

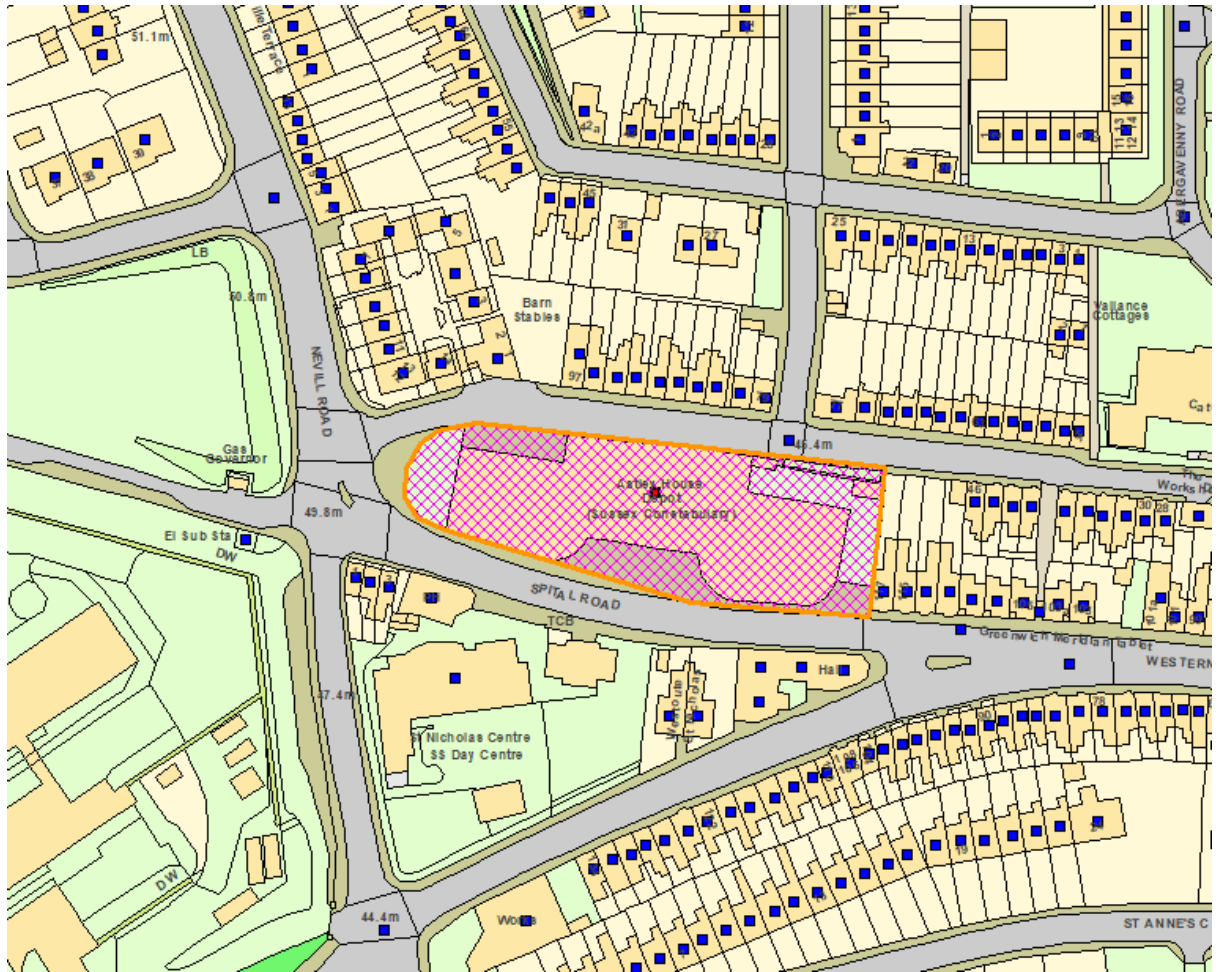
Agenda Item 7
Report PC25/26-51

Report to: **Planning Committee**
Date: **14 May 2026**
By: **Director of Placemaking**
Application Number: **SDNP/25/02451/FUL**
Applicant: **Kitewood Estates Limited**
Application: **Demolition of the vacant building and the construction of 27 residential dwellings with associated landscaping, on-site car parking and access to/from Spital Road.**
Address: **Astley House, Spital Road, Lewes, East Sussex, BN7 1PW**

Recommendation:

- 1) That planning permission be granted subject to:
 - i. The satisfactory completion of a Section 106 Agreement, the final form of wording for which is delegated to the Director of Placemaking, to secure:
 - 2 affordable homes, as set out in the report;
 - A review and clawback mechanism in relation to affordable housing provision;
 - Highways contributions and requirements, as set out in the report.
 - ii. The conditions set out at Paragraph 8.1 of the report, and any amendments or other conditions as required to address technical matters, to be delegated to the Director of Placemaking.
 - 2) That authority be delegated to the Director of Placemaking to refuse Planning Permission, with appropriate reasons, if the legal agreement is not completed, or insufficient progress made, within six months of the 14 May 2026 Planning Committee meeting.
-

Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of His Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2012) (Not to scale).

Executive Summary

- The application site comprises a large, vacant building most recently in use by Sussex Police as a mixed sui generis workshop, vehicle and uniform store, offices and printing facility. The site is allocated for development in the Lewes Neighbourhood Plan, for an expected 25 residential dwellings.
- This application follows two dismissed appeals at the site, which went to Public Inquiry in 2022. In dismissing the appeals, the Inspector recognised the considerable benefits of the proposals in terms of housing provision on a brownfield site in a sustainable location, with a series of enhancements. However, it was considered that the benefits did not outweigh the identified harm that would be caused to the character and appearance of the area, to heritage assets and to the living conditions of future and existing occupiers, as well as an unsuitable housing mix in Appeal A.
- The current application is for the demolition of the existing building and the erection of 27 residential units in the form of apartments and dwellings, car parking, cycle parking, landscaping and pedestrian links. Following an assessment of the financial viability of the scheme, and taking into account vacant building credit, the application is proposing two affordable dwellings. However, a review and clawback mechanism will be secured via the Section 106 agreement to give the opportunity to gain further units, should the final viability of the scheme allow.
- During the course of the application, the applicant has addressed a number of comments and concerns raised by statutory and non-statutory consultees, with a number of amendments to the design and detailing. Whilst Officers consider that further changes to the design could be made, the proposal is considered to be acceptable as set out within the following report.
- Officers consider that the proposed development has overcome the reasons why the previous schemes were dismissed at appeal and consider the application is in accordance with the development plan and the Purposes of the National Park and Duty and recommend approval.
- The scheme is before Members owing to the planning history and the level of public interest.

1. Site Description

- 1.1. The application site is located within the settlement boundary of Lewes and currently comprises a large brick building of some 1,775sqm which was used by the Sussex Police until April 2019 as a mixed sui generis workshop, vehicle and uniform store, offices and printers.
- 1.2. The existing building is in a prominent location at a major road junction, in a sustainable location approximately one mile from Lewes town centre. It falls within a residential area and is surrounded by the Lewes Conservation Area. Although of some historic character, it is not listed and is not considered to be a non-designated heritage asset. The height of the building is stepped and broadly similar to that of neighbouring dwellings, which mainly comprise two-storey terraces with gable dormers.
- 1.3. At the western end of the site are two hornbeam trees and a smaller willow tree. The hornbeams are protected by a Tree Preservation Order (TPO). The TPOs were confirmed in April 2023.
- 1.4. HMP Lewes is located within a large compound approximately 70m to the west of the A275/Nevill Road.
- 1.5. Given its former uses, there is a potential for contamination, including underground fuel tanks. The site also falls within an area of major groundwater vulnerability due to its location on the Seaford Chalk principal aquifer and Source Protection Zone 2 for Southern Water's public water supply abstraction at Southover. The site is located some 800m west of the Lewes Air Quality Monitoring Area (AQMA).

2. Relevant Planning History

- SDNP/22/05961/PRE Demolition and Erection of a Residential Proposal. Advice provided 13/12/2023.
 - Officers advised that they had assisted the applicant over a period of time in exploring what an optimum layout, form and quantum of development would be, and it is likely that a mix of flats and houses with an undercroft parking area, shared open space and small private amenity areas will be the most efficient option in terms of land use. Further refinements to the layout, materiality and in particular the height and design of the flatted part of the scheme to ensure the proposal will meet the requirements of PLI B(3) and the relevant local plan policies, including SD28 and PLI A are required. Refinements are also required to demonstrate that there is sufficient space to provide the shared central amenity space, and how this will function.
- SDNP/21/04044/FUL Demolition of the vacant building and the construction of 28 residential units with associated landscaping and on-site car parking. Appeal Dismissed 03/10/2022.
- SDNP/19/05619/FUL Demolition of the vacant building and the construction of 28 residential units with associated landscaping and on-site car parking (Revised Plans). Appeal Dismissed 03/10/2022.
- SDNP/19/00572/PRE The demolition of the vacant building and the construction of 25 units with associated landscaping and on-site car parking. Advice provided 25/02/2019.
 - Officers advised that the principle of providing up to 25 residential units was acceptable, with the final quantum of units dependent on the layout and design of the development, and its conformity to adopted standards.
- LW/93/0096 Section 73(A) Retrospective application for the retention of existing vehicle workshop and ancillary offices and part change of use to bulk clothing store, printing workshop and ancillary office accommodation. Approved 19/03/1993.

3. Proposal

3.1. The application proposes:

- The demolition of the existing vacant building.
- The construction of 27 residential dwellings in the form of apartments and dwellings in the following mix and tenure:

	1 bed	2 bed	3 bed	TOTAL
Market	0	10	15	25
Shared ownership	1	1	0	2
TOTAL	1	11	15	27

- The provision of three Passiv Haus accredited dwellings.
 - Access from Spital Road, 17 on-site car parking spaces, 68 on-site secured cycle parking spaces and improvements to pedestrian connectivity.
 - Landscaping in the form of semi-private and communal amenity spaces.
- 3.2. During the course of the application, in response to concerns raised by statutory and non-statutory consultees, Officers sought additional information relating to ecology and biodiversity, drainage, highways, design, conservation and trees. Discussions were had

between the applicant and Officers in relation to viability.

- 3.3. Further, following concerns raised by Officers, amended plans were submitted which sought to improve the design and appearance of the proposed dwellings. The applicant also sought to slightly amend the proposed housing mix with one less 1-bed apartments, as reflected in the above table.

4. Consultations

- 4.1. **Environment Agency:** No objection, subject to conditions.

- 4.2. **East Sussex County Council (ESCC) Archaeology:** No objection, subject to conditions.

- 4.3. **ESCC Ecology:** No objection, subject to conditions.

Officer note: Initial concerns raised by the Ecologist have been addressed during the application process, as discussed below.

- 4.4. **ESCC Fire and Rescue Services:** Provides advice:

- If this application receives approval the Developer is required to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main.

Officer note: Fire Hydrant(s) attached to a suitable water main would be secured at Building Control stage.

- 4.5. **ESCC Highway Authority:** No objection, subject to conditions and legal agreement to secure highway works and financial contributions towards four real time information bus stop signs and towards the cost of a bus stop clearway consultation.

Officer note: The initial objections raised by the Highway Authority have been addressed over a number of iterations of amendments and clarifications during the application process, as discussed below. Full details of the required highway works and contributions are set out in the following report.

- 4.6. **ESCC LLFA:** No objection, subject to conditions.

Officer note: The initial objections raised by the LLFA have been addressed over a number of iterations of amendments and clarifications during the application process, as discussed below.

- 4.7. **Lewes DC Air Quality Advisor:** Objection, condition required to secure:

- An emissions mitigation statement written in accordance with the Sussex Air Quality Planning Guidance 2021.
- Health damage costs and the timescale for any monetary provision

Officer note: This is discussed in detail in the report. Mitigation measures are already proposed and can be secured via condition.

- 4.8. **Lewes DC Environmental Health (Noise):** No response received.

- 4.9. **Lewes DC Housing Need:** No response received.

- 4.10. **Lewes Town Council:** Objection:

- Lack of affordable housing – the calculations point towards 5.4 units whereas SDNP require a minimum of 50% affordable units for development of 11 houses or more.
- Design is not in keeping with area and will disrupt streetscene.
- Additional traffic and insufficient parking.

- There needs to be a car club space and membership included within rent/ownership.
- Two disabled parking spaces is insufficient.
- Archaeological surveys underplay the position of the site next to a medieval burial ground.
- Window styles and materials are not in keeping.
- Attenuation tanks, green space for residents, retention of mature trees and views retained from outside the development are positives of the scheme.

4.11. **SDNP Design Officer:** Provides advice:

- The flatted block should be moved further from the TPO trees.
- Improvements have been made to the scheme, but the flatted block remains a prominent feature in the streetscene, uncharacteristically large for its location.
- Whilst improved, greater variation should be employed across the site in terms of design and detailing.

4.12. **SDNP Conservation Officer:** Provides advice:

- Greater detailing is required across the design, to reinforce individuality within the dwellings and to break up the elevations and roof forms.
- Large and numerous carpark vents are a prominent ground floor street feature for the flatted block.
- More clarity is needed in relation to access to the amenity space and TPO trees at the western end of the site.

Officer note: There have been a number of amendments to the proposed design during the course of the application, which are discussed in the below report. Officers are satisfied that the resultant scheme is acceptable, whilst noting the remaining comments from the Design and Conservation Officers.

4.13. **SDNP Tree Consultant:** Provides advice:

- Trees T1 and T3 are protected by a TPO because of their landscape amenity value and are principal trees within the application boundary and are an important feature.
- The existing wall (of the building) will have acted as a constraint to root development.
- It is crucial that the proposed footprint does not increase past the existing point.
- Foundations should be designed for root movement.
- Tree protection measures must be complied with.
- Proposed tree planting does not appear proportionate to mitigate tree loss.

Officer note: The existing built form is a material consideration, as are the previous appeal decisions.

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

4.15. **Sussex Police:** Provides advice:

- Vehicles and cycles should be kept securely (gated access, allocated parking, controlled cycle/bin stores).
- Certified secure doors/windows should be used with design access control for apartments.
- Unnecessary permeability should be reduced.

- Rear/side boundaries should be protected with robust, lockable gates and appropriate fencing.
- Ensure landscaping, footpaths and lighting support visibility, passive surveillance, safe wayfinding and accessibility (including for disabled/older residents).
- Follow relevant Secure by Design/BS standards, plan construction-site security, and seek counter-terrorism advice for the undercroft car park.

Officer note: A number of these elements have been incorporated into the proposed design, as is discussed in the following report.

5. Representations

- 5.1. 22 letters of objection have been received, including one letter from *'Friends of the South Downs'* and one letter from *'Friends of Lewes'*, raising the following concerns:

Design and heritage

- Overall height, scale and density of the proposal is inconsistent with the historic character and established townscape.
- The design of the block of flats is not sympathetic to existing architecture.
- Overdevelopment of the site.
- The site should be developed for quality accommodation, not built on such density.
- Proposal will alter the rhythm and spacing of homes in this section of the town.
- Harm to historic setting.
- The flat block should be set back from the road.
- Better visuals should be provided to demonstrate views and harm.
- Design is bland and uninspiring.
- The amended scheme is inferior to the one that was refused and dismissed at appeal.
- The subdivision of the rear courtyard arrangement neither delivers usable communal space or sufficient private realm. It would be better simply divided into private gardens with front access to parking only.
- Twittens are questioned from a personal security perspective as they are narrow and inadequately overlooked. They are also unnecessary owing to existing alley further down the road.
- The twittens shown includes steps which are not suitable for those less able.
- How will the twitten be managed? Concerns are raised re. the treatment of the boundary with the neighbouring property.
- Insufficient bin provision, this needs to be integrated as part of the individual houses.
- The three houses on the east end of De Montford Road can only be accessed from the rear, a poor arrangement for security/community safety reasons and the houses consequently fail to adequately address the street.
- The use of render is questioned owing to poor weathering properties and being atypical for Lewes.
- The vehicular entrance of the car park appears constrained with poor sight lines for pedestrians along the footway.
- While the dead ground floor of the block of flats was considered unfortunate, it was

accepted this was a necessary evil that is required to discreetly accommodate the car parking.

Trees, ecology and open space

- The proposed plans still state the removal of the green bank of six trees that reside opposite houses 73, 75, and 77 De Montfort Road.
- The 'un-registered' land should be retained as a green space given the Conservation Area and National Park status.
- This bank of land and established trees should be negated from any building plans, and left exactly as is, it is not part of the Astley House site and never has been. It has been planted and maintained by De Montfort Road residents for the last 6 decades.
- Trees should be incorporated not removed.
- The Lewes Neighbourhood Plan requires trees to be incorporated into developments to enhance biodiversity.
- Street trees help to absorb CO₂, create shade and increase biodiversity.
- Only one tree is proposed in place of the 6 to be removed.

Affordable Housing

- The applicant themselves recognises the 'acute' need for affordable housing in Lewes, yet only provides 2x1-bed units as a 'gesture of goodwill'.
- Concern re. lack of affordable housing.
- Concern re. how 'affordable' any affordable housing would be.
- If affordable housing is not viable, then the design of the scheme is not the right one for the site.
- The building was never vacant or one difficult to let, and that was never tested. This has been used as an argument to reduce the affordable housing offering.
- The Financial Viability Statement is not convincing and should be tested robustly.
- Not providing affordable housing on a site allocated in the Neighbourhood Plan is contrary to policy.
- The Police themselves are aware of the lack of affordable housing in the area.
- Viability is not a genuine barrier to the delivery of Lewes Low-Cost Housing, it just means that the Police would have to accept less for the land.
- The value of allocated land should be assessed in relation to the policies under which it was allocated.

Neighbouring amenity

- Overlooking and loss of privacy.
- Loss of views, outlook and loss of light.
- Proposed development would be overbearing.
- Noise, vibration and disturbance from construction and from the development.
- Proposal will affect long-term liveability for both existing and future residents.
- Any windows facing neighbouring properties should have screens or similar.

Highways, access and parking

- Insufficient parking in the area.
- Increased traffic congestion.
- Concerns re. pedestrian safety.
- Insufficient parking provided by development.
- Car-free properties do not reflect reality, as demonstrated by previous developments.
- No existing parking spaces on DeMontfort Road should be lost.
- Difficulties for emergency vehicle access.
- Future residents should not be allowed an on-street parking permit.
- A community/pool car should be provided.
- If 67 private cycle parking spaces are provided, many will be unused.
- The form of the cycle parking is not appropriate.
- Community cycle parking should be provided instead.

Environmental matters

- Increased noise.
- Increased pollution.
- No Construction Management Plan has been provided.
- Passiv Haus design is laudable, but only 3 units are proposed.
- Solar panels would improve energy efficiency of dwellings.
- The bin storage would become a refuse site for those travelling along the twitten, creating a vermin hazard and would become noxious.

Infrastructure

- Pressure on over-stretched public transport.

Application submission

- The Landscape and Visual Impact Statement only describes the effects of the proposed building and does not provide imposed views.

5.2. Three 'neutral' letters have been received, including one from the '*Lewes Conservation Area Advisory Group*', raising the following points:

- Astley House, in its current state in its gateway location, is detrimental to the Conservation Area.
- Compared with previous proposal, the elevations in the comparative streetscenes appear lower for much of the development's length along De Montfort Road and Spital Road, but there is less variation in ridge height, and the block of apartments at the western end appears more dominant.
- The dominance of the apartment block must be addressed, perhaps by setting back on the De Montfort Road elevation and at the western end.
- Variation in facade materials and fenestration would also help to reduce the dominance of the block.
- The choice of red brick and white render for the houses is acceptable, although the comments of the Conservation Officer that more variation in roof materials and

detailing on the house elevations would add character and interest, are supported to make the development fit more comfortably into the Conservation Area.

- Retention of TPO trees is welcome but they should be afforded more space.
- Low number of affordable housing units is regrettable.
- Parking needs careful consideration, owing to difficulties parking at the top of De Montfort Road.
- Safety aspects of the demolition need careful consideration (e.g. Asbestos, dust, working hours).
- Even though it could be a positive having the Astley House site replaced with dwellings rather than having an empty unused aged building, there needs to be more thought into the larger impact to the neighbouring communities, and a less imposing proposition should be considered.

Officer note: All of the above comments were received prior to the submission and consideration of amended plans. These matters are addressed in the following report.

6. Planning Policy

6.1. Most Relevant Sections of the National Planning Policy Framework (NPPF):

- NPPF02 - Achieving sustainable development
- NPPF05 - Delivering a sufficient supply of homes
- NPPF09 - Promoting sustainable transport.
- NPPF11 - Making effective use of land.
- NPPF12 - Achieving well-designed places.
- NPPF16 – Conserving and enhancing the historic environment

6.2. Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies and applicable legislation can be found in Appendix I):

- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD12 – Historic Environment
- Development Management Policy SD15 – Conservation Areas
- Development Management Policy SD16 - Archaeology
- Strategic Policy SD19 - Transport and Accessibility
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD27 - Mix of Homes
- Strategic Policy SD28 - Affordable Homes
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Development Management Policy SD50 - Sustainable Drainage Systems

6.3. Lewes Neighbourhood Plan 2015 – 2033

- Policy LE1 – Natural Capital
- Policy LE2 – Biodiversity
- Policy HC3A – Heritage Protection of Landscape and Townscape
- Policy HC3B – Planning Application Requirements and Heritage Issues
- Policy PL1A – General Housing Strategy
- Policy PL1B – Housing Allocations
- Policy PL2 – Architecture and Design
- Policy PL4 – Renewable Energy and the Resource and Energy Efficient of New Buildings

6.4. Relevant Objectives of South Downs Partnership Management Plan (2026-2031):

- PMP General Principle 8
- PMP Planning Principle 1
- PMP Planning Principle 3
- PMP Planning Principle 14
- PMP Planning Principle 15
- PMP Planning Principle 16

6.5. The New South Downs Local Plan:

The new South Downs Local Plan will replace the existing Local Plan once it is adopted in 2027. The Proposed Submission version was approved by the National Park Authority in March 2026 and the Regulation 19 publication is planned to take place from 12 May to 23 June prior to submission for examination in November 2026. Currently, the new South Downs Local Plan carries some limited weight in decision making. As it progresses through the adoption process, it will gain more weight for the purposes of decision making.

6.6. Other Relevant Policy Documents (including Supplementary Planning Documents (SPD) and Technical Advice Note (TAN))

- Biodiversity Net Gain TAN
- Dark Skies TAN
- Ecosystems Services Statement TAN
- Adopted Affordable Housing SPD
- Adopted Parking SPD
- Adopted SPD Design Guide
- Adopted Sustainable Construction SPD

Statutory Requirements

6.7. 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.” 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.

- 6.8. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.9. Section 72 of the same act outlines the duty of the Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area.
- 6.10. The Environment Act 2021, and subsequent secondary legislation sets out a national mandatory requirement for a minimum 10% Biodiversity Net Gain.

7. **Planning Assessment**

Background

- 7.1. As noted in the Planning History above, two appeals have been dismissed at this site, known as Appeal A (SDNP/19/05619/FUL) and Appeal B (SDNP/21/04044/FUL). Whilst the schemes did differ slightly in design and appearance, both appeals related to proposals for 28 residential properties in the form of apartments at the western end of the site and two rows of terraced properties fronting both De Montfort Road and Spital Road. The Inspector dealt with both schemes together but highlighted where the schemes differed (where relevant) in the combined Appeal Decision Notice.
- 7.2. In dismissing the appeals, the Inspector reached the following (summarised) conclusions:
 - Both appeals would result in an *‘imposing, overbearing feature in the street scene, presenting an uncharacteristic expanse of gable frontage’*...which would...*‘significantly detract from the character and appearance of this part of Lewes’*.
 - The loss of the trees on the site would *‘have a harmful effect upon the appearance of the area’*.
 - Appeal A would obscure the tile hung wall of adjacent No. 117 Western Road, resulting in *‘a harmful effect on the significance of this heritage asset, through harmful development within its setting’*.
 - The proposals would have *‘a harmful effect on the setting of the Conservation Area and its significance’*.
 - The proposed elevated terraces would result in a loss of privacy to the occupiers of Barn Stables and Nos. 93, 95 and 97 De Montfort Road. They would also result in noise and disturbance to nearby occupiers.
 - The proposed gardens *‘would appear cramped and unpleasant places to spend time in’*...*‘overlooked from rear and first floor windows in the new dwellings opposite’*.
 - Concerns were raised regarding the *‘cramped’* open plan living accommodation and the *‘poor standard of living conditions for the intended future occupiers’*.
 - Appeal A was considered to conflict with the aims of Policy SD27 of the SDLP and Policy PL1A of the LNP which seek to deliver a balanced mix of housing to meet local need, owing to the high number of 4-bedroom units proposed.
- 7.3. In short, the Inspector found that the harm caused by both schemes to the character and appearance of the area, to heritage assets and to living conditions as well as the mix of housing not reflecting local need bringing the schemes into fundamental conflict with the development plan as a whole and the statutory purposes and duty of the National Park. It was found that these harms were not outweighed by the *‘considerable’* benefits of the proposals.

- 7.4. It is also important to note that the Inspector drew some important conclusions:
- That the Appellant had successfully demonstrated that the provision of affordable housing within each appeal would be financially unviable, therefore complying with requirements of Policy SD29 of the SDLP and Policy PLIA of the LNP.
 - The application site is in *'the type of location where a reduced number of car parking spaces can reasonably be provided to encourage its occupiers to use alternative modes of transport to the private car'*, as supported by Policy AMI of the LNP and Policy SD19 of the SDLP.
 - The proposal would *'not be harmful to highway or pedestrian safety... a safe and suitable access to the site could be achieved in both appeals and the residual cumulative impacts on the road network would not be severe'*.
 - The appeal schemes *'would be sustainably constructed'*...and there would be no conflict with the Authority's adopted Sustainable Construction SPD's *'purposes of seeking development to adapt well to and mitigate against the impacts of climate change and other pressures'*.
 - That sufficient information had been provided to demonstrate that a sustainable drainage system *'could be incorporated into the design of the developments and details of which, including the management, could be controlled via condition'*.
- 7.5. The current proposal has been assessed on its own individual merits and is discussed below, making reference to the Inspector's conclusions, where relevant.

Principle of development

Major Development

- 7.6. Although the proposal falls within the Town and Country Planning (Development Management Procedure) (England) Order 2010 definition of major development, being a development of more than 10 No dwellings, it is not considered to be major development for the purposes of policy SD3 and paragraph 190 of the NPPF, which relate to development in National Parks.
- 7.7. The NPPF accompanying footnote 67 advises that whether a proposal is 'major development' in designated areas is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated. The proposal relates to a brownfield site within the settlement boundary of Lewes, which is allocated for a residential use by the Lewes Neighbourhood Plan. Any potential impacts on the designated landscape as a result of development are therefore not considered to be significant for the purposes of SD3 or paragraph 190.

Five-Year Housing Land Supply

- 7.8. The South Downs National Park Authority is currently unable to demonstrate a five-year supply of deliverable housing sites. This is because the target that this calculation is based on has changed from 250 homes per year as set out in the adopted Local Plan to 370 homes per year.
- 7.9. This follows Government policy and guidance that, once a Local Plan is over five years old, the housing supply should be based on the local housing need figure until a new Local Plan is in place. The appropriate housing need figure is 323 homes per year, to which we have added an allowance for previous under-supply and a 5% buffer resulting in 370 homes per year. Against this figure the Authority can demonstrate a 4.8-year supply of housing.
- 7.10. This marginal deficit will be addressed through the new South Downs Local Plan which identifies sufficient new sites to meet the increased requirement. In the interim however, National Planning Policy Framework paragraph 11d applies – that is that planning permission

for new homes should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (which includes National Parks) provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

In-Principle Acceptability

- 7.11. 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. Policy SD25 of the South Downs Local Plan (SDLP) directs new development to within settlement policy boundaries, with support for proposals of a scale and nature appropriate to the character and function of the settlement in its landscape context.
- 7.12. Policy SD26 allocates a housing provision of approximately 875 dwellings to Lewes, which is provided for by a number of allocations made by the Lewes Neighbourhood Development Plan (NDP). This includes policy PL1B (3) which allocates Land at Astley House for an expected 25 dwellings subject to a number of site-specific criteria.
- 7.13. The development of the site for a C3 residential use is therefore considered acceptable in principle, subject to compliance with the criteria of policy PL1 B (3) and requirements of other relevant policies.
- 7.14. The main issues for consideration are:

Affordable Housing and Housing Mix

Housing Mix

- 7.15. The SDNPA’s Housing and Economic Development Needs Assessment (HEDNA) (2023) identified a predominant need for smaller 1–3-bedroom dwellings across the National Park, which is reflected in policy SD27. Policy PL1A also requires new development to meet local housing need.
- 7.16. The proposed housing mix is as follows:

	1-bed	2-bed	3-bed	TOTAL
Market	0	10	15	25
Shared ownership	1	1	0	2
TOTAL	1	11	15	27

- 7.17. The above mix delivers a good number of smaller, 1-3 bedroom homes and compares favourably with that required by SD27 and PL1A.

Affordable Housing

- 7.18. SDNP Policy SD28 requires sites with gross capacity for 11 or more homes to provide a minimum of 50% of affordable homes on-site, of which a minimum of 75% should be of a rented affordable tenure. These requirements were underpinned by a robust evidence base that was tested during the adoption of the Local Plan, including the HEDNA and Strategic

Housing Market Assessment (SHMA) (2015). LNP Policy PLI A supports the provision of Lewes Low Cost Housing (LLCH) unless this is demonstrably undeliverable. LLCH is defined as ‘the maximum cost affordable on the average Lewes salary whether for sale or rent.’

- 7.19. Policy Criterion 2) of SD28 recognises that, exceptionally, provision of affordable housing in a way that complies with the policy may render a development financially unviable. The policy supporting text sets out that where viability is a genuine barrier to delivery, the Authority will require the applicant to demonstrate this by submitting a robust viability appraisal.
- 7.20. Vacant Building Credit is a government incentive that benefits developers by providing a financial credit against any affordable housing contribution calculation, equivalent to the existing gross floorspace of any relevant vacant buildings. This means that the affordable housing contribution is calculated on the amount of additional floor space that would be provided. The vacant building credit for this scheme has been calculated by, Bruton Knowles, the Authority’s viability consultant, to correspond to a requirement of 4.67 affordable housing units (rounded to five units).
- 7.21. Officers note the concerns raised by third parties in relation to the affordable housing provision as part of the proposed development and are in full recognition of the priorities of the Authority in this regard.
- 7.22. It is recognised that in Appeals A and B, based on the development proposed and the parameters at the time of those appeals, the Inspector concluded that it had been demonstrated that the provision of affordable housing within each development would be financially unviable, and thus considered that the proposals accorded with SDNP Policy SD29 and LNP Policy PLIA on this basis.
- 7.23. In the current application, the applicant contends that the provision of affordable housing continues to remain unviable. Accordingly, the application is supported by a Financial Viability Assessment (FVA) Report dated June 2025. Bruton Knowles have carried out an independent assessment of the submitted FVA and conclude that the development would not be viable with a policy compliant level of affordable housing provision taking into account vacant building credit. The principal areas of disagreement between the parties relates to the total Gross Development Value (GDV) for the dwellings and the base build costs. There is also disagreement relating to the developer’s profit applied to the market housing in the FVA.
- 7.24. In the appeal decision, in finding the proposal to be financially unviable in relation to affordable housing, the Inspector recommended that a review mechanism be built into any associated S106 agreement, to enable further viability assessments to be undertaken, should planning permission have been granted. The Inspector noted that the variables that may be used in subsequent appraisals may well change depending on the market conditions and circumstances at that time.
- 7.25. Following discussions with the applicant, and noting the Inspector’s previous position, Bruton Knowles have advised that such a mechanism should be secured for the current scheme. This would ensure that where financially viable, the much-needed affordable housing would be provided.
- 7.26. Notwithstanding the applicant’s viability position, as per the above table, the application offers one 1-bed apartment and one 2-bed apartment, as shared ownership tenure, as a gesture of ‘good-will’. Shared Ownership is not the Authority’s preferred tenure of affordable housing, and it is only considered acceptable as a form of affordable housing if it is secured in perpetuity to those in housing need if the home is sold in the future. Subject to the shared ownership homes being secured in this way, this can be considered a minor benefit of the scheme, particularly in light of a suitable review mechanism. As such, subject to a S106 legal agreement to secure the two affordable homes and a robust review

mechanism and clawback clause, this position is considered acceptable.

- 7.27. Given the above, it is considered that the proposed development will provide a good mix of small and medium market dwellings and would secure two affordable units in a sustainable location within the National Park. As such, the proposal broadly accords with SDNP Policies SD27 and SD28 and LNP Policy PL1 A.

Design and Heritage Impacts

- 7.28. The first statutory purpose of the National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and development within it must accord with this purpose. Paragraphs 189 and 190 of the NPPF state that planning decisions should protect and enhance valued landscapes, and that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks.
- 7.29. SDNP Policies SD4, SD5 and LNP Policy PL2 require the design of development to adopt a landscape-led approach to improve and enhance the built environment, conserve and enhance existing landscape character features; and be of a scale and nature appropriate to the character and function of the settlement in its landscape context. Allocation Policy PL1 B also sets out the following site-specific design criteria:
- 1) Site development should maximise the opportunity to provide townscape improvement to Spital Road and De Montfort Road. The existing height envelope should not be exceeded to prevent overshadowing and loss of privacy;
 - 5) Boundary treatment (curtilage walls, etc.) on the south side of the site should reflect the character of Spital Road.
- 7.30. Section 72 of Planning (Listed Buildings and Conservation Areas Act 1990 outlines the duty of the Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area. Policies SD12, SD13 and SD15 require development within the setting of conservation areas and listed buildings to conserve and enhance the historic environment and preserve or enhance their special architectural or historic interest. Policy HC3A also seeks to protect the historic character and form of the streetscape, the visual significance of Lewes Castle, the visibility of the open countryside setting from within the built-up area; the roofscape of the Conservation Area, and historic flint walls. Developments that include the palette of materials identified in the relevant Lewes Conservation Area Appraisal will be supported.
- 7.31. The application site is located outside of, but adjacent to the boundary of the Lewes Conservation Area. The site is considered a ‘gateway’ from the town to the countryside, as recognised by the Appeal Inspector. The Inspector considered that whilst the existing building does not reflect the character of the Conservation Area, given its form, design and use, it has a largely neutral effect on its significance.

Previous decisions

- 7.32. As noted above, the previous applications were dismissed in part due to the proposals’ harmful effect on the Conservation Area and its significance. Appeal A was also considered to result in harm to the setting of no. 117 Western Road, and its significance as a non-designated heritage asset, but virtue of the schemes obscuration of no. 117’s tile-hung wall. Notwithstanding this, with regard to listed buildings, the Inspector concluded that the appeal proposals would have a negligible effect on views of the town and of listed buildings.

Design and form

- 7.33. The key concerns raised by the SDNP Design and Conservation Officers related to the massing and design of the flatted block, particularly facing De Montfort Road. The flatted block as originally proposed, at 4-storeys, required a reduction in scale and measures to break up its mass and height. In response to the comments received, the applicant made a number of alterations to the design and form of the apartment buildings.

- 7.34. The increased articulation to the roof of the flatted block on both the De Montfort Road and Spital Road elevations is supported. This is considered to help reduce the perceived bulk and mass the building, however the Design Officer still considers the building to be uncharacteristically large for its location, surrounded by the **conservation area**. Officers acknowledge this, however the existing building is also uncharacteristic and unsympathetic to the character of the surrounding area and the proposed building, will enhance the site and the surrounding streetscene.
- 7.35. From the comparative streetscenes submitted, it is clear that the flatted block is taller than the existing building, however a key difference between the appeal schemes and the current proposal is the visual 'break' afforded by the two rows of built form with a single storey podium level in between. This has significantly reduced the bulk of the built form that would be sited at the junction with Nevill Road, enabling views through the site. As noted below, this has the additional benefit of affording the protected hornbeam trees more light and canopy space. The proposed houses would sit at a lower height than the existing building and the whole scheme is lower in height than the appeal schemes.

Materials and detailing

- 7.36. The SDNP Design and Conservation Officers initially raised concern regarding the limited material choices and lack of architectural detailing and poor fenestration design.
- 7.37. Officers note the concerns raised by the occupiers of the adjacent dwelling at no. 117 Western Road relating to the boundary wall. The current proposal no longer obscures the tile hung wall of the No. 117. There is now a twitten proposed alongside the boundary with no. 117, enabling the wall to be seen and enjoyed as a non-designated heritage asset. Detail regarding the measures that will be employed to protect this wall during construction would be secured via condition 4.
- 7.38. The proposed apartments would be constructed in red brick, with red clay tile roofs. This is a positive amendment to the proposal, addressing the original concerns relating to the previous expanse of slate rooftiles across the whole development. This has helped to reduce the homogeneity of the development. The proposed dwellings would be constructed in red facing brick and smooth white / off-white render. The immediate and wider area features dwellings with different coloured render. This was suggested to the applicant who has now proposed some differences in render shades. The SDNP Design Officer considered the contrasting shades to be somewhat subtle, however Officers consider that this is acceptable as it does at some visual contrast.
- 7.39. Some concerns were raised regarding the fenestration types and sizes across the whole scheme. Amendments have been made including the introduction of dormers, group dormers and rooflight which serve to break up the roof line. The window detailing has been improved on the flatted block to make it more distinct from the approach for the houses. Fenestration detailing would be secured via condition 4.
- 7.40. In order to provide some natural lighting and ventilation to the ground floor parking area, under the podium level, a number of large vents are proposed in the front and side elevations. The application particulars speak of these vents providing opportunities for commissioned public art, however at this stage limited detail is provided. There is some concern from the Design and Conservation Officer that these vents could appear as prominent ground floor street features. Notwithstanding these concerns, Officers acknowledge the fact that ventilation will be required for this area and that details could be secured via condition. In relation to the commissioned art, a condition is recommended requiring the Authority's agreement as to the appropriateness of the design prior to their installation.
- 7.41. It is recognised that the Design and Conservation Officers would have liked to see additional detail and variation introduced into the design. However, Officers are satisfied that the

scheme has addressed the concerns raised by the Inspector and consider the proposal to be acceptable on this basis. The final material details would be secured via condition 3.

- 7.42. The concerns raised regarding the protected trees are addressed below. It should be noted that further clarification was provided by the applicant after the latter comments from the SNDP Design and Conservation Officers, as well as a final consultation with the SDNP Tree Consultant.

Landscaping and trees

- 7.43. The TPO trees at the western end of the site have been subject to much discussion from multiple consultees during the course of the application, including the SDNP Design and Conservation Officers. Whilst these trees were proposed to be removed as part of the appeal schemes (prior to the issuance of the TPO), they are proposed to be retained as part of the current scheme. Notwithstanding the very welcome retention of the trees, concerns were still raised relating to the proximity of the proposed built form to the trees such as their future growth and vitality may be negatively impacted.
- 7.44. It is recognised that providing the trees with additional space to allow future growth would be a preferred option. However, it is important to recognise that the proposed building would be no closer than the existing building, and as such, it would not be reasonable to object to the proposal on this basis. Further, it is noted that by the introduction of two rows of terraces with a single storey podium level in between which is considerably lower than the existing building, the trees would be afforded more light and more space for canopy growth.
- 7.45. The SDNP Tree Consultant highlights that the submitted Landscape Masterplan shows only one tree replacement when six trees are being removed, noting that this does not appear proportionate to mitigate the loss. Notwithstanding this, Officers consider that the proposed development offers much greater opportunities for planting and landscaping which would serve to enhance the site.

Summary

- 7.46. It is recognised that the Authority's Design and Conservation Officers still have some concerns following the amendments proposed by the application and that they would have liked to have seen further amendments to the scheme. Officers, however, in recognising the constraints of the site, further recognise the improvements that have been made from the previous dismissed appeals and the original submission under the current application.
- 7.47. The applicant has addressed a number of concerns, and it is the view of the Landscape and Design Officer that more could be achieved, however the proposed design is considered on balance to be acceptable and would contribute positively to the setting of the Conservation Area.
- 7.48. The appeal Inspector's concerns with the previous schemes, with regard to design and heritage were as a result of the 'imposing' and 'overbearing' design and uncharacteristic expanse of gable frontage. The built form was considered to be much higher than the domestic scale of properties nearby, creating a dominant form in the streetscene. Recognising the further improvements suggested by the SDNP Design and Conservation Offices, Officers consider that the current proposal has overcome the concerns raised by the Inspector and now proposes a scheme which, still large, enhances this gateway site and is in keeping with the character of the area.

Archaeology

- 7.49. The application site lies within an Archaeological Notification Area (a non-designated heritage asset) associated with Spital Road, Lewes: St. Nicholas medieval hospital and cemetery. It also lies within 20m. of a designated heritage asset (Registered Historic Battlefield; Battle of Lewes 1264. List Entry 1000018). The application is supported by an up-

to-date desk-based archaeological assessment by 'Pre-Construct Archaeology' dated June 2025.

- 7.50. The submitted information is considered to be satisfactory. The ESCC Archaeologist has advised that the potential of the application site to contain archaeological remains and human burials dating to the medieval period is high. Cartographic evidence confirms the development of the application site from at least the 18th century. Owing to this risk, the Archaeologist advises that the risk of damage to archaeology can be appropriately mitigated by conditions [conditions 13, 14 and 15]. On this basis, the proposal is considered to accord with Policies SD12 and SD16 of the SDLP.

Sustainable Construction

- 7.51. Policies SD48, PL2 and PL4 require the design of new development to address climate change mitigation through the on-site use of zero/low carbon technologies, sustainable design and construction, and low carbon materials. The supporting text of PL1B notes that the site offers potential to improve ecosystem services and green infrastructure through including trees, small gardens, green walls or roofs, pollinator friendly planting, water butts and SuDS. In addition, the SDNPA Sustainable Construction Supplementary Planning Document (SPD) requires residential developments of this scale to achieve 39% carbon reduction above Part L, 10% Passive House standard, EV charge points and sustainable drainage systems.
- 7.52. The Authority's Design Officer has reviewed the submitted plans. It is noted that the average predicted CO2 reduction relative to relative to 2013 Part L baseline is 71.9%, which exceeds the SPD requirement of 39% and is therefore acceptable. The submitted Passive House report demonstrates that the design is on track to achieve passive house certification for three houses, which would be secured via condition.
- 7.53. Confirmation of other matters such as the source of timber and details on waste segregation was not provided during the course of the application. However, planning conditions relating to a Design-Stage Sustainable Construction Report and Post Construction Stage Construction Report are recommended in order to secure the detail that has been set out within the submission and some other details, such as water consumption and waste segregation [conditions 32 and 33]. Further detail regarding the green roofs can be secured via condition [condition 3]. On this basis, the proposal is considered to broadly accord with SDNP Policy SD48 and LNP Policies PL2 and PL4.

Highway, access, parking and cycling

- 7.54. Policies SD19 and SD22 promote the use of sustainable modes of transport and require developments to provide an appropriate level of private cycle and vehicular parking. Policy PL1 B of the LNP sets out that developments proposed on allocated sites should provide car parking to development plan standards and that they should be safely incorporated into the surrounding local highway network.
- 7.55. Policy AM1 supports active travel networks within the town. Policy AM3 gives support to the existing Car Club network. The supporting text to Policy AM1 suggests that Lewes should move towards greater pedestrian and cyclist priority and reduce the negative impact of cars in the central area. The supporting text to Policy AM3 notes that whilst there will still be provision for vehicles, alternate methods of transport such as cycling, and walking will be further encouraged to further reduce the demand for car parking.

Access

- 7.56. In dismissing the previous appeals, the Inspector concluded that the proposed access was suitable to serve the (then) proposed 28 dwellings, despite objections from ESCC Highways. This is therefore a material consideration when assessing the current arrangements, albeit they must be assessed on their own merits.

- 7.57. Vehicular access to the development would be provided from an in-and-out access from Spital Road. The proposed access is located to the west of the proposed dwellings that would front Spital Road, and at the southeastern corner of the proposed flatted block. This is in broadly the same location as the (amended) access proposed in Appeal B. Despite concerns raised by ESCC Highways and the Authority during the previous appeals, the Inspector concluded that the proposed access provisions were acceptable. ESCC Highways have confirmed that as the access to the site is similar to that proposed during the appeal (Appeal B), it is considered acceptable.
- 7.58. The proposed access would be controlled by an electric gate, set back from the highway. A condition is recommended requiring full details of the gate to be submitted prior to occupation [condition 28].

Parking

- 7.59. Officers note the third-party concerns relating to parking provision and the pressure on existing on-street parking in the vicinity. The proposal would provide 17 off-street parking spaces, one per dwelling which would be located at ground floor level beneath the proposed apartment block. Two of the proposed spaces would be for disabled users. No off-street spaces are proposed for the apartments.
- 7.60. The submitted Transport Report highlights that there is an existing Car Club parking bay, located within 100 meters of the proposed entrance lobby to the apartment building. The applicant has confirmed that they would be willing to ensure that the first occupiers of each dwelling will be offered an annual membership to this Car Club. This would be secured through the S106 agreement.
- 7.61. ESCC Highways note that applying their own parking standards would require a greater number of allocated and unallocated parking spaces than what is proposed. Likewise, SDNPA's parking calculator would also warrant a greater level of parking provision. However, it is a material consideration that in dismissing the previous appeals the Inspector concluded that *'this is the type of location where a reduced number of car parking spaces can reasonable be provided to encourage its occupiers to use alternative modes of transport to the private car'*, noting that this is supported by Policy SD19 and by Policy AM1.
- 7.62. ESCC Highways note that the current provision (17 spaces for 27 units) equates to less than what was accepted by the Inspector in determining the appeals (23 spaces for 28 units), confirming that their previous reservations regarding this position remain, however taking into account the Inspectors decision, ESCC Highways consider that the proposed parking would not lead to a severe impact/parking overspill onto neighbouring streets, given the location and accessibility of the site along with the proposed measures for a Car Club membership for each household proposed as part of the application.
- 7.63. In relation to the third-party concerns regarding pressure on local on-street permit parking, ESCC Highways have advised that due to the availability of and demand for on-street parking in the vicinity of the site, permits are unlikely to be issued for this development.

- 7.64. As above, the Inspector was satisfied that a reduced level of parking provision was acceptable given the sustainable location and the proximity and provision to other modes of transport. On this basis, whilst acknowledging the shortfall in comparison to the ESCC and the Authority's guidance and the concerns raised by third parties, Officers consider that a reason for refusal on the basis of reduced parking could be sustained.

Cycling

- 7.65. 68 cycle spaces are proposed within the car parking area of the development. This equates to one per bedroom within the development. Four of the spaces are for non-standard cycles. The cycle storage would be primarily provided as two-tier stands, but a pair of Sheffield stands are also provided. ESCC Highways raised some concern that the proposal was unable to accommodate the 2.7m ceiling height recommended by Local Transport Note

'Cycle infrastructure design' (LTN 1/20) for the two-tier stands. However, the additional highways information confirmed that 2.5 metre (m) could be provided and that this accorded with the manufacture's prescribed guidance.

- 7.66. Access to the cycle storage area would be provided from the public highway. ESCC Highways advised that a secondary access from within the site would be beneficial to users. However, the applicant contended that this would reduce the available space to provide cycle parking and may introduce security concerns particularly if the secondary point of access is not within clear view of the public from the adopted highway. In relation to this and the ceiling height discrepancy, ESCC confirmed that they could not justify a highways objection on this basis. The proposed cycle provision is therefore considered acceptable.

Pedestrian access improvements

- 7.67. The plans indicate a new section of footway along the northern boundary of the site to provide a continuous footway on the southern side of De Montfort Road together with improvements/widening of the existing footway along the southern boundary of the site on Spital Road. Initially, ESCC Highways raised a lack of clarity regarding the ownership of the land required to provide the footway. There was therefore uncertainty about how this could be provided.
- 7.68. The applicant provided an overlay of the development with the existing public highway which indicates that the land in the northeastern corner of site is not wholly within the limits of the public highway. The applicant's transport response states that this section of land is unregistered and is not within the red site area. The applicant contends that a footway could still be provided here under s228 of the Highways Act.
- 7.69. ESCC Highways set out that the previous onsite determination by their Highway Land Information Team deem the area immediately adjacent to the carriageway of De Montfort Road to be public highway which extends across the area from the wall (back of footway) of No. 117 De Montfort Road to the corner of the existing rendered wall of the building. On this basis, ESCC Highways note that should the s228 process not be successful, at least a nominal footway may be provided here. In addition, some of the proposed footways would need to be dedicated as public highway which could be dealt with at detailed design through the Section 278 Agreement along with uncontrolled crossing points (dropped kerbs/tactile paving) on De Montfort Road and across its junction with A275.
- 7.70. As noted in the Design and Heritage section above, the provision of two twittens through the site is considered a positive design feature which would improve pedestrian connectivity through the site and the area in general. It is recognised that the proposed steps within the site could present some difficulties for users with mobility issues, however owing to the land level changes within the site, the steps are necessary. It is noted that the majority of the dwellings benefit from step free access to the front doors.
- 7.71. The pedestrian access improvements, whilst not fully addressing the accessibility needs of all potential occupiers, would be a benefit of the proposal in terms of site permeability and access.

Summary

- 7.72. On this basis, and in light of the appeal history, the proposal would not be harmful to highway or pedestrian safety and would deliver a safe and suitable access to the site resulting in acceptable residual cumulative impacts on the road network. The proposal would support sustainable forms of travel and would provide a level of parking which is acceptable. A number of conditions are recommended by ESCC Highways to ensure that the relevant details is provided and complied with [conditions 22-31].
- 7.73. In addition, a number of highways works and contributions would be required to be secured via legal agreement. These are:

- The provision of the new access from Spital Road, including closure of two existing accesses and new road markings etc.
- The provision of a new section of footway along the southern side of De Montfort Road to extend from existing footway at 117 De Montfort Road extending westwards to connect to the existing footway around the western end of the site.
- The provision of new crossing points (dropped kerbs/tactile paving) on De Montfort Road and; across De Montfort Road/A275 junction and; across Spital Road (A277)/A275 junction.
- The requirement to ensure that each household receives three years membership of the local car club together with £50 drivetime.
- A contribution of £50,000 towards provision of 4 Real Time Information Signs for the two bus stops (known as the Black Horse north and south bound) on the A277) and at two bus stops (known as The Gallops north and south bound) on the A275 (Nevill Road).
- The provision of extended high-rise kerbing and extended bus stop clearways at two bus stops (known as Black Horse north and south bound) on the A277.
- A contribution of £1200 towards the administration costs of the bus stop clearway consultation.

7.74. In light of the above, it is considered that the proposal development would not conflict with Policies SD19, SD20, SD21 or SD22 of the SDLP or with Policies AM1, AM3 or PL1B of the LNP.

Amenity

- 7.75. Policy SD5 k) requires proposals to avoid harmful impact upon, or from, any surrounding uses and amenities. SD6 requires proposals to preserve the visual integrity, identity and scenic quality of the National Park, including views from publicly accessible areas.
- 7.76. Policy PL1B requires development of the site to avoid exceeding the existing building height to prevent overshadowing/loss of privacy.
- 7.77. Officers note the concerns raised by neighbouring in relation to overlooking, loss of privacy, outlook, light, views and overbearance. Concerns were also raised regarding noise and disturbance, particularly with regard to the demolition and construction process. These matters are addressed below.

Previous decisions

- 7.78. In dismissing both the previous appeals, the Inspector concluded that the proposed communal terraces, by virtue of their elevated position above the street level of both Spital Road and De Montfort Road would result in a loss of privacy to the occupiers of adjacent Barn Stables and Nos. 93, 95 and 97 De Montfort Road. Concern was also raised in relation to noise and disturbance to neighbouring occupiers.
- 7.79. The Inspector also concluded that the proposed gardens were considered cramped and that they would be unpleasant places to spend time, which was a concern given the size of the dwellings proposed. Further, it was considered that the larger dwellings, by failing to comply with the Nationally Described Space Standards (NDSS) by virtue of the inadequate ground floor living accommodation, would provide a poor standard of accommodation for future occupiers.

Neighbouring occupiers

- 7.80. The current proposal does not include an elevated communal terrace in close proximity to existing dwellings. On this basis, no concern is raised with regard to loss of privacy or noise

and disturbance. The communal areas proposed in the current scheme are located between the two rows of built form, thus shielding any views or disturbance from external receptors.

- 7.81. As recognised by the Inspector, the introduction of the proposed development would undoubtedly alter the outlook for neighbouring occupiers whose dwellings face onto the site. However, as with the previous proposals, the introduction of the development, albeit taller at the western end of the site than the existing building, would not result in overbearance or intrusion to the degree that it would be harmful to the living conditions of neighbouring residents.
- 7.82. In the appeal decision, the Inspector noted that whilst some of the proposed units would be taller than the existing building, the majority would be lower in height. As such, the Inspector considered that it was unlikely that either scheme would result in a reduction of daylight or sunlight to nearby properties, over and above the existing situation. Notwithstanding this, and as noted by the SDNP Design Officer, the current proposals are at the same distance from Barn Stables as in Appeal A, but the eaves and ridge lines are slightly lower. However, the De Montford elevation of this block does carry on for a much longer length (more than 12m) at this height, east down De Montford Road than in Appeal A raising a concern regarding daylight/sunlight in relation to No. 1 Barn Stables and 93-97 De Montford Road.
- 7.83. In response to this concern, the applicant submitted a 'Sunlight and Daylight Assessment' which has assessed the impact on Barn Stables and 97, 95, 93, 91, 89, 87, 85, 83, 81 & 79 De Montford Road. The assessment concluded that these properties would not experience a noticeable reduction of daylight and sunlight as set out in the BRE guidelines, therefore concluding that the effects of the proposed scheme in relation to daylight and sunlight are BRE compliant and that the Assessors have identified no grounds to object to the proposal on this basis. Officers are satisfied that this area of concern has been addressed.
- 7.84. The closest residential property to the site is no. 117 Western Road to the east, which currently benefits from its proximity to one of the existing vehicular accesses into Astley House. In dismissing Appeal A, the Inspector identified harm in relation to the obscuration of the tile hung wall of no. 117 in terms of heritage impact. No concern was raised regarding the introduction of built form adjacent to the boundary, however. In the current application, a twitten is proposed between the development and no. 117, providing a modest but welcome separation.
- 7.85. It is recognised that the proposed development would introduce built form adjacent to the rear garden of no. 117 which will alter the outlook for the occupiers of no. 117, however it is noted that the rear garden of no. 117 is ready somewhat constrained by boundary walls and adjacent built form. As such, Officers raise no objection in this regard. No windows are proposed in the eastern side elevation of the closest dwelling, so no concern is raised with regard to overlooking or loss of privacy. Similarly, no. 117 has no windows on its western flank wall. As such, there will be no loss of light or outlook to this elevation. A condition is recommended restricting permitted development rights in relation to additional openings, which would prevent the insertion of windows in this flank elevation and elsewhere.

Future occupiers of the site

- 7.86. Unlike the appeal developments, the current proposal provides accommodation which meets and exceeds the guidance set out in the NDSS, both in terms of bedroom sizes and gross internal area. All habitable rooms would be served by a window providing light and outlook. The dwellings are considered to provide a good standard of accommodation.
- 7.87. The two terraced rows of accommodation would face each other at a distance that ranges from 7 meters to 14 meters. It is recognised that, at the lower end of this range, that this may result in a minor degree of overlooking between the proposed units. However, this separation distance is reflective of those witnessed in the area, such as between the rear of

the dwellings on the southern side of De Montfort Road and the rear of the dwellings on the northern side of Western Road. On this basis, Officers consider the proposed relationship to be acceptable in terms of amenity.

- 7.88. Rather than providing secure, private amenity space for the terraced dwellings, the current scheme proposes a range of semi-private and communal spaces. Each dwelling will have an access to a private patio space that will be edged with hedgerow planting. The central path that runs east-west between these spaces would be edged with communal green space. This central path provides connections to two proposed twittens that provide pedestrian access between De Montfort Road and Spital Road. The SDNP Design Officer is supportive of this approach. Officers note that the character of this area predominantly comprises back-to-back terraced houses with small areas of amenity space. As noted above, it is recognised that the proposed twittens do include a number of short runs of steps. These steps could present some difficulties for users with mobility issues, however owing to the land level changes within the site, the steps are necessary. It is noted that the majority of the dwellings benefit from step free access to the front doors.
- 7.89. It is recognised that this sort of semi-private and communal amenity space would not be the choice of all residential occupiers, however future occupiers of the site would be aware of the arrangement prior occupation.

Summary

- 7.90. On the basis of the above assessment, Officers consider that the proposed development has overcome the concerns raised by the previous appeal Inspector and would not result in material harm to neighbouring occupiers by way of overlooking, loss of privacy, loss of light or overbearance. Recognising that the construction process is likely to cause a transitory degree of disruption and disturbance, it is considered that the development would not result in harm by way of undue noise and disturbance once under occupation. Similarly, the proposal is considered to offer an acceptable standard of accommodation for future occupiers. Subject to a condition requiring the submission of a Construction Environmental Management Plan [condition 29] the proposed development is considered to accord with SDNP Policy SD5 k) and LNP Policy PL1B.

Refuse and recycling

- 7.91. The applicant has based their waste management strategy on Lewes District Council's 'Refuse and Recycling Storage at New Residential and Commercial Developments within Lewes District' Guidance, which is appropriate.
- 7.92. It is proposed that communal bin storage for the houses and apartments is most appropriate, in order to mitigate a proliferation of single dwelling bins across the street frontage. A communal bin store would be provided for the flatted block which would have space for four x 1100l bins. A separate communal bin store would be provided for the dwellings, with space for two x 1100l bins. A condition is attached requiring detail of the individual internal waste arrangements for each dwelling [condition 32].
- 7.93. It is recognised that occupants would be required to walk a distance to reach the communal bin storage. However, this is a common arrangement for new developments and enables semi-private and communal amenity spaces to be free from large numbers of individual carriers. The bins would be collected from the highways, with crews manoeuvring the bins to the lorries at the roadside, as would be the case for the existing site, were it still operational. On this basis, Officers are satisfied that the arrangements are acceptable.

Dark Skies

- 7.94. 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.
- 7.95. The site is located within the Dark Skies Urban Zone (E3.) Whilst the skies are relatively

brighter in this area, it is still important to reduce light pollution as these areas have the potential to become dark zones in the future. Any external lighting should meet minimum safety requirements but still aim to accord with the SDNPA Dark Skies Technical Advice Note in avoiding upwards light spill. Where feasible, glazing should be recessed or located under overhangs.

- 7.96. The application is supported by a Technical Note for lighting, incorporates the general lighting principles detailed in the South Downs Dark Night Skies Technical Advice Note, but the final details are yet to be submitted. It is therefore appropriate to secure details of external lighting by means of a suitably worded planning condition to ensure the proposal will comply with SD8 [condition 18].

Trees, Ecology, Biodiversity Net Gain and provision of Ecosystem Services

- 7.97. 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. Policy LE2 of the LNP sets out that development proposals will be expected to demonstrate how they will provide a net gain in biodiversity, habitats and species on the site, over and above the existing biodiversity situation.

Trees

- 7.98. The application site currently features a number of trees. Two hornbeam trees (T1 and T3) and a willow leaved pear (T2) at the western end of the site, within the site boundary. T1 and T3 are protected by a Tree Preservation Order (TPO) owing to their landscape amenity value. They are the principal trees within the application boundary and are an important feature. The SDNP Tree Consultant notes that the underlying bedrock of T1 and T3 is chalk which is not favourable for hornbeam as its properties can impair root development and overall vigour. The existing wall will have acted as a constraint to root development. Six further trees are located on the north-eastern corner of the site (T4 – silver birch, T5, 6, 7 – Cypress, T8 – elder, T9 – sycamore), located upon registered land.
- 7.99. In the previous appeals, it was recognised that whilst street trees are not a feature of the wider area, the ones on the site serve to soften the built form of this part of the town. The trees on the western end of the site serve to connect the site to the open space on the opposite side of Nevill Road and the countryside beyond. In dismissing the appeals, the Inspector considered that the removal of all existing trees on the site (as was proposed in the appeal schemes) would have a harmful effect upon the appearance of the area. As part of the current scheme, T1, T2 and T3 would be retained as part of the proposed development. Trees T4-9 would be removed to facilitate the proposal.
- 7.100. As per several third-party responses, including from the SDNP Design and Conservation Officers, the SDNP Tree Consultant and ESCC Ecology, the retention of T1-3 is very welcome. However, concerns are raised that the development has not taken the opportunity to increase the distance between built form and the trees. It is considered that an enhancement of the site could have allowed more space for the trees to grow, as well as provided a larger open space at the western end of the site. Notwithstanding this, it has been clarified that the proposed built form would be no closer than the existing building, and it is difficult to robustly object to the proposal on this basis. The proposed podium design of the apartment buildings does allow a greater level of light through to the trees and marginally more space for canopy growth, which is of modest benefit.
- 7.101. The removal of trees T4-9 would see the loss of trees which do contribute positively to the character of the area but are described by the submitted Arboricultural Report as ‘not particularly high quality’. The trees are constrained by existing boundary treatment and sealed surfaces. Whilst the contribution that these trees make to De Montfort Road would be lost, it does enable a number of pedestrian accessibility benefits such as the provision of a

twitten through to Spital Road and the introduction of a footway on the southern side of De Montford Road where there is currently no provision.

- 7.102. The SDNP Tree Consultant has recommended conditions that will ensure that the proposed building does not encroach further on the protected trees than the current situation and that the submitted Tree Protection measures are adhered to [conditions 20 and 21].

Protected species

- 7.103. The submitted Ecological Impact Assessment (EIA) concludes that overall, the building and trees within the site have negligible potential to support roosting bats. The recommended best practice construction measures for lighting set out are supported by the ESCC Ecology. A final lighting scheme is recommended to be secured via condition [condition 18].
- 7.104. It is considered unlikely that reptiles are present on site. With regard to birds, the site is considered to support habitat suitable for breeding birds. The EIA recommends a number of mitigation measures which are supported by the Ecologist and are recommended to be secured. Similarly, post-development, the site would be more suitable for hedgehog, and it is recommended that best practice construction methods are used and 'hedgehog highways' be secured via an Ecological Design Strategy (EDS) condition [condition 34].

Biodiversity Net Gain (BNG)

- 7.105. Legally mandatory BNG came into effect for major development in February 2024, and the proposed development would be required to provide 10% BNG. This is also supported by SDNP Policy SD9 which requires it to be demonstrated that development proposals identify and incorporate opportunities for net gains in biodiversity.
- 7.106. The site comprises developed land, sealed surfaces, vacant/derelict land, sparsely vegetated land, other neutral grassland, urban trees at the western end of the site and an ecologically valuable line of trees on De Montford Road. The application is supported by the Statutory Biodiversity Metric which was amended and resubmitted in response to queries from ESCC Ecology. The pre-development on-site baseline units are 0.55 habitat units and 0 hedgerow units.
- 7.107. It is noted that the lower distinctiveness habitats on site consisting of developed land, sealed surfaces, vacant/derelict land and the line of individual urban trees will be lost as part of the development. The other neutral grassland and urban trees at the western end of the site will be retained. The new development proposes areas of rain garden, planting of shrubs and urban trees and the installation of a green roof. New species rich hedgerow will also be created throughout the site. These features in addition to the structures and gardens to be built will improve biodiversity on site. However, following completion, the post development units will be 0.43 habitat units and 0.37 hedgerow units. This represents a -20.73% loss in habitat units. As the scheme will not achieve net gain, an off-site solution will be secured via the statutory BNG Gain Plan condition [condition 35] as well as management and monitoring.

Summary

- 7.108. The existing building has created a highly constrained and developed site. It is recognised that the loss of the trees on the southern side of De Montford Road will result in a loss in visual amenity, however these trees offer little in terms of ecological value, as noted by ESCC Ecology. With the exception of the hornbeam trees and grassed area at the western end, the application site currently offers very little in terms of ecosystem benefits. ESCC Ecology note that the development of the site provides a great opportunity to enhance the site to help the Authority fulfil its duties and responsibilities.

- 7.109. As such, the proposed development is considered to accord with SDNP Policies SD2, SD9, SD11 and SD45 and Policy LE2 of the LNP.

Pollution, Drainage and the Water Environment

- 7.110. Policies SD17, SD49 and SD50 seek to reduce flood risk and ensure proposals within Groundwater Source Protection Zones (SPZs) do not have an adverse impact on the quality of the groundwater source. Proposals should incorporate measures to eliminate risk of pollution to groundwater features, and sustainable drainage solutions (SuDS) provided to avoid increase of surface water run-off, taking account of climate change.
- 7.111. PL3 states that new residential development which would materially add to water discharge generally in the neighbourhood area, and into the River Ouse in particular, should assess fluvial (up and down stream), coastal and groundwater flood risk, and surface water drainage. PL1B requires development of the Astley House site to accommodate existing key water infrastructure; assess traffic noise and contamination; protect groundwater sources; and incorporate a sustainable drainage plan.
- 7.112. The application is supported by a Drainage Strategy report, which includes topographic survey, drainage design and calculations. The submitted information was revised during the course of the application to address queries raised by Consultees, including a Technical Note dated March 2026.

Flood risk

- 7.113. The application site is located within Flood Zone I, with a less than 1 in 1,000 annual probability of flooding. Given the size of the site and its position within Flood Zone I, a Flood Risk Assessment is not required.

Surface water

- 7.114. The Drainage Strategy sets out that infiltration drainage is not possible on this site, owing to its elongated shape and the density of the development proposals allowing limited space for ponds and swales. It would not be possible to provide the 15-meter clearance between soakaways and structures. The LLFA has stated its agreement with this position.
- 7.115. There is neither a surface water network nor a combined sewer in the vicinity of the development, therefore the proposed surface water drainage mechanism is to discharge to the existing foul water sewer, at a restricted rate. Surface water would be held in attenuation tanks and then discharged at an agreed rate to the foul sewer. Southern Water have issued a letter confirming their 'technical approval' of the proposed connection to the public sewerage system, as requested by the LLFA who are satisfied with this approach.
- 7.116. The nature of the site requires an engineered approach. With regard to 'at surface' SuDS, rain gardens are proposed to collect footpath runoff only. This will assist in improving the quality of the runoff from the footpaths. The SDNP Design Officer considered the limited use of rain gardens to be disappointing, however Officers are cognisant of the challenges posed in terms of ground water protection and the existing site's development.
- 7.117. During the course of the application, in response to LLFA comments, the permitted surface water discharge rate has been reduced from 2 l/s to 1 l/s, increasing the required attenuation storage requirement from approximately 190m³ to 290m³. The LLFA recognise that the use of very low flow control devices introduces increased maintenance considerations and potential blockage risks that should be acknowledged during the detailed design and operational stages. A maintenance and management plan for the entire drainage system would be required, as recommended by the LLFA, secured via condition 11.

Foul drainage

- 7.118. Southern Water sewer records indicate existing public foul sewer along the southern boundary of the site. Proposed foul flows and the restricted surface water flow from the site (discussed above) would connect to the existing system at a new manhole, subject to a sewer connection approval from Southern Water.

Ground water and water quality

- 7.119. The application site is located upon an aquifer, within Southern Water’s Lewes Groundwater Abstraction Source Protection Zone 2 (SPZ2), close to the boundary of Zone 1, where ground water is particularly sensitive and any contamination to groundwater is likely to reach the abstraction point within approximately 50 days.
- 7.120. In their consultation response, Southern Water note that a Preliminary Site Investigation Report from 2019 indicates that only a limited portion of the site had been investigated, owing to the presence of the existing building. The sampling that was carried out identified elevated concentrations of contaminants. As a large area of the site has not been investigated, as such further work would be required when the existing building is demolished, should permission be granted. The Environment Agency (EA) have advised that further detailed information will be required before built development is undertaken.
- 7.121. In light of the advice from Southern Water and the EA, a comprehensive remediation plan would be required, secured via condition [condition 5], to ensure that there is no risk to public ground water supplies. The EA also require a number of other contamination measures be secured via conditions [conditions 6-10].

Summary

- 7.122. It is recognised that the developed nature of the site has made it difficult for detailed testing to be carried out, particularly with regard to ground water. However, with the recommended conditions, the EA and Southern Water are satisfied that the risk to public ground water supplies is fully taken into account. Further, Southern Water have evidenced their acceptance of surface water and foul water drainage into the existing foul sewer, subject to a number of measures to be secured. On this basis, the proposed development would accord with SDNP Policies SD17, SD49 and SD50 and LNP Policies PL3 and PL1B.

Noise and Air Quality

- 7.123. Policy SD54 requires proposals to consider potential impacts on noise and air quality. Potential adverse impacts from noise should be mitigated and reduced to a minimum, and opportunities to improve air quality or mitigate impacts should be identified, taking into account Air Quality Management Areas (AQMA) and the cumulative impacts from individual sites in local areas.
- 7.124. The application site is located some 800m to the west of the Lewes Town Centre AQMA and is therefore not within or adjacent to the AQMA. Notwithstanding this, the Lewes Specialist Advisor for air quality considers that insufficient information has been submitted in order to assess the impact of the development on air quality. Their advice is that the application should be supported by an air quality and an emissions mitigation assessment, prepared in accordance with the Institute of Air Quality Management (IAQM) best practice guidance and the Air Quality and Emissions Mitigation Guidance for Sussex (2021).
- 7.125. The applicant has made the case to the Specialist Advisor that in the ‘screening’ process for the requested air quality and an emissions mitigation assessment within the stated guidance is as the application is identified as being a ‘Major Application’ (i.e. more than 10 dwellings), the checklist states that an Assessment will be required, unless otherwise agreed in writing with the Air Quality Officer. The applicant contended that it is not considered that a material amount of traffic associated with the residential development proposals would pass through the AQMA and that there is no material significance associated with the potential traffic generation, ESCC Highway Authority did not require a trip generation assessment as part of the current or previous applications on this site.
- 7.126. In their response to the applicant’s query regarding the requirement for an Assessment, the Specialist Advisor stated that a detailed air quality assessment will not be necessary for this development however the applicant will be required to submit a simple assessment detailing construction impact and control measures for mitigation alongside a damage cost calculation.
- 7.127. The SDNPA has signed up to the recently updated Lewes Air Quality Management Action

Plan, but the Air Quality and Emissions Mitigation Guidance has not been adopted as a Supplementary Planning Document by the Authority, so it is not able insist on the submission of an 'Emissions Mitigation Statement, as advised by the Lewes Specialist Advisor or the damage cost payments that would be associated as part of the assessment. Notwithstanding this, it is recognised that the guidance is helpful in setting out mitigation measures which would be beneficial in mitigating the impact that new developments may have on local air quality.

- 7.128. As set out elsewhere in this report, the proposed development incorporates a number of measures which would contribute positively towards mitigation. These are:
- Air source heat pumps for every dwelling.
 - EV chargers for all 17 parking spaces proposed.
 - 68 secure cycle spaces.
 - Pedestrian access improvements including a new section of footway on De Montfort Road and the provision of two twittens through the site.
 - Provision to ensure that each household receives three years membership of the local car club together with £50 drivetime.
 - A contribution towards Real Time Information Signs at four local bus stops.
- 7.129. It is noted that a number of these measures are given as mitigation measures within the Air Quality and Emissions Mitigation Guidance. These measures would all be secured via condition. Measures to control dust will be included as part of part of a Construction Environmental Management Plan (CEMP) required via condition [condition 29]. The application also includes a range of sustainability measures as set out in the above report. On this basis, Officers are satisfied that the proposed development has already incorporated a range of air quality mitigation measures which would be robustly secured.
- 7.130. With regard to noise, Officers acknowledge the concerns raised regarding noise and disturbance during the construction process. It is recognised that the construction of this constrained site is likely to result in inconvenience and a level of disruption. However, it is further recognised that it is transitory and would cease once the development was complete.
- 7.131. The introduction of residential dwellings in a predominantly residential area is considered acceptable. The previous applications were dismissed in part owing to the potential for noise and disturbance to neighbouring occupiers from the proposed terraces. The current proposal has not included terraces to the front of the dwellings. Instead, semi-private and communal amenity spaces have been provided in the centre of the site, thus away from nearby receptors. This arrangement is considered acceptable. The CEMP noted above would require detail in relation to managing the construction process.

Summary

- 7.132. Given the site's separation from the AQMA and no concerns raised by ESCC Highway Authority in relation to an increase in traffic, Officers are satisfied that the application does not conflict with Policy SD54 in terms of impact on air quality and noise.

Planning Balance and Conclusion

- 7.133. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies in the Development Plan, unless material considerations indicate otherwise. In a National Park, the acceptability of any proposal also depends on whether it is capable of meeting the statutory purposes and duty.
- 7.134. The proposal delivers on the in-principle Neighbourhood Plan allocation for residential development. It provides 27 homes with 2 affordable dwellings on an existing brownfield site in a highly sustainable location within the National Park. A review and clawback mechanism

would be secured via the Section 106 agreement, to provide the opportunity to revisit the scheme's viability with a view to achieving a greater affordable housing provision.

- 7.135. The scheme has been iteratively designed with input from Officers, responding positively to comments and advice from consultees. The amended proposal addresses queries raised regarding BNG, drainage, groundwater protection and highways. A number of enhancements to public transport and pedestrian connectivity would be secured.
- 7.136. Officers consider that the proposal development has overcome the reasons why the previous schemes were dismissed at appeal, namely the harm to the character and appearance of the area and setting of adjacent heritage assets, the harm to residential amenity, the poor standard of accommodation offered and the inappropriate housing mix. The protected hornbeam trees would be retained and given more space and light at the canopies. Further enhancements would be secured via a landscaping scheme.
- 7.137. The proposal is considered to meet the requirements of allocation policy PL1B (3) and other relevant development plan policies and there are no overriding material considerations to indicate that permission should not be granted.

8. Reason for Recommendation and Conditions

8.1. It is recommended:

- 1) That planning permission be granted subject to:
 - i. The satisfactory completion of a Section 106 Agreement, the final form of wording for which is delegated to the Director of Placemaking, to secure:
 - 2 affordable homes, as set out in the report;
 - A review and clawback mechanism in relation to affordable housing provision.
 - Highways contributions and requirements, as set out in the report.
 - ii. The conditions set out at Paragraph 8.1 of the report and any amendments or other conditions as required and/or to address technical matters.
- 2) That authority be delegated to the Director of Placemaking to refuse Planning Permission, with appropriate reasons, if the legal agreement is not completed, or insufficient progress made, within six months of the 14 May 2026 Planning Committee Meeting.

Planning Conditions and Reasons

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved plans and documents

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.

Design and heritage

3. No development above slab level shall be commenced unless and until a schedule of materials and samples of such materials, finishes and colours to be used for external walls, windows and doors, roofs, meter boxes and services for the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of landscape character and preserving the setting of the Conservation Area in accordance with SD4, SD5, SD12 and SD13 and the SDNPA Design Guide SPD.

4. No development above slab level shall be commenced unless and until the follow details are submitted to and approved in writing by the Local Planning Authority:
 - a) 1:5 sections of all windows and 1:10 elevations of all windows and doors must be provided, and include material specifications, colour finish and opening mechanisms.
 - b) The locations of all flues, extracts, vents and ducts, must be provided on elevation plans alongside details of their scale, material, design, and finish.
 - c) Details of all rainwater goods, which shall be cast metal, painted black, with profiles of gutters.
 - d) 1:10 elevations on the design, appearance, material and maintenance of the car park vents to be provided, with the details of artwork fully specified.
 - e) Details of all rooflights; which shall be flush fitting metal conservation rooflights with a vertical glazing bar.
 - f) Fully scaled elevations and sections of all dormer windows to be submitted and agreed and include material specifications, finishes, rebates and eaves details.
 - g) The design, material, method of fixing and finish of all railings across the site to be provided.
 - h) Measures to protect the western boundary wall of the adjacent dwelling no. 117 Western Road.

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

Reason: In the interests of landscape character and preserving the setting of the Conservation Area in accordance with SD4, SD5, SD12 and SD13 and the SDNPA Design Guide SPD.

Contamination, water and drainage

5. Prior to each phase of development approved by this planning permission no construction shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - a) A preliminary risk assessment which has identified:
 - I. all previous uses;
 - II. potential contaminants associated with those uses;
 - III. a conceptual model of the site indicating sources, pathways and receptors; and
 - IV. potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme including sampling post demolition in areas which will then be accessible, based on (I) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - c) The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full

details of the remediation measures required and how they are to be undertaken.

- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To eliminate the risks to Southern Water's public water supply.

6. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To eliminate the risks to Southern Water's public water supply.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To eliminate the risks to Southern Water's public water supply.

8. Strictly no foundation demolition or foundation breaking shall occur until a detailed Foundation Design Assessment is submitted to, and approved in writing, by the local planning authority. The assessment shall include consideration of turbidity generation, potential from grout loss into fractures, and demonstrate appropriate mitigation measures. Piling is strictly prohibited. The works shall be carried out in strict accordance with the approved foundation design.

Reason: To eliminate the risks to Southern Water's public water supply.

9. Strictly no foundation demolition or foundation breaking shall occur until a full and detail ground investigation has been completed, submitted to, and approved in writing, by the local planning authority. The investigation shall analyse an expanded suite of contaminants to cover all potential pollutants relevant to the site's previous use.

Reason: To eliminate the risks to Southern Water's public water supply.

10. Prior to the commencement of development, a scheme of measures to be undertaken to protect/divert the public water main shall be submitted to, and approved in writing, by the local planning authority. The scheme shall thereafter be undertaken and maintained in full accordance with the approved details.

Reason: To eliminate the risks to Southern Water's public water supply.

11. No development shall commence until a detailed sustainable surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Surface water discharge rates not exceeding 1.0 l/s for all rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
- b) The details of the outfall of the proposed attenuation and how it connects into the

sewer should be provided as part of the detailed design. This should include cross sections and invert levels.

- c) The condition of the sewer which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.
- d) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- e) A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
 - i. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
 - ii. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

The scheme shall thereafter be undertaken and maintained in full accordance with the approved details.

Reason: To ensure satisfactory provision of surface water drainage. 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.

- 12. Prior to occupation of the development, evidence including surveys, as built plans, site records and photographs as necessary) should be submitted showing that the drainage systems has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure satisfactory provision of foul water drainage. 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.

Archaeology

- 13. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the recording of any items of historical or archaeological interest, in accordance with policies SD12 and SD16 of the SDNP Local Plan 2019 coupled with the NPPF 2025.

- 14. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.

Reason: To enable the recording of any items of historical or archaeological interest, in

accordance with policies SD12 and SD16 of the SDNP Local Plan 2019 coupled with the NPPF 2025.

15. Prior to the commencement of development and subsequent to an approved archaeological site investigation a construction method statement to show the preservation in-situ of significant archaeological remains shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the recording of any items of historical or archaeological interest, in accordance with policies SD12 and SD16 of the SDNP Local Plan 2019 coupled with the NPPF 2025.

Removal of Permitted Development Rights

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order or revoking and re-enacting that order with or without modification), no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the development without the prior permission of the Local Planning Authority pursuant to an application for the purpose.

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

17. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure and no building as defined in Section 336 of the Town and Country Planning Act 1990 shall be erected at the site, unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

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

Dark Skies and amenity

18. Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of nighttime amenity, tranquillity and protect and conserve the International Dark night Skies.

Landscaping and trees

19. Notwithstanding any submitted landscaping and arboricultural details, prior to the commencement of the development hereby permitted, a detailed scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. The scheme shall include details of, but not be limited to:

- a) Proposed planting plans and schedules of plants and trees, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment, to be sourced from a peat-free nursery;
- b) Native planting within the public realm;
- c) Tulip tree-pit construction, showing root soil volume;
- d) Location of services and utilities in relation to planted areas;

- e) Location, height and materials/construction technique for all boundary treatments including gates;
- f) Treatment of surfaces, paths and access ways;
- g) A timetable for implementation of the soft and hard landscaping works;
- h) 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, in accordance with SD2, SD4 and SD5, and the SDNPA Design Guide SPD. To eliminate the risks to Southern Water's public water supply.

20. The footprint of the proposed building shall be no less than 5 meters from tree T1 and 5.3m from T3, as per the submitted Tree Comparison Overlay plan (1389-DR-A-50-800 REV 02).

Reason: For the purpose of preserving the amenity value of two trees subject to a TPO set out in the Town and Country Planning Act 1990 and in accordance with SDNP Policy SD11.

21. The development hereby approved shall be carried out in strict accordance with the submitted Arboricultural Report by Southern Beeches Ltd, dated 21st November 2025. This includes the Tree Protection and Supervision measures set out within the report. The tree protection measures shall be fully erected prior to the commencement of development.

Reason: For the purpose of safeguarding and enhancing the character and amenity of the site and locality and to avoid any irreversible damage to retained trees as set out in the Town and Country Planning Act 1990 and in accordance with SDNP Policy SD11.

Highway, parking and cycling

22. No development shall commence until the two existing accesses onto Spital Road shown on the submitted plans have been stopped up and the kerb and footway reinstated in accordance with details that shall be submitted to and approved in writing by the Planning Authority .

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

23. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided in both directions at the proposed site vehicular access onto Spital Road in accordance with the approved plans (Proposed Site Plan 1389-DR-A-30-001 REV 04). The splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

24. No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular

access onto Spital Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

25. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

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

26. The development shall not be occupied until covered and secure cycle parking areas have been provided in accordance with the approved plans (Proposed Site Plan 1389-DR-A-30-001 REV 04) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and in the interest of air quality.

27. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be obstructed.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

28. The development shall not be occupied until details of any gate/s to be erected across the access point has been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the gates shall be positioned at least 6m back from the edge of the highway [and open inwards] in order that a vehicle may wait clear of the highway whilst the gate is being operated.

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles

29. No development shall take place, including any ground works or works of demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
- a) the anticipated number, frequency and types of vehicles used during construction,
 - b) the method of access and egress and routeing of vehicles,
 - c) the parking of vehicles by site operatives and visitors,
 - d) the loading and unloading of plant, materials and waste,
 - e) the storage of plant and materials used in construction of the development,
 - f) the erection and maintenance of security hoarding,
 - g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - h) arrangement of holding areas for construction vehicles
 - i) details of public engagement both prior to and during construction works.

- j) a statement of proposals to minimise dust emissions written in accordance with the IAQM Guidance on the Assessment of Dust from Demolition and Construction.
- k) measures to manage flood risk, both on and off the site, during the construction phase.

Reason: In the interests of highway safety, to manage flood risk, air quality and the amenities of the area.

30. Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority,.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

31. A Travel Plan Pack for each household shall be provided upon occupation to include bus and rail timetables, car club information.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

Sustainable Construction

32. Prior to the commencement of the development hereby permitted, detailed information in a Design-Stage Sustainable Construction Report in the form of:

- 1) Design-stage SAP 10 assessments for each dwelling;
- 2) Design-stage BRE water calculations; and
- 3) Product Specifications (including EV charging point and ASHP);
- 4) Sustainable materials strategy and building design details and demonstrating that each dwelling will:
 - a) Reduce predicted CO₂ emissions using energy efficiency in the building fabric and low and zero carbon technologies by a minimum of 12% in total (Part L1A 2021) supported by design stage SAP 10 assessments for each residential unit .
 - b) Provide the EV charge points as shown on the approved plans with a minimum power rating output of 7kW and a universal socket;
 - c) Have predicted water consumption of no more than 110 litres/person/day per dwelling;
 - d) Have separate internal bin collection for recyclables matching local waste collection services;
 - e) Dwellings be designed to minimise overheating risk,
 - f) In the case of plots x to x (north-eastern corner of the site) to demonstrate, via a Passivhaus certificate that these dwellings meet the Passivhaus standard.
 - g) Shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be built in full accordance with these approved details.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

33. No later than six months after the last occupation of the development, detailed information in a Post Construction Stage Sustainable Construction Report demonstrating how the development has been carried out in accordance with all of the

requirements set out in Condition 32 shall be submitted to, and approved in writing by, the Local Planning Authority. This documentary evidence shall include, but shall not be limited to, as built SAP and SBEM data, and as built stage BRE water calculator.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change, in accordance with SD2, SD48 and the SDNPA Sustainable Construction SPD.

Ecology

34. No development shall take place until an ecological design strategy (EDS) addressing enhancement for birds, bats, hedgehog, landscape planting and green walls has been submitted to and approved in writing by the local planning authority. The EDS must demonstrate the following is embedded into the scheme's design/layout: hedgehog highways with signage for residents; landscape planting with minimum 75% native or non-native species of recognised wildlife value; green wall supporting structures fixed minimum 200mm off facades; minimum 27No. bird bricks/boxes with provision focussed on swift and minimum 27No. bat bricks/boxes/access tiles (comprising maximum 20No. access tiles).

The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) number, extent and location/area of proposed works on appropriate scale maps and plans;
- e) type and source of materials e.g. native species of local provenance;
- f) timetable for implementation demonstrating works are aligned with any phasing;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the NERC Act (2006), paragraphs 187 and 193 of the NPPF (2024) and local policies.

Biodiversity Net Gain

35. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority; and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be 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 are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

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. Section 106 Legal Agreement

This permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

2. Community Infrastructure Levy

The proposed development referred to in this planning permission is liable to pay the Community Infrastructure Levy (CIL).

In accordance with CIL Regulations 2010 (as amended), the South Downs National Park Authority will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable.

Please note that failure to comply with the CIL Regulations may result in you forfeiting any reliefs which might be available.

Further details on CIL can be found on the South Downs National Park Authority website. If you have any further questions, then please email CIL@southdowns.gov.uk.

3. Pre-commencement Conditions

This permission contains pre-commencement conditions which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development / works cannot be made until the particular requirements of the pre-commencement conditions have been met.

Please be advised that a formal consent will need to be made to discharge the details of these conditions. This process may be subject to a fee.

Please also note that this approval process may take up to 8 weeks from the date of the request.

4. Approved Plans

The development hereby permitted must be carried out in accordance with the approved plans and specifications unless the prior approval in writing of the Local Planning Authority has been obtained.

If changes are proposed, you should first contact the Local Planning Authority to obtain the necessary approval. Any changes carried out without permission may render the applicant / developer liable to enforcement, stop notice or other legal proceedings in order to rectify the matter.

5. Wildlife and Countryside Legislation

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 of being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees, scrub, dense planted shrubs and buildings/structures are the more typical habitats likely to contain nesting birds between 01 March and 31 August inclusive.

Trees and buildings 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.

6. Ecology

Swift bricks/boxes can be placed on any elevation, but must avoid areas that are exposed to extended periods of direct sunlight or prevailing weather conditions, with shade casting eaves and gable ends being optimum locations. They should be installed in groups of at least three, approximately 1m apart, at a height no lower than 4m (ideally 5m or above), and preferably with a 5m clearance between the host building and other buildings, trees or obstructions. Where possible avoid siting them above windows, doors and near to ledges/perches where predators could gain access. Always use models that are compatible with UK brick/block sizes and consider the potential for moisture incursion and cold spots in the building design. Swift bricks should be used unless these are not practical due to the nature of construction (or other design constraints), in which case evidence should be provided of this and alternative designs of suitable swift boxes should be provided in their place.

7. Commencement Notices

Under Section 93G of the Town and Country Planning Act 1990 (as amended), this decision notice informs you that a ‘commencement notice’ must be served on the Local Planning Authority – subsections (2) and (3) are set out below:

- (1) Before the development is begun, the person proposing to carry it out must give a notice (a “commencement notice”) to the local planning authority specifying the date on which the person expects the development to be begun.
- (2) Once a person has given a commencement notice, the person—
 - may give a further commencement notice substituting a new date for the date previously given, and
 - must do so if the development is not commenced on the date previously given.

The notice should be provided to the Local Planning Authority a minimum of seven (7) days before the development commences.

Failure to provide the commencement notice could lead to the Local Planning Authority serving notice on them to require information to be provided, and if that is not provided within 21 days, they will be guilty of an offence, as below:

- (1) Where it appears to the local planning authority that a person has failed to comply with the requirements of subsection (2) or (3)(b), they may serve a notice on any relevant person requiring the relevant person to give the authority such of the information prescribed under subsection (4)(a) as the notice may specify.
- (2) A person on whom a notice under subsection (5) is served is guilty of an offence if they fail to give the information required by the notice within the period of 21 days beginning with the day on which it was served.
- (3) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PLEASE NOTE: The requirement under Section 93G of the Town and Country Planning Act

1990 (as amended) is separate from any requirements under the Community Infrastructure Levy Regulations 2010 (as amended) or any requirements for serving notices secured through the signed Section 106 Legal Agreement.

8. Building Regulations

Compliance with the Building Regulations will be required and before commencing works, it is recommended that discussions take place with the Building Control section of Lewes District Council.

Where a building regulations approval differs from your planning permission, you should discuss this matter with the Local Planning Authority.

9. Highways

- a) Due to the availability of and demand for on-street parking in the vicinity of the site applicant should be made aware that on-parking permits are not likely to be issued for this site. The applicant should be aware that in accordance with Article 23 of the Lewes Parking Order dated 28th December 2007, residents of this development are unlikely to be eligible for on-street parking permits.
- b) This Authority's requirements associated with this development proposal will need to be secured through a Section [106/278] Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- c) The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193).
- d) The applicant is advised that the erection of temporary directional signage should be agreed with East Sussex Highways (01345 6080193) prior to any signage being installed.
- e) The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the East Sussex Highways Network Co-ordination team (0845 6080193). Furthermore, the applicant is advised that the New Roads & Street Works Act 1991 (NRSWA), as amended by the Transport Act 2000 and the Traffic Management Act 2004 (TMA), contains provision for highway authorities to operate lane rental schemes that involve charging developers for the time their works occupy the highway on the busiest roads (approximately 6%) within the County. In accordance with the Scope of the East Sussex Lane Rental Scheme (ESLRS), East Sussex County Council (ESCC) will apply a daily charge for the duration of the specified activities carried out by developers/contractors at specified locations during the specified times and days.

10. Southern Water

- a) The 152mm diameter water main requires a clearance of 6 meters on either side of the water main to protect it from construction works and to allow for future maintenance. No excavation, mounding or tree planting should be carried out within 6 meters of the external edge of the public water main without consent from Southern

Water. All existing infrastructure, including protective coatings and cathodic protection should be protected during the course of the construction works.

- b) Southern Water requires a formal application for connection to the public sewer to be made by the applicant or developer.
- c) If it is the intention of the developer for Southern Water to adopt the proposed SuDS, the system shall be design and constructed in line with the Design and Construction Guidance.
- d) No soakaways should be connected to the public surface water sewer.
- e) Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, an adoption of SuDS will be considered if requested by the developer if they comply with: Design and Construction Guidance (Appendix C), CIRIA guidance and Southern Water SuDS Guidance.
- f) Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for long-term maintenance of SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation throughout its lifetime. This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991.

- g) In order to protect and safeguard the existing water supply apparatus, Southern Water requests formal notification of any proposed demolition works prior to such works being undertaken.
- h) We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains. Reference should be made to Southern Water's publication 'A Guide to Tree Planting near Water Mains and Sewers'.

TIM SLANEY

Director of Placemaking

South Downs National Park Authority

Contact Officer: Philippa Smyth

Tel: 01730 819296

Email: Philippa.Smyth@southdowns.gov.uk

Appendix: 1 – Information concerning consideration of applications before committee
2 – Appeal Decisions 3269823 & 3295783

SDNPA Consultees: Director of Placemaking, Legal Services

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

