

Report to	Planning Committee
Date	13 February 2020
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/18/03162/FUL
Applicant	Oakford Homes Ltd
Application	Demolition of existing buildings and erection of 58 dwellings and 420sqm of Class B1 floor space, with associated access and parking arrangements, landscaping and open space.
Address	Eastmead Industrial Estate, Midhurst Road, Lavant, West Sussex, PO18 0DB.

Recommendation: That planning permission be refused for the reasons set out in paragraph 10.1 of the report.

Executive Summary

The application site is an industrial estate located in the northern part of Lavant and surrounded by residential development. It is directly accessed from the A286 and is in a good location in regard to bus routes and the Centurion Way which leads to Chichester. It is allocated for re-development in the Lavant Neighbourhood Development Plan (LNDP) (policy LNDP22) for a mixed use of new business floor space and new dwellings.

The application has been the subject of lengthy discussions with the Applicant regarding the design of the scheme and Lavant Parish Council have also been involved in some of these discussions. Having considered these views and those of consultees, the scheme was revised from 59 dwellings and 477sqm of office space (B1(a), 866sqm of light industrial floor space (B1(c), and a community hub to 58 dwellings and 420sqm of new business floor space (use class B1). The layout and architecture were also revised as part of the process.

The proposed design is, on balance, considered acceptable apart from the proposed sustainability measures within the buildings and further use of renewable technologies to accord with policy SD48, as well as a lack of electric vehicle charging points (policy SD22).

Importantly, the proposals do not include any provision for affordable housing. A viability appraisal submitted by the Applicant has been independently assessed by Bruton Knowles. Their conclusions are that the scheme is sufficiently viable to achieve a policy compliant scheme. – i.e 50% affordable housing. On this basis, a reason for refusal on a lack of affordable housing is recommended.

The site is also within 5km of the Chichester Harbour Special Protection Area (SPA). Under The Conservation of Habitats and Species Regulations 2017, it has been necessary to undertake an Appropriate Assessment to determine whether the scheme would have a likely significant effect in regard to increased recreational disturbance from new residential development upon the SPA. A charging scheme for new development to contribute to the Solent Recreation Mitigation Strategy to manage the SPA and mitigate the impact of development is relevant. In the absence of a financial contribution being secured to mitigate the impact of the development a third reason for refusal is recommended.

The application is placed before committee due to the scale of the development, the policy considerations within the LNDP and the level of local interest.

1. Site Description

- 1.1 The application site is located near to the northern extent of Lavant and accessed directly from the A286. It is an industrial estate which is occupied by two rows of buildings comprising of numerous individual premises. These buildings cover the majority of the site and surrounding them is hard standing, parking, and some open storage.
- 1.2 There is a wide access to allow for large vehicles to enter/exit the site. The site is on a lower ground level to the A286 and the access notably slopes downwards away from the road. Beyond the access, the site continues to slope away (west to east) through the site at a shallower gradient. The site is well contained within the village and there are limited wider views. From the access, there is a view across the site to the wider landscape. The north east corner of the site is within a flood zone due to the site's proximity to the River Lavant, which is approximately 140m to the east.
- 1.3 The site is bordered by a mix of fencing, walls and trees and is surrounded by residential properties on all sides. The rear gardens of properties to the east and south sides back onto the site. Similarly, a number of properties on the western side also back onto the site along with a development of flats. Adjacent to the flats and the access is a commercial building which is proposed to be demolished. To the north is Gaston Way which runs alongside the site where dwellings on the opposite side of this road face towards the site.
- 1.4 The Centurion Way runs through the eastern side of Lavant and links the village with Chichester. The site is also adjacent to a main bus route which runs along the A286 and links Chichester with Midhurst.
- 1.5 The site is within 5km of the Chichester Harbour Special Protection Area. This is an important consideration in regard to considering any likely significant effects upon the SPA from net new residential development and recreational pressures. This issue is addressed in section 8.

2. Relevant Planning History

- 2.1 The site is allocated in the Lavant Neighbourhood Development Plan (2016-2031) for a mixed use of business (B1) and residential development.
- 2.2 SDNP/17/01754/PRE: Mixed use development of brownfield site to include employment space and 52 dwellings. Advice issued on 27.12.2017.
- 2.3 SDNP/15/00330/PRE: Demolition of existing warehousing and erection of no.61 dwellings, together with associated works. Advice issued 16.04.2015.

3. Proposal

- 3.1 The scheme has been amended during the course of the application. The scheme under consideration proposes 58 dwellings and 3 commercial units totalling 420sqm. The commercial units are proposed to have a B1 use which, for example, would include offices and/or light industrial floor space. The following mix of dwellings is proposed:

<u>Size/type</u>	<u>Number</u>
No.1 bed flats	8
No.2 bed flats	15
No.2 bed houses	4
No.3 bed houses	18
No.4 bed houses	13
Total	58

Affordable housing

- 3.2 No on-site affordable housing or financial contribution in lieu is proposed.

The Layout

- 3.3 The existing access is proposed to be used. The existing commercial premises at the site entrance are proposed to be demolished and replaced with a 2.5 storey building comprising 6 flats and associated garden space. The existing substation at the site frontage would also be retained.
- 3.4 Further into the site, the access would split into two internal roads with one leading southwards to further blocks of flats and the proposed commercial space. The second route would continue past proposed dwellings and into the main residential area and around a central green space.
- 3.5 The commercial premises would be located in the south west corner of the site and comprise of 3 terraced units. These units would face northwards and front onto a new parking forecourt.
- 3.6 A block of 5 flats is proposed opposite to the commercial units. This building would face west onto the access road with a rear communal garden and bin and cycle stores. Further north of these flats is another detached block of 6 flats with another communal garden and would be located on a corner plot.
- 3.7 A mix of terraced and semi-detached properties would be sited in a row along the northern length of the site. Apart from plots 13 and 14, these properties would face into the site and their rear gardens would back onto the northern site boundary and Gaston Way. They would be interspersed with 3 parking courtyards and at the north east corner of the site plots 13 and 14 would face onto a new pedestrian access leading to Gaston Way and Hayles Close.
- 3.8 A central open greenspace is proposed which would be surrounded on three sides by the access road and dwellings facing it. A pair of terraced properties would front directly onto its southern edge. The access road around the greenspace would lead to the southern part of the site where further dwellings and parking courtyards are proposed. On the eastern side of the site, properties would back onto the eastern boundary.

Architecture

- 3.9 A traditional form of architecture is proposed. The dwellings range in scale from blocks of flats to semi-detached and terraced properties. There would be a variety of ridge heights and architectural features and detailing which include porch canopies, brick arches above windows, chimneys, flint gables, hipped and gabled roofs. Flat roof dormer windows are also proposed on many of the properties. A pallet of brick, render, tile hanging and flint within elevations are proposed. Plain tiles are proposed for the roofs. The commercial buildings are of a similar architectural style.

Parking

- 3.10 116 residential parking spaces are proposed and, overall, this equates to an average of 2 spaces per dwelling, albeit there are unallocated residential spaces within the scheme. 14 spaces are proposed for the commercial units.

Landscape scheme

- 3.11 A hard and soft landscape scheme seeks to provide notable areas of new planting along site boundaries and around the open greenspace in particular.

Drainage

- 3.12 The use of mains drainage is proposed for foul water. The scheme would involve the diversion of a sewer which runs through the eastern end of the site. Surface water would be managed via soakaways and permeable paving.

Sustainable construction

- 3.13 The commercial development would not achieve BREEAM 'Excellent.' The dwellings would also not achieve at least a 19% reduction in CO2 emissions. The submitted Energy Demand Statement outlines that the residential development would require significant use of solar photovoltaic panels to meet this reduction which would have significant implications upon the viability of the scheme.

4. Consultations

- 4.1 The consultee responses below summarise original comments received at the early stage of the application and any subsequent comments from a re-consultation exercise undertaken following the submission of amended plans.

- 4.2 **Archaeology:** No objection, subject to conditions.

- 4.3 **Chichester District Council:** Comments.

- LPA should consider whether the proposed mix of uses is acceptable.
- Higher density of development proposed compared to the surrounding area and a modest amount of useable open space proposed.
- Consideration should be given to foul drainage and capacity of the network and increased nitrates.
- Refer to guidance on waste storage and collection guidance.
- CDC declared a climate emergency in July 2019. Consideration should be given to the sustainability of the development (energy demand and use of renewables).
- If approved, recommend conditions relating to obscure glazing, restrict windows in the south elevation of the commercial units, recommendations of Environmental Health, operating hours of commercial units, removal of permitted development rights to prevent the change of use of the commercial units.

- 4.4 **Dark Night Skies:** No response.

- 4.5 **Design (SDNPA):** No objection, subject to recommendations being addressed.

Broad principles and layout

- Proposals satisfy a number of design criteria within the National Design Guide, SDLP and LNDP.
- Valuable views of the downs to the west and views of the site from Gaston Way are important to consider.
- Elements of the landscape-led approach have informed the layout.
- Layout responds to context and policy requirements (eg. provide a central open space).
- Central open space has influenced the layout but it doesn't address Gaston Way.
- Relationship with Gaston Way should be dealt with by high-quality boundary treatments and improved green infrastructure.
- Based on straightforward highway design principles, which forms a simple arrangement but distinct suburban character.
- Better public realm strategy to influence design of frontages and their boundary treatments could contribute further to the scheme.
- A condition relating to external works would improve the appearance of the scheme.
- Has incorporated green infrastructure assets.
- Refuse collection should be unobtrusive and well-integrated.

Architecture

- Supported and draws upon architectural precedents within the area; although buildings could have been a good example of contemporary design rather than traditional approach.

- Floorplan design is easy to use and highly adaptable.

Access and parking

- Retaining existing access is acceptable.
- Additional parking would comprise the public realm.
- New pedestrian connections to Gaston Way and Hayes Close supported.

Recommendation

- Minor changes to the public realm through reduced frontages of plots 6-19 and 34-38 and rationalising the courtyard design to plots 30-33, 57 & 58 to improve the scheme's appearance and identity.
- Recommend conditions to consider plot design, architectural and building materials, surface and boundary treatments.

4.6 **Community liaison officer (CDC):** Comments.

- Uncertainty as to the need for a community hub and potential for conflict with neighbouring properties. (Officer note – community hub now removed from the scheme.)

4.7 **Drainage:** No objection, subject to conditions.

4.8 **Ecology:** No objection, subject to conditions. Recreational disturbance upon the SPA can be addressed via a financial contribution.

4.9 **Economic Development (CDC):** Objection

- Primary concern has been the loss of existing employment space.
- Current premises are dated and in poor condition but consistent demand and good levels of occupation.
- Commercial element is as important to deliver as the residential.
- Significant concerns that BI(a) (office) space will not be viable but BI(c) space remains viable; there is high demand for BI(c) space.
- Strongly consider that original floor space proposed is needed and all of the employment space be built to shell to allow for flexibility and to ensure space is available to any prospective tenants/buyers for employment use.
- Recommend the floorspace be developed with several uses in mind, not specifically BI(a) or (c) so as not to constrict an uncertain market for office accommodation.
- Without an appropriate amount of commercial floor space, any business that occupies a new unit is likely to feel isolated and without the 'cluster' effect the commercial properties are likely to prove harder to sell or let.
- Danger these units would be lost to a residential re-development in the future.

4.10 **Environment Agency:** No objection, subject to conditions.

4.11 **Environmental Health:** No objection, subject to conditions.

4.12 **Housing (CDC):** Objection

- Updated abnormal site costs in latest appraisal has negatively impacted upon the viability of the scheme.
- Application states the development is not liable for CIL, which needs to be confirmed.
- Expectation from higher build costs to see an improved quality of development should be reflected in sales values.
- Sales values are not indicative of Chichester.
- Sales values from new development in Lavant suggest the gross development value of the development has been undervalued, which would have a negative effect on viability of the scheme as a whole.

- Proposed mix does not accord with policy SD27; scheme provides too many no.4 bed properties, which limits market for 'downsizers' and first time buyers and adds to an imbalance in the Parish which has a predominance of 3+ bed dwellings.
- Contrary to policy SD28; no affordable housing proposed.
- Viability needs to be assessed to determine any affordable housing provision.

4.13 **Landscape (SDNPA consultant):** Objection, pending further detail.

- Existing site detrimental to the amenity of the National Park.
 - Further contextual analysis and updated LVIA needed to inform the scheme.
- Layout
- Revised layout is much improved; opportunities for further enhancement remain to avoid an 'anywhere' development.
 - Revised layout gives greater consideration to landscape design objectives.
 - Central open space is recognisable as a 'village green' and generously proportioned.
 - Naturalistic design of the play should consider other functions and uses of the green space.
 - Setting of the greenspace could be improved by creating more space in the public realm.
 - Inward facing development logical, but backing onto Gaston Way is a concern based on landscape approach along the northern boundary.
 - Pedestrian routes could better integrate with existing development.
 - Landscaped area adjacent to plot I needs to create a sense of arrival; recommend omitting plot I to create larger area.
 - Landscape proposals adjacent to plot I3 would improve the pedestrian link.
 - Concern regarding the length and configuration of some driveways.
 - Some rear gardens face onto the public realm.
 - Treatment of parking courtyard need to create a less car dominant environment.
- Landscaping
- Several 'dead' spaces within the layout.
 - Missed opportunities to integrate the landscape scheme with surroundings.
 - Enclosures of rear gardens facing onto public realm need to be considered.
 - Query the use/need of the path along southern site boundary.
 - Structural planting not inappropriate but species choice is broadly commonplace.
 - Planting scheme overall is a standard approach and needs to convey a sense of place and promote biodiversity.
 - Planting of feature trees supported.
- Drainage
- The use of permeable paving and soakaways does not take into account broader issues of landscape amenity and eco-systems services provision, such as vegetative SUDs features (e.g. swales).

4.14 **Lead Flood Authority:** No objection, subject to conditions.

4.15 **Highways Authority:** No objection, subject to conditions.

- Site in close proximity of a regional cycle route which provides a traffic free route to/from Chichester.
- Pedestrian access proposed but no cycling rights exist on the footpath link to Hayes Close.
- Site in close proximity to bus stops with services between Midhurst and Chichester.
- Recommend improvements to the southbound bus stop on A286 near to the site to remove vehicle parking and better enable buses to pull into the stop.

- The proposed future use would reduce the level of vehicle movements in comparison to current site use.
- Vehicle tracking through the internal layout is acceptable.
- Parking should be considered against the WSCC parking guidance and also provide the necessary levels of electric vehicle charging points.
- Evidence required to support the need for traffic calming (a Gateway Feature) at the northern end of the village to ensure measures proposed are appropriate.
- Travel Plan acceptable and recommend incentive to new residents to reduce car travel, recommend a condition.
- A road safety audit is not required in this instance.

4.16 **Lavant Parish Council:** Objection

- Previously outlined to SDNPA the priorities of meeting the LNDP and need to deliver affordable homes and parking policy.
- New plan proposed with no office space, different layout around the commercial area, relocation of flats in response to local resident's feedback. Public open space is larger and the road layout has been changed so it will not be possible to drive round the site (which is a positive).
- Nothing is proposed to improve the site access.

Commercial units

- Now become tokenism level of commercial floor space which is not supported.
- Commercial element should be abandoned and re-invested into producing a better built environment, such as providing space to work from home to reflect new patterns of working.
- Question the viability of the 3 business units.

Affordable homes

- Effort in the LNDP has been made to provide a mix of properties and prices which allow for the widest possible home ownership or decent housing for all.
- Must provide housing for all income groups.
- Policy SD28 has not been met.
- Sustainable community should include a mix of tenures.

Parking

- Insufficient parking. Developer needs to provide 159 or 160 residential parking spaces to accord with LNDP policy 19.
- Parking has not be appropriately designed with regard to siting and provision for properties.
- Conflict could be caused if resident's parking migrates into the commercial parking area.
- Does not meet WSCC parking standards.
- Parking needs to be improved in terms of the number of spaces, their size and location; including provision for campervans, caravans, vans, minibuses and boat trailers.

Transport Assessment

- The access was originally designed when sight lines were not hampered by development to the north and south and the traffic volumes on the A286 were lower.
- A claim that the access is better because of less traffic in comparison to industrial use is not a strong justification.
- Need to clarify that the junction complies with current highways safety standards.
- The access should be modified to resolve parking to the north of the site's access and act as a traffic calming measure and consider the relocation of the bus shelter.

Community

- No community benefits proposed.
- No additional benefits such as new bus stop, CIL and no financial contributions to local services and facilities.

4.17 **Natural England:** No objection subject to a financial contribution being secured for mitigation of potential recreational impacts of the development upon the Chichester Harbour Special Protection Area.

4.18 **Public Rights of Way (WSCC):** Comments.

- No PROW directly affected.
- Consider pursuing the creation of a bridleway link from Lavant Down Road to join nearby bridleway, in consultation with the landowner. These works would be at the Applicant's cost.

4.19 **Waste & refuse (CDC):** No objection.

4.20 **Southern Water:** Comments.

- Details of proposed sewer diversion needs to be agreed with Southern Water.
- Increased risk of flooding unless any required network reinforcement is provided by Southern Water.
- Southern Water and the Developer will need to work together to review what re-enforcement may be needed; may be possible for some initial dwellings to connect to mains sewer pending network reinforcement.
- Occupation of the development should be phased and implemented to align with the delivery of any network improvements to ensure adequate waste water network capacity is provided.

5. Representations

5.1 24 representations have been received. These comprise of 21 objections 2 neutral responses and 1 support comment. These representations are the result of a consultation exercise at the start of the application process and a subsequent re-consultation exercise following receipt of amended plans. It is also noteworthy that in a number of representations individuals accept the principle of development, however, have still raise concerns. A summary of the responses is below.

- Insufficient time for individuals and community to consider the revised proposals, which are of a large scale and an important site within the village.

Design

- Proximity of new dwellings and existing properties.
- Question need for a new playground in light of existing facilities and additional maintenance responsibilities upon Lavant Parish Council.
- Proposed dwellings will be higher than existing surrounding properties. Need to restrict ability to install additional windows.
- Need to clarify the management responsibilities of the communal spaces.
- 1 less dwelling in revised scheme and unclear about any reduction in overall floor space.
- Commercial units in a residential area and their proximity to neighbouring dwellings unacceptable.
- Excessive scale in relation to the site and local environment.

Amenity

- Overlooking of existing property on Hayles Close.
- Impact on privacy
- Consideration of neighbours' amenity during construction needed.

- Overshadowing of flats on Hayles Close.
- Overbearing relationship with flats on Hayles Close and loss of outlook.
- Increased traffic harmful to neighbouring amenities.
- Impact of commercial units upon neighbouring properties.
- Impact upon local amenities.
- (Former) Proposed community centre not needed.
- Removal and disposal of concrete, asbestos from the site will cause noise and dust pollution and risk to health to local residents.

Affordable Housing

- Lack of affordable housing.
- Does not provide the right mix of dwellings to cover all tenure types.
- Contrary to LNDP7.

Parking/access

- Increased use of path into Hayles Close could endanger safety between pedestrians and cyclists.
- Design of the pathway at Hayles Close would create a hazard, detrimental to pedestrian and highway safety.
- Inadequate on-street parking along Gaston Way which could be exacerbated by the development.
- Inadequate parking within the development.
- Highway safety concern of existing on street parking near to the access reducing visibility of vehicles leaving the site.
- Development will exacerbate local parking issues.
- Increase traffic on already congested main road.
- Site access inappropriate for proposed commercial units.
- Limited visibility for the cycle and pedestrian path at Hayles Lane.
- A286 needs traffic calming due to current traffic.

Drainage

- Concern about using existing foul network and its condition.
- Concern about dwellings in the north east corner and drainage issues.
- Need to guarantee no serious flooding problems are caused on site and surroundings.

Landscape/biodiversity

- Impact upon wildlife and environment.

Neutral Responses

- Queries regarding levels, position of site boundary and retention of boundary trees.
- Ensure no risk from asbestos removal and noise and disturbance is managed during construction.
- Need to minimise overlooking towards property on Northside with obscure glazing and not to allow further extensions in the future.
- Fencing needs to be erected between existing and proposed properties.

Support

- Support in principle but concerns as highlighted above.
- Support the need to develop the site.
- Amended siting for the blocks of flats an improvement.

5.2 Chichester and District Cycle Forum: Comments

- Encouraging the developer to appoint a Travel Plan co-ordinator to advise residents on different modes of transport.
- Proposed pedestrian/cyclist route into Hayes Close may subsequently require a re-classification of the footpath from Hayes Close to Heron Close to permit cyclists.
- Do not wish to see cyclists having to leave the site via Lavant Road/A286. A286 is an unattractive cycling environment.
- Essential there is easy access to the Centurion Way to encourage residents to cycle into Chichester.
- Easy access to new general stores at Summersdale Garage is important.
- Off road routes planned in the wider area offer potential for cycling into Chichester.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the South Downs Local Plan (SDLP) 2014-2033 and the Lavant Neighbourhood Development Plan (LNDP) 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 National Planning Policy Framework (NPPF) which was issued and came into effect on 24 July 2018 and revised in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF) 2019

6.4 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:

- Achieving sustainable development
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Supporting the rural economy
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change.
- Conserving and enhancing the natural environment

Relationship of the Development Plan to the NPPF and Circular 2010

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.

Major development

- 6.6 In the first instance, the proposed development does not constitute major development for the purposes of the NPPF and policy SD3 (Major Development) of the SDLP.

The South Downs National Park Partnership Management Plan 2019-2025

- 6.7 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 outcomes include: 1, 3, 9, and 10.

Other relevant guidance and evidence documents

- 6.8 The Sustainable Construction Technical Advice Note 2019.

7. Planning Policy

- 7.1 Whilst the SDLP must be read as a whole, the following policies are relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding views
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD16: Archaeology
- 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
- SD35: Employment Land
- SD45: Green Infrastructure
- SD48: Climate Change and Sustainable Use of Resources
- SD50: Sustainable Drainage Systems
- SD55: Contaminated Land

- 7.2 Whilst the LNDP must be read as whole, the following policies are relevant:

- LNDP 1: Spatial Strategy and Settlement Boundaries
- LNDP2: South Downs National Park
- LNDP 4: Delivering New Homes
- LNDP5: High Quality Design
- LNDP6: Development Principles

- LNDP7: New Dwellings Size and Tenure
- LNDP8: Dark Night Skies
- LNDP14: Landscape Character and Key Views
- LNDP15: Floodplain and Reducing Flood Risk
- LNDP16: Microgeneration & Renewable Energy
- LNDP19: Residential off road parking.
- LNDP22: Eastmead Industrial Estate

7.3 Policy LNDP22 allocates the site for a mixed use redevelopment of new commercial space and residential properties. Key aspects of the policy are:

- Delivering new employment space and residential properties based on viability considerations.
- Layout and design;
- Drainage.

8. Planning Assessment

Principle of development

The Lavant Neighbourhood Development Plan (LNDP)

- 8.1 In the LNDP the site is described as having a low occupancy with an estimation that this is likely to fall with buildings no longer being fit for purpose. Furthermore, that its redevelopment would improve the visual appearance of the village provide new development with direct access onto the A286 where there are bus services and further opportunities to access the footpath network, most notably the Centurion Way.
- 8.2 Policy LNDP22 allocates the site for a mixed use development comprising of BI (business) floor space and residential use. It outlines that the precise mix should be determined by a viability assessment, including any prospect of public sector grant funding, and various criteria as follows:
- 1) Realise the maximum viable employment potential as determined via viability, in order to maintain the site's ability to contribute to the economy.
 - 2) Employment space to be provided at the western end of the site.
 - 3) Employment space will provide units for incubator/start up businesses.
 - 4) Imaginative and inspirational concept design which balances open space and the development.
 - 5) Housing should be focussed on a central open amenity space.
 - 6) Include an appropriate connection to the foul sewer network.
 - 7) Layout must allow access to existing sewerage infrastructure for maintenance/any improvement.
- 8.3 The principle of development is established insofar as it is an allocated site for the proposed mix of uses. In light of its allocation, the requirements of safeguarding existing employment sites in policy SD35 of the SDLP are not a significant consideration.
- 8.4 Criterion (1) above promotes the provision of new employment floor space and new housing being used to cross-subsidise its delivery. Through the application process, however, the amount of business use floor space has decreased in response to engagement between the Applicant, the Parish Council, and officers. Whilst the Economic Development Team at Chichester District Council raised some concern about the viability of the previously proposed employment floor space, office space in particular, an objection was not raised about the amount proposed. They recommended that those proposed buildings were constructed 'up to shell' until such time as an owner/occupier is found and that they accommodate 'flexible' floor space to accommodate a variety of businesses.

- 8.5 The original viability information submitted aimed to achieve a balance between new employment floor space and the amount of new housing. Concerns regarding viability of building the shell of the buildings for an undetermined time were considered and, subsequently a lesser amount of employment floor space was proposed following these considerations and discussions with parties.
- 8.6 The proposed units are considered to be viable given that a lesser amount of floor space is proposed than previously along with approximately the same amount of housing. These are also good sized units which could accommodate a range of businesses including those encouraged in criterion (3) above. CDC's concern regarding industrial units being isolated (see paragraph 4.9) is arguably not a significant issue given there would be 3 units together within their own yard and parking area. On balance, the business use element of the scheme is an acceptable scale, alongside making best use of the site in regard to new housing which is also an important consideration.
- 8.7 Policy LNDP22 also refers to any potential grant funding. The SDNPA focusses its funding towards securing permanently available affordable housing such as rural housing and community land trusts. The Economic Development Team have also not raised this as a possibility and therefore the viability has focussed on what the scheme itself could deliver.
- 8.8 Other criteria of LNDP22 relate to the design of the scheme. The business units are sited in the western part of the site (to accord with criterion (2) above). Criteria (4) to (7) are assessed through the merits of the layout and architecture and drainage considerations below.

The proposed layout

- 8.9 The layout achieves a good balance between open space and scale of development. The business uses are appropriately accommodated within the south west corner of the site and the residential scheme achieves best use of the remaining land whilst creating a good sized central open greenspace, which accords with criterion (5).
- 8.10 In regard to achieving an 'imaginative and inspirational' design, consideration has been given to policy SD5 (design) of the SDLP in regard to a landscape-led approach. There are good elements of the scheme in terms of the landscape-led approach, as outlined in the Design Officer's comments. The landscape comments (paragraph 4.13) do, however, reflect some of the views of the Design Officer in regard to missed opportunities. These relate to green infrastructure and the public realm, however, some of these concerns could be addressed through appropriately worded conditions. The specific criticism of certain plot frontages by the Design Officer is an element which is not considered significant enough to warrant further changes to the scheme. The Design Officer recommends that some of the front gardens are reduced in favour of introducing this space into the public realm and increasing the scope for additional planting. However, it is debatable about how this would significantly improve the scheme given that the proposed front garden boundaries in question already include planting and their extent would not unduly affect the public realm or encroach upon the central greenspace.
- 8.11 The scheme incorporates a good amount of green infrastructure along the southern boundary with further planting extending into the site and in particular linking with the central greenspace. The northern boundary in comparison would be defined by less planting, however, this could be considered further via appropriate condition(s). Tree planting could also enhance biodiversity, managing surface water and the amenity of the public realm, including using them as a focal feature. The landscape scheme overall has the potential for net biodiversity gain subject to conditions concerning these details.
- 8.12 Regarding drainage, the landscape scheme deals with surface water through permeable paving, however, it also relies on soakaways rather than a 'softer' engineered approach of adopting swales and SUDs basin. Connecting the foul drainage to the existing sewer network is supported.

Design of the buildings

- 8.13 The business units would have an acceptable design. The articulation within their elevations would lessen their appearance as standard commercial units and enhance their design, which would be a benefit to the scheme. A traditional form of architecture is proposed which incorporates typical features expected. That said, it is understood that a traditional architectural was advocated through consultation between the Applicant and feedback from the local community and this approach has not been notably criticised through representations. The proposed flats at the entrance to the scheme would replace an unattractive commercial unit which detracts from the street scene with a more attractive building.
- 8.14 As above, the dwellings adopt a traditional form of architecture. The variety of roof forms and heights as well as architectural features are described in section 3 would create a good variety within the street scenes whilst still creating an overall coherent design approach. The overall mass and bulk of the 3 blocks of flats is reduced through the design of roof and eaves heights, recessed elements and the use of materials would add variety to their appearance. The architecture would be in keeping with local precedents, which were identified in the submitted information, and would improve upon the existing surrounding residential areas and make a positive contribution to the character and appearance of the area.

Sustainable construction

- 8.15 The proposed buildings would not, however, meet the minimum standards as outlined in policy SD48 (climate change and sustainable use of resources) in regards to sustainable construction measures and the use of renewable technologies. Justification for this is based on the viability of the scheme, however, these are costs which need to be factored into developing the site. In the absence of any further justification, the proposals are contrary to policy SD48. In addition, the scheme does not incorporate electric vehicle charging points as required by policy SD22 and is therefore contrary to this requirement. These aspects have been considered in consultation with Bruton Knowles regarding their appraisal of the viability of the scheme (see paragraphs 8.26-8.34) and it is considered that these measures could be achieved.

Housing mix

- 8.16 Policy LNDP7 requires a range of dwelling sizes to meet local need but is not prescriptive. In contrast, policy SD27 is prescriptive in requiring predominantly 2 and 3 bed dwellings for open market as well as affordable housing tenures. The table below compares the scheme with policy SD27.

<u>Size/type</u>	<u>Number</u>	<u>% of the scheme</u>	<u>Mix prescribed in Policy SD27 for comparison</u>
No.1 bed flats	8	14%	At least 10%
No.2 bed flats	15	33%	40%
No.2 bed houses	4		
No.3 bed houses	18	31%	At least 40%
No.4 bed houses	13	22%	Up to 10%
Total	58		

- 8.17 The scheme proposes 45 dwellings which are between no.1-3 bed properties, of which 27 would be no.1 and no.2 bed properties. Within the scheme overall, these 27 dwellings would account for 47% of properties. This proportion of smaller units is proposed because of the Applicant's views regarding viability for providing no affordable housing and, instead,

focussing on smaller open market properties to compensate for this, as well as seeking to address local views and need for smaller properties.

- 8.18 Whilst the proposed housing mix does not accurately follow policy SD27, this must be weighed in the balance against other matters. In this instance, the scheme seeks to maximise the use of this brownfield site which is in a sustainable location and there is a particular need for smaller dwellings. Policy SD27 also outlines that new dwellings should be flexible and adaptable and the dwellings meet national space standards and internally are well laid out properties.

Access and parking

- 8.19 The Highway Authority does not object in regard to highway safety and the use of the existing access. Local concerns have been raised about its visibility and what improvements could be made at the junction in response to existing on street parking. Such improvements would involve highways and third party land and as such are not within the scope of the developer to propose. The scheme would likely reduce the number of vehicle movements in comparison with the site's existing industrial use and, in light of the Highway Authority's views, the use of the existing access is acceptable.
- 8.20 A key issue for the scheme is the amount of proposed residential parking. This is a significant concern in representations and of the Parish Council. Local concern has been raised about overspill parking from the scheme into adjacent roads, notably Gaston Way, which would exacerbate current issues about the capacity of on-street parking.
- 8.21 The LNDP includes a policy on parking requirements which reflects these concerns and the Parish Council have expressed that adequate parking is one of their main priorities for considering the scheme. Policy LNDPI9 requires every dwelling to provide within its curtilage, or within the development, 2 parking spaces as a minimum or 1 space per bedroom whichever is the greater. This would equate to 160 residential spaces being required within the scheme.
- 8.22 In comparison, West Sussex County Council's adopted standards would require 118 residential spaces which includes an allowable 10% reduction in the requirement because of the more sustainable location of the site. Following further amendments to the scheme, the residential parking spaces would total 116, which would be only 2 spaces short of the requirement. In regard to the business units, adequate parking is proposed.
- 8.23 The revised scheme has reduced the amount of parking in response to consideration of the design quality of the scheme. Compliance with policy LNDPI9 would adversely affect its overall character and appearance and would undermine the quality of the public realm. To accommodate an increased amount of parking would likely result in vehicles becoming more apparent within the street scenes in comparison to the proposed layout and would have other affects such as an increased amount of hardstanding and reducing landscaping and potentially a smaller area of greenspace. Consequently, for a scheme to accord with the LNDP parking requirements and address concerns about achieving a high quality design a reduction in the amount of development would likely be required which is an approach which, arguably, may not maximise the use of the site.
- 8.24 Having balanced local concerns with the views of the Highways Authority and consideration of the design of the scheme the amount of parking is considered acceptable.

Affordable housing

- 8.25 The lack of proposed on-site affordable housing is a significant concern which has not been satisfactorily addressed. Policy SD28 (affordable homes) requires a minimum of 50% of new dwellings to be provided as affordable homes, of which 75% to be a rented affordable tenure.
- 8.26 The SDLP affordable housing requirements have been underpinned by a robust evidence base on viability which was tested during the process of adopting the Local Plan. The NPPF advises that where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable and that it is up to applicants to demonstrate whether particular circumstances justify the

need for a viability assessment to demonstrate that any relevant contributions are not possible.

- 8.27 The previous proposals included 6 affordable units within a scheme of 59 dwellings, a larger proportion of employment floor space and a small community hub. In contrast, the latest viability appraisal (VA) submitted relates to a scheme of less employment floor space, no community hub, but a similar amount of new housing.
- 8.28 The VA has been independently assessed by Bruton Knowles for the Authority. Their advice concludes that a policy compliant scheme is achievable and on this basis the application is recommended for refusal.
- 8.29 Bruton Knowles have assessed the viability of the scheme by initially considering the benchmark land value (BLV). The BLV is determined by an assessment of the existing use value of the site, plus a premium for the landowner for selling the land. The submitted VA outlines a BLV which Bruton Knowles do not support and their view is that it should be lower. This is an important consideration as the BLV determines a threshold at which a scheme can be considered viable or not, when compared with the Residual Land Value (RLV) of a development. – i.e. the value of the development minus costs. The difference between these two values affects what a scheme could achieve in regard to contributions, including affordable housing.
- 8.30 Bruton Knowles' concerns about the BLV relate to how the existing use value has been determined and how a premium has been used to establish the BLV. Regarding the existing use value, the VA assumes a valuation based on the repair/refurbishment of the industrial units and their continued commercial use. Bruton Knowles advise that this valuation better reflects an 'alternative use value' for the site rather than its value in its current use/condition. In this regard, national planning guidance regarding viability appraisals advises that by valuing the site in this way, to establish the BLV, a premium to the landowner is already included within this valuation and, therefore, any subsequent premium would not be appropriate.
- 8.31 In this instance, a further premium has been included in the VA. It includes information about how this has been calculated, using comparable development land transactions as well as some consideration of the site's allocation for re-development, however based on Bruton Knowles' advice and national planning guidance including this premium is not considered to be appropriate. Excluding this premium from the calculations consequently results in a significantly different BLV for the site.
- 8.32 Regarding the RLV, Bruton Knowles conclude that this sufficiently exceeds the BLV following their assessment of the outlined costs, including build costs (which are set higher to account for higher quality materials), abnormal costs such as remediation for contamination, as well as eventual sales values and a reasonable profit. Bruton Knowles' assessment of sales values has involved comparing the proposals with other schemes in Lavant and around Chichester and at Southbourne (south of Chichester), taking into account their locations, individual circumstances, and market conditions. They conclude that the sales values within the VA are arguably conservative based on the evidence. Their assessment also has used the same profit margin as the VA of 16.6% of the gross development value of the scheme. This is not unreasonable bearing in mind national guidance suggests a margin of 15-20%.
- 8.33 In summary, Bruton Knowles' assessment concludes that the BLV should be lower and the RLV be higher compared to the submitted VA. Consequently, they conclude that this larger difference between these two values is sufficient to achieve a policy compliant scheme. In the absence of any further information from the Applicant to further justify the VA, weight has been given to Bruton Knowles assessment.

Impact on amenity of local residents

- 8.34 The third party representations have raised concerns about a variety of impacts and consultee advice on drainage and flood risk for example has satisfied officers that those concerns could be addressed. The predominant concerns about parking are also addressed above.

- 8.35 The proposed layout involves dwellings which would back onto Gaston Way. Given the siting of the proposed dwellings and distances from existing properties on the opposite side of this road there would not be any significantly harmful impact upon their amenity.
- 8.36 Specific concern has been raised about the impact of the dwellings at plots 13/14 upon flats adjacent to the eastern boundary on Hayles Close. Given their distance from the adjacent flats, as well as their siting/orientation, scale and massing, and upper floor windows being limited to obscure glazed bathroom windows, there would not be unacceptable relationship. There would not be any significant impact upon other adjoining properties for similar reasons and indeed existing properties south and north of the site are further away. The block of flats at the site frontage similarly would not significantly impact upon the adjacent flats which would be of a similar scale.

Ecology and recreational pressures upon the Special Protection Areas (SPA)

- 8.37 The County ecologist has not raised any concerns regarding the submitted ecological survey and their results, which were that the site has low biodiversity value. They also support the biodiversity enhancements which the scheme could deliver.
- 8.38 Natural England's advice has highlighted the need for appropriate mitigation in regard to the site being within 5km of the Chichester Harbour Special Protection Area (SPA). The Solent is internationally important for its wildlife interest and much of its coastline is protected by environmental designations designated under The Conservation of Habitats and Species Regulations 2017.
- 8.39 Chichester Harbour is included within a Solent-wide project aimed to prevent bird disturbance from recreational activities. This is undertaken via appropriate management of these designated areas by the Solent Recreation Mitigation Partnership. This is a strategic approach for addressing recreational impacts from net new residential development.
- 8.40 Whilst it is an allocated site, given its proximity to the SPA the proposals aren't immune from the above considerations. The legislation requires mitigation for recreational impacts associated with residential development so as not to adversely affect the integrity of these sites. Following an Appropriate Assessment, it was considered that the residential scheme has the potential for likely significant effects upon the SPA which would need to be mitigated.
- 8.41 In this instance, mitigation for this type of development can be achieved through a financial contribution towards the management of the coastal SPAs, which is a payment based on the number of bedrooms within proposals. Alternatively, an applicant can propose 'bespoke mitigation' specific to a site and proposals. No alternative approach has been proposed and in the absence of securing a financial contribution, as outlined above, a reason for refusal is recommended.

Drainage and flood risk

- 8.42 The drainage engineer and Southern Water have not raised an objection in principle. Similarly, the Lead Flood Authority have not raised any objections regarding flood risk.

Pollution

- 8.43 Environmental Health have not raised concerns in regard to ground contamination or other pollution, subject to conditions. Additionally, they have not raised a concern in regard to the relationship between the proposed business units and dwellings. Furthermore, officers consider there would be an acceptable relationship between the two uses.

Community Infrastructure Levy (CIL)

- 8.44 The scheme would be CIL liable as new residential development is proposed. However, it is possible to offset the amount of existing commercial floor space against this liability in certain circumstances. Given that the scale of existing floor space exceeds the proposed residential floor space, a contribution may not be sought. This is, however, subject to the Applicant providing further justification to demonstrate that buildings have been in use and meet certain criteria within the CIL regulations when the development is commenced, if planning permission is granted.

9. Conclusion

- 9.1 A mixed use scheme of the uses proposed is acceptable in principle. The revised scheme has sought to address competing priorities of local views as well as those of consultees and a balance has needed to be achieved between the amount of employment floor space and the scale of residential development. Overall, on balance, the design of the scheme is acceptable, albeit the sustainability measures which are required in policy SD48 and SD22 have not been proposed and a reason for refusal is recommended for this reason.
- 9.2 A key concern is the lack of an on-site affordable housing contribution. A submitted Viability Appraisal has been independently assessed by Bruton Knowles. They have concluded that a policy compliant scheme in accordance with SD28 is achievable. On this basis, a reason for refusal on this issue is recommended.
- 9.3 Given the site's proximity to the Chichester Harbour SPA and the net increase in dwellings, the development would have a likely significant effect as a result of increased recreation pressure from net new residential development and therefore mitigation is required. Mitigation could be secured via a legal agreement for a financial contribution towards the management of the SPA.

10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for refusal for the following reasons:
1. Based on the information submitted, it has not been satisfactorily demonstrated that the proposed development cannot deliver the provision of on-site affordable housing. The proposals are therefore contrary to policy SD28 of the South Downs Local Plan 2019, policy LNDP7 of the Lavant Neighbourhood Development Plan 2016-2031, the National Planning Policy Framework 2019, and the English National Parks and the Broads: UK Government Vision and Circular 2010.
 2. Based on the information submitted, it has not been satisfactorily demonstrated that the proposed dwellings and business units cannot achieve the minimum standards of 19% carbon dioxide reduction improvements against Part L (2013) of The Building Regulations 2010 (as amended) and Building Research Establishment Environmental Assessment Method (BREEAM) 'Excellent' rating respectively. Furthermore, it has not been satisfactorily demonstrated how the development addresses climate change mitigation and adaptation through the use of on-site zero and/or low carbon technologies, sustainable design and construction, and low carbon materials, as well as providing electric vehicle charging facilities. The proposals are therefore contrary to policies SD5, SD22 and SD48 of the South Downs Local Plan 2019, the National Planning Policy Framework 2019, and the South Downs Sustainable Construction Technical Advice Note 2019.
 3. The site is within 5km of the Chichester Harbour Special Protection Area (SPA). The proposed development would result in a net increase in residential accommodation and consequently a likely significant effect would occur upon this designated area due to increased recreational pressures. In the absence of any site specific mitigation or a completed legal agreement to secure a financial contribution towards appropriate mitigation, the impact the proposals is contrary to policy SD9 of the South Downs Local Plan 2019, the National Planning Policy Framework 2019 and The Conservation of Habitats and Species Regulations 2017.

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.

TIM SLANEY

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Appendices I. Site Location Map

SDNPA Legal Services, Development Manager.

Consultees

Background Documents All planning application plans, supporting documents, consultation and third party responses

<https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=PA951YTULCP00&activeTab=summary>

South Downs National Park Partnership Management Plan 2019

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

South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

SDNP Local Plan 2019

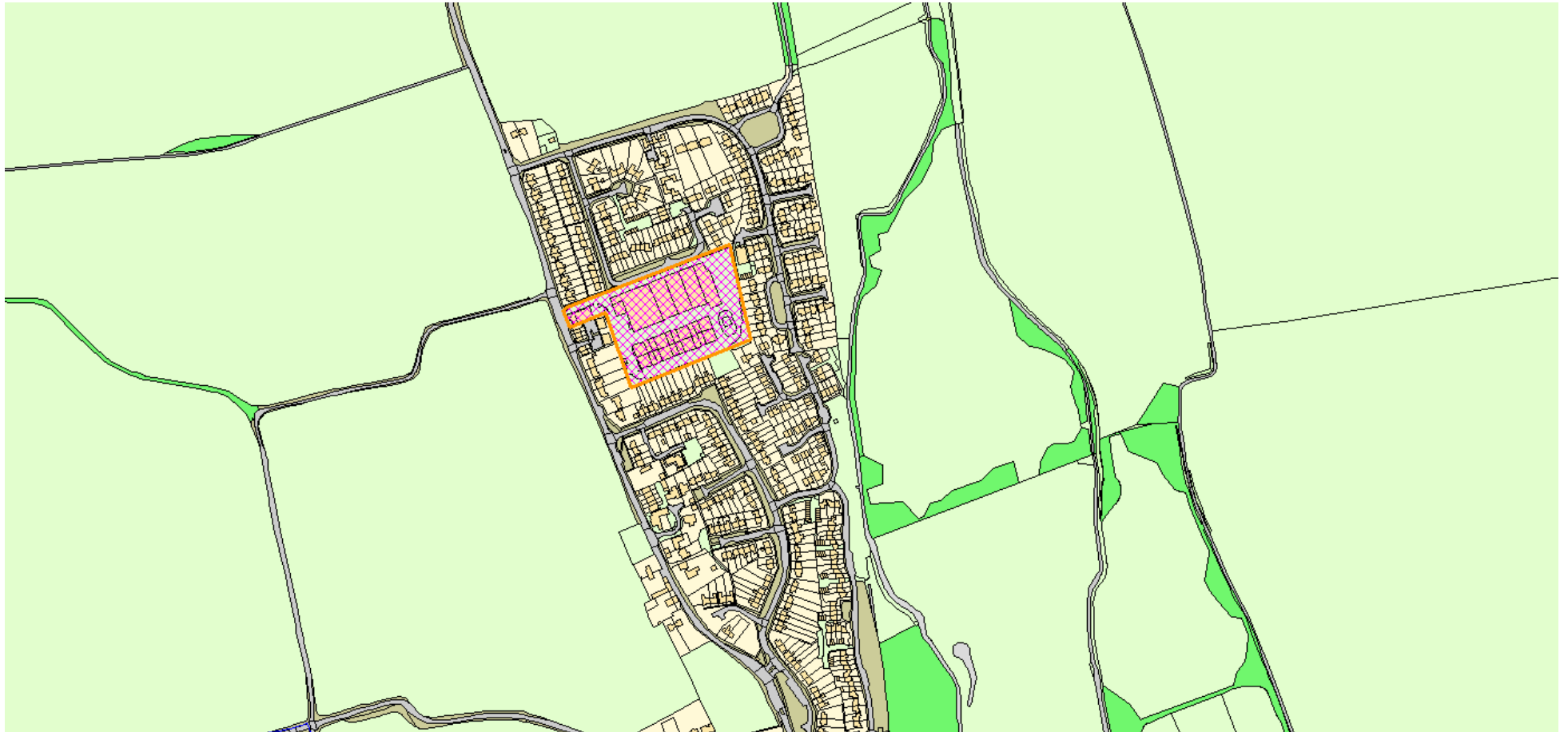
https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/

Lavant Neighbourhood Development Plan 2016-2031

<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/lavant-neighbourhood-plan/>

Sustainable Construction Technical Advice Note

<https://www.southdowns.gov.uk/planning/supplementary-documents/>



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