

Report to	<b>Planning Committee</b>
Date	<b>9 May 2019</b>
By	<b>Director of Planning</b>
Local Authority	<b>Chichester District Council</b>
Application Number	<b>SDNP/18/04918/FUL</b>
Applicant	<b>Sunley Estates Ltd</b>
Application	<b>The erection of 18 dwellings (including nine affordable units) accessed via Lavant Road (A286), the provision of open space, pedestrian link and community parking</b>
Address	<b>Land at Pook Lane, Lavant, West Sussex</b>

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**Recommendation for SDNP/18/04918/FUL:**

- 1. That planning permission be granted subject to the conditions set out at section 10.1 of this report and a legal agreement to secure:**
    - Nine affordable dwellings;**
    - The provision of a replacement football pitch that is available for use by the community;**
    - The provision of a temporary football pitch until the replacement football pitch is available;**
    - The delivery of the community car park;**
    - The delivery of highway improvements to Pook Lane to improve the access to the community car park;**
    - The delivery and management of the public open space;**
    - £5,000 contribution towards upgrading the Centurion way; and**
    - £10,509 contribution to the Solent Bird Mitigation Strategy.**
  - 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 made within 3 months of the Planning Committee meeting of 9 May 2019.**
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**Executive Summary**

The proposal would introduce 18 dwellings on a site allocated for residential development by the Lavant Neighbourhood Plan. The site abuts the boundary of the National Park and a concurrent application is being considered by Chichester District Council for a new football pitch adjacent to the site outside of the National Park.

Delivering 50% affordable housing and an appropriate housing mix the design and layout of the proposal are considered to be of an exemplary standard enhancing the positive characteristics of the

area and embodying the aspirations of the Lavant Neighbourhood Plan and the submitted SDNPA Local Plan.

Safe access is provided from Lavant Road whilst, due to the positioning of the dwellings, there would be an acceptable impact upon neighbouring amenity. The proposed treatment of the Chichester Entrenchments Scheduled Ancient Monument is considered appropriate whilst its future maintenance is proposed to be secured via condition. Matters relating to protecting dark night skies, high quality materials, landscaping, parking, drainage and ecology are acceptable and are proposed to be secured via condition. A financial contribution towards the Solent Bird Mitigation Project is proposed to be secured via legal agreement.

The delivery and future management and maintenance of the proposed additional community parking, public open space and the replacement of the existing football pitch, with a pitch of equivalent or better provision in terms of quantity and quality in a suitable location, and the provision of a temporary football pitch whilst works are undertaken is proposed to be secured via legal agreement.

The planning application is therefore recommended for approval subject to a legal agreement and the conditions listed at section 10.1 of this report. The application is put forward for committee consideration due to the planning issues which it raises.

## **1. Site Description**

- 1.1 The application site constitutes a cut grass field located at the southern end of Lavant. It is currently in use as an adults football pitch and the site is bounded to the south by Pook Lane, to the west by Lavant Road, to the north by a residential property fronting Lavant Road and an agricultural field and to the east by both Pook Lane (which tapers along the site boundary) and Lavant Memorial Hall, and its associated car park, which is a community facility.
- 1.2 The site marks a point where the character of Lavant changes from the principally ribbon development around Lavant road to the north and the dispersed residential development, formed of larger dwellings in substantial plots, to the south beyond Pook Lane.
- 1.3 Notable features include the Devils Ditch, as part of the late Iron age/early Roman Chichester Entrenchments, which is a Scheduled Ancient Monument (SAM) located along 210m of the northern boundary of the application site (and continuing adjacent to the south of the site). The SAM is on the Historic England 'Heritage at Risk' register. The existing vehicular access for pitch maintenance is in the south-west corner of the site whilst the site has changeable topography constituting a flat western plateau and a falling eastern end towards the Memorial Hall.
- 1.4 The Lavant Conservation Area is located to the immediate north and north-west of the application site whilst there are listed buildings to the west on Lavant Road (notably the grade II listed 49 and 50 Chichester Road).
- 1.5 A public footpath dissects the eastern end of the application site (on a north-south orientation whilst the Centurion Way runs approximately 140m to the west of the application site (also on a north-south orientation).
- 1.6 Pook Lane forms the boundary of the National Park with Pook Lane itself being located outside of the National Park.

## **2. Relevant Planning History**

- 2.1 Whilst the applicants undertook pre-application discussions with the SDNPA there are no recent relevant planning application history on the site.

### 3. Proposal

3.1 The key elements of the proposal are:

- The erection of 18 dwellings (50% affordable) with the following mix:

No. of Beds	Open Market	Affordable Rent	Shared Ownership	Total
1	0	1	2	3
2	2	3	1	6
3	3		2	5
4	3			3
5	1			1
<b>Total</b>	<b>9</b>	<b>4</b>	<b>5</b>	<b>18</b>

- New vehicular access from Lavant Road;
- The formation of public open space including a SUDS feature;
- A buffer zone to the Devils Ditch Scheduled Ancient Monument;
- The removal of a portion of trees facing Lavant Road;
- The strengthening of trees/planting facing a portion of Lavant Road and Pook Lane;
- A public footpath through the site; and
- Extending the existing Memorial Hall car park by 21 spaces.

3.2 A concurrent application (18/03493/FUL) is being considered by Chichester District Council for the creation of a football pitch on land off Pook Lane opposite the application site but outside of the National Park.

### 4. Consultations

4.1 **Archaeologist:** No objection subject to securing a written programme of archaeological investigation and appropriate improvements to the Scheduled Ancient Monument.

4.2 **Design Officer:** Support; comments set out within Planning Assessment.

4.3 **Drainage Engineer:** Object:

- Concerns that surface water from the residential development, which is proposed to flow into a detention pond, would thereafter not appropriately infiltrate away quick enough to cater for a ten year critical event.

4.4 **Ecologist:** No objection subject to securing the mitigation measures set out in the submitted Ecological Assessment.

4.5 **Environment Agency:** No objection subject to securing the mitigation measures proposed in the submitted Flood Risk Assessment.

4.6 **Landscape Officer:** No objection; verbal comments set out within Planning Assessment.

4.7 **Lavant Parish Council:**

SDNPA Officers met with the Parish Council during the pre-application process (alongside the applicants) and during the application process, once alongside the applicants and twice separately. The Parish Council were consulted on the planning application and re-consulted when revised plans were received.

The final Parish consultation response, dated 10 April, raised an **objection** noting the following:

“With regret LPC cannot support the revised site lay-out as it is proposed, as it has created the following key obstacles:

- The repositioning of plots 1-5 to face outwards from the rest of the development. Access to parking for these plots is therefore from the rear with the inherent inconveniences this will cause. The properties are close to (10-15m) but not on the A286, without the benefit of direct access to the road;
- The creation of a narrow passage-way with six-foot high brick walls between plots 3 & 4 of the affordable housing;
- The creation of a hard boundary facing the ancient monument, through the construction of a two-storey house and a six-foot brick wall 20 meters from the monument, as well as a road/turning area to within 10 meters; which if implemented would have a very damaging effect on the sustainability of the historic nature of this 2,000 plus year old feature;
- The repositioning/reorienting of plots 1 to 5 creating dark shaded gardens, something which the original lay-out skilfully avoided; and
- The breaching of LNDP Policy 19 by providing in-line parking for 3 cars on plots 11 and 12. There is also insufficient allocated parking for plots 4 and 5.

LPC worked very closely with SDNPA representatives in the creation and making of the LNDP and its constituent policies. LPC feels very strongly that SDNPA should now be supporting the policies of the LNDP, which are embedded within the SDNPA Local Plan. LNDP policies are not in any way contrary to SDNPA policies and should be given due respect.

LPC urges SDNPA to examine most carefully the points raised above which we feel are retrograde and detrimental to the overall high standards of the proposed development, but could be mitigated through sensible design compromise. Ideally, a reversion to the previously submitted design plan is supported”.

- 4.8 **Lead Local Flood Authority:** No objection subject to the drainage solutions proposed being secured via condition.
- 4.9 **Housing Officer:** Supports the affordable housing mix but considers that the open market housing mix does not meet the advocated mix set out within policy SD27 of the submitted SDNPA Local Plan.
- 4.10 **Historic England:** No objection: A low level of harm would occur to the SAM but this would be offset by securing a management regime for the protection, enhancement and maintenance of the Scheduled Ancient Monument.
- 4.11 **Natural England:** No objection subject to securing a financial contribution towards the Solent Bird Mitigation Project.
- 4.12 **PRoW Officer:** No objection. A financial contribution should be sought to improve nearby public rights of way.
- 4.13 **Southern Water:** No objection.
- 4.14 **Sport England:** No objection subject to measures to secure the replacement football pitch.
5. **Representations**
- 5.1 **25 representations in objection:**
- The originally submitted plan should be approved as it was developed alongside the Parish Council and is better than the revised plan;
  - Concern regarding the safety of the proposed vehicular access from Lavant Road;

- No footpath should be close to the Scheduled Ancient Monument;
- There should be no clearance works undertaken to the Scheduled Ancient Monument as this, over time, would lead to erosion and damage and would be harmful to its character;
- The vehicular access should not be opposite the access to Oldwick Meadows;
- There should be a pedestrian crossing towards the Centurian Way;
- The dwellings adjacent to Pook Lane are too high appearing out of character;
- Solar panels should be included;
- The current open space should be retained for its wildlife and landscape character benefits;
- Insufficient visitor parking;
- Dwellings should not front onto Lavant Road;
- The proposed design and layout do not reflect the wishes of the local community;
- There is no need for more than 15 dwellings;
- A security gate should be added to the new car parking to restrict travellers;
- The proposal would impact upon the local highway network;
- The boundary treatments are inappropriate within the site and should have a softer appearance;
- Inadequate street lighting;
- The affordable housing is not distributed appropriately across the site and this is reinforced by the proposed internal boundary treatments;
- The proposal seeks to develop more of the application site than the neighbourhood plan allocation approved;
- The proposed development would go too close to the Scheduled Ancient Monument;
- The proposed football pitch is not in an appropriate location; and
- There are insufficient details regarding boundary treatments.

## 5.2 **2 representations in support:**

- Would deliver the aims of the Lavant Neighbourhood Plan.

5.3 Further representations (not being specifically objections or support) have been received recognising the benefits of the associated highway improvements but raising concerns regarding potential flooding of the Memorial Hall (Lavant Memorial Hall Committee), that the proposed treatment of the Scheduled Ancient Monument would suburbanise its appearance (Lavant History Project), offering support for the proposal (Fordwater Conservation Group) and supporting the proposal but raising concerns regarding pedestrians accessing Lavant school from the site and seeking a financial contribution to improve access to the Centurion Way (Chichester and District Cycle Forum).

5.4 A representation was also received on behalf of 14 residents of Raughmere Court and Raughmere Drive. The issues raised are included in 5.1 and 5.2 above.

## 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 the Chichester District Local Plan 1999, the submitted SDNPA Local Plan 2014-2033 and the

Lavant Neighbourhood development Plan 2016-2031. The relevant policies are set out in section 7 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.

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.

#### National Planning Policy Framework and Circular 2010

6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the updated National Planning Policy Framework (NPPF), which was issued and came into effect on 24 July 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 and enhancing 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.

#### The South Downs Partnership Management Plan (PMP) 2013

6.4 The PMP outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. It is a material consideration in the determination of the application. The following policies are relevant: 1, 3, 4, 5, 9, 10, 25, 28, 37, 39, and 50.

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

### **7. Planning Policy**

7.1 The following saved policies of the Chichester District Local Plan 1999 are relevant:

- BE3: Archaeology
- BE11: New Development
- BE14: Wildlife Habitat, Trees, Hedges and Other Landscape Features
- BE16: Energy Conservation
- H4: Size and Density of Dwellings
- H5: Open Space Requirements
- H6: Maintenance of Open Space
- RE8: Nature Conservation - Non-designated Sites
- TR6: Highway Safety

#### The South Downs National Park Local Plan 2014-2033

7.2 The Pre-Submission version of the South Downs Local Plan was submitted to the Secretary of State for independent examination in April 2018. The Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is now in its final stage before adoption with consultation on relatively minor Main Modifications having been undertaken from 1 February 2019 to 28 March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding Views
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD15: Conservation Areas
- 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 Homes
- SD48: Climate Change and Sustainable Use of Resources
- SD50: Sustainable Drainage Systems
- SD51: Renewable Energy
- SD55: Contaminated Land

#### Lavant Neighbourhood Development Plan

7.3 The following policies of the Lavant Neighbourhood Development Plan 2016-2031 are relevant:

- LNDP1: Spatial Strategy and settlement Boundaries
- LNDP2: South Downs National Park
- LNDP4: Delivering New Homes
- LNDP5: High Quality Design
- LNDP6: Development Principles
- LNDP7: New Dwelling Size and Affordable Housing
- LNDP8: Dark Night Skies
- LNDP14: Landscape Character and Key Views
- LNDP15: Floodplain and Reducing Flood Risk
- LNDP16: Microgeneration and Renewable Energy

- LNDPI7: Conserving and Enhancing Local Heritage Assets
- LNDPI8: New Public Rights of Way
- LNDPI9: Residential Off-Road Parking
- LNDP20: Land adjacent Pook Lane

## 8. Planning Assessment

### Principle of development

- 8.1 The application site is allocated for “circa” 15 dwellings by the Lavant Neighbourhood Development Plan so the principle of introducing residential development is considered acceptable in accordance with policies SD25, SD26 and LDNP20. The proposed 18 dwellings is considered “circa” subject to a landscape led approach. The proposed housing mix, with regard to size of dwelling, broadly accords with policies SD27 and LNDP7 for both the affordable and open market dwellings whilst the application includes two bungalows to meet the need for older person accommodation in accordance with policies SD27 and LDNP7.
- 8.2 The proposal includes nine affordable dwellings meeting the 50% requirement set out by policies SD28 and LNDP7. In response to negative feedback from Registered Social Landlords (that the applicant has provided) regarding the management of the affordable rented units on the site (which for landscape led reasons could not all be accommodated in one block) the tenure mix of the affordable units (45% affordable rent and 55% shared ownership) is considered acceptable.
- 8.3 As the football pitch meets the NPPF definition of a ‘playing pitch’ the NPPF (para 97) requires that, unless there is no demonstrable need, the provision of a pitch of “equivalent or better provision in terms of quantity and quality in a suitable location” (SD43 mirrors this test). As there is a need Lavant Neighbourhood Plan has allocated land adjacent to, but outside, the National Park for a new football pitch opposite the application site beyond Pook Lane. This pitch would integrate with the proposed additional community parking so is considered to meet the policy test (an assessment that Sport England concurs with).
- 8.4 A legal agreement, with appropriate triggers to ensure composite delivery, is proposed to secure the provision of the replacement pitch in addition to a temporary pitch whilst construction works are undertaken to ensure no significant shortfall in community use. The legal agreement will also require a mechanism to ensure that the pitch is made available for community use in perpetuity.
- 8.5 The proposed additional parking adjacent to the Memorial Hall is set out within the Lavant Neighbourhood Plan. It is therefore considered acceptable in principle in accordance with policies SD22 and LNDP20.

### Design and landscape character

- 8.6 The Lavant Neighbourhood Development Plan sets a development brief for the application site through adopted policy LNDP20 and it is considered that the proposal broadly delivers the objectives of this vision. When this development brief is considered in combination with other development plan policies (notably SD4 and SD5) and material considerations (notably the sites constraints and opportunities) the following are notable elements of the proposed design and layout:
- The dwellings are located on the western portion of the site as envisaged by LNDP20. The dwellings would provide an appropriate transition between the historic pattern of ribbon development to the north and more dispersed larger dwellings to the south. This is particularly notable by the inclusion of two strategically placed larger (and taller) dwellings in the southern and eastern corners of the site. The eastern dwelling in particular is designed as a ‘standalone’ dwelling to give it status within the hierarchy of the proposed development whilst being positioned to be visible from the access from Lavant Road. This supports the concept of the proposal being a development within the curtilage of an older property reflecting what has evolved within the curtilages of dwellings to the south of the site and elsewhere in Lavant;



- Whilst the residential 'part' of the site extends slightly further into the site than the indicative plan in the Neighbourhood Plan the main built form proposed (i.e. the dwellings and garages) does not;
- The proposed dwellings front Lavant road reflecting the established pattern of development along Lavant road whilst also facing the open space to the east as envisaged by LNDP20. To support this a section of trees that are of little arboricultural value in the north-western boundary of the site (facing Lavant Road) would be removed to better reflect the character of Lavant where dwellings typically front Lavant Road. Where the trees are removed a native hedge would be introduced;
- The open space is located to the eastern part of the application site as per LNDP20 and specifically includes public access through the site to deliver the aspiration of policy LNDP18. The future management and maintenance of the open space is proposed to be secured through a legal agreement;
- The Neighbourhood Plan indicated that a footpath should connect the site to Lavant Road in the north-west corner of the site. However, as there is no pavement on this part of Lavant Road the proposed pedestrian link from the site to Lavant Road is proposed alongside the new vehicular access;
- The community parking is proposed to be located adjacent to the Memorial Hall as envisaged by LNDP20. As the site levels vary at this location a further section of the parking and a landscaping plan is proposed to be secured via condition to ensure an acceptable impact upon the character of this part of the site;
- With the exception of one area of access road the proposed built form delivers the 20m buffer to the Scheduled Ancient Monument envisaged by LNDP20. Historic England are supportive of this approach and a planning condition is proposed to ensure suitable construction methodology where the 20m buffer is breached. As the section where the buffer is breached is an access road this does not impact significantly upon the setting of the SAM. Equally, the buffer, as it is on the northern boundary of the application site, ensures that the proposal respects the setting of the adjacent Conservation Area;
- The design of the proposed dwellings is considered to appropriately respond to their context within Lavant with regard to their design, cadence and materials. The proposal also successfully utilises bespoke dwelling design to respond to the specific circumstances of each plot whilst reinforcing the positive characteristics of character in Lavant through window, door, eaves and fascia details. This successfully articulates the aspirations of policies SD5 and LNDP5 providing a clear link between place and proposal;
- The detailed design of the layout and positioning of the dwellings is landscape led with boundary treatments using appropriate materials (principally flint and brick, particularly where visible from the public realm) and being sited close to the internal road (which also avoids 'maintenance strips'). Kerbstones are kept at a low profile and, where the built form fronts the open space, there will be an informal delineation of the access road so that it does not present an urbanising edge;
- Parking is proposed to be largely within the curtilage of dwellings (with the exception of the flats and where more weight is given to fronting Lavant road) and is arranged, where appropriate, in tandem to avoid an over dominance of motor vehicles within the streetscene. Whilst the proposal is two parking spaces short of the amount required by the Neighbourhood Plan it is considered that each dwelling and visitors are acceptably catered for and the shortfall is not considered an overriding concern. The proposal is therefore broadly in accordance with policies SD22 and LDNP19;
- An eco-system services approach is present through the proposals from the macro level drainage solution, which utilises the natural topography of the site to provide a SUDS pond, through to the micro level such as rainwater harvesting. The opportunity for ecological gains through the treatment of the SAM and the strengthening of existing boundary vegetation are also tangible manifestations of an eco-system services approach;

- Regard is had to dark night skies and wider views with only low level lighting proposed (secured via condition) and all windows facing the open space and wider views to the east to utilise low-transmittance glazing (as secured via condition);
- The existing boundaries of the application site adjacent to Pook Lane and Lavant Road (excluding the section to the north of the proposed access where the existing scrub would be removed) would benefit from additional planting (as envisaged by LNDP20) with native species (as secured by condition) to enhance the character of the respective roads and the entrance to Lavant as a gateway to the National Park;
- The existing Public Right of Way that crosses the eastern end of the application site would be retained and joined up to other footpaths proposed through the site;
- Given the distance between dwellings and their orientation it is considered there would be an acceptable impact upon the occupiers of neighbouring dwellings and also future occupiers of the proposed dwellings; and
- The proposed affordable dwellings are indistinguishable from the open market tenure dwellings and are appropriately distributed across the application site.

8.7 It is therefore considered that the proposal is landscape led and is in accordance with the development brief set out in policy LNDP20 and all other material considerations present on the site. Accordingly, it is considered that the proposal would conserve and enhance the landscape character of the application site in accordance with Policies SD4 and SD5, LDNP 5 and 6 and the first purpose of the National Park.

#### Access

8.8 Closing the existing minor vehicular access from the roundabout at the junction of Lavant road and Pook Lane is considered positive as it would improve existing highway safety. The new vehicular access to serve the residential development, off Lavant road, is considered to both be safe in highway terms (as confirmed by the Local highway Authority) and an appropriate point to access to site to facilitate an acceptable site layout in accordance with policies SD19 and LDNP20.

8.9 Whilst Pook Lane itself is located outside of the application site (and the National Park) the highway works proposed, which are set out in the Lavant Neighbourhood Plan, are required to facilitate safe access to the proposed additional community parking. It is therefore considered appropriate that the delivery of these works is secured via legal agreement.

8.10 The application site is within close proximity to the Centurion Way and the proposal offers opportunities to deliver the second purpose of the National Park by encouraging future residents to utilise it recreationally. Therefore, in accordance with SD20 and the intention of LDNP18, a £5,000 contribution is proposed towards its maintenance/improvement to be spent within reasonable proximity to the application site. This is proposed to be secured via legal agreement.

#### Heritage

8.11 The Chichester Embankments Scheduled Ancient Monument (SAM) is proposed to be protected both through design mitigation, by having a 'buffer' between the SAM and any new built form, and also through managing the existing vegetation to ensure it does not become overgrown. This should not be mistaken for creating an 'manicured' feature as the management would be restricted to clearing the vegetation that has grown unrestricted over time (and allowing the existing trees to not be replaced when they naturally reach the end of their life to avoid the removal of their roots damaging the SAM) to enable the form of the SAM to be better appreciated. This managed approach to securing the future of an 'at risk' SAM is endorsed by Historic England and is proposed to be secured via planning condition in addition to the introduction of an interpretation panel.

8.12 Whilst the management of the SAM is considered an appropriate solution the presence of the proposed built form, due to the loss of the current open area, would detract from its setting as noted by Historic England resulting in less than substantial harm. However, the public benefits of the proposal, such as the affordable housing and public open space in

addition to protecting a heritage asset 'at risk', outweigh this harm ensuring compliance with the NPPF and policies SD12, LDNP17 and LDNP20.

- 8.13 The site has high archaeological potential, particularly for Palaeolithic Remains, so it is appropriate that a Written Scheme of Archaeological Investigation is secured via condition in accordance with policies SD16 and LDNP17.
- 8.14 Due to its acceptable design and layout, in particular how Lavant Road is addressed, it is considered that the proposal would conserve the adjacent Lavant Conservation Area and have an acceptable impact upon the setting of the adjacent listed buildings. The proposal is therefore considered in accordance with policies SD12, SD15 and LDNP17.

#### Miscellaneous

- 8.15 Given the sloping topography of the site and previous experiences by the Memorial Hall of flooding a drainage solution is proposed that would improve the existing arrangements by introducing a SUDS pond feature to capture surface-water run-off which would then infiltrate back into the ground over time. Whilst final details of the pond and infiltration rates are proposed to be secured via condition the drainage arrangements, and their landscape impact, are considered acceptable in principle in accordance with policies SD50 and LDNP15.
- 8.16 A walkover ecological assessment was undertaken in addition to further reptile, bat and great crested newt surveys. All species surveyed for were found to be present so it is appropriate that the proposed mitigation measures, as agreed by the County Ecologist, are secured via condition. This is in accordance with policies SD9 and LDNP13.
- 8.17 As the proposal is located within proximity to the Chichester Harbour Special Protection Area (SPA) it would result in recreational pressure upon the SPA. Accordingly, as requested by Natural England, a £10,509 financial contribution is secured via legal agreement towards the Solent Bird Mitigation Strategy.
- 8.18 Whilst many environmental benefits are derived from the proposal, delivered through the dwelling design, ecological corridors and drainage (SUDS) arrangements, it is considered appropriate to secure additional benefits, via condition, from the construction of the dwellings to minimise energy consumption and maximise renewable energy generation in accordance with policies SD51 and LDNP16.
- 8.19 As the site contains a significant heritage asset (the SAM), is visible from a number of key receptors with the landscape and is adjacent to a busy highway it is considered appropriate to secure further details via condition of the construction process such as where the site compound is located, details of any temporary hoarding and wheel washing facilities.
- 8.20 Given the current use of the site there is no expected contamination. However, to safeguard against unexpected contamination being discovered during works a condition is proposed to ensure that in such an event any remediation measures are agreed by the SDNPA.

### **9. Conclusion**

- 9.1 Given the above it is considered that the proposal is in accordance with the Development Plan (the Neighbourhood Plan, Chichester District Local Plan 1999 and the submitted SDNPA Local Plan) and there are no overriding material considerations to otherwise indicate that permission should not be granted. It is therefore recommended that planning permission is granted.

### **10. Reason for Recommendation and Conditions**

- 10.1 It is recommended to grant planning permission subject to a legal agreement to secure:
- Nine affordable dwellings;
  - The provision of a replacement football pitch that is available for use by the community;
  - The provision of a temporary football pitch until the replacement football pitch is available;

- The delivery of the community car park;
- The delivery of highway improvements to Pook Lane to improve the access to the community car park;
- The delivery and management of the public open space;
- £5,000 contribution towards upgrading the Centurion way; and
- £10,509 contribution to the Solent Bird Mitigation Strategy.

And 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)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application" unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development above slab level shall commence on any of the buildings, hereby permitted, until samples of the external materials (to include, but not limited to, wall, roofs, windows, doors, rainwater goods and fascia's) for that respective building has been submitted to and approved, in writing, by the Local Planning Authority. The details shall be implemented and maintained as approved.

Reason: To safeguard the landscape character of the site in accordance with policy BE11 of the Chichester Local Plan 1999, policies SD4 and SD5 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 5, 6 and 14 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

4. No development above slab level shall commence on any of the boundary treatments, hereby permitted, until samples of the external materials for that respective boundary treatment has been submitted to and approved, in writing, by the Local Planning Authority. The details shall be implemented and maintained as approved.

Reason: To safeguard the landscape character of the site in accordance with policy BE11 of the Chichester Local Plan 1999, policies SD4 and SD5 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 5, 6 and 14 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

5. No development above slab level shall commence on any of the hardstanding (including footpaths), hereby permitted, until samples of the external materials for that respective hardstanding has been submitted to and approved, in writing, by the Local Planning Authority. The details shall be implemented and maintained as approved.

Reason: To safeguard the landscape character of the site in accordance with policy BE11 of the Chichester Local Plan 1999, policies SD4 and SD5 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 5, 6 and 14 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

6. No development above slab level shall commence until a landscaping scheme has been submitted to and approved, in writing, by the South Downs National Park Authority. The landscaping scheme shall include:

- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- Details of how the existing boundary vegetation facing Pook Lane and the part of Lavant Road to the south of the proposed access would be improved;

- A timetable for the implementation of all landscaping details; and
- A schedule of landscape maintenance for a minimum period of 5 years.

The landscaping scheme shall be implemented and thereafter adhered to as agreed.

Reason: To safeguard the landscape character of the site in accordance with policy BE11 of the Chichester Local Plan 1999, policy SD4 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 14 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

7. No new external lighting (including adjacent to the internal road) shall be installed until its details (to include lux rating, hours of operation, angle of lighting and colour temperature) have been submitted to and approved, in writing, by the South Downs National Park Authority. The details approved shall be implemented and maintained as approved.

Reason: To safeguard the landscape character and dark night skies of the site and National Park and enhance biodiversity in accordance with policies BE11 and BE14 of the Chichester Local Plan 1999, policies SD4, SD8 and SD9 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 8 and 13 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

8. All windows on the eastern and northern elevations of the dwellings on plot no's. 6, 7, 8, 9 and 10 (as shown on approved plan no. CB\_75\_020\_001 rev P) shall utilise low transmittance glass.

Reason: To safeguard the landscape character and dark night skies of the site and National Park in accordance with policy BE11 of the Chichester Local Plan 1999, policies SD4 and SD8 of the submitted SDNPA Local Plan 2014-2033, Policy LNDP 8 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

9. No development above slab level shall commence on the internal road layout until sections (to show the road and kerb treatment), have been submitted to and approved, in writing, by the Local Planning Authority. The details shall be implemented and maintained as approved.

Reason: To safeguard the landscape character of the site in accordance with policy BE11 of the Chichester Local Plan 1999, policies SD4 and SD5 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 5, 6 and 14 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

10. All new electricity and telephone lines shall be laid underground unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To safeguard the landscape character of the site in accordance with policy BE11 of the Chichester Local Plan 1999, policy SD4 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 5, 6 and 14 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

11. No development above slab level shall commence until a section of the pond (as identified on approved plan no. CB\_75\_020\_001 rev P) and details of any enclosure (if necessary) have been submitted to and approved, in writing, by the Local Planning Authority. The details shall be implemented and maintained as approved.

Reason: To safeguard the landscape character of the site in accordance with policy BE11 of the Chichester Local Plan 1999, policies SD4, SD5 and SD50 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 5, 6, 14 and 15b of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

12. No development shall commence until details (including kerb treatment, pavement surface treatment, any lighting and any signage) of the vehicular access from Pook Lane have been submitted to and approved, in writing, by the Local Planning Authority. The details shall be implemented and maintained as approved.

Reason: To safeguard the landscape character of the site in accordance with policy BE11 of the Chichester Local Plan 1999, policies SD4 and SD5 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 5, 6 and 14 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

13. No development shall commence within 20m of the Devils Ditch Scheduled Ancient Monument (as identified on approved plan no. CB\_75\_020\_001 rev P) and no dwellings, hereby permitted, shall be occupied until:

- A scheme for the removal of vegetation (to only include the removal of trees when they reach the end of their life) along the Scheduled Ancient Monument has been submitted to and approved, in writing, by the Local planning Authority;
- Details of how any development, hereby permitted, within 20m of the Scheduled Ancient Monument will mitigate the impact of its construction (to include a 'no dig' approach) has been submitted to and approved, in writing, by the Local planning Authority.
- A management and maintenance scheme for the future care of the Scheduled Ancient Monument has been submitted to and approved, in writing, by the Local planning Authority.

The development shall be undertaken in accordance with the approved details and thereafter maintained as approved.

Reason: To protect the special historic interest of the Scheduled Ancient Monument in accordance with policy BE3 of the Chichester Local Plan 1999, policy SD12 of the submitted SDNPA Local Plan 2014-2033, Policy LNDP 17 of the Lavant Neighbourhood Development Plan, the NPPF and the first purpose of the National Park.

14. No dwellings, hereby permitted, shall be occupied until details of an Interpretation Panel to provide education about the Devils Ditch have been submitted to and agreed, in writing, by the Local Planning Authority. The interpretation panel shall be installed and maintained as agreed.

Reason: To provide education about the Scheduled Ancient Monument in accordance with policy BE3 of the Chichester Local Plan 1999, policy SD12 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 17 of the Lavant Neighbourhood Development Plan, the NPPF and the first and second purposes of the National Park.

15. No development shall commence until a Written Scheme of Archaeological Investigation and the timing of the post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been submitted to and approved, in writing, by the South Downs National Park Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with policy BE3 of the Chichester Local Plan 1999, policy SD16 of the submitted SDNPA Local Plan 2014-2033, Policy LNDP 17 of the Lavant Neighbourhood Development Plan, the NPPF and the first and second purposes of the National Park.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a scheme for the mitigation of the contamination has been submitted to and approved, in writing, by the Local Planning Authority. The mitigation shall be undertaken in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy SD55 of the submitted SDNPA Local Plan 2014-2033 and the NPPF.

17. No development shall commence to the proposed additional car parking adjacent to the Memorial Hall (as identified on approved plan no. CB\_75\_020\_001 rev P) until a (west-

east) section of the car park has been submitted to and approved, in writing, by the Local Planning Authority. The car park shall utilise a permeable material. The car park shall be undertaken in accordance with the approved details and maintained thereafter.

Reason: To safeguard the landscape character of the site and secure sustainable drainage in accordance with policy TR6 of the Chichester Local Plan 1999, policies SD4, SD5 and SD50 of the submitted SDNPA Local Plan 2014-2033, Policies LNDP 5, 6 and 14 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

18. No development shall commence until details of a flood mitigation strategy have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be undertaken and maintained in accordance with the approved details.

Reason: To ensure that flood risk is minimised and water is disposed of in a sustainable method in accordance with policy of the submitted SDNPA Local Plan 2014-2033, Policy LNDP 15 of the Lavant Neighbourhood Development Plan and the NPPF.

19. The development, hereby permitted, shall be undertaken in accordance with the mitigation and enhancement recommendations set out in the submitted Ecological Impact Assessment (ref DWE 0564 dated 3 September 2018) and Ecology Planning Response (ref 18.2066 dated 24th October 2018).

Reason: To safeguard protected species on the site and provide ecological enhancements in accordance with policy BE14 of the Chichester Local Plan 1999, Policy SD9 of the submitted SDNPA Local Plan 2014-2033, Policy LNDP 13 of the Lavant Neighbourhood Development Plan and the NPPF.

20. None of the dwellings, hereby permitted, shall be occupied until their respective vehicular and cycle parking spaces are available for use.

Reason: To safeguard against interrupting the free flow of traffic and to safeguard the landscape character of the site in accordance with policy TR6 of the Chichester Local Plan 1999, policies SD4, SD5 and SD22 of the submitted SDNPA Local Plan 2014-2033, Policy LNDP 19 of the Lavant Neighbourhood Development Plan, the NPPF and the first statutory purpose of the National Park.

21. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved, in writing, by the South Downs National Park Authority. The CEMP shall include:

- Provision of parking for contractor's vehicles to prevent any on-street parking during construction;
- The location of any construction compound;
- Wheel washing facilities to safeguard the highway network from deposition of mud and spoil;
- Any temporary site security fencing including decorative displays; and
- Details of any temporary lighting; and

The CEMP shall be implemented as approved.

Reason: To safeguard the landscape character of the site, the condition of the local highway network and the Scheduled Ancient Monument in accordance with policies SD4, SD5, SD12 and SD19 of the submitted SDNPA Local Plan 2014-2033, the NPPF and the first statutory purpose of the National Park.

22. No development above slab level shall commence until a schedule of measures to minimise energy consumption and maximise renewable energy generation have been submitted to and approved, in writing, by the South Downs National Park Authority. The details shall be implemented and maintained as approved.

Reason: To ensure the development contributes to the management of the effects of climate change in accordance with policy BE16 of the Chichester Local Plan 1999, Policy SD51 of the submitted SDNPA Local Plan 2014-2033, Policy LNDP 16 of the Lavant Neighbourhood Development Plan and the NPPF.

## **11. Crime and Disorder Implication**

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.

## **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 pre-application advice from a SDNPA Development Management Officer, working collaboratively to accept amended plans during the application process and meeting to discuss the proposals.

### **TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices	1. Site Location Map
SDNPA Consultees	Legal Services, Development Manager.
External Consultees	None
Background Documents	All planning application plans, supporting documents, consultation and third party responses <a href="https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PFCXSFTUGIL00">https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PFCXSFTUGIL00</a> National Planning Policy Framework <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a> South Downs National Park Partnership Management Plan 2013 <a href="https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/">https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/</a> South Downs National Park Local Plan 2014-2033 <a href="https://www.southdowns.gov.uk/planning/national-park-local-plan/">https://www.southdowns.gov.uk/planning/national-park-local-plan/</a> Chichester District Local Plan 1999 <a href="http://www.chichester.gov.uk/localplan1999">http://www.chichester.gov.uk/localplan1999</a> Lavant Neighbourhood Plan 2016-2031 <a href="https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/lavant-neighbourhood-plan/">https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/lavant-neighbourhood-plan/</a>





