



South Downs
National Park Authority

Agenda Item 8

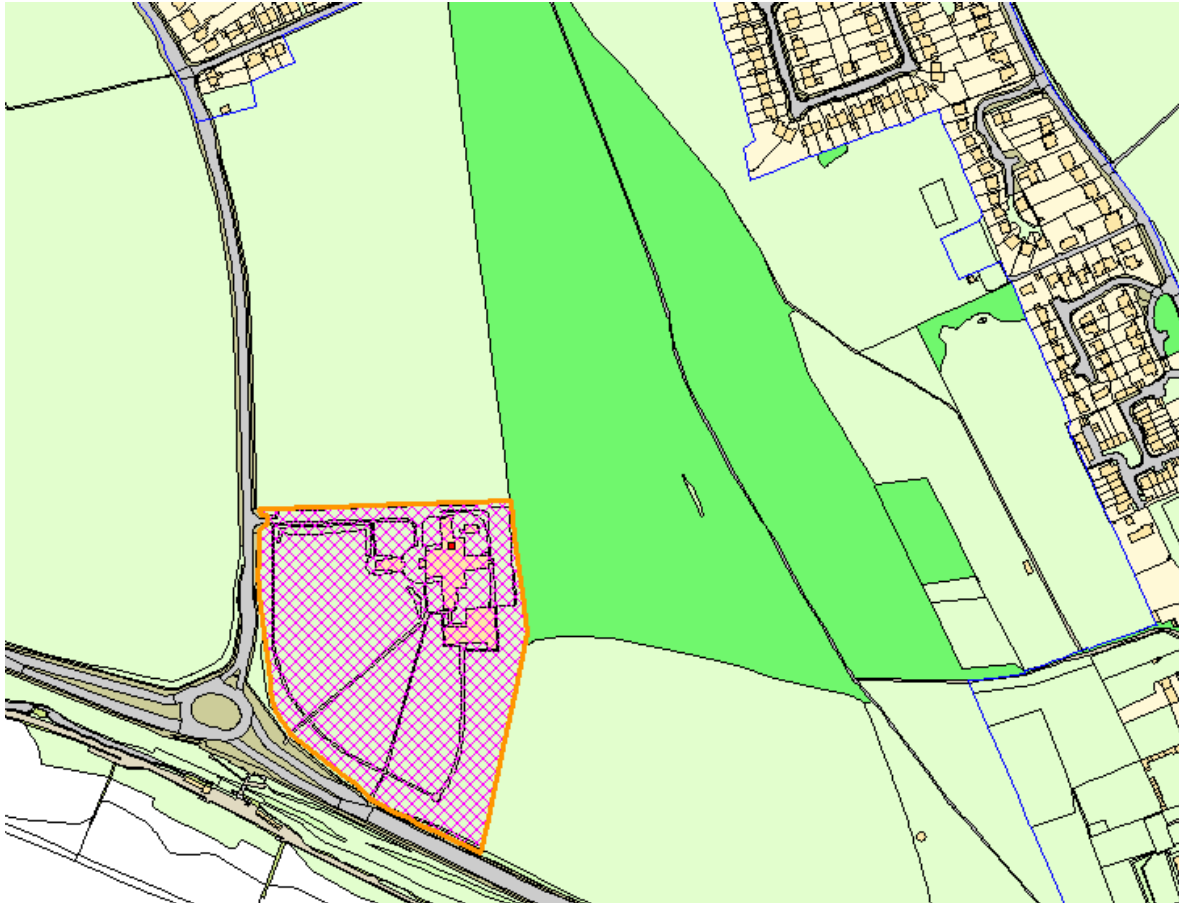
Report PC22/23-16

Report to	Planning Committee
Date	8 December 2022
By	Director of Planning
Local Authority	SDNPA (Brighton & Hove area)
Application Number	SDNP/22/02247/FUL
Applicant	James Taylor Homes Group Ltd
Application	Change of use of Ian Fraser House from Residential Care Home (C2) to provide 64 residential units (C3) including external and internal alterations to listed building, retention of associated Chapel, secure cycle storage provision, vehicle parking, conversion of existing garage to bin storage, hard and soft landscaping.
Address	Blind Veterans UK, Greenways, Brighton BN2 7BS

Recommendation:

- 1. That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report and a legal agreement, the final form of which is delegated to the Director of Planning, to secure:**
 - i) An affordable housing contribution of £500K;**
 - ii) A review mechanism to secure 50% of any additional sale proceeds in excess of £535 per square foot for affordable housing, to a maximum of £500K;**
 - iii) A £5,534 travel plan monitoring fee;**
 - 2. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress not been made within 6 months of the Planning Committee meeting of 8 December 2022.**
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Site Location Map



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Executive Summary

The Grade 2 listed building (formerly known as St Dunstan's) was purpose built in 1938 within a small area of open downland to the west of Rottingdean as a rehabilitation centre for Blind Veterans UK. It has been used more recently to provide respite care for older veterans, however due to a decline in the number of veterans requiring the facility, the charity is relocating to a smaller premises in Rustington.

The proposal seeks to convert the main building from a C2 residential care home use to a C3 residential use, providing 64 market dwellings with a gym and swimming pool, and is considered to be an appropriate reuse of a previously developed site. The proposal will also preserve the special historic and architectural interest of the Listed Buildings involved, and their setting. The (separately) Grade 2 listed chapel will be retained for community use.

The proposal involves limited alterations to the external fabric of the listed building, including new and replacement window and door openings and removal of some existing rooflights. Internal works involve the removal of partition walls, and reconfiguration of the corridors in the north and south wings. The energy performance of the building will be improved by almost 50% via improvements to the fabric and heating system, replacement of the existing double glazed windows and installation of PV panels to the flat roofs. The wider grounds will be enhanced in terms of amenity and biodiversity through the reduction of existing hardstanding, creation of chalk grassland meadow and tree planting within the northern car park. The proposals will also secure an offsite contribution of £500K and a review mechanism to secure 50% of any additional sale proceeds in excess of £535 per square foot, for affordable housing elsewhere in the National Park, capped at £500K. The application is therefore recommended for approval.

I. Site Description

- 1.1 The 4.75ha site is located immediately north of the A259/Marine Drive to the south of Ovingdean, in an area of open downland to the west of Rottingdean which falls within the undeveloped coastal zone of the National Park. The site slopes gently from north east to south west and comprises approximately 4ha of amenity grassland, with the building itself located at the high point in the north eastern corner. The nearest residential dwellings are located approximately 400m away to the north and north-east.
- 1.2 The site is surrounded by open downland to the north, west, and east, the eastern parcel forming Beacon Hill Local Nature Reserve, and falls within the wider UNESCO Brighton & Lewes Downs Biosphere Reserve. There are two scheduled monuments (burial mounds) on Beacon Hill, and the eastern boundary of the site falls just within the Beacon Hill archaeological notification zone. The Brighton to Newhaven Cliffs Site of Special scientific Interest (SSSI) is located along the coastline to the south of Marine Drive.
- 1.3 The main building was constructed in 1938 and designed to mimic an airplane, with aerial views indicating a front 'cockpit,' rear 'fuselage' and side 'wings.' The building is arranged over seven storeys with ground and first floors called 'Level E' and 'Level M' respectively, followed by Levels 1-5, with flat roofs. The building is of a yellow brick construction, and the original windows have been replaced with double glazed aluminium units. A two storey annexe extension was added to the southern wing in 1975 and currently houses a pool and gym, and a small two storey flat roofed extension added to the rear of the building in 1998. The chapel, also constructed in the 1938, is located on lower ground in front of the main building. The main building, chapel and flanking walls to the site entrance were given Grade 2 listed status in January 1999.
- 1.4 The site is accessed via a private drive from Greenways. There is existing parking for 103 vehicles arranged along the northern site boundary and drive way and to the rear (east) of the building. There is a pedestrian underpass on the corner of Greenways and Marine Drive which connects with public rights of way along the Rottingdean Undercliff. There is also a public right of way running north-south to the east of the site through the Beacon Hill Local Nature Reserve, from which the site is visible. There are bus stops along Greenways and Marine Drive providing regular services to Brighton.

2. Proposal

- 2.1 The application seeks to retain the chapel and convert the main building to a total of 64 market dwellings comprising
- 13 No 1 bedroom units (20%)
 - 19 No 2 bedroom units (30%)
 - 31 No 3 bedroom units (48.5%)
 - 1 No 4 bedroom unit (1.5%)
- 2.2 The proposal initially included the conversion of the separately listed chapel to a 4 bedroom residential dwelling, however following concerns raised by officers and consultees this element has subsequently been removed. No works are now proposed to the chapel, which will remain in a community use and made available to community groups for events and concerts.
- 2.3 In terms of internal works to the main building, this will require removal of partition walls, and reconfiguration of the corridors in the north and south wings. The main lobby and staircase will be retained with the original parquet flooring. The floor level in the remainder of the building will be raised to better relate to the height of the existing window sills, and provide a space for services, allowing the removal of suspended ceilings. The later southern and rear extensions will also be converted to residential accommodation retaining the gym and swimming pool and providing a new cinema area for residents' use. The existing passenger lifts will be retained, and 50% of the flats will meet the standard for accessible and adaptable dwellings. 5% will also meet the standard for wheelchair user dwellings. The energy performance of the building will be improved via a combination of fabric/insulation

improvements, replacement of existing double glazed windows, and the installation of photovoltaic panels on the flat roofs above the fuselage and north and south wings, and southern annexe.

- 2.4 In terms of external works, the narrow, vertical slot windows in the ground floor along the western (primary) elevation will be replaced with wider, vertical windows. A row of new windows will also be inserted in level 5 of the rear 'fuselage' part of the building (in place of existing rooflights) and the southern extension. New rooflights will also be installed to the southern and rear extensions. To the rear, roller shutters and louvered service doors will be replaced by windows and glazed access doors. A new courtyard garden and play area will be provided in the rear service yard, and replacement signage will be provided to the front elevation. The solar arrays proposed will be located behind a low parapet, and sectional drawings have been provided demonstrating that they will not be visible in wider views.
- 2.5 The car parking areas will be retained to provide a total of 117 parking spaces, including 96 allocated resident parking spaces, 6 disabled parking spaces (all with EV charge points), and 15 visitor parking spaces. 188 cycle parking spaces will also be provided within a new cycle storage building to the front of the main building, and Sheffield stands either side of the front and rear entrances. An existing garage block in the service yard will be converted to a bin store. The new cycle store and converted bin store will be provided with a grass roof.
- 2.6 Elsewhere in the site, areas of hardstanding have been reduced, and areas of amenity grassland will be enhanced as a chalk grassland meadow. The separately listed flanking walls to the entrance are not affected by the proposals.

3. Relevant Planning History

- 3.1 There is extensive planning history relating to the site over many years, most of which relates to minor alterations, refurbishments, signage and landscaping. The following is the most recent planning history pertaining to the site:
- SDNP/12/02074/LIS New nurses station in main stair/lift lobby on the first floor. Approved 21.11.2012
 - SDNP/13/02780/LIS Comprising: Internal alterations, refurbishment and improvement to First Floor Residential Care (primarily to North & South Wing) to create 14 No. bedrooms and en-suites suitable for use by the visually impaired and disabled, with wet rooms, ceiling hoists, and associated ancillary nursing facilities including, nurses' station, assisted bathing, sluice, clinical preparation room. Associated ancillary works elsewhere in the building including provision of ventilation for the en-suites, and comfort cooling plant [for the clinical preparation room (drugs storage)]. Plant located on North Wing fourth floor roof, and in Ground Floor under-croft to swimming pool annexe. Services runs in main, first, and part second and third floors, all in existing or new suspended ceiling voids. Replacement glazing to existing Wing windows at First Floor level to remove original frosted glass to bathrooms. Approved 07.08.2013
 - SDNP/13/02952/FUL New Outdoor Gym - (Equipment and surfacing) located to the south side of the main entrance to BVUK's Ovingdean Home. Approved 15.08.2013
 - SDNP/14/05980/FUL Proposed installation of 2 no. covered, clear glazed cycle shelters to replace existing 3 no. open cycle racks. Approved 21.01.2015
 - SDNP/17/03158/FUL & SDNP/17/03163/LIS Construction of an open-sided barn. Approved 21.08.2017
 - SDNP/17/04675/DCOND Discharge of Condition 3 on planning consent SDNP/17/03158/FUL and SDNP/17/03163/LIS Approved 31.10.2017
 - SDNP/17/06521/FUL Installation of a Landscaped Community Garden [previously displayed at the RHS Hampton Court Flower Show in July 2017] into the Inner Garden at BVUK's premises in Greenways, Ovingdean, Brighton comprising of landscaped paths and features (including wicker sculptures), trees, shrubs, stone benches and flowers and an open sided oak framed workshop with conical pitched roof clad in oak shingles. Approved 23.02.2018

- SDNP/18/01905/DCOND Discharge of Condition 4 on planning consent SDNP/17/03158/FUL Approved 04.06.2018
- SDNP/20/05054/LIS Internal alterations (Replacement of the existing Kitchen (located on Level 5)) Approved 22.01.2021

4. Consultations

4.1 **Archaeology:** No objection, subject to conditions.

4.2 **Brighton & Hove City Council:** No objection. Comments:

- Additional planting should be provided along the eastern boundary to minimise light spill from cars and new lighting
- Biodiversity net gain should be secured;
- Benefit of new housing units acknowledged, but lack of affordable housing should be interrogated.

4.3 **Brighton & Hove Highway Authority:** No objection, subject to conditions.

4.4 **Brighton & Hove Local Lead Flood Authority:** No objection, subject to conditions.

4.5 **Design Officer:** No objection, subject to conditions. Comments:

- Tree planting within the northern car park is welcomed;
- Integration of the play area away from habitat areas is supported;
- Loss of the allotments is regrettable however justifiable due to balancing the significance of the historic building with landscape character impacts;
- Lack of communal heating system unfortunate, but justifiable;
- Additional SuDS have not been incorporated, but can be secured and controlled by condition;
- The hatched area opposite the north rear entrance could be improved, and dealt through the hard landscaping condition.

4.6 **Ecology:** No objection, subject to conditions.

4.7 **Environmental Health:** No comments to make.

4.8 **Historic Buildings and Places (formerly the Ancient Monuments Society):** No objection. Comments:

- Retention of the chapel is welcomed;
- Similar schemes have secured the upkeep of chapels by means of a charitable trust.

4.9 **Historic Buildings Officer:** No objection, subject to conditions.

- The architectural quality of Ian Fraser House has been compromised by alterations particularly inside the building, where the surviving original details are mainly limited to the staircases and handrails;
- The re-ordering of the interior would result in less than substantial harm;
- The harm would be outweighed by the public benefit of ensuring that such a prominent building remains in productive used, and well maintained.

4.10 **Landscape Officer:** No objection, subject to conditions.

4.11 **Natural England:** No objection.

4.12 **Southern Water:** No objection, subject to conditions.

4.13 **Sustainable Construction:** No objection, subject to conditions.

4.14 **Twentieth Century Society:** No objection.

5. Representations

5.1 One letter of objection from the Ovingdean Choral Society and two neutral representations were received raising the following concerns: *[Officer Note: issues raised prior to the removal of the chapel from being part of proposals for residential conversion]*

- Residential conversion generally supported;
- The Chapel is an iconic twentieth century building and its location and heritage are valued;
- The Chapel is used as community space for various organisations including concerts and not suitable for conversion or development.
- 1930s Chapel has high quality glass and should be retained for community use;
- Gym and pool should be available for community use;
- Development should ensure historic building footprint is not increased;
- Surrounding wildlife, amenity and tranquillity should not be impacted.

5.2 Three letters of objection and four neutral representations were also received in respect of the tandem listed building consent application SDNP/22/02248/LIS, with the following concerns raised being relevant to the planning application:

- The site is highly prominent and the original permission was only granted because it was for blind military personnel;
- Should be retained for use by other veterans, retired police or teachers, or disabled people;
- Conversion to residential use will have a major impact on medical services, schools and roads;
- Will result in future building on surrounding land;
- Sufficient parking should be provided to avoid overspill into surrounding streets;
- Beacon Hill chalk grassland habitat should be expanded into the site, and the closely-mown grassland rewilded;
- The metal guides beside the paths installed to assist blind veterans should be removed;
- Provision should be made for swift/swallow/house martin and raptor boxes;
- Existing external lighting is harmful to moths on Beacon Hill and should be reduced.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033**.

6.2 The development plan policies and other material considerations considered relevant to this application are set out in section 7 below.

National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

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

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

7. Planning Policy

Relevant Government Planning Policy and Guidance

- 7.1 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), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

- 7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF02 - Achieving sustainable development
- NPPF05 - Delivering a sufficient supply of homes infrastructure
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

- 7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The Development Plan

- 7.4 The following policies of the **South Downs Local Plan** are particularly relevant to this application:

- Strategic Policy SD4 – Landscape Character
- Strategic Policy SD5 – Design
- Strategic Policy SD12 – Historic Environment
- Development Management Policy SD13 – Listed Buildings
- Development Management Policy SD14 – Climate Change Mitigation and Adaptation of Historic Buildings
- Strategic Policy SD18: The Open Coast
- Strategic Policy SD25 – Development Strategy

- 7.5 A full list of policies is included at **Appendix 2**.

Partnership Management Plan

- 7.6 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, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include, 1, 5, 9, and 50.

Statutory Requirements

- 7.7 Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning 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 when considering whether to grant planning permission.

8. Planning Assessment

8.1 The main issues for consideration are:

- The principle of development;
- Design and Heritage impacts;
- Landscape and visual impacts;
- Housing mix and Affordable housing;
- Ecology and Dark Night Skies;
- Sustainable Construction;
- Access and parking.

Principle of Development

8.2 Policy SD1 promotes a presumption in favour of sustainable development where development proposals accord with other relevant policies in the South Downs Local Plan and with National Park Purposes. Policy SD25 of the Local Plan directs new development to within settlement policy boundaries. Exceptionally, proposals outside settlement boundaries may be supported under SD25 2) where these comply with other relevant development plan policies, respond to the context of the relevant broad area; and

- d) The proposal would comprise “an appropriate reuse of a previously developed site... and conserve[s] and enhance[s] the special qualities of the National Park.”

8.3 In this case, the site is located in the designated rural area, and has an existing C2 residential institution use. Policy SD27 Mix of Homes does not distinguish between care home and other residential uses, other than requiring proposals for specialist housing needs to be evidenced by local need, and C2 uses are not specifically protected. In this case the building was purpose built as a residential care home specifically for the Blind Veterans Charity, who no longer have any requirement for the building, which will be vacated in December 2022. The change of use from C2 to C3 would provide an alternative form of residential accommodation on a previously developed site, and the principle of development in development strategy terms is therefore broadly acceptable.

8.4 However in this case the in-principle acceptability of the scheme also turns on heritage impacts, and whether the proposals would preserve and enhance the significance of the conserve and enhance the listed buildings and their setting, cultural heritage, and the character of the undeveloped coastline in this part of the National Park. These and other matters are considered in more detail below.

Design and Heritage impacts;

8.5 Policies SD12 and SD13 support proposals that conserve and enhance the historic environment, secure the long-term conservation and enhancement of heritage assets, and preserve and enhance the significance of listed buildings and their setting by demonstrating that loss of historic fabric and detail of significance, including internal features, floor plans and the integrity of the rooms, is avoided. Proposals that result in harm to the significance of a listed building or its setting can only be permitted if the harm is outweighed by public benefits.

8.6 Paragraph 196 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

8.7 The Historic Buildings officer agrees with the applicant’s assessment of the significance of both Ian Fraser House and the associated chapel, which derives from their historic interest

and associations with architects and artists involved in their design and the St Dunstan's charity. Their architectural interest stems from the Modernist style which influenced their design, and is expressed in the internal layout and décor. The various alterations and extensions to the main building have eroded its architectural interest, however a number of the key design features have been retained including the staircases and handrails. The Chapel has experienced little alteration and retains much of its original form and detailing.

- 8.8 Concerns were initially raised by the Historic Buildings officer, the Twentieth Century Society and other third parties regarding the design of the replacement windows in the primary elevation of the ground floor (Level E), and the conversion of the chapel to a four bedroom dwelling. The proposal was subsequently amended to retain the chapel and revise the window design, and these concerns have been satisfactorily addressed. Further information has also been provided in the form of elevational drawings indicating that the new cycle store will be set below the main listed building and will not obscure views of it.
- 8.9 The Historic Buildings officer has advised that the re-ordering of the interior will result in some further harm to the significance of the building, however this is less than substantial, and would be outweighed by the public benefit of ensuring that such a prominent building remains in productive use and well maintained. The elements which most contribute to its architectural interest, including the staircases and handrails, the main communal spaces, and the external form of the building, will all be retained.
- 8.10 In summary, the proposal is considered to be acceptable from a heritage perspective, and accord with SD12 and SD13, the NPPF 2021 and the National Park's first purpose.

Design, Landscape and Visual Impacts:

- 8.11 Policies SD4 and SD5 require the design of development to adopt a landscape-led approach to improve and enhance the built environment, conserve and enhance existing landscape character features; and be of a scale and nature appropriate to the character and function of the settlement in its landscape context. Policy SD18 requires proposals within the undeveloped coastal zone of the National Park to conserve and enhance the character of the undeveloped coastline. Policy SD25 also supports the appropriate reuse of previously developed sites outside settlement boundaries where proposals conserve and enhance the special qualities of the National Park.
- 8.12 In this case the external appearance of the buildings will be largely retained. Following negotiations with the applicant a number of improvements to the design have been made including the provision of biodiverse green roofs on the cycle and refuse storage buildings, reduction in the amount of existing hardstanding, and greening of the large retaining wall to the rear of the building. Additional tree shrub planting has also been provided in the location of the northern car park, providing shade to parked vehicles and biodiversity net gain. The solar arrays proposed on the flat roofs of the main building and southern extension will be located behind a low parapet, and sectional drawings have been provided demonstrating that they will not be visible in wider views.
- 8.13 In terms of the wider grounds, the management of the surrounding amenity grassland is proposed to be relaxed to allow the return of natural chalk grassland. Areas of hardstanding have also been reduced.
- 8.14 The Landscape officer has no objection to the proposals, subject to conditions to secure management of the grassland. Some concerns were raised regarding the location of a play area and allotments that were initially proposed in the wider grounds. As re-locating the allotments closer to the listed building had the potential to negatively impact its setting, these have been removed from the scheme. The formal play area has been incorporated within the new garden to the rear of the building.
- 8.15 The Design officer also has no objection to the proposals, subject to conditions securing more at surface sustainable drainage solutions, details of materials, green roofs, cycle and refuse storage, details of the play area (to be in line with the SDNPA Design Guide Supplementary Planning Document (SPD)), and improvement of the hardstanding opposite the north rear entrance.

- 8.16 In summary, the above improvements are considered to represent considerable enhancements when compared with the existing building(s) and hard and soft landscaping that will secure multiple amenity and biodiversity benefits, and conserve and enhance the character of the undeveloped coastline. The proposal is therefore considered to be acceptable from a design and landscape perspective, and capable of complying with SD4, SD5 and SD25, the SDNPA Design Guide SPD and the National Park's first purpose, subject to suitably worded conditions.

Housing Mix and Affordable Housing

- 8.17 Policy SD27 1b) and 3) supports proposals that deliver flexible and adaptable market accommodation of the following mix
- 1 bedroom dwellings: at least 10%
 - 2 bedroom dwellings: at least 40%
 - 3 bedroom dwellings: at least 40%
 - 4+ bedroom dwellings: up to 10%
- 8.18 Policy SD28 requires proposals for new residential development of this scale to deliver 50% of dwellings as affordable homes on-site. However, as the site is located outside any settlement policy boundary, policy SD29 is relevant. The purpose of SD29 is to encourage the delivery of rural exception sites. The policy supports the delivery of 100% affordable new homes on land outside settlement boundaries that would not normally be used for housing to meet local needs which are not served by the market. Amongst other matters, Policy SD29 1) requires:
- b) The site selection process to consider all reasonable options, and the most suitable available site in terms of landscape, ecosystem services and overall sustainability chosen;
 - c) The scale and location to relate well to the existing settlement and landscape character.
- 8.19 SD29 2) also requires the size, type and tenure of affordable homes to be based on robust and up-to-date evidence of local community need.
- 8.20 The application is supported by viability information, including a quantity surveyor's report, setting out that the development would not be viable with the provision of any affordable dwellings, and no affordable homes (or offsite contribution) were therefore initially proposed.
- 8.21 Concerns have been raised by Brighton and Hove Council that the application does not include any affordable housing provision.
- 8.22 In terms of housing mix, the proposal would provide predominantly smaller 1-2 and 3 bedroom units, which compares favourably to the preferred mix required by SD27 for market dwellings.
- 8.23 In terms of affordable housing provision and viability, it is acknowledged that the conversion of listed buildings may incur additional and/or abnormal build costs. It is also acknowledged that although the site is sustainably located in terms of bus and cycle routes to Brighton, it is less sustainable in terms of services with very limited shops and services in the locality, and is somewhat isolated from other nearby communities. It is therefore not considered to be well related to the existing settlement, or a suitable site for onsite affordable housing provision.
- 8.24 Notwithstanding, the submitted viability information has been independently assessed by the Authority's viability consultant, Bruton Knowles, who have concluded that the development would be viable with affordable housing provision. The differences between the two parties principally arise from the estimated per square foot sale values of the flats. These are considered to have been pessimistically calculated by the applicant, and are presented alongside high abnormal and professional fees costs, resulting in a low Residual Land Value. Accepting all other elements of the applicant's Financial Viability Assessment, Bruton Knowles consider that a more optimistic sales price, based on a range of other seafront

developments, and taking into account the site's prime location and unique attributes and amenities, is achievable, and a significantly higher Residual Land Value could therefore be achieved.

- 8.25 Following negotiations with the applicant, it has subsequently been agreed that given the disagreement/uncertainty over the achievable sales price, an initial commuted sum of £500K will be secured via a S.106 agreement, alongside a review 'clawback' mechanism whereby the SDNPA will receive 50% of any additional sale proceeds in excess of £535 per square foot, capped at a maximum of £500K, both of which would be indexed linked. The initial commuted sum of £500K will also be phased so that £200K is paid on commencement of development; £150K on the sale of the 32nd apartment, and the final £150K paid on completion. Payment of any clawback would be made either three years following commencement of development or on the sale of the 60th apartment, whichever is sooner, with a valuation exercise carried out on any remaining apartments. This means that a maximum of £1m, which would be index linked, could be received for affordable housing to be provided elsewhere in the National Park.
- 8.26 It is considered that the proposal will provide a good mix of smaller market dwellings, and will also secure a significant contribution towards affordable housing in the SDNP. The proposal broadly complies with SD27 and SD29, and is therefore acceptable in terms of housing mix and affordable housing.

Ecology, Ecosystem Services and Dark Night Skies

- 8.27 Policies SD2, SD9 and SD45 support proposals that conserve and enhance biodiversity and green infrastructure; retain, protect and enhance features of biodiversity and supporting habitat, and identify and incorporate net gains for biodiversity and green infrastructure.
- 8.28 Policy SD8 requires proposals to take all opportunities to reduce light pollution, and ensure that the measured and observed sky quality in the surrounding area is not affected. The site is located within the Dark Skies Transition Zone (EIb), which lies between dark zones and the urban environment. Whilst the skies are relatively brighter in this area, it is still important to reduce light pollution. Glazing should be kept to a minimum, and external lighting should be limited to timed and/or sensor-controlled lighting designed and shielded to minimise light spillage. External lighting should only be used when needed.
- 8.29 Concerns have been raised by third parties with regard to impacts from harmful light spill, and opportunities should be taken to increase chalk grassland habitat within the site.
- 8.30 The Authority's ecologist has advised that given the nature, scale and location of the proposed development there are unlikely to be any impacts on the Local Nature Reserve, SSSI or the nature conservation interests of the National Park or Biosphere. The enhancement of the semi improved grassland area is welcomed. Some concerns were initially raised with regard to the provision of play areas, allotments and tree planting within the semi-improved grassland due to potential harm to reptiles and habitat, and whether the refurbishment of the garages would impact any potential bat roost features. The allotments were subsequently removed from the scheme, and the play area re-located to the rear courtyard garden. The grass roof will be provided over the existing garage building and will not affect the existing structure.
- 8.31 The Authority's ecologist has no objection to the proposals, subject to conditions securing biodiverse green roofs (not sedum), appropriate external lighting, a Landscape and Ecological Management Plan (LEMP) to secure appropriate management of the wildflower meadows and an Ecological Design Strategy to secure a satisfactory level of biodiversity net gain in the form of additional native planting and bird/bat boxes.
- 8.32 The proposal is therefore capable of complying with SD8 and SD9 subject to conditions securing a scheme of biodiversity enhancements, and details of suitable external lighting.

Sustainable Construction

- 8.33 Policy SD48 requires the design of new development to address climate change mitigation through the on-site use of zero/low carbon technologies, sustainable design and construction, and low carbon materials. Proposals must achieve an additional 19% carbon

reduction above Part L, and a total mains consumption of no more than 110 litres per person per day. In addition, the SDNPA Sustainable Construction Supplementary Planning Document (SPD) requires residential developments of this scale to achieve 10% passive house homes, 10% green roofs and multifunctional sustainable drainage solutions.

- 8.34 Policy SD14 supports works to listed buildings to adapt to or mitigate the effects of climate change where it can be clearly demonstrated that the works are consistent with
- a) The preservation and enhancement of the heritage asset's significance, character and appearance;
 - b) The preservation and enhancement of the heritage asset's special architectural or historic interest;
 - c) The long-term preservation of the historic built fabric; and
 - d) The setting of the heritage asset.
- 8.35 In this case a 48.62% CO₂ reduction (compared to existing emissions) will be achieved via internal insulation improvements to the existing building, upgrading to an electric heating and hot water system, and the installation of PV panels. Materials will be sustainably sourced, water usage will be limited to 105 litres per person per day, and all allocated parking spaces will be provided with an EV charge point. Following negotiations with the applicant, all existing double glazed window units will also be replaced to further reduce heat loss and improve carbon reduction.
- 8.36 The Authority's Sustainable Construction consultant has advised that the above measures are acceptable. Details of the EV charge points, PV panels, waste management and proposed heating and hot water systems to the non-residential element of the building should be secured via suitably worded conditions. Using heat pump technology for this element will reduce the required energy supply, or combined heat and power (CHP) could be considered to capture and use the electricity and heat generated as by-products from the proposed swimming pool.
- 8.37 The Historic Buildings officer has raised no concerns with regard to the sustainability measures, subject to conditions securing details of the replacement windows, PV panels and internal insulation (on the accompanying listed building consent.)
- 8.38 The proposal is therefore considered to be acceptable in terms of sustainability and heritage, and in accordance with SD14 and SD48.

Drainage and the Water Environment

- 8.39 Policies SD17, SD49 and SD50 seek to reduce flood risk and ensure proposals do not have an adverse impact on the quality of groundwater. Proposals should incorporate measures to eliminate risk of pollution to groundwater features, and sustainable drainage solutions provided to avoid increase of surface water run-off, taking account of climate change.
- 8.40 In this case the site is located in an area of major groundwater vulnerability due to the underlying aquifer, with the current drainage arrangement discharges surface water to the sewer as confirmed by the submitted CCTV survey.
- 8.41 Neither Southern Water nor BHCC Local Lead Flood Authority (LLFA) have any objection to the proposals, subject to conditions to secure foul and surface water drainage details, and management and maintenance. However both the LLFA and the Drainage officer have raised concerns with regard to missed opportunities for rainwater harvesting and other at ground solutions, given the existing system currently entirely discharges to the surface water sewers. However, details of additional capture at source solutions and management of surface water at ground level may be secured via a suitably worded condition.
- 8.42 The proposal is therefore considered to be acceptable in terms of drainage, and in accordance/capable of complying with SD17, SD49 and SD50.

Access and Parking

- 8.43 Policies SD19 and SD22 seek to promote sustainable modes of transport, and parking provision that is appropriate to the site's needs and accessibility to facilities and services, and of a location, scale and design that reflects its context. Policy SD21 seeks to promote the safety and amenity of all road users.
- 8.44 Concerns have been raised by third parties that the proposals will result in an unacceptable increase in vehicle movements and overspill parking to neighbouring streets.
- 8.45 The proposal will provide 117 parking spaces, including 96 allocated resident parking spaces, 6 disabled parking spaces, all of which will be provided with EV charge points, and 15 visitor parking spaces. 188 cycle parking spaces will also be provided, 148 of which in a new two tier cycle store to the front of the building, which will be timber clad and grass roofed, and a further 40 across Sheffield stand racks located either side of the main and rear building entrances. This provision meets the total spaces required by the SDNPA Car Parking calculator, and exceeds the cycle provision required by the SDNPA Parking Supplementary Planning Document.
- 8.46 The BHCC Highway Authority has assessed the submitted Transport Assessment and Travel Plan and are satisfied that the proposal would not result in severe impact on the local highway network. Following the provision of further information relating to parking and cycle provision, and an updated Transport Statement to include further TRICS trip generation information, have advised they are satisfied with the proposals subject to conditions securing the travel plan and detailed drawings of the cycle storage. A Travel Plan monitoring fee of £5,534 will be required, and may be secured via a S.106
- 8.47 The proposal is therefore considered to be acceptable in terms of access and parking, and in accordance with SD19, SD21 and SD22.

9. Conclusion

- 9.1 The proposal will secure the ongoing residential use of a prominent Grade 2 listed building and is considered to be an appropriate reuse of a previously developed site. Any further harm to the significance of the building will be less than substantial, and would be outweighed by the public benefit of ensuring both the main and chapel buildings remain in productive use and well maintained. The proposal includes a number of design, landscape and ecological enhancements which will provide amenity, biodiversity and sustainable construction benefits.
- 9.2 The proposals will also secure an offsite contribution of £500K and a review mechanism to secure 50% of any additional sale proceeds in excess of £535 per square foot, capped at £500K, for affordable housing elsewhere in the National Park, both of which will be index linked.
- 9.3 The proposal is considered to be in accordance with the relevant development plan policies, and is therefore recommended for approval.

10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for approval subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. The development hereby permitted shall be carried out strictly in accordance with the approved plans.

Reason: For the avoidance of doubt and in the interests of proper planning.
 3. Prior to the first occupation of the development hereby permitted, a Management Plan, which will include the creation of a Management Company, for the maintenance and

management of the chapel building, which shall be retained as a community chapel for use by the occupants of the new development, and the wider community on request, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include long term objectives, management responsibilities and maintenance schedules, and shall thereafter be implemented in full as approved.

Reason: To secure the long term management and maintenance of the Grade 2 listed chapel for the benefit of occupants and the wider community.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-G or any order revoking or re-enacting that Order shall be erected or undertaken on the site.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interests of the character and appearance of the development and area.

Construction

5. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - i) An indicative programme for carrying out the works;
 - ii) The anticipated number, frequency and types of vehicles used during construction;
 - iii) The method of access, egress and routing of vehicles during construction;
 - iv) The parking of vehicles by site operatives and visitors;
 - v) The loading and unloading of plant, materials and waste;
 - vi) The storage of plant and materials used in construction of the development;
 - vii) The erection and maintenance of security hoarding;
 - viii) No burning of construction materials on site;
 - ix) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders where necessary);
 - x) Measures to manage flood risk, both on and off the site, during the construction phase;
 - xi) Measures to minimise the noise (including vibration) generated by the demolition/construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers;
 - xii) No work to be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work to be undertaken on Sundays, Bank and Public Holidays;
 - xiii) Details of any flood lighting, including location, height, type and direction;
 - xiv) Measures to control the emission of dust and dirt during demolition/construction;
 - xv) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - xvi) A method to record the quantity of recovered material (re-used on site or off site);

xvii) Details of public engagement both prior to and during the construction works.

Reason: In the interests of highway safety, the amenities of the area, and the living conditions of nearby residents, and to manage air quality. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

6. All new electricity and telephone lines shall be laid underground.

Reason: To safeguard the landscape character of the site.

Design and Landscaping

7. Notwithstanding any submitted landscaping details, prior to the commencement of the development hereby permitted, a detailed scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. The scheme shall include details of:

- i) Proposed planting plans and strategy, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment;
- ii) Schedules of plants and trees, which shall be locally characteristic, native species, achieving climate regulation and where possible maximised tree canopies, noting species, sizes; and proposed numbers/densities where appropriate;
- iii) Plants and compost used throughout the planting schemes to be sourced from a peat-free nursery;
- iv) Native seed mix for wildflower areas, which shall be informed by a soil test;
- v) Planting specifications for green roofs (not sedum);
- vi) Tree guards, tree pits and staking
- vii) Detailed drawings showing construction of parking spaces and tree-pit construction;
- viii) Climbers for northern building elevations (to improve thermal efficiency and provide habitat);
- ix) Location of services and utilities in relation to planted areas;
- x) Location, height and materials/construction technique for all boundary treatments and other built means of enclosure (including gates and setbacks);
- xi) Retained areas of grassland cover, scrub, hedgerow, and trees;
- xii) Details of the new play area;
- xiii) Treatment of surfaces, paths, access ways (demonstrating hierarchy of routes), courtyards, seating areas, patio areas and parking spaces, including their appearance, depth and permeability, kerbs, edges, steps and ramps, spot levels, finished floor levels, upstands and demarcation (including improvements to the appearance of the hatched area opposite the north rear entrance);
- xiv) Surface water interventions such as swales and rain gardens;
- xv) Ancillary structures (including cycle and refuse storage);
- xvi) Electric vehicle charging points, which shall be well integrated with the street furniture;
- xvii) A timetable for implementation of the soft and hard landscaping works.
- xviii) A schedule of landscape maintenance for a minimum period of 5 years to include details of the arrangements for its implementation.

Thereafter the development shall be undertaken in full accordance with the agreed details.

All soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building, or the completion of the development, whichever is the sooner. All shrub and tree planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape, in accordance with SD2, SD4 and SD5, and the SDNPA Design Guide SPD. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

8. Prior to the first occupation of the development hereby permitted, a Landscape Management Plan covering areas of shared public space, access roads, pathways and landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape management plan shall include long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens. The landscape management plan shall thereafter be implemented in full as approved.

Reason: To secure the long term maintenance of the landscaping scheme, which will contribute to the setting of the development and the surrounding character and appearance of the area in accordance with SD4 and SD5, and the SDNPA Design Guide SPD.

9. Prior to the commencement of the development hereby permitted, a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes, (to include, but not be limited to bricks, render, doors, pipework, flues, timber cladding and rainwater goods) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be provided in full accordance with the approved details.

Reason: In the interests of landscape character and preserving the character of the listed building in accordance with SD4, SD5, SD12 and SD13 and the SDNPA Design Guide Supplementary Planning Document. This is required to be a pre-commencement condition because there is no 'slab level' phase and it is therefore necessary to have agreed such details prior to commencing any building works.

Archaeology

10. Prior to the commencement of the development hereby permitted, a Written Scheme of Investigation to secure the implementation of a programme of archaeological assessment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the provisions of the scheme shall be carried out in full accordance with the approved programme.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets in accordance with policies SD12 and SD16 and the NPPF. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

11. Prior to the first occupation of the development hereby permitted, the archaeological site investigation and a report, setting out and securing any post-excavation assessment, specialist analysis and reports, publication and dissemination of results and archive deposition as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The archaeological site investigation and post-excavation assessment shall be undertaken in full accordance with the written scheme of investigation approved under condition 10.

Reason: To contribute to our knowledge and understanding of the past by ensuring the recording of any items of historical or archaeological interest, and to make this publicly available in accordance with policies SD12 and SD16 and the NPPF.

Sustainable Construction

12. Prior to the commencement of the development hereby permitted, a design stage Sustainable Construction Report shall be submitted to and agreed in writing by the local Planning Authority. The report shall include details of:
- i) Design stage SAP/ SBEM data showing DER/BER demonstrating a reduction in predicted CO₂ emissions by at least 48.62% due to energy efficiency and green energy measures across the whole development via;
 - a) Individual SAP data for dwellings showing the reduction in carbon emissions; and
 - b) SBEM assessment for the non-domestic elements (to include heat pump or combined heat and power technology where feasible)
 - ii) A Site Waste Management Plan demonstrating that:
 - a) At least 50% of construction waste will be diverted from landfill;
 - b) Private and communal garden compost bins, separate bin collection for recyclables in communal areas, and segregated kitchen waste bins will be provided;
 - iii) Sustainable transport measures to include:
 - a) A Transport Assessment and Travel Plan (including public transport support);
 - b) Details of EV charge points (minimum output of 7kW and universal socket);
 - iv) A Sustainable Materials Strategy, demonstrating:
 - a) Low carbon and environmentally friendly materials (substituted, re-used, recycled and locally sourced) including alternatives to uPVC building products;
 - b) Building design details;
 - c) Grown in Britain certified timber (FSC or PEFC where Grown in Britain is not feasible);
 - d) For all windows; double glazed (with low-e glazing), thermally broken aluminium units to match the existing windows (unless otherwise agreed with the Historic Buildings officer);
 - v) A design stage BRE Water Calculator demonstrating a predicted mains water use below 110 litres per person per day;
 - vi) Layout or landscape plans demonstrating:
 - a) GI and green roofs and green roof calculation;
 - b) Rainwater harvesting;
 - c) That the development will provide sustainable drainage, enhance green infrastructure and GI linkage; and
 - d) Adaptation to climate change.

Thereafter the development shall be provided in full accordance with the approved details.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change, in accordance with SD2, SD48 and the SDNPA Sustainable Construction SPD. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

13. Prior to the first occupation of any residential unit hereby permitted, detailed information in a Post Construction Stage Sustainable Construction Report demonstrating how the development has been carried out in accordance with all of the requirements set out in Condition 12 shall be submitted to, and approved in writing by, the Local Planning Authority. This documentary evidence shall include, but shall not be limited to, as built SAP and SBEM data, and as built stage BRE water calculator.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change, in accordance with D2, SD48 and the SDNPA Sustainable Construction SPD.

Drainage

14. Prior to the commencement of development hereby permitted, details of the proposed foul drainage and means of disposal, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved designs and retained thereafter.

Reason: To ensure satisfactory provision of foul water drainage. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

15. Prior to the commencement of development hereby permitted, details of the proposed surface water drainage and means of disposal shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) A plan of the drainage system as a whole, including connections to the sewer;
- ii) Infiltration testing in accordance with the BRE 365 to ascertain the feasibility of infiltration on site (should site investigations prove that infiltration is feasible the strategy should be revised to include this);
- iii) Demonstration of how rainwater harvesting and areas of hardstanding will be drained to permeable areas, and how they connect to the drainage system;
- iv) Additional capture-at-source solutions such as rainwater harvesting/water butts;
- v) How surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

The scheme shall subsequently be implemented in full accordance with the approved designs and retained thereafter.

Reason: To ensure satisfactory provision of surface water drainage and ensure surface water runoff from the development is managed safely whilst achieving maximum water quality, biodiversity and amenity benefits, in accordance with SD2, SD17 and SD50, and the SDNPA Design Guide SPD. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

16. Prior to commencement of the development hereby permitted, a maintenance and management plan for the entire drainage system and any surface water attenuation features shall be submitted to and approved in writing to the Local Planning Authority to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall include the following:

- i) The plan shall clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that the appropriate authority is satisfied with the submitted details;
- ii) Evidence that the responsibility arrangements will remain in place throughout the lifetime of the development.

All works shall be undertaken in full accordance with the agreed details, and retained throughout the lifetime of the development.

Reason: To ensure satisfactory provision of surface water drainage and ensure surface water runoff from the development is managed safely whilst achieving maximum water quality, biodiversity and amenity benefits, in accordance with SD2, SD17 and SD50, and the SDNPA Design Guide SPD. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

Ecology

17. Prior to the commencement of the development hereby permitted, an Ecological Design Strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, to include the recommendations in section 5 of the Preliminary Ecological Assessment (Phlorum, May 2022) and the Ecosystem Services Statement (Phlorum, April 2022) shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
- i) The provision of sparrow terraces, swift bricks/boxes and raptor boxes where appropriate;
 - ii) Creation of chalk grassland habitat;
 - iii) A sensitive lighting scheme retaining dark boundaries;
 - iv) Purpose and conservation objectives for the proposed works;
 - v) Review of site potential and constraints;
 - vi) Detailed design(s) and/or working method(s) to achieve stated objectives;
 - vii) Extent and location /area of proposed works on appropriate scale maps and plans;
 - viii) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - ix) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - x) Persons responsible for implementing the works;
 - xi) Details of characteristic habitats and species to be created;
 - xii) Details of initial aftercare and long-term maintenance;
 - xiii) Details for monitoring and remedial measures;
 - xiv) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, policies SD2 and SD9 and the NPPF. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

18. Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) covering the areas of semi-improved grassland, shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
- a) A description, plan and evaluation of landscape and ecological features to be managed;
 - b) Measures setting out how the development will:
 - i) Conserve water resources and improve water quality;
 - ii) Protect and provide more, better and joined up natural habitats;

- iii) Improve the National Park's resilience to, and mitigation of, climate change;
 - iv) Increase the ability to store carbon;
 - v) Conserve and enhance soils.
- c) Detailed working methodologies for installation and maintenance of pathways and boundary treatments;
 - d) Ecological trends and constraints on site that might influence management;
 - e) Details of future management of both areas for habitats and species, including details of management responsibility;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) A scheme of ongoing monitoring, and remedial measures where appropriate;
 - h) Details of any legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer in partnership with any management body(ies) responsible for its delivery.

The approved LEMP will be implemented in full accordance with the approved details. Where deemed necessary by the Local Planning Authority shall include contingencies and/or remedial action to be further agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met.

Reason: To achieve an appropriate landscaping scheme which will contribute to the setting of the development and the surrounding character and appearance of the area, and secure ecological mitigation measures and biodiversity net gain, in accordance with SD2 and SD9. This is required to be a pre-commencement condition because there is no 'slab level' phase and it is therefore necessary to have agreed such details prior to commencing any building works.

Lighting and Dark Night Skies

19. Prior to the commencement of the development hereby permitted, a scheme of external lighting (to include details of any existing external lighting to be retained) to be installed at the site shall be submitted to, and approved in writing by the Local Planning Authority. The lighting shall:
- i) Comply with the guidance set out in the SDNPA's Dark Night Skies Technical Advice Note;
 - ii) Be designed to minimise impacts on wildlife, including moths.

The lighting shall be installed, maintained and operated in full accordance with the approved details.

Reason: In the interests of amenity and to protect the South Downs International Dark Skies Reserve in accordance with SD8 and SD9. This is required to be a pre-commencement condition because there is no 'slab level' phase and it is therefore necessary to have agreed such details prior to commencing any building works.

Highways and parking

20. Prior to the first occupation of the development hereby permitted, the car parking shall be constructed in full accordance with the approved plans. The car parking and vehicle turning shall thereafter be retained at all times for their designated purpose and shall not be obstructed.

Reason: To provide adequate car-parking space for the use, and ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

21. Prior to the first occupation of the development hereby permitted, detailed drawings of the covered and secure cycle parking stores and spaces shall be submitted to and

approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To provide alternative travel options to the use of the car in accordance with in accordance with SD19.

22. Prior to the first occupation of the development hereby permitted, details of the electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in full accordance with the approved details and the charging points shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with SD19.

23. The measures within the approved Travel Plan shall be implemented in full and retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with in accordance with SD19.

Informatives

1. The 2440 mm combined trunk sewer requires a clearance of 5 metres on either side of the trunk sewer to protect it from construction works and to allow for future access for maintenance 6 inches diameter water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future maintenance access. No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public water mains. Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

11. Crime and Disorder Implications

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

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. The assessment of this application has been carried out without prejudice or discrimination and it is not considered that the proposals would interfere with Human Rights. The proposed development would not infringe the rights of the applicant, the settled community or neighbouring residents to the development.

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.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices: I. Information for determination at committee

SDNPA Consultees: Director of Planning, Legal Services

Background Documents: [All planning application plans, supporting documents, consultation and third party responses](#)

[National Planning Policy Framework \(2021\)](#)

[South Downs Local Plan \(2014-33\)](#)

[South Downs National Park Partnership Management Plan \(2020-25\)](#)

[SDNPA Biodiversity TAN \(Jan 2022\)](#)

[SDNPA Parking SPD \(Apr 2021\)](#)

[SDNPA Sustainable Construction SPD \(Aug 2020\)](#)

[SDNPA Design Guide SPD \(Aug 2022\)](#)

Information concerning consideration of applications before committee

Officers can confirm that the following have been taken into consideration when assessing the application:-

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and the Vision & Circular 2010

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Major Development

Paragraph 177 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 177 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 177 is undertaken in the Assessment Section of the main report.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

The Conservation of Habitats and Species Regulations 2017

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

Relationship of the Development Plan to the NPPF and Circular 2010

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered compliant with it.

The South Downs National Park Partnership Management Plan 2020-2025

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, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

South Downs Local Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

All Relevant Policies of the South Downs Local Plan which are of relevance to this application

- Core Policy SD1: Sustainable Development
- Core Policy SD2: Ecosystems Services
- Strategic Policy SD4 : Landscape Character
- Strategic Policy SD5: Design
- Strategic Policy SD6: Safeguarding Views
- Strategic Policy SD7: Relative Tranquillity
- Strategic Policy SD8: Dark Night Skies
- Strategic Policy SD9: Biodiversity and Geodiversity
- Strategic Policy SD12: Historic Environment
- Development Management Policy SD13: Listed Buildings
- Development Management Policy SD14: Climate Change Mitigation and Adaptation of Historic Buildings
- Development Management Policy SD16: Archaeology
- Strategic Policy SD17: Protection of the Water Environment
- Strategic Policy SD18: The Open Coast
- Strategic Policy SD19: Transport and Accessibility
- Development Management Policy SD22: Parking Provision
- Strategic Policy SD25: Development Strategy
- Strategic Policy SD27: Mix of Homes
- Strategic Policy SD28: Affordable Homes
- Strategic Policy SD29: Rural Exception Sites
- Development Management Policy SD43: New and Existing Community Facilities
- Strategic Policy SD45: Green Infrastructure
- Strategic Policy SD48: Climate Change and Sustainable Use of Resources
- Development Management Policy SD50: Sustainable Drainage Systems

Legislation for heritage assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission and listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning 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.”

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 (as amended) relates to conservation areas. It requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Human Rights Implications

These planning applications have 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.

Equality Act 2010

Due regard has been taken within this application of the South Downs National Park Authority’s equality duty as contained within the Equality Act 2010.

Crime and Disorder Implication

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

Proactive Working

In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

