 3 live-work units
- 108 new build market houses
- 21 new build "key worker cluster flats"
- a commuted payment to bring the total amount of affordable housing to 22% of the overall households
- an underground multi-purpose community hall and fitness centre of 1,019 sq.m
- a car park for the new hospital of some 400 spaces plus a new underground car park
- new access roads and hard and soft landscaping
- restoration of the Jekyll gardens
- the transfer of 25 ha of land to the west of the development to the National Trust or similar body to act as a buffer to the SSSI

4.3 This application was approved by Chichester District Council in November 2003, but was not implemented and the hospital closed in March 2006. The permission could not be implemented and subsequently expired. At this time a report by a firm of chartered surveyors appointed by the liquidator to market the site concluded that residential development '*is the only realistic form of development if a viable solution is to be found*'.

4.4 In 2006 a new application was submitted for the:

- restoration and conversion of the former sanatorium, nurses' accommodation block, the Engine House and the former linear accelerator building to 250 apartments
- conversion of The Lodge and the former Motor House to two dwellings
- construction of 82 new apartments, some in a new wing to the main hospital building, and three houses
- 550 parking spaces
- demolition of modern extensions to the sanatorium building
- the restoration of the former chapel and conversion for use as a gymnasium
- reinstatement and enhancement of the registered historic gardens
- provision of a local shop (118 sq.m) and a small business centre for use by residents (320.68 sq.m)
- restoration of the cricket pitch and provision of a pavilion
- provision of croquet lawns, natural swimming pond, pitch and putt hole and synthetic grass courts for residents' use
- retention of approximately 24 ha of the grounds for residents; informal recreational use
- provision of hard and soft landscaping
- management of 19.6 ha for nature conservation

4.5 Following negotiation between the District Council and the applicants the total number of residential units proposed was reduced from 337 to 263 (224 by conversion of the listed buildings and 38 new build flats within a new wing (incorporating 32 affordable units) and a flat above the proposed shop). Permission was granted in February 2008 and remains extant. As it will expire in February 2011, it does not really represent a possible "fall-back" position against which the current application should be assessed, but is a material consideration in the determination of this application.

4.6 In 2008 a third application was submitted, for partial demolition, extension and alterations to existing buildings for continued class C2 use and associated landscaping, with 231 care assisted units and 31 staff units. This was permitted on 12 November 2008, remains extant and this does represent a possible "fall-back" position.

5. Assessment

National Park Purposes

5.1 The site is within the South Downs National Park. National Parks have two statutory purposes which must be taken into account when considering planning proposals that could have an impact upon the National Park:

1. *'To conserve and enhance their natural beauty, wildlife and cultural heritage'.*
2. *'To promote opportunities for the public understanding and enjoyment of these special qualities.'*

If there is a conflict between these two policies, then the first must take precedence. National Park Authorities also have a duty in pursuing those purposes:

'To seek to foster the economic and social well being of local communities within the National Park'.

National planning policy

5.2 Planning Policy Statement (PPS) 1 *Delivering Sustainable Development* promotes 'social cohesion and inclusion', and requires development plans to promote development that creates socially inclusive communities. PPS1 also requires planning policies to seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole, with a high level of protection given to the most valued townscapes and landscapes. Those with national and international designations should receive the highest level of protection.

5.3 Planning should seek to maintain and improve the local environment, with high quality design being the aim of all those involved in the development process, and a key objective being ensuring that developments respond to their local context and create or reinforce local distinctiveness. Good design should *'be integrated into the existing urban form and the natural and built environments'*.

5.4 PPS3 *Housing* explains that *'the priority for development should be previously-developed land'*¹, although notes that *'There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed'*.

¹ Defined in the PPS as *'that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure'*.

5.5 National planning policy relating to heritage assets is set out in PPS5 *Planning for the Historic Environment*. This explains that the Government's overarching aim 'is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations'. Policy HE7 sets out a number of policy principles guiding the determination of applications for consent relating to all heritage assets, including 'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposals.'

5.6 Policy HE9 states: 'There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact'.

5.7 Policy HE11 relates to "enabling development"², stating '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 development plan.....or from national policies'. In making such an assessment, the authority should take into account whether:

- it will materially harm the significance of the heritage asset or its setting;
- it will avoid detrimental fragmentation 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 circumstance 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; and
- the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests'.

² Defined by English Heritage as 'development that is contrary to established planning policy – national or local – but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused'.

- 5.8 National planning policy relating to the countryside is to be found principally in PPS7 *Sustainable Development in Rural Areas*. The objectives for rural areas include *'thriving, inclusive and sustainable rural communities', 'good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside', and 'continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources'*.
- 5.9 In paragraph 21 it states: *'Nationally designated areas comprising National Parks.....have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The conservation of wildlife and the cultural heritage are important considerations in all these areas. They are a specific purpose for National Parks, where they should also be given great weight in planning policies and development control decisions'*.
- 5.10 Paragraph 22 explains that major developments should not take place in these designated areas, except in exceptional circumstances. *'Because of the serious impact that major developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for all such developments should be subject to the most rigorous examination. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:*
- (i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - (ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
 - (iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
- 5.11 PPS9 *Biodiversity and Geological Conservation* set out national planning policies in respect of nature conservation. Paragraph 7 indicates that SSSIs should be given a high degree of protection under the planning system, whilst the following paragraph clarifies that *'where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI.....planning permission should not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an exception should be made only where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs'*.

5.12 Other relevant Planning Policy Statements and Guidance Notes include PPG13 *Transport*, PPS17 *Open Space*, PPS22 *Renewable Energy* and PPG24 *Noise*.

Local planning policy (the statutory development plan)

5.13 At the local policy level, the Chichester District Local Plan First Review 1999 contains a number of policies relevant to the proposal. The hospital site lies outside any settlement policy boundary identified in the Plan and Policy RE1 restricts development outside these boundaries to proposals complying with specifically identified other policies of the Plan. These include Policies RE14 and RE15.

5.14 Policy RE14 presumes in favour of the conversion and change of use of buildings in the rural area provided that a number of criteria are met, including that the proposals do not involve the erection of extensions, the proposals would conserve the character, fabric and setting of the buildings, with particular care to be taken to preserve the historic integrity and character of listed buildings, and the type and level of the activity proposed would not be detrimental to the character of the rural road network or the surrounding area.

5.15 Policy RE15 only allows proposals for the development or redevelopment of land or buildings comprising major institutions in the rural area if the proposed development would not have unacceptable effects upon the site or its surroundings, and would not involve the development of significant areas of undeveloped land within the site.

5.16 Policy RE4 presumes against development that would be harmful to the visual quality or distinctive character of the AONBs in the District, except in compelling circumstances (none of those specified are relevant to this application). Policy RE7 presumes against development that would be likely to damage, destroy or adversely affect designated nature conservation sites, including Sites of Special Scientific Interest. Policy RE28 presumes against development that would adversely affect a registered historic park or garden.

5.17 Policy BE4 refers to buildings of architectural or historic interest and presumes in favour of the preservation of such buildings unless a convincing case can be made for demolition or alteration. Development affecting a listed building that would result in the loss of character of an area will also be resisted. Policy BE5 requires alterations or extensions to listed buildings to be appropriate to their character. Policy BE11 requires new development not to detract from its surroundings and Policy BE14 requires appropriate landscaping, a design and layout that minimises the impact on features and sites of nature conservation value and the avoidance of adverse impacts on protected species.

5.18 Policies H8 and H9 relate to the provision of social housing, the former requiring a proportion of social housing in schemes within settlement policy boundaries, and the

latter allowing rural exception schemes. The site is not within a settlement policy boundary and is not promoted as a rural exception site, and there is, therefore, no specific policy requirement for the provision of affordable housing in association with this proposed development. However, a scheme of this magnitude would normally be expected to contribute to the provision of affordable housing where a need exists.

- 5.19 Also of relevance is the fact that by virtue of the extant permission for approximately 260 dwellings, the site is identified in Chichester District Council's Five Year Housing Land Supply 2010 – 2015 as a 'realistic commitment'. The Supply is estimated in the latest assessment to be a surplus of 195 dwellings.

The South Downs Management Plan

- 5.20 The South Downs Management Plan highlights the importance of the cultural heritage of the South Downs. It identifies ongoing damage to historic parks and gardens and the loss of character and integrity of the historic built environment and its setting as key issues.

Policy assessment

- 5.21 Assessing the proposals against this planning policy framework, it is clear that the proposals represent a major development within the National Park in terms of paragraph 22 of PPS7. However, the conservation of Grade II* and Grade II buildings and a Grade II registered historic garden can be considered to be in the "public interest", as required by the policy. It is also consistent with the first purpose of the SDNPA as in paragraph 5.1 The proposals would also comply in principle with PPS3 as being previously-developed land (although much of the site has no buildings or hard surfacing). Compliance with the other statements of national planning policy depend more on the specific impacts of the proposals, which are considered later in this report.
- 5.22 At the local policy level, as indicated in section 3 of this report, the proposals include new extensions to the main sanatorium building, which would normally render them contrary to Policy RE14. However, in this instance, they would be replacing existing extensions. Nevertheless, the proposals also include the development of significant areas of undeveloped land within the site, which is outside the scope of Policy RE14 and contrary to Policy RE15. As none of the other policies identified in Policy RE1 relating to development that is acceptable in principle in the rural areas of the District apply to these proposals, the development is therefore also contrary to Policy RE1.
- 5.23 It would also appear that there is no strategic housing land supply need for the quantum of development proposed. Compliance with the other policies of the Chichester District Local Plan Review identified above depend more on the specific impacts of the proposals, which are considered later in this report.

The justification for the development proposed

- 5.24 As members will be aware, S.38(6) of the Planning and Compulsory Purchase Act 2004 (which replaced S.54(A) of the Town and Country Planning Act 1990) requires the determination of planning applications to be in accordance with the development plan unless material considerations indicate otherwise. Material considerations include Planning Policy Statements.
- 5.25 Given the fact that the proposals are contrary to adopted planning policies, as explained above and accepted by the applicants, are there material considerations that would justify the proposed development? As explained earlier in this report, the former sanatorium and some of the associated buildings are Grade II*/Grade II listed, and the gardens are Grade II registered. Listed buildings are irreplaceable (the Chapel is on English Heritage's Buildings at Risk Register) and the historic buildings and their grounds therefore represent an important component of the cultural heritage not only of the National Park, but of the nation as a whole. (The Victorian Society considers the site to be of international architectural and historic significance, and describes the Chapel as '*a unique building of outstanding importance*'. The Buildings of England Volume for Sussex describes the original hospital building as '*one of the best buildings of its date in the country*').
- 5.26 The applicants highlight the importance of the hospital complex and state '*The **only** reason why Edward VII Estates Ltd are submitting the planning and listed building applications, is because the site contains a vacant and derelict complex of heritage assets. The **only** reason why a planning application is being submitted for the provision of 245 dwellings and 143 assisted care units on an isolated site in the South Downs National Park is to restore, refurbish and bring back to life those heritage assets. The **only** way to provide sufficient finance to restore and refurbish this landmark collection of much loved listed buildings and gardens, is to create a residential development of appropriate size, but which is designed to ensure that it is not so large that it harms the heritage assets or their setting*'.
- 5.27 The applicants also emphasise that the hospital has closed, the site is vacant and has been vacant for 4½ years and, although now weathertight, will inevitably continue to deteriorate (see paragraph 5.29 below). They note that Chichester District Council has recognised that it is necessary to allow development on the site that would not ordinarily be permitted, in an attempt to save the use, the buildings and gardens. This is known as "enabling development", the principles of which are set out in the English Heritage publication "Enabling Development and the Conservation of Heritage Assets" and now enshrined in PPS5 (see paragraph 5.8 above).
- 5.28 The English Heritage Guide states that '*Enabling development is development that is contrary to established planning policy – national or local – but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to*

outweigh the harm that would be caused..... This statement applies only to development contrary to established planning policy. It does not apply to proposals to secure the future of historic assets that are in accordance with the statutory development plan and national policy..... It is of the essence of proposals for enabling development that a scheme which would otherwise be unacceptable in planning terms is the only practicable means of generating the funds needed to secure the future of the heritage asset in question. It is entirely appropriate, therefore, to require applicants to provide evidence to the local planning authority in support of such a claim, particularly financial evidence'.

5.29 In this instance, the applicants note that despite the granting of three permissions, no development has materialised. The applicants point out that development must be financially viable, and it must also provide for a reasonable profit for the developer, which is recognised by English Heritage. The applicants claim that their financial appraisals '*unequivocally*' show that neither of the permitted schemes were ever remotely economically viable and that for each of the two schemes there would be a significant financial deficit – in excess of £50m for the 2006 scheme and in excess of £61m for the 2008 scheme.

5.30 The applications claim that the financial appraisals carried out on the previous applications and the current proposal clearly show that the development now proposed is the minimum necessary to overcome the conservation deficit and ensure the future conservation of the site.

5.31 The buildings have been vacant since the closure of the hospital, with the exception of security staff. Although the buildings have been made weathertight since the current owners purchased the site, a detailed condition survey of the buildings by the applicants has identified a number of defects:

- Areas of defective brickwork, including spalling, cracking, staining and defective/poor pointing.
- Rusting decorative ironwork, particularly balustrading and rainwater goods.
- Defective stonework, including delamination, cracking, heavy weathering, poor pointing, rusting embedded steelwork.
- Damaged, slipped and missing roof tiles.
- Rotting timberwork and timberwork in a poor decorative state.
- Structural defects in concrete decks, particularly to the terraces on the south front.
- Inappropriate use of UPVC windows, defective metal framed casements/ windows and doors where rusting has occurred, including associated defects to leaded lights/cames and broken panes of glass.
- Defective leadwork (roofing and flashings/weatherings).
- Damp penetration.
- Damage to internal finishes caused by water ingress.

- 5.32 The applicants also claim that the restoration of the sanatorium for a single specific use, perhaps as a hotel or offices, or even for residential, without any large-scale additional development in the grounds, would lead to a financial deficit of at least approximately £70 million. Accordingly, the applicants claim, additional development, well in excess of 200 dwellings is necessary if this very significant place is to be saved and restored.
- 5.33 From an assessment of the approved schemes, the applicants state that it has been apparent to them from the outset that the conservation deficit will generate a requirement for development well in excess of 46,500 sq m of new build residential. However, interestingly, they also say that it has also become clear, in the course of working up the development proposals, that development considerably in excess of 46,500 sq m would actually be harmful to the heritage assets, and indeed to the site as a whole, and would thus be contrary to Enabling Development policy as set out in PPS5 at HE11. The applicants have concluded therefore that the amount of development should be limited to 46,500 sq m, and that any shortfall identified in the anticipated capital receipts for the development will be resolved by discussion with Chichester District Council regarding the standards of materials and finish to be achieved in the restoration works.
- 5.34 This is a potential area of concern, as if the development barely supports the financial requirements of the restoration of the Listed Building the justification for the development itself becomes questionable. Arguably, enabling development should not only support restoration but it should support a scheme which is financially viable in the long term to ensure that more enabling development isn't sought in the future if, for example, the condition of the listed buildings deteriorates, or is at risk again the future. The District Council should be encouraged to seek the advice of English Heritage on this point, and to suggest how this concern might be taken into account in any legal agreement for the development.
- 5.35 However, the financial appraisal, whilst clearly particularly important, is only one element in assessing whether proposed enabling development is appropriate. The English Heritage Guide states '*Permission should only be granted if the asset is not materially harmed, and the applicant convincingly demonstrates that on balance, the benefits clearly outweigh any disbenefits, not only to the historic asset or its setting, but to any other relevant planning interests.*' As noted in paragraph 5.25 of this report this principle is now enshrined in PPS5, with the six assessment criteria as set out in paragraph 5.8 of this report. The applicants have given a response to these criteria as set out in the table overleaf.

EH/PPS5 Criteria	Applicants' response
It will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting. *	The setting of the historic buildings and gardens will be improved by the removal of the modern buildings and car parks, whilst the sensitive location of new development and the restoration of the buildings and gardens will add heritage value.
It avoids detrimental fragmentation of management of the heritage asset.	By establishing a management company to maintain the whole estate, paid for by the new residents, the integrity of the place as a whole will be maintained.
It will secure the long-term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation.	The proposals provide a long term solution for the future of the estate, so that further development will not be required. Once the restoration is complete, the management plan will ensure it is appropriately maintained and the new community that will be created will want to ensure its best interests are preserved.
It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid.	The proposals are based on a detailed analysis of the buildings, landscape, and ecology and respond to their needs, rather than the circumstances of the current or previous owners of the hospital.
Sufficient funding is not available from any other source to support the heritage asset without the need for enabling development.	Given the extent of work required, it is not possible to fund the restoration of the estate from subsidies or any other source.
The level of enabling development is the minimum necessary to secure the future conservation of the place, and its design and type minimises harm to other public interests.	The amount of development proposed is the minimum required to facilitate the restoration based on the detailed analysis of the condition of the estate. The financial calculations have been submitted for verification by the District Valuer, acting as Chichester District Council's independent consultant.

* Assessed in more detail below.

5.33 If it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that planning permission should only be granted if:

- The impact of the development is precisely defined at the outset, normally through the granting of full rather than outline planning permission;
- The achievement of the heritage objective is securely and enforceably linked to it;
- The heritage asset is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- The planning authority closely monitors implementation, if necessary acting promptly to ensure a satisfactory outcome.

Design

5.34 The Proposed Development has a logical and rational plan which has been developed as a masterplan. The masterplan responds to the following principal objectives:

- Clear away the expanse of late 20th century extensions that are detrimental to the original Adams & Holden designed buildings.
- Restore the listed buildings to rejuvenate the historical character of the site.
- Recreate the listed Gertrude Jekyll gardens and re-introduce the measured walks throughout the site.
- Introduce only the minimum development necessary to enable restoration of the heritage assets.
- Use detailed conservation and ecological assessments to determine the layout and design of the masterplan, whilst respecting and enhancing the site's sensitive location.
- Provide sympathetically designed quality new buildings that balance, respect and integrate with the character of the existing vernacular architecture.

5.36 The form, layout and scale of the masterplan have evolved through a number of stages since its inception, to effectively implement the underlying principles above. The current masterplan is the seventh iteration. It concentrates the majority of the higher density development around the existing mass and scale of the historical buildings, with the lower densities around the periphery. The landscaping and layout have been designed to retain existing approaches, routes and vistas whilst concealing the proposed development along the routes thus maintaining the main Sanatorium as the focal point.

5.37 For the design of the proposed development, the applicants state a detailed analysis has been carried out regarding the specific appearance of the existing historical buildings, the broad Sussex vernacular/Arts and Crafts style, and the particular vernacular architecture of Midhurst and nearby villages. Some of the proposed dwellings are designed to reflect these building styles, whilst there are also some in a more contemporary style. Proposed materials include cladding in natural stone, handmade brick, timber weatherboarding and plain clay tiles.

5.38 The brief for the landscape architects was to design, construct and maintain a high quality landscape appropriate to the sensitivity of the site, its architecture and the needs of a high quality residential development, with one of the landscape objectives being to ensure that this unique site makes a major contribution to the National Parks cultural, built and natural heritage. The entire registered garden would be restored, repaired and upgraded and the entire estate would be improved and enhanced to improve its visual amenity and biodiversity value.

5.39 In addition, the unique measured walks which extend through the whole estate would be restored for the use of the site residents. Natural stone would be used for new walling and steps, as in the Jekyll designs. Boundary treatments would be a combination of metal estate rail fencing, brick walling for the King's Green cottages, willow woven fencing or similar for the houses in King's Lane and Superintendent's Drive and wooden Sussex post and rail fencing for the Woodland houses.

The visual and landscape impact

5.40 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which evaluates the potential impacts the scheme will have on landscape character and quality, and views, including impacts that will occur during construction and operation. The LVIA notes that despite being in declining condition in parts, much of the site is considered to have a medium or high sensitivity to change, and the character and quality of the wider landscape indicates that it has a high sensitivity to change.

5.41 The LVIA notes that the site lies within a densely wooded and undulating landscape where large areas of woodland restrict views at ground level, including from the open access land of Woolbeding and Pound Common. However, the assessment concludes that during construction there will be a number of short-term significant negative impacts as a result of the presence of construction activity. This will affect the character of some areas of the site, the quality/value of the registered garden and some viewpoints within the site for a temporary period only. The viewpoints affected are mostly private. with construction activity only glimpsed through trees by residents on the eastern edge of the site and by users of King's Drive, Scotland Lane and Superintendent's Drive (access to Uppershaw and other properties).

5.42 The LVIA concludes that, notwithstanding the development of 220 residential units, across most of the site there will be long-term significant positive impacts on landscape character and visual amenity due to the restoration/ enhancement of the Kings Drive, the Western Gardens, the Eastern Gardens and Courtyards; enhancements to the Green, and Former Playing Fields, and removal of the three extensive car parks to the north east and south west of the sanatorium and adjoining the Engine House; habitat creation and active management of woodland areas to improve quality and diversity. The LVIA considers that users of local roads within the site (Kings Drive, Superintendent's Drive and Scotland Lane) will experience a significant improvement in visual amenity (including night time visual amenity along Superintendents Drive).

5.43 The assessment concludes that there will be significant long-term impacts on the character of site character areas 6 (Pine Walk South) and 11 (Bracken Path and the Shortcut). The impact on these character areas will be both positive (as the character and appearance of the new development will be in keeping with the woodland setting,

woodland being removed is poor quality and development will allow active management of the retained woodland and planting of new good quality trees) and negative (due to the change in character as a result of removal of woodland, including TPO woodland, to accommodate new residential built development). The LVIA concludes that the scheme will have a significant positive long-term impact on the landscape quality/value of the registered garden and a negligible impact on the South Downs National Park (during both day and night, although the latter would require control over lighting in the development).

Traffic Impacts

- 5.44 The applicants acknowledge that the development is not sited in an accessible transport corridor, nor is it possible to achieve such a highly sustainable transport location, and accordingly, the location of the site cannot meet the locational requirements of PPG13. However, they point out that the locational imperative for proposing development on this site is the existence of an extensive and vulnerable set of heritage assets, and the necessity to provide enabling development to secure their restoration.
- 5.45 The applicants indicate that one of the primary concerns in the determination of the amount and type of development on the site has been the desire to ensure that the traffic generation is less than that of the hospital use, prior to its closure. A detailed Transport Assessment has been submitted with the application, which shows that the proposed development would increase the traffic generation of the lawful use of the hospital during just a one hour of the day (1800 to 1900 hour) following full occupation. The likely increase during this hour equates to just 48 movements which is negligible when considered against the assessment criteria.
- 5.46 However, overall, the daily traffic flows generated by the proposed development are stated to be considerably less than those likely to be generated by the existing hospital should it be lawfully occupied and fully operational. This is considered to be a minor positive impact overall. Consideration was also given in the Transport Assessment to the potential impacts on severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation and accident and safety. All impacts were considered to be of negligible significance during both the construction and operational phase of the development.
- 5.47 Notwithstanding this, a number of measures are to be implemented in order to mitigate the slight increase in vehicular movements, during the one hour period of the day when the Proposed Scheme is operational, and improve the road safety of both Kings Drive and its junction with the A286. These improvements include additional road safety improvements by way of anti-skid surfaces, additional signage and improved bus stop facilities at the A286 / King's Drive junction to be implemented prior to commencement onsite. A number of passing bays will also be provided on King's

Drive, between the abovementioned junction and the site. All of these highway safety measures will be carried out, the applicants state, without the necessity to remove any banking and trees from the roadside.

- 5.48 In addition, the applicants state that particular attention has been paid to the provision of alternative forms of transport to the motor car, and to achieve the highest level of transportation sustainability, given the constraints involved. Accordingly, the existing bus service to the site will be provided for, (it has continued to call at the site 5 times daily ever since the hospital has been closed) and provided with a turning facility and bus stop. In addition, a minibus service will be provided for the residents of the assisted care facility, but it will also connect residents and employees to nearby towns and train stations.
- 5.49 A Travel Plan submitted with the application also provides for car sharing and car club schemes, provision of public transport time tables, extensive cycle storage and parking facilities, and electric car charging points.

Biodiversity

- 5.50 As explained in section 2 of this report, the SSSI at Woolbeding and Pound Commons adjoin the western boundary of the estate. The applicants state they have consulted with Natural England throughout to ensure that the proposals have no negative effect on their habitat. During this consultation it became apparent that Natural England was concerned that domestic cats from the proposed development would predate upon and endanger the ground-nesting birds within the SSSI area. As a result it was suggested that larger households and cottages within 400m of the SSSI boundary were minimized to mitigate any potential disruption to the unique ecology of the surrounding area.
- 5.51 However, in order to frame the westerly views from the Sanatorium, and the southerly views from the Chapel, as well as to restrict the development to the degraded areas near to the core of the site, it has been necessary to site the western apartments within the 400m cordon sanitaire of the SSSI. However, the applicants have put in place a double strength of protection to prevent predation by cats within the SSSI. Firstly, a series of permanent balancing ponds, taking the surface water drainage from the site, will be created in the (presently dry) natural valley immediately to the west of these apartments. Secondly, the applicants will incorporate, within the S106 Obligation a clause requiring the management lease to prevent the owning of cats for residents in these particular apartments.
- 5.52 With specific regard to the bats of varying species which occupy buildings on the site, it is proposed that existing roosts (e.g. within the roofspaces of the Sanatorium, Chapel and Lodge) will be retained or modified as appropriate, that additional roost spaces will be provided adjacent to existing roosts (e.g. in the extension to the nurses

accommodation building); and in new locations for example in the roofspaces of the proposed maintenance buildings in the northern woodlands. In addition, provision for bat roosting will be made within the tunnel (no longer used) connecting the Sanatorium and the engine house, via the use of bat access tiles in individual dwellings, and the provision of bat boxes attached to trees throughout the woodland. Known bat flight corridors will be kept free of artificial lighting.

5.53 A badger survey was undertaken in 2010. Three active outlier setts were recorded within the Site boundary. The level of use of these setts varied. Two main setts were recorded beyond the Site boundary. Signs of badger activity were recorded across the Site though these were concentrated in or around the amenity grassland areas.

5.54 Bird surveys have been undertaken at the Site in 2003 and updated again in 2008. The 2008 survey recorded a total of 64 bird species within the survey area. This included 54 species which were proven to breed or were considered to hold at least one breeding territory. Eleven of the species recorded fall within one or more categories of conservation importance. This includes four species (honey buzzard, nightjar, woodlark and Dartford Warbler) which are included in Annex I of the EU Council Directive on the Conservation of Wild Birds, four Schedule I species (honey buzzard, hobby, Dartford warbler and common crossbill) and ten species included in the Birds of Conservation Concern List.

5.55 The range of habitats present within the hospital grounds and the proximity of the Site to heathland habitats mean that the redevelopment site has potential to support a range of reptile species. Reptile surveys recorded the presence of adder, slow worm and common lizard. The mosaic of grassland, scrub and woodland habitats at the Site potentially provide high quality habitat for invertebrate populations. An invertebrate survey recorded a number of invertebrate species. This included some rare and notable species, the majority of which are associated with disturbed ground or dead wood habitats. However, the sampled invertebrate fauna was not as high quality as initially expected in terms of species diversity or abundance of rarities given the locality. This is considered likely to be due to a lack of appropriate management of the habitats within the site.

5.56 In terms of impacts on these habitats and species, construction of the scheme is predicted to result in the loss of some 9.94ha of seminatural habitat. However this is a temporary impact and once the construction phase is complete over 4ha will be returned to semi-natural habitat. The majority of the habitat loss will be plantation coniferous woodland and amenity grassland. There will also be small areas of other habitat lost. The loss of 0.08ha of dry, dwarf shrub heath is predicted to be of major negative significance prior to mitigation due the relative importance of this habitat. The 4 ha of habitat creation within the construction footprint will include a mosaic of trees, scrub, acid grassland and dry, dwarf shrub heath. A further 3 ha will be converted to private and communal gardens.

5.57 The predicted impacts on bats, birds and reptiles prior to mitigation during the construction phase are considered to be Major Negative and on badgers and invertebrates Moderate Negative. The applicants are proposing extensive mitigation to reduce these impacts down to an acceptable level. This includes:

- large areas of habitat creation (including 12 ha of dry heath/acid grassland mosaic);
- retention of woodland habitat and ecologically valuable trees;
- reinstatement of active management of woodland and increased structural diversity;
- retention of existing bat roosts where possible;
- creation of new bat roosts (within new build). Overall no net loss of high potential bat roosting habitat on the site;
- where required work will be undertaken under the correct Natural England Licence;
- programme of reptile translocation and habitat manipulation and creation
- sensitive works undertaken outside the bird breeding season.

5.58 Indirect impacts predicted during the operational phase include increased recreational pressure leading to disturbance of habitats and species, pet predation of species, changes in lighting of site and spread of invasive species. The predicted impacts prior to mitigation are considered to be Moderate Negative on Woolbeding and Pound Common SSSI, on the broad-leaved semi-natural woodland, mixed semi-natural woodland and dry dwarf shrub heath on the site, bats, badgers, birds and reptiles. Impacts on all other habitat types and invertebrates are predicted to be Minor Negative levels).

5.59 Again, however, the applicants are proposing extensive mitigation to reduce these impacts down to an acceptable level. This includes:

- provision of educational material to new residents regarding the ecology of the site;
- sensitively designed lighting taking account of important ecological areas (e.g. bat movement corridors);
- provision of 6.37km of Measured Walks and recreational spaces across the site to minimise encroachment off site (e.g. on to the nearby SSSI);
- a legally binding covenant preventing ownership of cats for all properties within 400m of the SSSI; and
- ongoing active management of existing and newly created habitats.

5.60 Following implementation of such mitigation measures the applicants consider that overall, it will be possible to mitigate all of the impacts to an acceptable level and that, in fact, with the proposals over both the short and the long term to remove poor

quality woodland and invasive species, and to gradually upgrade the condition, appearance and biodiversity of the woodlands, and even to introduce areas of acid heathland, the proposals would result in a number of significant positive effects (including on habitats and flora, bats, reptiles and birds).

5.61 The applicants consider that the proposals therefore represent a significant improvement upon those entailed in the three previous permissions, insofar as the protection and enhancement of the quality, character, appearance and biodiversity of the natural environment of the site and surroundings are concerned. They state that the development clearly complies with the objectives and requirements of PPS9 Biodiversity and Geological Conservation, and Local Plan policies RE7 and RE8 dealing with designated and non-designated nature conservation sites, and BE14 dealing with wildlife. However, the comments of Natural England will be very important, and it is hoped that these can be reported to members at the Planning Committee meeting.

Noise

5.62 The Tranquil Areas Study of the Sussex Downs AONB identifies the specific area of the hospital and ancillary buildings as Zone A “Disturbed”, with the immediate surrounding grounds categorised as Zone C – “Tranquil” and land around those, including King’s Drive, categorised as Zone D – “Very Tranquil”. The applicants acknowledge that some disturbance from noise during construction is inevitable, but state that they will ensure that working hours are in accordance with local and agreed codes, and that best possible methods are used throughout the construction process to minimise the incidence of noise. As with all construction processes, the development process will be temporary.

5.63 The permanent use of the site for residential, with minor commercial facilities by way of a local shop and cafe in the Chapel, will not, according to the applicants, generate any appreciable noise levels, and no impact upon local residents or the environment are envisaged. The applicants consider that the proposed development accords with PPS24. Nevertheless, it is hard to believe that development of this nature on this scale would not have significant implications for the character and tranquillity/remoteness of Woolbeding and Pound Common SSSI, as well as associated effects wider afield potentially arising from the anticipated traffic generation of the development.

Lighting

5.64 Inappropriate lighting can affect biodiversity, tranquillity and visual impact. The applicants state that external lighting will be designed to be kept to an absolute minimum. This will ensure it remains sensitive to the special location of the site in the National Park and its specific ecology. It is proposed that exterior lighting should be

provided for safety only in order to maintain a tranquil dark sky area. By strictly restricting any lighting along external roads and paths, it is intended artificial lighting levels will not affect the ecology on the site, in particular bats (see paragraph 5.58 above). On individual dwellings, one single light fitting will be located adjacent to the front door simply for address recognition and way finding.

5.65 Extensive lighting analysis has taken place with the use of CGIs to consider any impact on the surroundings is mitigated. The CGI images show how the only light distinguishable is primarily from internal spaces, thereby not being too obtrusive or disturbing existing habitats. Any common internal lighting will have operation kept to a minimum on PIR movement detectors, which shall also help with energy saving. Additionally 75% of all internal light fittings will be dedicated to low-energy. Future lighting will be controlled by the Estate Management Company.

5.66 Lighting provision and use within the development can be controlled by a condition on the planning permission, if granted.

Sustainability

5.67 The proposed development includes a number of measures to improve its sustainability, as set out in the Energy Statement accompanying the application. This indicates how the CO₂ emissions of dwellings are reduced by 10% on a Building Regulations compliant baseline through renewable technology measures including solar panels and photovoltaic panels and through the houses and apartments utilising local sources of biomass in woodburning stoves and biomass boilers. The new dwellings will achieve Code for Sustainable Homes Level 3. The development will also use Sustainable Drainage Systems (SUDS) to minimise the possibility of increased flows downstream.

5.67 The proposed use of woodburning stoves and biomass boilers is to be welcomed as providing a market for a local source of fuel that will in turn encourage woodland management. It may be possible to have a wood-fired combined heat and power plant using locally-produced timber from managed woodlands or an energy from waste plant using waste arisings from the proposed development as part of the development. Certainly the development should include water recycling measures and waste recycling facilities should be provided on site to reduce the need to transport waste arisings off-site. Construction and demolition/conversion waste should be minimised through the implementation of a construction environmental management plan.

6. Conclusion

6.1 The proposed development is clearly a major development of great significance within the National Park. With nearly 400 dwellings proposed, it is easily the largest

development ever likely to be proposed within the Park and, under normal circumstances, a development of this magnitude would not be countenanced within the Park, being contrary to adopted local planning policies.

- 6.2 However, this is an abnormal situation, with a range of nationally important Grade II* and Grade II listed buildings and a registered historic garden in need of restoration, maintenance and long-term conservation through a new use. The site forms an important part of the cultural heritage of the Park, not least because the site was chosen in part because of the clean air of the locality, a quality valued in the Park today. The conservation and enhancement of cultural heritage forms part of the primary purpose of National Park designation and the conservation of cultural heritage is identified in PPS7 as a specific purpose for National Parks.
- 6.3 It has previously been demonstrated and accepted by both English Heritage and Chichester District Council that enabling development is required to provide an economically viable conservation package for these historic assets, and that some form of residential redevelopment of the main buildings and a proportion of the site is the only viable form of development. Permission has previously been granted for over 260 dwellings on the site on this basis.
- 6.4 The current proposal is for significantly more dwellings. The applicants claim that previous proposed and permitted schemes were not economically viable and point to the fact that none of the three permissions have been implemented. This may be the case, and this claim needs to be scrutinised very carefully (and is being, by an independent assessor appointed by the District Council).
- 6.5 Given the sensitivity of the site and its location and to accord with the principles of enabling development, 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.
- 6.6 However, establishing whether or not the quantum and nature of development proposed is justified by the costs of securing that restoration, conservation and maintenance is only one of the two high hurdles that this proposed development must clear. The other is the requirement of PPS5 that its design and type minimises harm to other public interests – i.e. English Heritage's requirement that it will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting.
- 6.7 The Assessments submitted with the application indicate that the proposed development, in addition to securing the future of the listed buildings and their associated grounds, would also have landscape and biodiversity benefits. If this is the case, then this would lend support to the proposed development. However, the lack of provision for affordable housing either within the scheme or through a commuted sum

is a concern. In the interests of providing socially inclusive communities, affordable housing should be provided on site, but it is acknowledged that the site is not an ideal location for families on lower incomes, given the distance from facilities and services. However it is provided, a contribution towards the affordable housing needs of the locality should be sought.

6.8 At this time, the National Park Authority does not have access to its sources of specialist valuation, historic building, landscape or biodiversity advice, and must therefore rely on others to seek and provide that advice. The comments of Chichester District Council's independent assessor, English Heritage and Natural England will be crucial to the determination of this application, and the Authority's position on this application being recommended to the Committee in this report is therefore dependent on the views of these three bodies. It is hoped that these can be reported to the members at the Planning Committee.

6.9 If the proposed development is considered acceptable in principle then the Authority would be justified in raising no objection, although the permission, if granted, would need to be subject to a number of conditions and/or a legal agreement to ensure that the proposed development is also acceptable in detail.

7. Resource implications

7.1. There are potential implications for staff resources should the application go to appeal.

8. Risk management

8.1. The risks of costs being awarded against the National Park Authority at appeal are low, providing the National Park Authority does not act unreasonably. The recommendation that is presented the Committee is considered by your officers to be reasonable.

9. Human rights, equalities, health and safety

9.1. As the National Park Authority is not the determining authority there are no implications for the Authority arising out of the application.

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Attachments: Location plan, site plan.