

Report to	<b>Planning Committee</b>
Date	<b>16 January 2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>Chichester City Council</b>
Application Number	<b>SDNP/19/03903/FUL</b>
Applicant	<b>Mr Scott Curran - BE Midhurst DevCo Ltd. c/o Probitas Developments Ltd.</b>
Applications	<b>Erection of two terraces of 8 and 10 Class C3 dwellings respectively (18 units in total) with associated landscaping, parking, refuse storage and vehicular access from Superintendents Drive.</b>
Address	<b>Land at Superintendents Drive , King Edward VII Estate, Easebourne, GU29 0FB</b>

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**Recommendation: That permission be refused, for the reasons set out at paragraph 10.1 of this report**

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### **Executive Summary**

The application site forms part of the King Edward VII Estate which is in countryside outside any defined settlement. The site was subject to a comprehensive approval for enabling development in 2011 in order to ensure the restoration and ongoing maintenance of a number of heritage assets, most notably the main Sanatorium and the Chapel. Since the original approval there have been a number of subsequent applications for amendments to various parcels of the overall development. In particular the land that forms this application originally had approval for 21 terraced dwellings (albeit the parcel of land was larger on the original permission). A more recent approval allowed for 6no detached dwellings (SDNP/15/02213/FUL), as an alternative to the original approval.

The latest application seeks an increase from 6 to 18 dwellings (2 terraces of dwellings) and has been put forward (along with an accompanying application for Kings Green East) as enabling development to facilitate the fitting out and use of the Chapel as a restaurant/shop. The applicant considers that their scheme is the only one which can facilitate an end user for the Chapel and thus necessitates additional enabling development to fulfil this.

Officers consider that the original permission addressed the matter of enabling development for the Chapel and ensured the restoration and maintenance through the S106 legal agreement. This application has not evidenced a means to secure any greater protection of the Chapel in order to justify the grant of permission. The submitted information by the applicant is not considered to be robust in terms of demonstrating the extent of funding required for works to the Chapel. In addition, concerns remain that the viability figures put forward by the applicant appear to result in greater risk in terms of conservation deficit. Refusal is therefore recommended in relation to the broad principle of development.

Given that officers have reached the conclusion that the development cannot be considered as appropriate 'enabling development', the proposal involves residential development in the countryside where usually the only type that could potentially be acceptable would be exception housing. The proposal makes no provision for affordable housing and therefore refusal is recommendation on this basis.

Officers also remain concerned about the layout, landscape and design of the scheme and therefore recommend refusal.

The application is placed before the Committee due to previous committee consideration of applications at this site and due to the number of representations received.

## **I. Site Description**

- 1.1 The site is part of the former King Edward VII hospital and grounds which cover approximately 50 hectares and include designated and undesignated heritage assets. It is located in undulating wooded landscape approximately 5.5 kilometres to the north of Midhurst and 6 kilometres to the south of the village of Fernhurst on a south facing slope with extensive views out of the Rother Valley. The wider site rises up to the north and falls away to the west and is mostly covered by pine plantation with coppices of Sweet Chestnut and Silver Birch. 120 trees are protected by Tree Preservation Orders. The surrounding area is a mosaic of heath and woodland and the wider site is bounded from the north west to the south west by Woolbeding and Pound Common, nationally important areas of acid heath land, an important habitat for ground nesting birds, which are both SSSI's and SINCS and owned and managed by the National Trust. A public footpath runs along the eastern and northern edges of the wider site. The wider site is well screened with limited public view points in the vicinity of the site, although there are long distance views from the South Downs way across the Rother Valley.
- 1.2 Access is via a driveway through metal gates from Kings Drive which runs in a south east-north west direction from the A286 where there is a simple priority junction. There is a layby on the south east side of the junction.
- 1.3 The original hospital, completed in 1906, was built as a tuberculosis sanatorium, under the Patronage of King Edward VII. It is a grade II\* listed building. It was designed as two-east west aligned longitudinal blocks, with the southern, longer block splaying out slightly at either end, linked by a central corridor which divided the space between the buildings into 2 open courtyards. The plan divided the sexes with the west wing for male and the east wing for female patients. It is 3 storeys in height and built in banded red and grey brick (as are other original buildings on the site) with tiled and gabled roofs and in Arts and Craft style.
- 1.4 The area to the north was originally left as dense pine wood which was considered beneficial to the health of patients, but the area immediately in front of the building was subsequently cleared as it was found to be oppressive and was prone to mists. This created Kings Green, a 'V' shaped glade in front of the Sanatorium which is included in the designated area of the Grade II Registered Historic Park and Garden.
- 1.5 To the west and set apart from the Sanatorium is the Chapel which is also a Grade II\* Listed Building. To the north west of the Chapel is the Laundry and Engine House (Grade II\* Listed), and the Motor House (protected as a curtilage building). To the east on higher ground to the north of the Sanatorium is the Nurses Home. At the entrance to the site is the Lodge, which is Grade II Listed.
- 1.6 Around the Sanatorium, but now largely surviving in the area adjoining the southern range, are the remains of the gardens which were design and laid out by Gertrude Jekyll upon the completion of the hospital in 1906. These are a designated heritage asset as they are on the English Register of Historic Parks and Gardens as a Grade II designation.
- 1.7 A number of walks run throughout the site and surrounding woodland. These were laid out for use by the TB patients as part of their treatment when the buildings were in use as a Sanatorium. These walks are to be restored by the applicant and made available for use by residents as part of the wider redevelopment at King Edwards VII.
- 1.8 The Sanatorium has been extended by a number of unsympathetic buildings and additions in the second half of the 20th Century to support the use of the site as a hospital specialising in cancer treatment. The remainder of the site, until recently comprised large areas of car parking, roads, drives and amenity grassland associated with the hospital use. The applicant, as part of the consented 2011 scheme, has now removed many of these modern structures to better reveal the listed buildings across the site.
- 1.9 The specific part of the site in question is a triangle shaped plot to the north east of the site close to the entrance to the estate. The Lodge, which currently acts as a marketing office for the development, is located to the immediate North West. Superintendents Drive lies to the immediate east of the plot

with Kings Drive (leading to the Sanatorium) to the immediate west. The land beyond Kings Drive to the west is the subject of a separate application before Members for consideration (but, as will be seen, there are recurring themes in consideration of the schemes). The land to the immediate south (at a much lower level) currently forms an open car park for residents, however this part of the site will be developed in accordance with earlier approved plans.

- 1.10 Within the site there is some vegetation and small trees in the northern corner of the plot. The remainder of the site comprises of hardstanding and the land slopes only very gradually from north to south. A landscaped band of hedging runs adjacent to Kings Drive on the western edge of the plot, which forms part of the landscaped avenue heading towards the Sanatorium
- 1.11 Most recently, during the restoration and construction works, the specific area of the site which is the subject of the current application has been used mainly for parking/storage and a compound.

## **2. Relevant Planning History**

- 2.1 The description for the comprehensive development of the site approved in 2011, is as follows:-
- 2.2 Application SDNP/11/03635/FUL – Approved 25th November 2011 - Demolition of extensions to Sanatorium, Chapel, Lodge and Engine House; demolition of freestanding storage buildings to north of Engine House; extensions and alterations to Sanatorium and conversion of 148 apartments including provision of new swimming pool and gym at basement level together with other communal facilities; use of chapel as shop and cafe; conversion of Lodge, Engine House, Motor House and Nurses Accommodation to 30 houses and apartments; erection of 2 storey terraces and 3 1/2 storey apartments to provide 79 assisted care living units (use Class 2); erection of 51 no. apartments comprising 7 no. 1 bed, 41 no. 2 bed and 3 no. 4 bed units; erection of 108 no. 2 and 2 1/2 storey houses with detached garage/studios, comprising 26 no. 2 bed, 38 no. 3 bed and 44 no. 4 and 4 + bed houses; construction of underground and surface parking facilities; construction of access roads and drives; provision of estate maintenance building and compound; construction of surface water balancing ponds; provision of natural recreation facilities; and landscaping of the grounds and gardens.
- 2.3 The application was subject to a legal agreement which secured:-
- A financial contribution of £800,000 to meet the need for affordable housing
  - A financial contribution of £100,000 to meet the need for the provision of primary education to serve the development.
  - Phased construction to ensure restoration of Sanatorium and other listed buildings is undertaken in advance of some of the other enabling development.

It is important to note that the legal agreement, in particular required the owner to front load the restoration of the most precious listed buildings ahead of the construction and sale of the private new build dwellings. The agreement required the implementation of a restoration scheme which included works to the Chapel. In addition, the agreement required the owner to carry out all future maintenance of the listed buildings to a standard equal to the works comprised within the restoration scheme.

The owner was also required, prior to completion of the first dwelling, to form a management company for the purposes of being responsible for the future management of the listed buildings. This also required that, within the legal documents for each sale, a mechanism be included to ensure the purchaser would equitably contribute to the service charge to pay for the future management and maintenance of the Chapel.

Other agreements in relation to the park and grounds and sustainable transport measures were also included in the legal agreement

- 2.4 A number of further applications have been submitted for mainly non-material amendments to the original permission and some listed building consents for additional alterations/amendments to the original scheme. Of particular relevance to this application are the following approvals:-
- SDNP/15/02213/FUL Change of use of land previously consented for 79 assisted care living units (C2) and a redesign of 1 private residential dwelling (C3) under 11/03635/FUL to 54 residential units (C3) including underground and surface parking, access roads and drives, landscaping and associated infrastructure. Approved 11 January 2016

SDNP/16/06393/FUL - Replacement extension (demolish existing) and change of use of chapel for shop, cafe, swimming pool and ancillary leisure/communal facilities. Approved 21 April 2017

SDNP/16/06394/LIS- Replacement extension (demolish existing) and change of use of chapel for shop, cafe, swimming pool and ancillary leisure/communal facilities (Listed Building Consent). Approved 21 April 2017

### **3. Proposal**

- 3.1 The application seeks permission to construct 18 terraced dwellings in 2 blocks of 9 dwellings each, (one block on the eastern side facing towards Superintendents Drive, and the other block facing the southern boundary of the plot. The rear gardens would face inwardly into the plot with a landscaped parking area with 24 spaces (including 2 no disabled spaces) and bin stores. The access to the parking area would be located at the south eastern corner of the plot from within Superintendents Drive. The landscaping would be limited to a number of trees on the access to the parking area, strategic planting within the parking area and a row of trees on Superintendents Drive to the front of the terraced properties.
- 3.2 This application is for residential dwellings falling within the standard use class of C3, however the applicant clearly sets out that the dwellings will be marketed specifically in relation to 'assisted living' providing properties for prospective purchasers over the age of 55. The 'offer' for the residential development would include various services that the resident could purchase as part of their package. In addition, the applicant confirms that the securing of a use for the Chapel would form part of the assisted living package.
- 3.3 The original approval for the site made provision for 21 terraced properties within this location of the site, but the plot size for those 21 dwellings extended further southwards to the point where Kings Drive meets the road to the front of the Sanatorium building. In addition, the area which is now proposed for parking was originally proposed to be a formal landscaped garden area (the parking being located in the eastern basement to the south serving a large amount of parking for the comprehensive development). The 21 terraced properties were proposed to be for 'assisted living' along with the other development to the south of this plot towards the main sanatorium.
- 3.4 A subsequent approval in 2016 resulted in a revised scheme with less residential units across this part of the development but a move to market housing away from assisted living. This was based on the difficulties the developer had in gaining interest from a developer to take on such accommodation. The revised scheme included 6 detached properties within the area that forms the current application site. Both the original approval and the recent approval in 2016 have been commenced and are therefore extant, although naturally only one development can be eventually progressed.
- 3.5 This application is inextricably linked to the current application also being considered at committee for the area within the development known as Kings Green East (SDNP/19/03904/FUL). Both developments are being sought as further 'enabling development' to justify the grant of permission and are for 'assisted living'. The position of the applicants is that whilst previous planning permissions have secured necessary external refurbishment works to the Chapel building, there is still a need for remaining internal refurbishment works to be carried out and a permanent use for the building, which they believe could be secured if permission were to be granted for its proposals. Their justification is that earlier development phases of the site achieved funding of works which repaired much of the fabric of the Chapel, however funding was insufficient to fund all works to prevent certain maintenance issues or to secure the viable future of the Chapel.
- 3.6 Enabling development was the whole premise upon which such significant development was originally approved in 2012, to ensure the restoration and retention of the heritage assets within the estate.
- 3.7 A significant amount of the restoration work has been completed, primarily in the main sanatorium, but also in relation to the restoration works of the chapel. Work is currently underway in relation to the Nurses Accommodation Building, which is curtilage listed. The only remaining assets which require some significant works are the Engine Room Building and the Motor House building. The applicant is putting forward the current proposals on the basis that the original expectation of restoration and a use for the Chapel as a restaurant/café has not been realised with the original developers having had difficulties in finding an end user to operate from the site. This was evidenced in the submission from

City and Country in 2017 for the addition of a swimming pool to the Chapel in order to generate greater marketability of the building.

- 3.8 The applicants consider that their two developments and particular offering of 'assisted living' are the only realistic prospect for a permanent use of the Chapel. Whilst restoration works have been carried out to the Chapel (and the Historic Buildings Officer is content with the works carried out), technically the building will remain on the 'At Risk' register. This is due to the fact that the building is still not in permanent use. Whilst there is not currently an end user for the Chapel, the swimming pool is open to residents and in operation. Also the original Section 106 Agreement requires the owner to maintain and upkeep the building (irrespective as to whether there is an existing end user).
- 3.9 Therefore the use of the Chapel remains an inherent part of the proposals (along with the other application for Kings Green East – SDNP/19/03904/FUL).

#### **4. Consultations**

##### **4.1 Dark Skies – No Comment**

##### **4.2 Design – No objection subject to conditions (and some minor changes)**

- Some concern to the accumulative impact of *additional* enabling development.
- If Juliet balconies are to be used, they should be a custom design; reflecting ironmongery found elsewhere at King Edwards VII.
- Suggest changes: location and size of chimney stack, increase in depth of porch recess, need to add parapet roof specification to drawings, need for windows to be timber or metal
- Public realm: There is a significant loss of public open space (based on the previously approved terraced scheme) to provide a new parking area with some landscape planting. The layout of this area must be designed to protect the safety and amenity of all users and the design must give priority to the needs of pedestrians. The provision of relatively small private rear gardens emphasises the importance of this semi-private space as the public realm.
- Conditions should ensure submission of architectural details/samples, means of enclosure, surface materials, energy efficiency, surface levels etc.

##### **4.3 Drainage - Comments**

- Surface Water Drainage: The proposed means of surface water drainage is through the use of on-site SuDS features (such as permeable paving) which then in turn have the ability to discharge into the wider Estate developments SuDS infrastructure. This approach is acceptable in principle.
- On-site infiltration should be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). The permeable surfaces should be specifically designed to utilise the available infiltration potential. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction.
- Flood Risk: The site falls within flood zone 1 (low risk).
- Potable Water Supply: It is understood that there have recently been discussions between City and Country and South East Water regarding the current and future supply of potable water to the wider developments private potable water distribution network. Would suggest South East Water are consulted about this application, to ensure that they are comfortable with any additional demand that would be generated by this development.
- Clarification should be sought as to the how the private potable water supply will be managed, both within and beyond the red line of this application.
- There should be a clear understanding about where responsibilities lie in relation to the routine repair, maintenance and management of the water supply infrastructure (pipework etc.).

##### **4.4 Easebourne Parish Council – Object**

- The Parish Council wishes to begin on a positive note that this is now listed as a major and not minor variation, which is now considered correct. Also pleased that the staircase had been removed to access the loft space (to create a potential fourth bedroom) from the design and the dormer window re-positioned so that there is not a direct view into existing properties. However, the Parish Council believes that an option to provide a staircase will be offered to prospective

purchasers. More bedrooms lead to more residents with more vehicles (although it appears that only 1.3 parking spaces have been allocated per dwelling) and more traffic, with a negative impact on limited parking availability and increased traffic.

- Houses placed on higher ground will both overlook current properties and dominate the landscape.
- Problems with water supply/ water pressure continue for existing households, with a larger number of properties creating more issues which have not been resolved.
- The loss of vegetation is a great concern.
- The plan for the original six properties would present a vista which is in keeping with properties in close proximity. There can be only one reason to wish to cram these 18 houses on a small and limited plot, to maximize a profit.
- Using the leverage of an 'enabling development', when this has been cited in other applications, is met with disbelief.
- This development is targeted at families with at least one member being over 55 years old, when there is no easy-access to facilities or public transport within safe walking distance.
- This plot deserves to be developed with respect for the listed buildings it is so close to, the natural environment and ancient woodland, and the people who have invested in and brought this location to life again.
- Residents have suffered enough from this approach to development, and SDNPA needs to revisit the original plans and permissions for the site, which had greater respect for the hospital buildings, the rural environment and people who would create this community.

#### 4.5 **Ecologist – No objection subject to conditions**

#### 4.6 **Environment Agency – No comments**

- No comments received

#### 4.7 **Historic England – Comments**

- At time of the original permission stressed that it was vital that an enabling scheme of this kind, adequately addresses the conservation deficit and is therefore a viable scheme which will achieve the benefits proposed to balance harm.
- No detailed workings have been provided of the proposed (outstanding or new) work to the chapel, the costs of this, how this differs from that previously assumed and why additional cost has risen.
- The site plan shows considerably less green space on site than in the original permission.
- Historic England's published guidance lays out clearly the considerations which are vital in allowing the effect of enabling development to be assessed. Section 5.4.4 states "Taking an incremental approach to enabling development, in which additional enabling development is sought once the scheme is underway or completed, as a means of recovering unforeseen or underestimated costs, is not an acceptable practice. Such an approach distorts the process, because it is necessary to consider the effects of the enabling development proposals in their entirety before deciding whether the benefits outweigh the harm. The developer bears the risk – there can be no 'second bite at the same cherry'".
- It is considered that a small harmful effect is likely to arise due to an increase in density and reduced landscaping. Any further harm should be considered not only within the NPPF policies, but also alongside the above points regarding enabling development, given the existing permission was presented as sufficient to address the conservation deficit and allow full restoration of the Chapel.
- A key concern is the future of the Chapel as a vulnerable Grade II\* building, which was intended to have been addressed by the initial scheme. Although considerable repair works have been completed, the condition of the Chapel is presented as being linked to the need for revisions. If the revised scheme is indeed linked with the Chapel restoration, it would be expected for the details to be clearly laid out at this stage.

- If the Authority considers that harm is low, and justification is convincingly shown by the proposals, any works required to the Chapel should be clearly laid out and secured by legal agreement, with the aim of enabling the removal of the Chapel from the Heritage At Risk Register.

#### 4.8 Highways – No objection subject to conditions

- **Access and Visibility** - The RSA has raised two issues with the proposed access arrangements. These are both in relation to vegetation clearance to obtain required visibility onto Superintendents Drive. The Designer has agreed with both of the Auditors comments on each point. The LHA is satisfied that a suitable planning condition can be attached to any planning consent covering these works.
- Vegetation will need to be removed to achieve the 25 metre splays, this can be secured via a planning condition.
- The LHA is satisfied that that each access is operating safely and no concerns would be raised with the proposed.
- **Capacity** - The LHA are satisfied the additional movements would not have a 'Severe' impact on the adjoining highway network in line with Paragraph 109 of the National Planning Policy Framework (NPPF).
- **Accessibility** - Previously the LHA had raised the point about the sites location and accessibility. It is however acknowledged that within the KEVii development there are community facilities which could be utilised by prospective residents. Outside of the site the area is not well served by public transport and the location of the site does not have key services and facilities within reasonable walking distance. The nearest public bus service is the No. 70 which stops on the A286 at the junction with Kings Drive. These bus services link the site to Guildford, Goldalming and Haslemere. Haslemere and Guildford provide train services to London and Brighton. Previous commercial services 91 and 92 ceased operation to and from the site in October 2011. It is noted that as part of the previous applications no concerns have been raised in relation to accessibility.
- **Parking and Layout** - As the parking spaces were agreed at the pre-application phase the LHA would not raise a concern with the 24 spaces proposed. In terms of parking layout the applicant has demonstrated that parking can take place within the site.
- **Construction** - A comprehensive construction management plan would be sought through condition should permission be granted.
- **Conclusion** – The NPPF identifies that development should only be resisted on transport grounds when the residual impact is considered to be 'severe'. The LHA considers the proposed would not have a 'severe' impact on the operation of the highway network, and there are no transport grounds to resist the proposal which would be defensible at an appeal.

#### 4.9 Landscape – Comments

- These amendments do not introduce significant additional landscape or visual effects.
- In order to achieve Policy SD2, the spaces around the scheme should be maximising the benefits they can secure (integrated surface water management with hard and soft landscaping for example)
- Interested to understand how the schemes seeks to conserve and enhance water quantity and quality.
- Soft landscaping needs to be addressing and responding to evidence already gathered in the LVIA, PEA.
- Will need to see details of how to prevent pedestrians cutting through the vegetation as a short cut onto Kings Drive.
- Query about proximity of trees to buildings.
- Query whether permeable paving is to be used on the road.
- Careful choices of trees will be needed.
- Suds Strategy relies on soakaways but this fails to deliver multiple benefits.
- Wall climbers on appropriate walls could help to reduce heat loss from buildings.

#### 4.10 **Local Lead Flood Authority – No objection**

- Flood Risk Summary: Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding.
- Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.
- Modelled Groundwater Flood Hazard Classification: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping.
- SUDS: The Surface Water and SuDS Statement states that permeable paving, swales would be used to control the surface water runoff from the site. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

#### 4.11 **Natural England – No objection**

- Comments

#### 4.12 **South Downs Society – Objection**

- No decision should be reached until details of the original permission and its conditions are published.
- Given the isolated nature of this site, the lack of transport, facilities and distance from routine and emergency medical facilities, the concept of a retirement village is deeply flawed.
- No further permissions should be granted until the minibus service promised under the 2011 permission is implemented.
- The development should be of exceptional quality. The latest plan delivers none of the requirements of Policy SD5 of the Local Plan.
- Overbearing impact on design, no fluidity with other buildings, and is incongruous with the main heritage site.
- Not sympathetic to its environment, does not contribute to the overall historic character and has not adopted a landscape led approach. Much too dense with landscape wholly lacking.
- Creates an urban outlook and does not compliment the heritage site.
- The higher elevation of the development will be overbearing on the approach from Kings Drive. Visual impression on arriving at Superintendents Drive will be one of urban streets with 2 rows of opposing houses, out of character with the original intentions of fluidity of design across the whole site.
- The plan also states windows will be large, glazed and frames coated with PPC. This will be too contemporary for this heritage site. Glazing should be less overbearing and traditional timber would be more in keeping.
- No link or join up to other sites and it is not cohesive nor conducive to community living.
- No further permission should be granted without a sustainable transport system being available to existing and potential new residences.
- Applications must embody the SDNPA Climate Change Adaptation Plan and should be required to submit a 'zero carbon and renewable energy scheme'.
- Provision should be made EV Charging facilities and net biodiversity gains.
- The issue of water supply and water pressure was a frequent subject raised at liaison meetings. No further development should be given permission until adequate water supplies can be provided.

#### 4.13 **Southern Water – Comments**

- Advice provided in relation to Informative about Sewerage and Suds

### 5. **Representations**

- 5.1 Letters of objection from 48 residents, groups of residents and steering groups (In some cases multiple letters have been received from individual residents during the process and in response to further information submitted from the applicant). A summary of the comments are outlined below.

### **Highways/Access/Parking:**

- Parking problems further exacerbated.
- Travel Plan – Without a comprehensive bus service, single occupancy car trips will increase with increased number of properties.
- Dwellings have potential for 4 bedrooms so 24 spaces for 18 dwellings is inadequate.
- No visitor parking provided.
- More congestion on Kings Drive and the A286.
- Increase in traffic along Superintendents Drive.
- Original application survey stated traffic would be no different to when the hospital was operating. Not true. On-line deliveries and shopping were not considered.
- Pavement along Kings Drive needed to protect walkers.
- Kings Road is dangerous already.
- Consider statistics quoted by Probitas for car ownership are unrealistic.
- Trip generation recording was positioned away from Kings Drive over a weekend at the beginning of the summer holidays.
- Increased footfall along Kings Drive with no footpath/pavement.
- Proposed access is on a blind bend. There have already been near misses around this junction.

### **Quantum of Development:**

- When permission granted in 2011, planning officer said “there will be no more houses allowed on this site”. Need to stand by words and refuse the application.

### **Enabling:**

- Application in breach of English Heritage Guidelines on enabling development (2008) and policies in the Local Plan.
- City & Country confirmed in Newsletter in 2013 that S106 would better secure the future of the Chapel and Sanatorium, without any further significant investment in funds. .
- No justification for increase of dwellings on basis of enabling development for the Chapel restoration.
- Design and Access Statement for SDNP/16/06393 confirmed building was in a condition to extend its beneficial use in the decades ahead. This implied only fitting out was now required, rather than works to preserve the building.
- Enabling development was not referred to in Application SDNP/19/02395/CND.
- Information in Design Awards for SDNPA mentions that Sanatorium and Chapel have been carefully and sensitively restored.
- Planning Statement infers that various listed buildings have not yet been refurbished and applicant understands there are no plans to complete the works by C & C.
- Made clear that permission and the S106 runs with the land and not the applicant.
- Accountability required In relation to use of previous enabling funds for the chapel to ascertain if this application is a ‘second bite at the same cherry’.
- Concern if chapel is opened as a substantial restaurant attracting noise within a densely populated area.
- Authority will have to examine whether the remedial work has been carried out satisfactorily
- Minutes of a Probitas meeting with residents said that the chapel can only work commercially if the estate residents use the facilities and the Kings green east residents and Superintendents site is granted approval, it will be these residents who will support the running costs of the facilities.
- Concern raised that residents will be responsible for maintenance and upkeep of the Chapel building (as informed by Encore).
- Uncertainty as to whether Probitas will also take on management of swimming pool.

- Documentation appears to infer that enablement should be used to fund the 'fitting-out' of the Chapel as a restaurant/club room.
- There could be more viable uses for the Chapel.
- The scheme is purely financial and target driven.

#### **Viability:**

- Concerns that the decision has been made to proceed with the scheme in the hope that the economics of the scheme will improve over the lifetime of the development.

#### **Design/Landscaping/Trees**

- Urban density in an AONB. Layout dominated by parking. Significant departure from original plans.
- Lack of parking will result in parking on the streets.
- 20-30 dwellings per hectare would appear to be reasonable and this would only allow for 13 at most. Therefore the proposals amount to overdevelopment.
- Poor quality design, not contributing to the Estate and not landscape-led.
- Large expanse of glass and inclusion of Juliette balconies out of keeping. Overbearing.
- Substantial loss of landscaped areas from previous approvals.
- Layout and design does not fit with the setting of the historic park and sanatorium, and chapel. Report on SDNP/15/02213/FUL for 6 houses referred to scheme as a better relationship with on-site heritage assets than that previously consented.
- Cramped, out of character. Target-led development. Densely packed into a small plot.
- Lack of space for adequate planting.
- Local Plan confirms that fences, entrance gates' lighting, driveways and hardstanding can have a considerable urbanising effect on rural areas.
- Design incompatible with original aims for Estate development. Concerns about cumulative development due to areas of estate sold off.
- Concern about loss of trees.
- Roofline will be above that of the Sanatorium, thus becoming dominant.
- Increases the sense of enclosure by the introduction of a series of small fenced gardens to replace the former communal gardens.
- The Planning Statement on 11/03635/FUL mentioned secluding development from the Kings Drive approach and creating a recognizable place of identifiable character that maintains a relationship with the building typologies around the main sanatorium and Kings Green.
- More common house type which does not have qualities or integrity of previous designs.
- Proposal has none of qualities to form part of any 'mosaic'.
- 18 houses would not have fluidity of design with rest of the development.
- Consider applicants have made a number of erroneous claims and comparisons by false analogy to justify their position.
- Do not believe that the 21 dwelling scheme can now be built out.

#### **Ecology/Wildlife**

- Increased pressure on wildlife in vicinity

#### **Neighbouring Amenity**

- Traffic noise/pollution on Sir Geoffrey Todd Walk and light pollution from cars.
- Loss of privacy across to cottages in Sir Geoffrey Todd Walk
- Planting would not be effective from October to May.
- Overbearing impact on Sir Geoffrey Todd Walk.
- General Light pollution.

### **Matters relating to delivery of other services on the Estate:**

- Increased impact on medical services.
- Original S106 listed a doctor's surgery to be present on the site, but this has not been enacted.
- Accommodation for 55 years + will increase need for emergency care, thus providing parking/access issues when this happens.
- Syngenta application includes comment from Savills Health Care Team that, due to the distance from amenities, the site is not considered suitable for a retirement village.

### **Water Supply/Infrastructure**

- Concerns about water supply that is already under pressure on the Estate.
- Utilities statement – Reservoir is only half a mile away and is a holding/balancing tank with a single chamber serving the Estate and Hurst Park. Ongoing issues since 2002. Concerns re capacity of reservoir to meet existing or future needs, resilience of infrastructure and capabilities of C & C to manage for the long term.
- Hydrock report of 2018 states that reservoir provides 5 days storage. This will drop to 2 days when development is complete. Any overbuilding will render supply inadequate.
- Drainage Engineer and Southern Water have requested further information. Would appear both have serious concerns.
- Dispute the Hydrock capacity assertion. Additional factor: Since the reservoir on Scotland Lane is only refilled at off-peak times, the water level could be well below optimal if there is a pump failure at the end of the pumping cycle and this would result in a significant reduction of the residual water volume available for distribution.
- Any assessment should focus on actual number of residents, as well as number of bedrooms.
- Utilities report is lacking in substance.
- Properties at a higher altitude have experienced extended periods of low water pressure and water outages at times of peak water usage.
- Would expect the SDNPA to consult SE Water and residents in respect of applications and supply of potable water, seek clarification as to how it will be managed within and beyond the red lines, and ensure there is a clear and contractually binding agreement about where responsibilities lie.
- Drainage and Southern Water have raised issues in relation to Drainage and Suds.
- Hurst Park Residents use on average 14,500 litres of water a day. Once the development is complete the reservoir will hold 2 days' supply.
- Daily requirement of 1150 people is 204,700 litres from a tank of only 280,000 litres. For an estate of 1150 people the water should surely be supplied from the mains rather than a gravity fed water supply.
- Concern that there is adequate water supply if there is a fire on the estate.

### **Other:**

- Question demand for this type of housing given unsustainable location
- Lack of pre-application engagement by developer.
- Concerns as to suitability of applicant to undertake this complex development.
- Concern about deadline for submitting comments
- Benefits do not outweigh the public offer.
- Query about reluctance of applicants to pay CIL.

## **5.2 Letter of objection from Dowsett Mayhew Partnership on behalf of 22 residents**

### **ENABLING:**

- Piecemeal fashion in which site has been developed and amendments applied for has made it difficult for interested parties to keep track of. Not clear whether S106 requirements have been complied with nor how monies deposited in escrow to fund restoration have been spent.

- Enabling development should be minimum necessary to secure the future of the place, its form should do no harm to other public interests, as well as being necessary to resolve problems arising from the needs of the place, rather than circumstances of the owner or the purchase price paid.
- Although S106 required works of restoration to the Chapel, it is not clear how its long term viable use was secured.
- The chapel was intended to be converted to a shop and café in the 2011 permission. It does not appear that a strong business plan for the long term viability of the Chapel was proposed at the time. Supporting documents not clear as to whether this would comprise a private facility for residents of the scheme or a destination restaurant open to the public.
- S106 required early completion of restoration of the Chapel.
- It is not clear whether the Authority have monitored the Chapel restoration and the completion of the works and whether the S016 has been complied with. In any event it is vacant and not in optimum viable use.
- Swimming pool is in use now but chapel remains vacant.
- Not clear why the chapel works were not carried out as a single operation.
- Although the applicant puts forward the development as a means to deliver the Chapel conversion, there is no certainty that this will be a viable facility in the long term.
- Unlikely that dwellings within the estate will generate sufficient footfall to support a shop and café. Conversely given the location, if the Chapel were to be a destination restaurant, this would generate additional vehicle movements and parking demand.
- A co-operative café and multi-use community space could be explored.
- No secure mechanism to secure delivery of an appropriate viable use for the Chapel.
- Details in the Viability report do not further explain or justify the cost of £2million.
- SDNP/16/06393 report stated that the chapel building was in a condition to extend its beneficial use in the decades ahead, implying only fitting to serve a new purpose was required. Current planning statement is at odds in saying Chapel is the only listed building that has not been converted or is not subject to applications to complete the renovations.
- If applicant is proposing the development as 'enabling' it should be accompanied by a definitive schedule of works.
- Does not state how the proposal will be linked to the chapel restoration and to the original S106 agreement. It is not clear whether the applicant has sufficient interest to carry out further works to the chapel.
- Discrepancies in the EVR. Appendix 3 identifies 18 dwellings permitted in the Superintendents drive area while Appendix 4 presents a cost plan for 6 unit assisted care unit development.
- Given this is a fresh application not linked to the delivery of the optimum viable use of the Grade ii\* building, there is no justification for additional dwellings as enabling development.
- English Heritage guidance confirms developers take on the risk with no mechanism for clawback if the financial outcome is better than expected and no expectation of further enabling development if it is worse than expected.
- A fresh application will not be bound by the requirements of the 2011 agreement jeopardising the long term link.
- Cannot be considered as enabling development under Policy SD6. No justification for permitting a departure from the development plan.
- This application should be subject to a fresh S106 to secure benefits to the listed building, and other necessary infrastructure delivery.

#### **LAYOUT AND APPEARANCE:**

- Dominated by car parking and manoeuvring areas, at odds with the more spacious development permitted at the site.
- Sharp contrast to SDNP/15/02213/FUL.

- Whilst original permission envisaged terraces of a similar footprint these were bordered by a landscaped area. Land on current permission slightly smaller than that for 18 dwellings previously approved.
- Current schemes increases density, removing gaps provided by the detached dwelling layout and increases sense of enclosure by creation of small fenced gardens.
- Expansive parking areas within an urban appearance.
- The layout is not unique and doesn't contribute positively to the setting of the historic park and listed building.
- Does not reflect a landscape led approach.
- Relies on shared bin store buildings. Location provides a risk to be subject to vandalism as a result of lack of overlooking.
- Concern about loss of a copper beech.

#### **PARKING AND HIGHWAYS:**

- The Sheltered Accommodation and Flats for the Elderly category in the WSCC standards is not appropriate for this development. The revised 2019 guidance provides only one standard for residential uses. Application of these standards would deliver a more appropriate level of parking, this would further erode the landscape setting of the development.
- Unsustainable location for additional dwellings. Although a minibus service is to be provided this is once occupancy exceeds 50%. It is currently below 25%
- Provision of only 1.3 spaces per dwelling will result in on street parking.
- Uncertainty as to when and if the underground parking to the south is to be provided.
- This scheme will result in more trips than a 6 dwelling scheme.
- Parking is not in line with Secured By Design Guidance.
- Parking will need to be illuminated at odds with Policy SD8 Dark Night Skies

#### **5.3 2 Letters of support**

- It will deliver to the existing Chapel building a bistro and café/shop use which would benefit the residents of the Estate.

#### **6. Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the South Downs Local Plan 2014-2033. The relevant policies to this proposal are set out below.

##### National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.3 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

##### National Planning Policy Framework and Circular 2010

6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The National Planning Framework was subsequently updated in 2018. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

6.5 Paragraph 172 of the NPPF confirms that planning permission should be refused for major development in designated areas (such as National Parks), except in exceptional circumstances and

where it can be demonstrated that they are in the public interest. Consideration of such applications should include an assessment of 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, the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. In this respect it is considered that the proposed development does not constitute major development for the purposes of the NPPF and policy SD3 (Major Development) of the South Downs Local Plan (2019).

- 6.6 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.
- 6.7 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a vision, outcome and policies and delivery framework for the National Park over the next five years. The Relevant policies are 1, 3, 9, 10, 38, 39, 40, 48, 49, 50 & 56.
- 6.8 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect listed buildings or their setting.
- 6.9 Section 66 (1) states that “in considering whether to grant planning permission for development which affects a listed building or its setting the local authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

## **7. Planning Policy**

7.1 The following Policies of the Adopted South Downs Local Plan (2019) are relevant to this proposal:

- SD1 – Sustainable Development
- SD2 – Ecosystem Services
- SD3 – Major Development
- SD4 – Landscape Character
- SD5 - Design
- SD6 – Safeguarding Views
- SD7 – Relative Tranquillity
- SD8 – Dark night Skies
- SD9 – Biodiversity and Geodiversity
- SD11 – Trees, Woodlands and Hedgerows
- SD12 – Historic Environment
- SD13 – Listed Buildings
- SD16 – Archaeology
- SD17 – Protection of the Water Environment
- SD19 – Transport and Accessibility
- SD20 – Walking, Cycling and Equestrian Routes
- SD21 – Public Realm, Highway Design and Public Art
- SD22 – Parking provision
- SD25 – Development Strategy
- SD26 – Supply of Homes
- SD27 – Mix of Homes
- SD28 – Affordable Housing
- SD29 – Rural Exception Sites
- SD33 – Sustaining the Local Economy
- SD42 – Infrastructure
- SD43 – New and Existing Community Facilities
- SD45 – Green Infrastructure

- SD48 – Climate change and sustainable use of resources
- SD50 – Sustainable Drainage Systems
- SD51 – Renewable Energy
- SD54 – Pollution and Air Quality

## 8. Planning Assessment

### Principle of development

- 8.1 In terms of broad principles of development, the application site falls in land designated as countryside in the Local Plan. Policy SD25 sets out the settlements within which the principle of development will be supported and exceptional circumstances where development outside the settlement boundaries might be permitted. In this respect, the development is not within a settlement boundary and nor does the proposal appear to meet any of the exceptional criteria outlined in part 2 of the policy (in that it is allocated for development or it is an appropriate re-use of a previously developed site).
- 8.2 Given the above, consideration must be given as to whether there are any other exceptional circumstances which are set out in the Local Plan that would justify this development. Policy SD12 confirms that proposals that would otherwise conflict with other planning policies but which would secure the future conservation of a heritage asset will be permitted, provided that the proposals will not materially harm the heritage values of the asset or its setting, it can be demonstrated that alternative solutions have failed and the proposed development is the minimum necessary to protect the significance of the heritage asset.
- 8.3 Perhaps most pertinently, the policy confirms that the scheme should address the matters set out in Historic England Guidance “*Enabling Development and the Conservation of Significant Places*”.
- 8.4 The Authority is of the view that the proposed development is being presented as enabling development on the basis that what is being proposed could provide greater public benefit relative to the public benefits secured through the earlier grants of planning permission. Whether the proposals do actually offer greater public benefit in that regard is ultimately a planning judgement for the Authority (and this is assessed further below).
- 8.5 The application site has had a long and complex planning history since the original approval for comprehensive enabling development in 2011 (SDNP/11/03635/FUL). The original development was approved on the basis of being the minimum development necessary to achieve the restoration of the heritage assets (namely the Sanatorium, Chapel, Engine Room, Motor House and the Nurses Accommodation). The development amounted to over 400 residential units together with the conversion of the Chapel to a restaurant/café shop. A significant amount of work has been undertaken to the Sanatorium with many flats now being occupied. The Chapel has undergone restoration/repair in accordance with the conditions and the S106 agreement. Future maintenance of the Chapel in perpetuity is therefore secured through the 106 agreement (set out in paragraph 2.3 above). Work is currently being carried out on the remaining heritage assets by the current owners of those (City and Country).
- 8.6 It is clear that City and Country were having difficulties in securing an end user for the approved use of the Chapel, which is evidenced by the approval in 2016 to build an extension to the Chapel to provide a swimming pool (in order to make the building more marketable). It appears that such efforts have not resulted in securing an operator for the Chapel. The Chapel has now been sold to the applicant together with the site which is the subject of this application and that for Kings Green East.
- 8.7 The applicant puts forward an argument that they are able to secure the long term use for the Chapel where others have failed, and that their development of the two sites will be the enabling development which can achieve this. They are therefore suggesting that they are not having a second bite of the cherry as referenced in the HE guidance, particularly given the view that the Authority have taken a strategic approach at the outset by allowing a phased approach to be built out.
- 8.8 The Historic England guidance which considers enabling development states the following:-  
*“Fundamental to the concept of enabling development is that the developer takes on the commercial risks, and the public benefits, particularly securing the future of the significant place, must normally be delivered at the outset. There is no mechanism for clawback if the financial outcome is better than anticipated; similarly there can be no expectation of further enabling development if it is worse than anticipated.*”

*Taking an incremental approach to enabling development, in which additional enabling development is sought once the scheme is underway or completed, as a means of recovering unforeseen or underestimated costs, is not an acceptable practice. Such an approach distorts the process, because it is necessary to consider the effects of enabling development proposals in their entirety before deciding whether the benefits outweigh the harm. The developer bears the risk – **there can be no ‘second bite of the same cherry’**. This does not of course, apply to a strategic approach (for example to an historic estate), which is agreed at the outset and implemented in stages”.*

- 8.9 In this respect, the original permission secured a complex S106 Agreement which ensured that the restoration of the heritage assets was arranged in order that the enabling development was not carried out in advance of the restoration. In this regard, the Authority is of the view that the agreement has been successful with the Main Sanatorium and the Chapel having been restored, and works currently being undertaken in relation to the remaining assets.
- 8.10 In particular the Historic Buildings Officer has continued to monitor the condition of the Chapel. Whilst there are clearly elements that may require attention soon, which would be part of the future maintenance of the Chapel, the condition report submitted by the applicant is considered to be somewhat overplayed.
- 8.11 The S106 legal agreement in 2011 secured a requirement of the owner to “carry out future maintenance of the Listed Buildings following good conservation principles which shall include selection of materials, the skill of craftsmen, and the quality of work, all of which shall be of a standard equal to the works comprised within the Restoration scheme”. The owners therefore are bound to carry out future maintenance of the Chapel, irrespective of whether the use as a restaurant/café are realised and purchased the site with this inherent risk.
- 8.12 Whilst the building continues to be on the Historic England ‘Building at Risk’ Register, this is in the absence of a long term user for the site. Notwithstanding there is a requirement (for which the Authority could enforce) for the owner to continue to maintain the building. Likewise, the legal agreement required that the owner provide within legal documents for each sale of dwelling units that each purchaser shall equitably contribute to the future management and maintenance of the Chapel, gardens and park.
- 8.13 So, even in the absence of an end user, (which the Authority believes is unlawful to secure through a Section 106 agreement) the building will continue to be maintained. The judgement for the Authority is therefore whether there is greater public benefit through this proposal relative to the 2011 grant of planning permission which justifies the grant of planning permission. In this respect, whilst it could be considered that the applicants’ intentions are honourable, the draft heads of terms for a section 106 agreement proposed by the applicant do not provide an express obligation that goes beyond those in the original 2011 agreement or secure a future use for the Chapel.
- 8.14 As an added matter, it must be acknowledged that the developer has provided figures in terms of works needed to convert the Chapel that demand closer scrutiny. The Historic Buildings Officer has raised concern that the schedule of works/income required seem somewhat exorbitant and appear to relate not to the restoration of the Chapel, but more predominantly to that needed for its eventual use as a restaurant, which would appear to exceed that which should be required for pure enabling development.
- 8.15 It is also a concern that the proposed scheme would still involve a significant element of risk in that the figures show a potential deficit of some significance. Whilst the applicant has confirmed a willingness to take such a risk, there remains concern that the proposals seek enabling development as a second bite of the cherry and the benefits of an end user for the Chapel do not outweigh the disbenefits of such additional development (and in any case, the benefits cannot be secured with any certainty). Therefore the risks would appear to be significantly high with little certainty in the end game being achieved.
- 8.16 Therefore, in conclusion, it is not considered that the principle of development is considered acceptable and is contrary to both Policies SD12 and SD25 of the Local Plan and also contrary to the Historic England Guidance “Enabling Development and the Conservation of Significant Places (2008).

#### Affordable Housing

- 8.17 Given that it has been concluded that the development is not justified in terms of ‘enabling development’ the only residential dwellings which might be acceptable in principle would be exception

housing to meet local need. In this respect no affordable housing is provided and the application is considered to be contrary to Policy SD29 in this respect.

#### Landscape, Design & Layout

- 8.18 In terms of the merits or otherwise of the proposed scheme, it must be first acknowledged that the original scheme allowed for the development of terraced dwellings in this location to the northern part of the estate. It is important however to understand the differences between that scheme and the proposals now put forward for consideration.
- 8.19 Firstly the proposed site is somewhat smaller than the land set aside for terraced dwellings in 2011. The former scheme extended southwards and terminated in line with where Kings Drive turns westwards in front of the Sanatorium. The current scheme terminates further to the north.
- 8.20 Secondly the original scheme formed part of an 'assisted living' group of dwellings and the parking for the development was provided in basement parking to the south, close to the Sanatorium. This enabled the terraced dwellings to have a formally landscaped garden in the triangle of land to the north and west of the rear of the dwellings. This was considered to be part of the whole master plan for development which echoed the theme of a more formal historic garden landscape throughout the site.
- 8.21 A more recent approval replaced the terraces with 6no detached dwellings in this plot. This again, included the removal of the formal communal garden but, by its nature provided a more spacious layout and private gardens.
- 8.22 The current scheme, by virtue of having been separated in ownership from the site to the south, relies on providing parking in the triangular plot of land to the west and north of the dwellings. The loss of the formal communal gardens is considered to be regrettable and results in the loss of one of the recurring themes in landscaping throughout the site that formed part of the original proposal. Whilst it is acknowledged that the more recent approval in 2015 for the 6no detached dwellings also resulted in the loss of the formal garden, the approval also resulted in a more spacious development with sufficient opportunity for sensitive landscaping. The current scheme, in order to provide the necessary parking, refuse storage etc. has resulted in a more cramped urban feel to the rear of the dwellings, with the properties having small garden areas enclosed by boundary walls/fencing. The cumulative effect would be one of appearing somewhat cramped, given the reduction in the plot size, with little relief, especially to the rear of the site.
- 8.23 The general principle of terraced properties in this location, appears to be, on balance, acceptable. The principle of a group of terraced dwellings in such a configuration has been established by the earlier approval. Whilst these dwellings would be within a smaller plot size, they would have elements to their appearance which would link with the materials and built form elsewhere on the site, not least echoing some elements of the terraced dwellings opposite in Superintendents Drive. Whilst the fenestration would include larger windows than appear to be present elsewhere within the site (and opposite to the site), it is not considered that these would appear incongruous in this location. The buildings would be generally a similar distance from the road, as with the original approval, with landscaping to the front.
- 8.24 However there is a concern relating to the resultant cramped appearance within the plot caused by the reduction of the site, the loss of the spacious formal communal garden to the rear and resultant parking provision, limited private gardens, boundary walls/fences etc., which in itself would introduce a more urban feel to this part of the site. This is considered to be a retrograde step and a move away from the more sensitive original development which provided visual links both in landscape layout and design to the heritage assets within the site.

#### Trees

- 8.25 The site in question has relatively few trees and these are mainly to the northern part of the site. As part of both previous approvals for development a copper beech within the site was to be lost. This was considered to be acceptable subject to a suitable replacement being located elsewhere within the site. Were members minded to approve, such a replacement would need to be provided in relation to this application.

### Sustainability

- 8.26 Policy SD48 requires all new developments to incorporate sustainable design features as appropriate to the scale and size of development. The applicant in their submission confirm that their proposals could achieve a 19% reduction improvement through the use of photovoltaic panels on the roofs of the buildings. The scheme proposes 2 electric charging points within the parking areas. In addition, the submitted energy statement establishes that achieving a mains water consumption of no more than 110 litre per person per day can be achieved. It is considered that, if Members were minded to approve, a suitable condition could be imposed to ensure compliance with Policy SD48 of the Local Plan.

### Eco-System Services

- 8.27 The applicant has submitted an Ecosystems Services Statement which covers both current applications. The statement confirms (in relation to this application), that they have endeavoured through their design to protect and enhance existing landscape features (and this has been achieved in relation to the boundary screening along Kings Drive). They also consider that the proposals increase the overall provision of green infrastructure.
- 8.28 The proposal also benefits from an agreed free-discharge into the site wide sewer network, where surface water will be attenuated as part of the site-wide attenuation provisions. The scheme is considered to be able to achieve the policy requirements in relation to renewables. The site features a central courtyard including specimen trees to increase the ability to store carbon. It is considered that the proposals, on balance, meet the requirements of Policy SD2.

### Highways/Parking

- 8.29 The proposals have been subject to scrutiny by the Highways Authority who consider the scheme to be acceptable in that it would not result in appreciably greater vehicular activity than that which previously existed within the site when the hospital was operational. The Highways Authority considered the information and trip rate surveys carried out by the applicant to be acceptable, however the authenticity of the transport statement and the validity of the Highways response has been questioned by a number of local residents and queries have been raised. The Highways Authority are currently reviewing the advice and will be responding to the residents' concerns in due course. Members will be updated.
- 8.30 The applicant has submitted information in relation to sustainability of the proposals and ways in which number of journeys to and from the site could be reduced. The applicant has put forward a proposed travel plan which is a further iteration of plans previously approved in relation to the site.
- 8.31 The proposal is considered to be acceptable in relation to parking provision, refuse storage, cycling storage and complies with Policy SD22 in this respect.

### Water Supply/Flood Risk/Drainage

- 8.32 Local residents have submitted comments expressing concern about the current issues experienced within the site relating to supply of water and water pressure generally throughout the estate. It is understood that this appears to be an ongoing matter and that the current owners of the remainder of the estate are in discussions with the respective water companies who supply water to resolve the matter.
- 8.33 The matter as to whether the supply of water is a material consideration in planning terms is by no means simple, given that there are requirements upon developers and water companies to provide water supply to homes under separate legislation. Planning considerations should not duplicate requirements already set out under separate legislation and therefore using the planning system as a vehicle to address the perceived matter of lack of water supply/water pressure issues should not be given undue weight or consideration in this respect. Notwithstanding, the Authority has consulted the necessary bodies for any comment they may have on the proposals and are awaiting responses. Members will be updated in due course.
- 8.34 No issues have been raised in relation to Flood Risk or Drainage (notwithstanding the Drainage Officers suggestion that the matter of water supply be considered and that relevant bodies be consulted in this regard).

### Ecology

- 8.35 The applicant submitted an ecology statement with the application to which the County Ecologist has raised no objection. The site in question is currently predominantly a tarmac car park and the opportunities for presence of habitats and species is therefore somewhat limited. The Phase I habitat assessment found no rare or uncommon plant species of habitats (nor were any found adjacent to the site). The site is isolated from surrounding areas of semi-natural habitats by access roads to the estate. It is considered that the proposals do not have any adverse impacts on Ecological interests and the proposals are considered to accord with Policy SD9 of the South Downs Local Plan.

### Dark Skies

- 8.36 The proposed development is not considered to result in any issues in relation to Dark Skies given the already approved and extant residential development within the plot. The proposal therefore complies with Policy SD8 of the Local Plan. If members are minded to approve the application it is considered that a condition should be imposed to control the extent of external lighting in association with the development.

### Tranquillity

- 8.37 Given the approved and extant development within the specific and wider site, it is not considered that the development would result in such an impact on relative tranquillity as to refuse permission on this basis.

### Other Issues

- 8.38 Concern has been raised in relation to the impact that the development would have on existing infrastructure such as medical facilities. It is not considered that the proposed increase from 6 dwellings to 18 dwellings would have such an impact on existing services as to refuse on this basis. Whilst it is acknowledged that the change to assisted living might well have a small impact on such services, it is not considered so much as to warrant a refusal on this ground.

## **9. Conclusion**

- 9.1 It is considered that the introduction of additional dwellings in this countryside location is not acceptable in the context of Policy SD25 where there is a general policy restriction on housing development outside defined settlements. It is considered that the development proposed does not deliver any significant benefits as 'enabling' development, given that the restoration and future maintenance of the heritage assets and specifically the Chapel are already secured as part of the original permission and this proposal does not offer any more by way of public benefit. Whilst there are clearly ongoing issues with regard to securing an end user for the approved restaurant/shop, it is not considered that such an end user can be secured into the future through this development proposal.
- 9.2 In the absence of justification for the development in the countryside, the proposals would also be contrary to Policy SD29 in that it would not provide affordable housing.
- 9.3 It is also considered that the development as proposed has not demonstrated a landscape led approach. The reduction in the size of the plot, together with the provision of parking spaces, refuse storage and other infrastructure would result in the loss of formal gardens which formed part of the original development and linked this part of the site to the historic setting of the heritage assets. The most recent approval in 2015, whilst also losing the formal garden, did at least provide a more spacious layout within the site. The proposals would therefore appear cramped in this location with little relief provided by the landscaping within the parking area. The resultant parking area would appear urban, where currently parking remains somewhat hidden throughout the development. The proposal is therefore considered unacceptable in design and layout and contrary to Policies SD4, SD5 and SD12 in the South Downs Local Plan.

## **10. Recommendation**

- 10.1 The application is recommended for refusal for the following reasons:
1. The proposed development lies in countryside outside a defined built settlement where Policy SD25 of the submitted SDNPA Local Plan seeks to restrict new development. By reason of its form and intensification of use of the site, the proposed development would fail to conserve and

enhance the special qualities of the National Park. There are no special exceptional circumstances to justify additional dwellings in this location. Furthermore it is considered that the proposal, as a form of 'enabling development', provides little by way of benefits over and above that already secured under the original permission and the proposals are therefore contrary to Policies SD12 and SD25 of the Adopted South Downs Local Plan 2014-2033, Historic England Guidance "Enabling Development and the Conservation of Significant Places (2008), the NPPF and the purposes of the National Park.

2. The proposal by virtue of its reduce plot size would result in a more cramped appearance within the site, with the rear of the dwellings dominated by parking, refuse storage and other infrastructure, together with limited private amenity areas and boundary fencing/walls. The scheme does not follow a landscape led approach as required in the Local Plan and the proposals would therefore be contrary to Policies SD1, SD4, SD5 and SD12 of the Adopted South Downs Local Plan (2014-2033)
3. The proposed dwellings would be in countryside outside any defined settlement within the Local Plan where residential development is restricted to exception housing. In the absence of provision of affordable housing in perpetuity, the Proposals are contrary to Policy SD29 of the Adopted South Downs Local Plan (2014-2033)

## **11. Crime and Disorder Implications**

- 11.1 It is considered that the crime and disorder issues or implications have been addressed elsewhere in the report.

## **12. Human Rights Implications**

- 12.1 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.

## **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of advice, numerous meetings and the opportunity to provide additional information in support of their application.

## **TIM SLANEY**

### **Director of Planning**

### **South Downs National Park Authority**

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Appendices: I. Site Location Map  
SDNPA Consultees: Legal Services, Director of Planning.  
Background Documents:

Public Access, Application Summary and Associated Documents

<https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=PVZ4MCTUGI100&activeTab=summary>  
[National Planning Policy Framework](#)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/607721/16950.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/607721/16950.pdf)  
[National Planning Practice Guidance](#)  
<https://www.gov.uk/government/collections/planning-practice-guidance>

Defra: English National Parks and the Broads – Uk Government Vision and Circular 2010.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pb13387-vision-circular2010.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf)

[SDNP Partnership Management Plan](#)

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

Adopted South Downs Local Plan

[https://www.southdowns.gov.uk/planning/south-downs-local-plan\\_2019/](https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/)

Historic England Guidance – *Enabling Development and the Conservation of Significant Places* (2008)

<https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/>

**Site Location Map**



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