

Redrafted Policy HN6 incorporating the Inspector's suggested modifications as set out in his ID/6, his MM2 and reflecting the Hearing discussion held on 4<sup>th</sup> Dec regarding to Matter 4.

#### Policy HN6 – Former Convent of Holy Jesus, Magdalen Road

Planning permission will not be granted for enabling development within the curtilage of the Former Convent of the Holy Child Jesus unless it would secure the long term suitable use and future of the existing Listed Buildings.

Planning permission for enabling development will not be granted unless such development:

- a) Secures the management in perpetuity of the whole site as a single entity and as a place of special significance;
- b) Secures the ongoing management of the whole site, including the respectful protection and enhancement of the Nuns' Cemetery;<sup>1</sup>
- c) Is, subject to the need to provide affordable housing, the minimum amount of development required to secure the long term future of the existing buildings and the site as a whole;
- d) Follows genuine investigation of the potential for securing the long term future of the buildings without the need for enabling development and the exploration of unrestricted disposal of the site on the open market;
- e) Convincingly demonstrates that it is the only realistic source of sufficient subsidy to secure the suitable long term future of the Listed Buildings;
- f) Minimises the harm to other public interests;
- g) Provides an appropriate amount of affordable housing (for which see Policy H3 of the Planning Strategy), even if this increases the overall number of units to be provided; and where
- h) The public benefit of securing the future of the heritage assets through enabling development decisively outweighs the harm or otherwise caused by the scheme. The Local Planning Authority will liaise closely with Historic England on any scheme submitted including the sharing with them of any viability assessments or financial assessments submitted to support any development proposals<sup>2</sup>.

In addition, planning permission will not be granted for enabling development unless:

- 1) The impact of the development is precisely defined at the outset, through the granting of full, rather than outline, planning permission;
- 2) The achievement of the heritage objective is secured through the use of a Section 106 agreement or other enforceable means;
- 3) The heritage assets concerned are repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, and in any event, before completion or occupation of any new build;

New supporting text paragraph after Policy HN6:

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<sup>1</sup> Criteria a & b have been re-ordered with regard to the Inspector's ID/6 to reflect the strategic significance of the new criterion a.

<sup>2</sup> At the examination hearings the Council confirmed that it was happy to agree to additional text within the Plan, as a minor modification, to confirm that it would ensure close liaison with HE on any scheme submitted, including the sharing with them of any financial appraisal submitted to support development. In the light of the significance of these Heritage assets and the concerns raised at examination regarding securing their long term future the Council considers that this obligation is best included within the revised wording of Policy HN6 (as part of Main Modification MM2).

These Listed Buildings and their curtilage are a vitally important heritage asset in St Leonards and in the Borough as a whole. Their inclusion in a Conservation Area emphasises even more their historic and architectural importance. The Council is therefore keen to secure their suitable long term future which the provisions of the Policy are designed to achieve. Enabling development is, however, undertaken as an exception to the usual planning policies which apply and this justifies the rigour of the Policy. The Council will therefore work closely with the developer and monitor the implementation of an approved scheme, acting promptly if necessary to ensure that all conditions and obligations are met.

The Council is also mindful of the need to protect the setting of listed buildings and the Conservation Area as a whole when considering any new development proposals for the site.

The general principles set out above will, where appropriate, be applied in the case of any other proposals for enabling development elsewhere in the Borough.

The Council will also take into account Historic England's adopted and emerging guidance on heritage assets and in particular advice on development in relation to heritage assets, protecting views and settings. (insert weblink)

Through its pre-application service, the Council will provide informal guidance as to what constitutes enabling development in terms of the above Policy. Where development proposals are not considered to be enabling development after consultation with the Council, such proposals will be assessed against other relevant policies in the Plan.