

Report to	Planning Committee
Date	11 July 2011
By	Head of Planning
Local Authority	Chichester District Council
Application Number	11/01711/FULNP
Application	25 houses, 34 apartments, maintenance building and compound and underground car parking.
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 8.1 of this report

1. The Proposal and the Site

- 1.1 The application is for 59 residential units on 16 different sites in 4 separate locations within the former King Edward VII hospital and grounds and is in effect an amendment to the development proposed by application 10/04389/FULNP reported as item 6 of the Planning Committee meeting 11 July 2011 (Report PC37/11). A full description of the site and that proposal is set out in section 1 of the report at item 6.
- 1.2 There will be a net increase of 18 houses, 4 apartments and a larger area of underground car park on the development proposed by application 10/04389/FULNP. The development would be as follows with the development proposed in the same area by application 10/04389/FULNP and net increase shown in brackets:
- to the north of the Engine and Laundry House immediately adjacent to Hurst Park 13 no. 2 bed cottages with 11 parking spaces (3 no.2 bed cottages and 1 no. 3 bed house = 9).
 - in the area referred to as Kings Green 6 no. 3 bed houses with parking in an enlarged underground car park (2 no. 3 bed = 4) of the same design as those previously proposed in this area.
 - in the area referred to as Pine walk North and the loop 6 no. 4 bed houses (1 no. 4 bed = 5)
 - apartment block adjacent to east end of Sanatorium 34 no. 2 bed (30 no. 2 bed = 4 within the roof space)
 - 130 car parking spaces and 135 cycle parking spaces in the underground car park at the western end of the sanatorium proposed in application 10/04389) to accommodate a future proposal for a change of use (paragraph 1.2 below)
- 1.3 The application refers to drawings submitted with application 10/04389/FULNP which show the elevations and floor plans of the proposed new dwellings. Elevations and floor plans of the east courtyard block and floor plans and sections for the west courtyard block have been submitted with all the proposals in this application for those two areas and the car

parking and cycle parking arrangements.

- 1.4 The Planning Design and Access Statement (PDAS) submitted with the application also indicates that proposals may be submitted at a future date to change the use of part or all of the Sanatorium from assisted living (as proposed in application 10/04389) to free market housing and the re-provision of the assisted living units in the new build apartments proposed in application 10/04389. The applicant states that the purpose of both this application and any future proposals is to respond to the views of English Heritage and the Chichester District Council officer recommendation for refusal of application 10/04389 by increasing the amount of development to reduce the conservation deficit in the cost of restoring the heritage assets of the King Edward VII hospital. This application proposal is estimated by the applicants to reduce the deficit by £5 million.
- 1.5 The application has been submitted with a heritage statement based on the Environmental Impact Assessment and PDAS submitted with application 10/04389/FULNP. The following documents submitted with application 10/04389/FULNP have been resubmitted with this application:
- Sustainability Report
 - Energy Statement
 - Utilities Statement
 - Flood Risk Assessment
 - Sustainable Drainage Strategy
 - Addendum to Transport Assessment submitted with application 10/04389/FULNP
 - Executive Summary of the Contamination Report submitted with application 10/04389/FULNP
- 1.6 The applicant refers to information submitted as part of application 10/04389/FULNP in relation to biodiversity and contamination on the basis that no issues were raised in respect of these issues and state that a new S106 draft is not required. The applicant also refers to information submitted with application 10/04389/FULNP with regard to waste disposal. There is no Environmental Impact Assessment submitted with this application and no formal request has been made for a Screening Opinion under the 1999 Regulations. The application is not accompanied by a Lighting Assessment, Tree Schedule, Building Condition Survey, Landscape Assessment or Statement of Community Involvement.
- 1.7 A Financial Viability Assessment of this proposal in combination with the development proposed in application 10/04389 has been undertaken and submitted to DVS for verification.

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 an 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 the report to item 6 of the Planning Committee meeting 11 July 2011 (Report PC37/11).
- 2.2 Natural England - no objection subject to conditions relating to mitigation proposals for impact on SSSI and landscape.
- 2.3 The Highways Authority – no response.
- 2.4 The Environment Agency – no objection subject to conditions relating to surface drainage, sewage and contamination.

- 2.5 Southern Water – no objection; formal application for connection.
- 2.6 Chichester District Council (CDC) - no development additional to that proposed under 10/04389/FULNP should be permitted; some of areas where new housing proposed not covered by contamination site investigation.
- 2.7 Waverley Borough Council – sympathetic to concerns raised by joint response prepared by local councils and amenity groups; critical assessment of proposals is required having regard to PPS5 – proposal has not been supported by English Heritage.
- 2.8 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.
- 2.9 Fernhurst Parish Council – concern over CDC committee decision in face of local objection including FPC; as second application has been submitted what will prevent further ones; Edward VII Estates Ltd could easily be liquidated; concerns re strain on infrastructure previously expressed; local residents will bear the brunt of the lack of investment in infrastructure.
- 2.10 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.
- 2.11 An open letter has been received from a number of Town and Parish Councils and local societies including Waverley 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 Sussex and this one has many poor quality extensions and is in a poor state; chapel only should be restored as a tourist attraction.

3. Representations

- 3.1 RSPB – concern over protected species of ground nesting birds from recreational pressure and domestic pets.
- 3.2 Sussex Ornithological trust – calamitous impact on rare/threatened species of ground nesting birds.
- 3.3 Haslemere Society – concern re traffic generation, lack of parking and increase in passengers commuting on SE trains, road capacity.
- 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 South Downs Society – object: amount of development excessive; negative impact on tranquillity and landscape of SDNP outweighs gain from preservation of listed buildings and gardens; if not viable pressure for more development would be difficult to resist.
- 3.6 Chichester Access group – plans insufficiently details to allow group to determine whether access is acceptable; lack of S106 contributions and affordable housing will impact heavily on those with disability.
- 3.7 48 objections have been received since this second application was received, many of which refer to both this application and 10/04389/FULNP making the following points:
- Disappointment at CDC committee resolution - due process not followed as not all issues considered
 - Only one application was promised;
 - Density too great;
 - Impact on environment especially SSSI and AONB;
 - Impact on local communities (does not foster social well-being) – will lead to demographic imbalance as population of Easebourne will increase by 40%;
 - New build on virgin forest;
 - More thorough investigation of financial appraisal required – how can it be accurate when price points of properties not shown nor is purchase price of site – will all information be available;
 - Large scale development like this wouldn't be countenanced in other national parks;
 - Impact on woodland – should plant not lose trees;
 - Impact on wildlife;
 - Access dangerous – A286 not suited to cycling;
 - Infrastructure inadequate;
 - Overlooking and loss of privacy;
 - Hurst park residents not consulted by developer
 - Greed of developers not interested in saving hospital;
 - Additional trips for shopping, work and medical services;
 - Illogical to save buildings with addition of 400 homes;
 - Will not enhance area;
 - Light pollution;
 - Construction traffic;
 - Strain on emergency services;
 - Such restricted public access no public benefit;
 - Cost too great;
 - Submitted plans inaccurate – foot paths shown that don't exist and show more dwellings than the test suggests – also boundaries of gardens and access points are not shown;
 - Impact in combination with Syngenta;
 - Traffic congestion on Kings Drive and Scotland Lane in combination with existing uses and use of access to Hurst Park which was only emergency use when the hospital was operating – residents of Hurst Park pay maintenance charges;
 - Existing building an eyesore
 - Plans not available to view in CDC Midhurst office;
 - Soil erosion;
 - Raw sewage used to overflow from hospital as existing sewers are inadequate;

- If 8.5 million will restore the building why are 400 houses needed; properties in Easebourne unsold after 5 years;
- Fire hazard;
- Is there a performance bond;
- Localism means community views are taken into account;
- There is a glow worm community on the site;
- Footpaths and cycle paths on Kings Drive not shown.

3.8 2 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 A full planning history is set out in appendix 2 to agenda item 6 of the Planning Committee meeting 11 July 2011 (Report PC37/11); and considered in section 4 of the same report. The most relevant planning history is application 10/04389/FULNP to which this application is essentially an amendment.

5. Planning Policy Context

5.1 The planning policy context is the same as that set out in full in section 5 of the report for agenda item 6 of the Planning Committee meeting 11 July (Report PC37/11) in relation to application 10/04389/FULNP.

6 Planning Assessment

6.1 The public benefits of this application rely on it being implemented in conjunction with the proposals set out in application 10/04389/FULNP. Those proposals would have a detrimental impact on the significance of the grade II* listed Sanatorium and Chapel and the grade II listed registered park and garden through development which affects both the fabric and the setting for the reasons set out in paragraph 7.7 of the report on that application for agenda item 6 of the Planning Committee meeting 11 July (Report PC37/11)

6.2 Moreover, the additional dwellings now proposed is likely to exacerbate the disbenefits of departing from the development set out in paragraphs 7.13-34 of the report on the application for agenda item 6 of the Planning Committee meeting 11 July (Report PC37/11), particularly the impact of a large number of new dwellings in this remote unsustainable on the character and appearance of the SDNP, although the extent has not been fully assessed by the applicant.

6.3 In addition the addendum to the Transport Assessment submitted with application 10/04389/FULNP indicates that overall there will be less vehicle movements daily or in the two-way a.m peak. However there would potentially be an additional 56 movements during the two-way pm peak when compared with the previous hospital use.

6.4 There is also likely to be a greater impact on the residents of Hurst Park as most of the additional dwellings would be located in closer proximity and have the potential to overlook the rear gardens of those properties and a resultant loss of privacy. However, the EIA has not been amended to reflect the potential impact.

6.5 However, the additional dwellings will only reduce the conservation deficit by c.£5million. This does not remove the risks of a shortfall and the need for further enabling development in the future set out in paragraph 7.12 of the report for agenda item 6 of the Planning Committee meeting 11 July (Report PC37/11)

7 Conclusion and Reasons for Recommendations

- 7.1 This application is not capable of implementation in its own right. The development proposed is additional to that proposed as part of application 10/04389/FULNP which is recommended for refusal (agenda item 6 of the Planning Committee meeting 11 July Report PC37/11). This application also relies on information submitted as part of application 10/04389/FULNP not only for some of the supporting documents and EIA (which have not been amended to assess the impact of the additional dwellings) but even for the design of the proposed dwellings. The additional dwellings will exacerbate the disbenefits of departing from the development plan as set out above and in the report to application 10/04389/FULNP at item 6 on the Planning Committee meeting 11 July agenda Report PC37/11. However even with these additional dwellings the conservation deficit would remain at c.£20 million. It is therefore recommended that the application is refused.

8 Recommendations

- 8.1 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 in conjunction with the development proposed in application 10/04389/FULNP 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 in conjunction with the development proposed in application 10/04389/FULNP 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 which is not required to meet the five year housing supply and 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 proposal in conjunction with the development proposed in application 10/04389/FULNP is 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 in conjunction with the development proposed in application 10/04389/FULNP 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 proposed in application 10/04389/FULNP to which this application is an adjunct 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
- (ix) Insufficient information has been submitted to demonstrate the impact of the proposal on the amenity to the residents of Hurst Park through noise and disturbance during construction and loss of privacy when the development is brought into use.

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.

9 Crime and Disorder Implications

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

10 Human Rights Implications

10.1 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.

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Appendices	Location map
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 Ornithological 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, Lynchnmere, 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 Council and South Downs National Park Authority: Local Housing Requirements Study