

**Agenda Item 10**  
**Report PC24/25-39**

Report to	<b>Planning Committee</b>
Date	<b>8 May 2025</b>
By	<b>Director of Planning</b>
Application Number	<b>SDNP/24/02350/FUL</b>
Applicant	<b>Lancing College</b>
Application	<b>Erection of all-weather sports dome</b>
Address	<b>Lancing College, College Drive, Lancing, West Sussex, BN15 0RW</b>

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**Recommendation:**

- 1) That planning permission be granted subject to the conditions set out in paragraph 10.1 which may be amended by the Director of Planning in consultation with the Chairman of the Planning Committee to accommodate any necessary minor changes.**
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**Executive Summary**

The proposal is for an all-weather sports dome over four existing astro turf tennis courts. The principle of the development is accepted, the main issues for consideration relate to the impact on the setting of the Grade I Listed Chapel and the rural landscape character of the area.

The proposed development has received objections from Historic England and the South Downs National Park Authority's Conservation and Landscape Officers. These objections primarily relate to the impact on the rural setting of the built heritage assets of Lancing College, notably the Chapel and the impact of the proposed structure in views towards the College as well as from within the College. The Parish Council support the development.

The main issues for consideration relate to the public benefits of the scheme being weighed against the harm that has been identified.

The application is placed before the Planning Committee due to sensitive landscape and heritage considerations.

### Site Location Map



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## 1. Site Description

- 1.1 Lancing College is a private educational institution located to the north of the main settlement of Lancing and north of the A27. It has an elevated site and is located within the Adur Valley Side landscape character area. The main campus is a large expanse of built form including four Listed Buildings. The Grade I Listed Chapel, The Grade II\* Listed Buildings of the East and West Quadrangles and Great School and the Grade II Listed Fields House.
- 1.2 The site is accessed from the A27 and Combes Road via The Drive. A predominantly private road that serves a small number of residential dwellings before terminating at Lancing College.
- 1.3 This application specifically relates to an all-weather sports pitch known as the Ken Shearwood Astro. The playing surface is green and is marked out in white lines as four tennis courts, the pitch is edged by a green mesh metal fence. Located to the east of the main campus, it is surrounded by other all-weather pitches, natural sports pitches and fields. To the north and east, the application site is edged by a tree line. Relative to the main campus, the application site sits at a lower land level.

## 2. Relevant Planning History

- 2.1 The following is the most relevant planning history pertaining to the site:
- SDNP/17/03665/FUL - Provision of artificial directional LED sports floodlighting to be installed on an existing hockey pitch and 4 tennis/netball courts. – Approved 26.09.2017

## 3. Proposal

- 3.1 This application seeks permission for the erection of an all-weather sports dome over the four all-weather tennis courts that make up the Ken Shearwood Astro.
- 3.2 The structure would comprise a Glulam Wood frame with a heavy-duty, flame retardant, PVC-coated polyester fabric to form the 'covering structure'. It would measure 75.2m long, 35m wide with a maximum height of 13m and it would have a dark green colour (RAL 6012 – black green). It would be oriented approximately north-south. On the south elevation would be an extension forming the main entrance to the structure and lobby. This would measure 10m wide by 3m deep and 3.6m in height, it would be clad in horizontal timber weatherboarding. To the north elevation a second extension, 12m wide by 4m deep and 3.6m in height, also clad in vertical timber weatherboard, would house the plant room, a cleaning cupboard and storeroom. The plant room would be served by a metal flue, with a maximum height of 5 metres above ground level. To the east and west elevations, the structure would include retractable sidewall curtains.
- 3.3 The sports dome would primarily be for the use of the school. The application has highlighted the importance of year-round tennis facilities for educational establishments of this nature. It also states that it could be made available for community use when not in use by the College itself.

## 4. Consultations

- 4.1 **Historic England:** Objection. Comments:
- Lancing College is a site of heritage significance. The remarkable architectural quality of the college buildings is reflected in their individual listing according to their relative significance: Grade I for the Chapel; Grade II\* for the Great School and the Quadrangles; and Grade II for Fields House;
  - The introduction of a large structure of industrial aesthetic and unsympathetic materials within the college's grounds would alter the rural character, integrity, local distinctiveness and scenic quality of the listed buildings' setting, resulting in harm to their significance;
  - The introduction of an alien feature, visible from key viewpoints, would compromise the ability to appreciate the intrinsic relationship between the built heritage and the landscape;
  - Screening provided by the extensive deciduous trees which surround the sports pitches would be significantly reduced in wintertime;

- The efforts made to mitigate the impact of the proposal through the planting and colour scheme are noted. However, the proposal would still continue to cause serious harm to the significance of Lancing College's listed buildings;
- It is not considered that all harm has been avoided or minimised as required by paragraph 208 of the NPPF, as there may be a less harmful alternative location for the proposed all-weather sport facility within the grounds of the College;
- The harm would be less than substantial, in NPPF terms, with the level at midrange within that spectrum;
- As the proposal affects a Grade I and Grade II\* listed buildings, their conservation should be given the greatest weight in the balancing exercise, as required by paragraph 212 of the NPPF;
- it has not been demonstrated that the all-weather sport facility is essential for ensuring the sustainable future of the listed buildings.

4.2 **Conservation Officer:** Objection. Comments:

- Concurs with the conclusions of Historic England;
- The impact of the proposed structure on the setting of the buildings in the view that one gets when stood at the eastern end of the chapel is particularly acute;
- Appreciation of the college's picturesque context would be compromised by plunging outlooks over the proposed large, unsympathetic structure in the foreground, which would alter the rural character of the setting and obstruct the currently open vista.

4.3 **Landscape Officer:** Objection. Comments:

- The proposal for an all-weather court relies upon tree-screening and a green-coloured roof to mitigate for the visual impact upon views of Lancing College from the surroundings;
- The existing sports pitches do not make a positive contribution to the rural landscape that forms the setting of the Grade I listed Chapel and other listed buildings;
- SD6 requires key views and views of key landmarks to be conserved *and* enhanced. The Chapel is noted in the South Downs Viewshed Analysis as a key landmark (L26), and it is an iconic structure at the gateway to the National Park;
- In response to the Landscape Visual Impact Assessment, colour study and change to black green colour submitted in April;
- The evidence provided does not generate confidence that the colour options will be successful, under most circumstances. The tree planting, in terms of, size of specimen, location and species are also not supported.
- The scheme would fail to conserve and enhance the landscape and key views, it does not meet SD4, SD5 or SD6 in particular.

4.4 **Ecology:** No objection, subject to conditions. Comments:

- The submitted Ecological Design Strategy (Lizard Landscape Design and Ecology, March 2023) is acceptable, subject to the habitat piles for reptiles and bat boxes being delivered;
- submitted BNG is also acceptable as a 10% net gain has been demonstrated. The loss of small areas of grassland will be compensated through the enhancement of the retained areas of grassland.

4.5 **Darkscape Consulting (Dark Night Skies):** No objection subject to conditions.

- Confirmation of no internal light spill through manufacturers specifications would be useful.

- As a public facility it is anticipated that external lighting would be required for the entrances and emergency routes. Details of this would need to be provided or be secured via condition.

4.6 **WSSC - Flooding/Drainage:** No comments.

4.7 **Lancing Parish Council:** No objection.

4.8 **SDNPA Trees - Ground Control:** No objection, subject to conditions. Comments:

- The tree protection plan meets SD11 Trees, Woodland and Hedgerows.

4.9 **WSSC - County Fire Officer:** Further information required. Comments:

- The nearest fire hydrant for the supply of water for firefighting is further than the 90-metre distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document-B (AD-B) Volume 2: B5 section 16 and agreed with West Sussex Fire & Rescue Service
- Evidence also required to show there is suitable access for a fire appliance to attend the site in the event of a fire, including a turning facility.

4.10 **Adur and Worthing Councils:** No comments.

4.11 **Environment Agency:** No comments.

## 5. Representations

5.1 One letter of objection has been received in response to the initial submission raising the following concerns:

- Sports dome would be out of keeping with the College and the Chapel.

## 6. Planning Policy

### Relevant Sections of National Planning Policy Framework:

- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

### Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1)

- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding Views
- SD12: Historic Environment
- SD13: Listed Buildings
- SD25: Development Strategy

### Relevant Policies of South Downs Management Plan (2020-2025)

- Policy 1
- Policy 9
- Policy 10

### Other Relevant Policy Documents (including SPDs and TANs)

- SDNPA Design Guide SPD (Jul 2022)

- SDNPA Biodiversity Net Gain TAN (Mar 2025)
- SDNPA Dark Skies TAN (May 2021)
- SDNPA Ecosystem Services TAN

Local Plan review

The South Downs Local Plan is undergoing a period of review, and the First Publication (18 Consultation) is underway. This is the first publication of the Local Plan Review and therefore can only be attributed very little weight. As it progresses through the consultation system the plan will gain more weight.

**7. Planning Assessment**

7.1. The main matters for consideration relate to:

- Principle of Development
- The setting of listed buildings
- Landscape Character

Principle of development

- 7.2. Section 245 of the LURA 2023 amends and strengthens the Section 11A (2) duty of the National Parks and Access to the Countryside Act 1949 upon relevant authorities, which includes the National Park Authority itself, to “seek to further the specified purposes of Protected Landscapes.”
- 7.3. The Government’s ‘Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes’, published 16 December 2024, sets out that this duty is active not passive and that, as far as is reasonably practicable, ‘relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes.’ It is therefore incumbent on the National Park Authority, as the Local Planning Authority, to give significant weight to the S.245 duty when determining applications.
- 7.4. The National Planning Policy Framework (NPPF) within paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. It continues by adding that the conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks. This is in line with the first purpose of a National Park, which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- 7.5. Policy SD1 encourages a presumption in favour of sustainable development where development proposals accord with other relevant policies in the South Downs Local Plan and the National Park’s statutory purposes.
- 7.6. Policy SD25 seeks to direct new development to within settlement boundaries, under SD25 (2) there are exceptional circumstances whereby proposals may be supported providing they comply with other relevant policies; respond to the context of the relevant broad area; there is an essential need for a countryside location; they represent the appropriate reuse of a previously developed site that conserves and enhances the special qualities of the National Park. SD25 (3) also sets out that positive regard will be had to proposals located outside settlement boundaries within rural estates where these form part of a SDNPA endorsed Whole Estate Plan (WEP,) and deliver multiple benefits in line with the purposes and the special qualities of the National Park and in regard to ecosystem services.
- 7.7. Lancing College is located outside of a settlement boundary. The proposed sports dome would be located on previously developed land as a result of the existing all-weather sports pitch. It would be an appropriate use of this land as it would maintain its function as a sports facility, located within an area of the wider college characterised by various sports uses.

- 7.8. In February 2025 the Lancing College WEP was approved by the SDNPA. The proposed sports dome is not specifically part of the WEP, although the application is sited in a footnote. It would however support aims one and five of the WEP. Aim one, excellence in education, covers how physical activity enriches the learning experience at the college. Enhanced sports facilities that allow year-round use are part of this wider aim. Aim five, connected to communities. Focuses on bringing local communities into the college to share in the experience of what the estate has to offer including the opportunities afforded by the site's sport and recreation facilities.
- 7.9. This application would deliver multiple benefits in regard to ecosystem services through the delivery of statutory Biodiversity Net Gain (BNG), additional tree planting and features for wildlife. The WEP also has a stated objective to optimise the delivery of ecosystem services.
- 7.10. Overall, the principle of development is considered to be acceptable, and officers are of the view that the proposal is in accordance with SD25. The WEP does not include the installation of a sports dome specifically to the extent that SD25 3) is engaged. However, the extent to which the scheme aligns with the WEP's aims and objectives is a material planning consideration that weighs positively.

The impact on landscape character and the setting of listed buildings

- 7.11. Policy SD4 outlines the expectation that development proposals should conserve and enhance landscape character in the National Park. Policy SD5 requires development to respect local character through sensitive and high-quality design that makes a positive contribution to the overall character and appearance of the area. Policy SD6 states that development proposals will be permitted where they preserve the visual integrity and scenic quality of the National Park and preserve key views.
- 7.12. Policies SD12 and SD13 require proposals to preserve and enhance the setting of the historic environment and the significance of designated heritage assets such as listed buildings.
- 7.13. Located within the Adur Valley Side landscape character area, Lancing College sits in an elevated and prominent position. Views are available of the College and its wider setting from locations such as Mill Hill and the A27. The Lancing College Chapel is recognised as a key landmark (L26) in the South Downs Viewshed Analysis. The wider Lancing College campus contributes significantly to the historic environment of the National Park. It contains designated heritage assets in the form of the grade I listed Chapel, the grade II\* listed buildings of the East and West Quadrangles and Great School and the grade II listed Fields House.
- 7.14. The Ken Shearwood Astro sits at a lower level relative to the main campus. Approximately 25m below the level of the Chapel and approximately 270m to the east. It is surrounded on three sides by other artificial sports pitches with a manicured grass cricket pitch to the north. Trees close to the pitch screen it in views from the north, east and south. There is another astro at a lower level to the east, this benefits from less direct screening from trees.
- 7.15. Objections to the proposed sports dome have been submitted by Historic England and the National Park's Landscape and Conservation Officers. They cite the industrial aesthetic and material in conjunction with its scale as detracting from the rural setting of the built heritage assets, notably the Chapel. The impact of the proposed structure in views towards the College as well as from within the College, particularly from the east of the Chapel, looking over the application site are summarised as eroding the rural landscape character by introducing an alien element. The harm to the setting of the listed buildings has been graded as less than substantial.
- 7.16. The NPPF sets out how impacts on designated heritage assets should be considered. Paragraph 212 sets out that great weight should be given to the conservation of the significance of a heritage asset irrespective of if the potential harm is substantial or less than substantial. With regard to less than substantial harm paragraph 215 states that this should be weighed against the public benefits of a proposal, including, where appropriate, securing a site's optimum viable use.
- 7.17. The public benefits of this proposal centre around supporting the function of the College. A letter from the Bursar's Office submitted with the application outlines the challenging environment in which independent schools operate. The proposed sports dome would provide

an additional covered sports facility beyond the existing sports hall. The ability to play tennis or other sports year-round will aid the College in providing facilities in line with competing institutions.

- 7.18. By supporting the viability of the College, the proposed sports dome would aid the wider site in continuing its optimal viable use as an educational institution. This use allows the maintenance of its heritage assets and the management of the wider estate that extends to some 400 acres of the National Park. The WEP explains that the objectives of the College include being able to conserve and enhance the natural capital in which the site sits and optimising the delivery of ecosystem services. These are joined up by the SDLP that states “more and better quality natural capital should lead to more and better benefits for people and society – in other words, enhanced ecosystem services.”
- 7.19. The Ken Shearwood Astro is the least visually exposed of the existing artificial pitches. It benefits from tree screening and is set substantially lower on the slope of the land than the main campus. It is situated within an area of the site that is characterised by sports pitches and represents the least harmful location for the proposed dome to be installed over an existing pitch, where the wider visibility of the structure would be greatly reduced.
- 7.20. At 75.2m long, 35m wide with a maximum height of 13m the proposed sports dome represents a significant addition to the local landscape. The length and width are determined by the size of the existing pitch. The height is close to the minimum recommended for an indoor tennis court by the Lawn Tennis Association (LTA). The LTA specify that the height above the net line should be 9m, with a tennis net being 1.07m at each end. The internal height of the sports dome would be 12m with a further 1m used by the internal support structure and a further 0.3m taken up by the light fixtures. This equates to 9.63m above the highest part of the net line, a variation above the minimum recommended that officers feel is reasonable.
- 7.21. Initially not supported by a Landscape Visual Impact Assessment (LVIA). One was subsequently provided, this was reviewed, with the lack of winter views highlighted as a deficiency, owing to the difference in vegetated screening. A revised LVIA was then submitted that provided summer and winter views and was supported by a colour study.
- 7.22. The colour study led to the green colour initially proposed being changed to a much darker green (RAL 6012 – black green). The colour study highlighting that this would not jar with the colour palette of the existing vegetation, particularly in views from the east.
- 7.23. The revised LVIA was supported by an updated landscaping scheme that would strengthen the existing tree line to the east of the application site and provide tree screening to the west, between the proposed sports dome and the Chapel. In addition to the summer and winter views the LVIA shows the proposed sports dome without this screening and in 15 years’ time with it established.
- 7.24. In views from the northeast and east of the application site the LVIA shows that the sports dome would be heavily screened by trees, with this screening increasing once the new trees become established. Despite the position of the sports dome in the foreground of these images relative to the main College buildings it is apparent that they still retain prominence by reason of their elevated location and unobstructed view.
- 7.25. In the view from the east end of the Chapel the proposed sports dome would be visible. Despite this visibility the presence of the other sports pitches, both grassed and artificially surfaced, provides a context in which the sports dome would not appear unduly incongruous.
- 7.26. The objections from Historic England and the National Park’s Landscape and Conservation Officers are noted. The harm identified must be weighed against the public benefits of the scheme and support of the Parish Council. In this instance officers are of the opinion that on balance the benefits of the scheme outweigh the harm to landscape character and the historic environment.
- 7.27. The location of the Ken Shearwood Astro is the least prominent relative to other existing pitches and benefits from substantial screening. The landscaping scheme would in time



supplement this screening, further integrating the proposed sports dome. The colour choice is supported by evidence of what would complement the existing palette, and the size of the structure is the minimum required to perform its function. In addition to this the development would support the continued function of the college, securing the optimal viable use for its built heritage. The viability of the college is also linked to its ability to maintain its heritage assets and manage its estate in a manner, as outlined in the WEP, that is supported by the SDNPA.

#### Trees, Ecology and Ecosystem Services

- 7.28. Policies SD2, SD9, SD11 and SD45 support proposals that conserve and enhance biodiversity, trees and woodland, and green infrastructure; retain, protect and enhance features of biodiversity and supporting habitat, and identify and incorporate net gains for biodiversity and green infrastructure.
- 7.29. The proposed sports dome would be built over existing developed land, in the form of existing all weather sports pitches. Due to the slightly larger footprint of the main body of the sports dome and the entrance lobby and plant room additions to each end, some undeveloped land will be impacted in the form of grassland. The County Ecologist has agreed with the conclusions of the submitted Ecological Impact Assessment that the grassland, due to its short length is of low value to protected species.
- 7.30. The Ecological Design Strategy submitted outlines that in addition to the enhancements required for statutory Biodiversity Net Gain (BNG) the development proposes the creation of three log piles with a minimum size of one cubic metre and the installation of one bat box. The landscaping scheme submitted to enhance the tree screening of the proposed development would involve the planting of 21 trees within the wider site. These ecological enhancements are considered to be proportional to the scope of the proposed development and will be secured via condition.
- 7.31. BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. A BNG metric has been provided demonstrating that the development would achieve the mandatory habitat units increase of 10%, with an actual figure of 13.18%. This has been assessed by the Ecologist and they accept the inputs and results. The increase would be achieved on the wider site by enhancing a retained area of grassland. The implementation and management of the BNG will be secured by condition.
- 7.32. This application has been assessed by the Authority's Tree Consultant. They have raised no objection and consider the information submitted to be in accordance with SD11. Tree retention, protection measures and arboricultural supervision will be secured by condition.

#### Flood Risk and Drainage Strategy

- 7.33. Under policy SD49 proposals will be permitted that seek to reduce the impact and extent of all types of flooding. With SD50 stating that proposals will be permitted where they ensure that there is no net increase in surface water run-off, taking account of climate change.
- 7.34. The application site is within Flood Zone 1, which is where SD49 directs development wherever possible. It is acknowledged that the site is approximately 20m from the flood zone 3 associated with the River Adur, located approximately 300m to the east. This application is supported by a Flood Risk Assessment as required by SD49.
- 7.35. The assessment concludes that the development would be appropriately safe for its lifetime taking into account flood risk vulnerabilities of the site and that it would not result in an increase in flood risk elsewhere with the implementation of an effective drainage strategy. The Authority are in possession on no information to dispute this conclusion. The Lead Local Flood Authority have not provided comments on this application as it is not for a major development. Adur and Worthing Council Drainage Team have not provided comments.
- 7.36. A drainage strategy for the development will be secured by condition.

#### Dark Skies

- 7.37. Policy SD8 requires proposals to take all opportunities to reduce light pollution and ensure that

the measured and observed sky quality in the surrounding area is not affected.

- 7.38. This application has been assessed by the Authority's Dark Skies consultant. They have highlighted that the Planning Statement submitted with this application states that there would be no light spill through the sports dome structure from the internal lights. If this is accurate then the Dark Skies consultant has concluded that there would be no negative impacts. The confirmation of this statement via manufacturers details has been requested.
- 7.39. The manufacturers for the proposed sports dome have provided a supporting letter stating that the two layers of fire rated PVC fabric that make up the structure would have an opaqueness of 99 – 100%.
- 7.40. A management plan for the lighting of the sports dome to ensure that there is no light spill from the retractable sidewall curtains will be conditioned as will details of any external lighting require to facilitate safe access.

Other Matters

- 7.41. The West Sussex Fire and Rescue Service have provided comments highlighting that the location of the sports dome is a significant distance away from the nearest supply of water for fire fighting purposes and that any new supply of water would need to conform to the relevant Building Regulations Approved Documents. They have also highlighted that more details are required on the suitability of the access and turning space for a fire appliance. The comments of the Fire and Rescue Service are noted but fall under Building Regulations that are not part of the remit of planning.

**8. Conclusion**

- 8.1. The proposed sports dome would support the function of Lancing College by providing enhanced sport facilities. In doing this, it would aid the college in continuing the optimal viable use of its heritage assets and the management of the wider estate.
- 8.2. Historic England and the Authority's Landscape and Conservation Officers maintain objections to this development citing harm to the setting of the College's listed buildings and the landscape character of the area.
- 8.3. On balance officers are of the opinion that the benefits of the proposed development outweigh the harm stated by consultees. Officers acknowledge the conflict with the duty imposed by S.245 of the LURA 2023 in actively seeking to further the purposes of National Parks, in particular purpose 1. In this instance an exceptional stance has been taken where the public benefit is considered to demonstratively outweigh the harm caused, in addition there is compliance with all other relevant policies and other enhancements would be provided.
- 8.4. The application has demonstrated compliance with Biodiversity Net Gain above the required 10% through grassland enhancement and it is providing multiple ecosystem services benefits through the planting of 21 trees and the installation of log piles and a bat box.
- 8.5. Subject to conditions as set out below this scheme is recommended for approval.

**9. Added Value**

- 9.1. During the course of the application a different colour and an enhanced landscaping scheme has been secured to further mitigate the impact of the proposed sports dome and provide additional ecosystem services benefits.

**10. Reason for Recommendation and Conditions**

- 10.1. It is recommended that the application be approved subject to the conditions set out below, which may be amended by the Director of Planning in consultation with the Chairman of the Planning Committee to accommodate any necessary minor changes:

Planning Conditions and Reasons

- I. 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 of the Town and Country Planning Act 1990 (as amended).

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".

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

3. No development shall be carried out until a schedule of external materials finishes to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule.
4. Reason: To safeguard the appearance of the development and the character of the area in accordance with policies SD4, SD5 and SD6 of the South Downs Local Plan. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.
5. Notwithstanding any submitted landscaping and arboricultural details, prior to the commencement of the development hereby permitted, a detailed planting scheme shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. The scheme shall include details of, but not be limited to:
  - i) Details of suitable local native species;
  - ii) Proposed planting plans and schedules of plants and trees, including written specifications, cultivation and other operations associated with plant and tree establishment, to be sourced from a peat-free nursery;
  - iii) Tree-pit construction where relevant;
  - iv) A timetable for implementation of the landscaping works;
  - v) A schedule of landscape maintenance for a minimum period of ten years to include details of the arrangements for its implementation.

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

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

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and ensure there is no net loss in biodiversity, in accordance with policies SD2, SD4, SD5, SD6, SD9 and SD17 of the South Downs Local Plan. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

6. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment, dated 13.04.2023 and Ecological Design Strategy, dated 22.03.2024, by Lizard Landscape Design and Ecology, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Strategic Policy SD9 of the National Park local plan.

7. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all site supervision by a suitably qualified tree specialist shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies SD4, SD6 and SD11 of the South Downs Local Plan.

8. The measures for the protection of the trees to be retained as set out in the submitted Tree Protection Plan, by David Archer Associates, received 23.07.2024 shall be implemented at all times during construction of the development hereby permitted.

Reason: In the interests of the amenity and the landscape character of the area in accordance with policy SD11 of the South Downs Local Plan.

9. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and thereafter within 10 years from the date of occupation of the development, other than in accordance with the approved plans and particulars. Any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard and enhance the character and amenity of the area, and to enhance its setting within the immediate locality in accordance with policies SD4, SD6 and SD11 of the South Downs Local Plan.

10. Prior to the commencement of development hereby permitted, details of the proposed surface water drainage strategy and means of disposal, including on and/or off site works, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, but not be limited to:

- i) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting (if necessary) and drawings as appropriate;
- ii) Hydraulic calculations taking into account the connectivity of the different surface water drainage features;
- iii) Technical design and supporting detailed calculations for each infiltration feature together with full infiltration testing to BRE365 methodology;
- iv) Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely;

No other drainage systems for the infiltration of surface water to the ground shall be provided other than those approved. The scheme shall subsequently be implemented in full accordance with the approved designs and retained thereafter.

Reason: To ensure satisfactory provision of surface water drainage and ensure surface water runoff from the development is managed safely, in accordance with SD49 and SD50 of the South Downs Local Plan. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

11. Prior to the first use of the development hereby permitted, a Lighting Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to, details of:

- i. How light spill from the retractable sidewall curtain will be prevented;
- ii. How internal lighting will be managed to ensure only the minimum lighting required for the tennis courts in play is used;

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

**Reason:** In the interests of amenity and to protect the South Downs International Dark Skies Reserve and wildlife in accordance with SD8 and SD9.

12. Prior to development above slab level a scheme of external lighting to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall:
- i) Comply with the guidance set out in the SDNPA's Dark Night Skies TAN;
  - ii) Be designed to minimise impacts on wildlife.

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

**Reason:** In the interests of amenity and to protect the South Downs International Dark Skies Reserve and wildlife in accordance with SD8 and SD9.

13. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain metric dated 22.03.2024 as prepared by Max Day.

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SD9 of the South Downs Local Plan (2014-33) and the SDNPA Biodiversity Technical Advice Note.

14. Prior to the commencement of the development hereby permitted, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall accord with the Biodiversity Gain Plan and include, but not be limited to:
- i) A non-technical summary
  - ii) The roles and responsibilities of the people or organisations delivering the HMMP
  - iii) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
  - iv) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the first use of the development
  - v) The monitoring methodology and frequency in respect of the created or enhanced habitat
  - vi) Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

The created and/or enhanced habitat specified in the approved HMMP shall thereafter be managed, maintained and monitored in accordance with the approved HMMP.

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SD9 of the South Downs Local Plan (2014-33) and the SDNPA Biodiversity Technical Advice Note.

15. Prior to the first use of the development hereby permitted, a completion report, evidencing the completed habitat enhancements set out in the approved Habitat Management and Monitoring Plan, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SD9 of the South Downs Local Plan (2014-33) and the SDNPA Biodiversity Technical Advice Note.

Informatives

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
2. Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun [and before each phase of development where development is phased] because none of the statutory exemptions or transitional arrangements are considered to apply.

The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition") that development may not begin unless:

- (i) A Biodiversity Gain Plan has been submitted to the planning authority, and
- (ii) The planning authority has approved the plan.

The planning authority is the South Downs National Park Authority.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found in the legislation.

3. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify the following matters:
  - (i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
  - ii) The pre-development biodiversity value of the onsite habitat,
  - iii) The post-development biodiversity value of the onsite habitat,
  - iv) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
  - v) Any biodiversity credits purchased for the development.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

**Tim Slaney**

**Director of Planning**

**South Downs National Park Authority**

Contact Officer: Sam Bethwaite

Tel: 01730 819271

email: [samuel.bethwaite@southdowns.gov.uk](mailto:samuel.bethwaite@southdowns.gov.uk)

Appendices	I– Information concerning consideration of applications before committee
SDNPA Consultees	Director of Planning, Legal Services
Background Documents	<a href="#">All planning application plans, supporting documents, consultations and third party responses</a> <a href="#">National Planning Policy Framework (2024)</a> <a href="#">South Downs Local Plan (2014-33)</a> <a href="#">South Downs National Park Partnership Management Plan (2020-25)</a> <a href="#">SDNPA Biodiversity TAN (Jan 2022)</a> <a href="#">SDNPA Corporate Plan (2020-25)</a> <a href="#">SDNPA Dark Skies TAN (May 2021)</a> <a href="#">SDNPA Design Guide SPD (July 2022)</a> <a href="#">SDNPA Ecosystem Services TAN</a>

