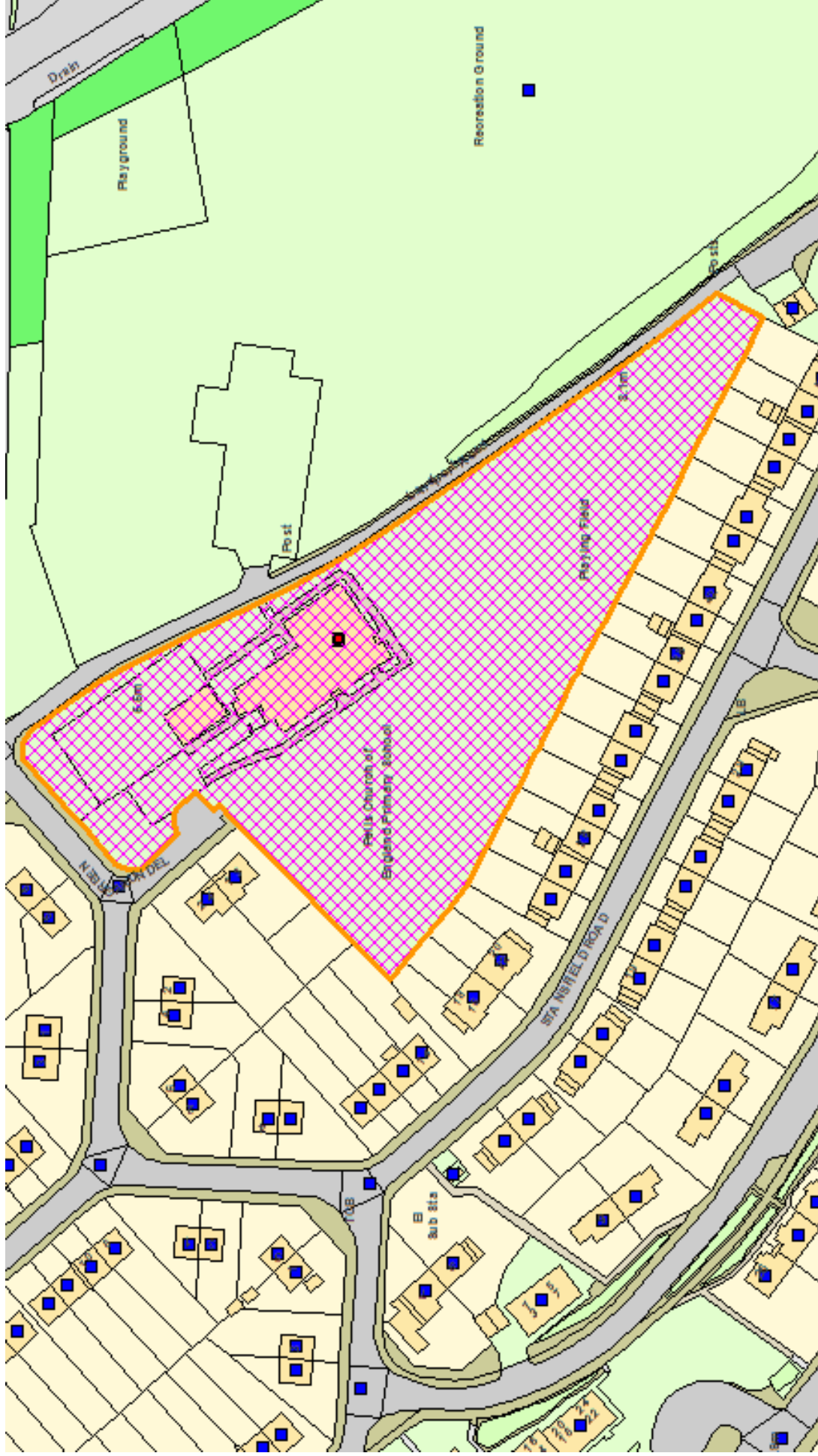


Report to	Planning Committee
Date	10 February 2022
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/20/05799/FUL
Applicant	Raven Housing Trust
Application	The demolition of the Former Pells Church of England Primary School and the erection of 32 affordable residential units (Use Class C3), associated landscaping, car parking, cycle parking and all other associated works.
Address	Pells C of E Primary School, Landport Road, Lewes BN7 2SU

Recommendation:

- 1) That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report and a legal agreement, the final form of which is delegated to the Director of Planning, to secure:
 - i) 32 affordable homes of the following mix and tenure:
 - 2No 2-bedroom and 12No 3-bedroom semi-detached dwellings (shared ownership)
 - 4No 1-bedroom and 10No 2-bedroom flats (affordable rental)
 - 4No 1-bedroom flats (Lewes Low Cost Housing)
 - ii) Highway works associated with:
 - Access from Arundel Green including, visibility splays and closure of existing access;
 - Provision of 2No on-street parking bays on the Arundel Green Spur;
 - The new footway along Arundel Green/Arundel Green spur;
 - Removal of relevant signage/barriers and associated lines on the public highway associated with the existing school keep clear markings;
 - Crossing points across Arundel Green Spur road at its junction with Lee Road/Arundel Green Road and across the access point;
 - iii) A £5K administrative contribution towards a Traffic Regulation Order for implementation of any parking restrictions required on and/or extension to the 20mph within the site;
 - iv) A permissive foot/cycle path through the site for public use;
 - v) Community use of the forest schools area.
 - 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress has been made within 6 months of the Planning Committee meeting of 10 February 2022.
-

Site Location Map



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Executive Summary

Key Matters

- The site is outside the Settlement Boundary of Lewes, and has therefore been treated as a rural exception site;
- Pells CofE Primary School closed permanently in August 2017. The site is in the ownership of the applicant, who is a Registered Provider of social housing, and would be managed by the applicant ongoing;
- The proposal is for 32 100% affordable homes of the following mix/tenure:
 - 2No 2-bedroom and 12No 3-bedroom semi-detached dwellings (shared ownership)
 - 8No 1-bedroom and 10x 2-bedroom flats (affordable rental)
 - Four of the 1 bedroom flats would be Lewes Low Cost Housing units (12.5%)
- A s106 agreement to secure the affordable homes is at an advanced stage of preparation should Members resolve to approve the application;
- The development would achieve Net Zero Carbon via the use of Modern Methods of Construction to improve the energy efficiency of buildings and reduce construction waste;
- The applicant has engaged collaboratively with officers to address the design and layout of buildings, open space, access, parking and sustainable drainage features, to ensure the development conserves and enhances landscape character, and achieves multifunctional benefits including biodiversity net gain and wellbeing;
- The application has been brought before Members as it is the re-use of a former community asset, and Lewes Town Council have objected to the proposal;
- The concerns raised by Lewes Town Council relate to a number of matters, most of which have been addressed through amendments to the scheme, or are secured via conditions. From the last representation received on 2 December 2021, prior to the finally amended scheme being submitted, the remaining concerns that are not substantially dealt with or secured via condition are:
 - The school should have remained open given future developments in Lewes and shortage of school spaces;
 - Increased traffic impacts and lack of parking spaces; car share scheme should be implemented;
 - The flats are substandard;
 - Insufficient 1-2 bedroom dwellings to reflect local housing need, and lack of housing for older people.

I. Site Description

- 1.1 The site comprises a wedge-shaped brownfield site of approximately 0.9ha located just outside the settlement boundary of Lewes, which runs alongside the south-western boundary of the site. The site was formerly in use as a primary school, which was permanently closed in 2017.
- 1.2 The site is located towards the bottom of the western slope of the Ouse Valley, with a drop in height across the site of approximately 3m. The surrounding post-war Landport Estate to the north, south and west rises up the valley slope, and is strongly residential in character, with a dense 'honeycomb' road network. The site would be accessed through the Landport Estate, which itself is accessed from the A2029/Offham Road via the Kingsley Road overpass.
- 1.3 Approximately 20% of the site is taken up by former school buildings, which are single storey, with the remainder comprising hard surfaced play and parking areas and a grassed school playing field. There is a small treed area (approximately 500sqm) with a pond in the southern part of the site which was used for forest schools groups when the school was operational. The north-eastern edge of the site is bounded by Landport Road, which is open

to pedestrians and cyclists, with Landport Recreation Ground beyond, which is a designated Local Community Space and Lewes Bonfire site. There are further areas of Local Green Space to the east and north east known as the Pells Floodplain and Riverside Walk, and Landport Floodplain.

- 1.4 The site mainly falls within Flood Zone 1 however is located next to a Flood Zone 3 area, with small sections along the north eastern boundary falling within Flood Zone 2. The site is also susceptible to ground water flooding, with a relatively high water table and falls within groundwater Source Protection Zone 3.
- 1.5 The site lies approximately 550m to the south of Offham Brooks Site of Special Scientific Interest (SSSI), and within the Impact Risk Zones of this and five other SSSIs including Lewes Downs (1.3km E), Offham Marshes (0.47km NW), Lewes Brooks, Southerham Works Pit (1.6km SE), Southerham Machine Bottom Pit (2.5km SE) and Southerham Grey Pit (2km SE). The Disused Railway Line, South Malling Local Wildlife Site (LWS) lies c. 487m north east.

2. Relevant Planning History

2.1 The most recent planning history relating to the site is as follows:

- SDNP/17/03766/PRE Change of use to residential. Advice provided 25.08.2017

The advice stated that as the brownfield site was immediately adjacent to the settlement boundary, residential use may be acceptable with affordable housing.

- SDNP/18/05751/PRE Proposed development comprising a 45 unit residential scheme. Advice provided 04.12.2019

The advice stated that given the location of the site outside the settlement boundary, the site should be treated as a rural exception site i.e. 100% affordable housing. The mix and tenure of homes should respond to an evidenced local need. A successful proposal would need to ensure adequate amenity space, enhanced permeability/connectivity with the wider area and deliver biodiversity, ecosystem services and wellbeing gains.

3. Proposal

3.1 The application seeks to provide 32 affordable homes of the following mix tenure:

Tenure	1 Bed Flat	2 Bed Flat	2 Bed House	3 Bed House	Tenure %
Shared Ownership Initial share 35%, capped at 80%	0	0	2	12	43.75%
Affordable Rent	4	10	0	0	43.75%
Lewes Low Cost Housing	4	0	0	0	12.5%
TOTAL	8	10	2	12	100%

3.2 The mix percentage is as follows:

- 1 Bed dwellings = 25%
- 2 Bed dwellings = 37.5%
- 3 Bed dwellings = 37.5%

3.3 The accommodation would be arranged along a new access road which follows the site's existing contours. The flatted accommodation would be provided within two apartment blocks at the northern end, and a further block at the southern end of the site. The Lewes Low Cost Housing homes would be units 9-12, which are one bedroom flats. The shared ownership houses would have private gardens, with communal areas of multifunctional green

space for all occupants, which includes an attenuation pond and additional soft planting. The existing treed area (approximately 500sqm) and dry pond in the southernmost part of the site would be enhanced and restored, and retained for a forest schools community use.

- 3.4 The development aims to achieve operational Net Zero Carbon via the use of Modern Methods of Construction (MMC), including insulated panels and 3D units which would be factory produced and assembled on site. MMC is a recognised alternative to standard construction methods designed to improve the energy efficiency of buildings and reduce waste during construction. The facades would be finished with mixed brick slips with dark (brown) tile roofs. Renewable energy sources would be provided in the form of air source heat pumps, and photovoltaic panels.
- 3.5 Vehicular access would be provided from Arundel Green, and 49 parking spaces and a proposed 18 cycle spaces provided within the development site. There would also be two access routes (one pedestrian, one shared pedestrian and cycle) onto Landport Road, which is a public right of way that connects to Lewes town centre, and the recreation ground opposite. A separate pedestrian access from Landport Road would also be provided to allow public access to the forest schools area.

4. Consultations

4.1 **Archaeology:** No objection, subject to condition.

4.2 **Design Officer:** No objection, subject to conditions.

- Development slightly exceeds site capacity, however negative impacts have been addressed;
- The amended layout and position of routes and buildings allows for improved public realm and green infrastructure and is supported;
- Arrangement of buildings allows for solar gain and PV potential, however additional openings on side elevations of some buildings would improve natural light and solar gain;
- Form and scale of buildings is supported, however a variety of materials should be used to avoid a monotonous appearance and better reflect character of Lewes;
- Rear hip on units 19-32 increases perceived mass;
- Large trees on both sides of the access could provide pinch points and shade;
- Surfacing materials should reflect hierarchy of routes;
- Green roofs, appropriate boundary treatments and increased cycle storage should be secured via conditions;
- 50% of the units should have step-free access in accordance with the emerging Design SPD.

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

4.4 **Environment Agency:** No objection, subject to condition.

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

4.6 **ESCC Highway Authority:** No objection subject to conditions.

4.7 **Landscape Officer:** No objection, subject to conditions.

- The benefits of a wholly affordable, zero carbon scheme are acknowledged and supported;
- The applicant has taken on board officer advice and made further positive changes to the scheme including;
 - Consolidation and relocation of refuse/cycle storage;
 - Relocation of the footpath along the front of the semi-detached dwellings to provide a car-free route through the site;

- Space for green infrastructure and a shared swale along the frontage of units 19-32 to improve the public realm and assist with surface water management;
- Tree planting will filter views of the single material brick façade; however should maximise canopy area and be planted closer out to the access road to assist growth and provide sense of narrowing to deter speeding;
- Conditions will need to secure:
 - Appropriate boundary treatments;
 - Characteristic habitats;
 - Drainage features designed to benefit wildlife;
 - Locally characteristic, native tree species.

4.8 **Lewes Town Council:** Objections during course of the application; objection sustained to revised scheme:

Received prior to submission of final plans:

- Loss of school is deplored, given new development proposed in Lewes and shortage of school spaces;
- No indication that Lewes Low-Cost Housing will be provided;
- Proposed 'flats' will be of substandard quality;
- Insufficient 1-2 bedroom dwellings to reflect local housing need, and lack of housing for older people;
- Does not propose maximum possible density and includes welcome elements such as renewable energy sources;
- Concerns regarding vehicular access, construction traffic and pressure on Kingsley Road and lack of parking spaces;
- School use generated pedestrian rather than vehicular movements;
- Walking times in submitted transport statement are not realistic;
- Public transport should be encouraged, and a car share scheme implemented;
- Only 20% of dwellings would have EV charging points;
- The importance of Community Infrastructure Levy funding for public transport and improved cycle access.

Received following submission of final plans:

- Previous comments made by the Council have not been responded to;
- Comments made by the Friends of Lewes, Cycle Lewes and the County Archaeologist are supported;
- Lack of adequate provision for Low-Cost Housing;
- The proposed flats are of substandard quality;
- The orientation of the buildings does not allow for solar gain and windows look out on to the car park;
- The development would be taller than the original building;
- Failure to address air quality impacts;
- Lack of accessibility for wheelchairs and pushchairs;
- Insufficient management of construction traffic onto the development site and pressure on Kingsley Road;
- Cynical approach to sustainable travel, with poorly located cycle storage;

- The importance of Community Infrastructure Levy funding towards public transport infrastructure and improved cycle access on the bridge;
- Cabbage Walk should be upgraded [to a cycle route].

4.9 **Lewes Waste: Comments:**

- Concern that 12m refuse vehicles will not be able to access the site if vehicles are parked along the Arundel Green spur;
- 2 dedicated parking bays on the Arundel Green spur would address this issue.

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

4.11 **Natural England:** No objection.

4.12 **Planning Policy:** Support.

- The site is outside the Settlement Policy Boundary and 100% affordable homes are proposed in line with rural exception sites under Policy SD29;
- No proposals for alternative community uses were received during the public consultation run by the County Council at the time of the school closure, or in the four years since the school closed;
- The loss of the community use can be balanced against the benefits of a 100% affordable housing scheme in a sustainable location;
- There are few opportunities in Lewes to achieve such a level of affordable housing, taking into account the viability challenges of brownfield sites typically coming forward for development in the town;
- The tenure split of 18 affordable rent and 14 shared ownership is considered acceptable given the Local Plan emphasis on providing rented affordable tenure;
- 4 No Lewes Low Cost Homes are included which is welcome and is considered, based on the information provided, the maximum deliverable in line with Policy PL1A of the Lewes NDP.

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

4.14 **Tree Officer:** No objection, subject to conditions.

5. Representations

Objections

5.1 11 letters of objection, including from Friends of Lewes and Cycle Lewes, and three neutral responses, including from the Friends of the South Downs (The South Downs Society), were received during the course of the application and prior to the submission of final plans. These raise the following concerns:

Principle

- Irreversible loss of a school sustainably located to serve North Street Quarter and Old Malling Farm sites, and shortage of primary school places;
- Site should be redeveloped in phases, retaining school building for educational use;
- The playing fields should be retained for community use;
- Development of the site is premature, and not required to meet housing numbers;
- Unclear how educational demands arising from the development will be met;
- The developer should regenerate the recreation facilities to the north;
- Housing mix should better reflect the local need for small dwellings;
- No evidence to support proposed tenure;

- Provision should be made for Lewes Low Cost Housing, and housing for elderly/ those with special needs;

Design and Landscape Impacts

- Site is not large enough for 32 dwellings;
- Layout is prosaic and not landscape-led;
- Will erode transition between the housing estate and open countryside;
- Height of new development exceeds existing school building;
- Height of units 1-18 will impact downland views from dwellings along Stansfield Road and Lee Road;
- Flatted blocks exacerbate high density of Landport Estate and cramped road network;
- Housing designs are generic and appear 'off the shelf;'
- Design of flats remains poor; flats 1-4, 9-12 and 15-18 have habitable rooms facing north west; long entrance corridors, past bedrooms and bathroom to get to the living room; entrance doors opening directly into the Living/Dining area without an entrance lobby and outlook out onto parked cars;
- Poor relationship between flatted blocks and areas between them;
- Flats will not have any private gardens;
- Rear gardens of nos. 29-32 are disproportionately large; dwellings should be pushed back southwards to provide more shared amenity space;
- Rear gardens of nos. 29-32 should not be reduced as this will bring dwellings closer to garden of No 14 Stansfield Road;
- Shared space will be hazardous to children;
- Accessible playground should be provided;
- Photo-voltaic panels should be installed on each building;
- Construction impacts to trees and wild life;
- No swift boxes included.
- Concerns with regard to flood risk, water run-off, drainage and sewage arrangements;

Access and Highways

- Will exacerbate existing traffic congestion, pollution and on street parking problems in Landport Estate;
- Increased pressure on single access to the Landport Estate via the overpass off Offham Road, and bus route;
- Landport Estate roads only accommodate single file traffic with on-coming vehicles having to wait;
- Risk that pedestrian route to the park and town will become unsafe;
- The proposed development is car-led with insufficient efforts to encourage sustainable transport;
- Number of car parking spaces should be reduced and provision made for car club and e-bikes;
- EV and mobility scooter charging points should be provided for all dwellings;
- Layout is not pedestrian or cycle friendly, with no safe cycle route into town;
- Better cycle routes need to be promoted and provided;

- Should provide a direct cycle link to Landport Road;
- Cycle storage is poorly designed; should be sufficient secure cycle storage and charging points for all occupants;
- Should be designed to meet access requirements;
- Amenity impacts from construction vehicle movements and parking.

5.2 Three further letters of objection, including from Cycle Lewes and Friends of Lewes, were received following the submission of final plans, raising the following additional concerns:

- The development must provide a direct and convenient cycle link to Landport Road;
- Cycle storage should be increased to allow storage for bicycles for each member of a family;
- The layout of the development should be revised so that pedestrian and cycle access is conveniently located at its eastern end closest to the town;
- The scheme should fund the upgrading of Cabbage Walk and related cycleway, and spoil from the site used to reinforce/widen Cabbage Walk;
- Changes should have been summarised and highlighted on plans;
- The proposal is similar to the previous version and remains a dull, derivative and ill-considered proposal.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan comprises the Lewes Neighbourhood Plan (2015-33) and the South Downs National Park Local Plan (2014-33). The policies of most relevance are set out in section 7 below.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the Local Planning Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

6.3 The National Planning Policy Framework (2021) is considered holistically although the following sections are of particular relevance to the applications:

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment

6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) (2021). The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that

the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Major Development

- 6.5 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 177 of the NPPF, and accompanying footnote 60, advising that 'major development' in designated landscapes 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 or defined. In this case, the proposal is for the re-development of a brownfield site adjacent to the settlement boundary of Lewes town, and officers are of the view that any adverse impacts on the designation as a result of development would not be significant.

The South Downs National Park Partnership Management Plan 2020-25

- 6.6 The South Downs National Park Partnership Management Plan (SDPMP) (2020-25) is a material consideration in the determination of planning applications, as outlined in national planning practice guidance, and has some weight. It outlines a vision and long term outcomes for the National Park. The following policies of most relevance are: 1, 3, 5, 9, 25, 50 and 57.

7. Planning Policy

The Lewes Neighbourhood Development Plan (2015-33)

- 7.1 The Lewes Neighbourhood Development Plan (NDP) has been adopted by the SDNPA and forms part of the Development Plan. Policies of most relevance include:

- LE1 Natural Capital
- LE2 Biodiversity
- PL1A General Housing Strategy
- PL2 Architecture and Design
- PL3 Flood Resilience
- PL4 Renewable Energy and the Resource and Energy Efficiency of New Buildings
- HCI Protection of Existing & New Community Infrastructure
- AM1 Active Travel Networks
- AM3 Car Parking Strategy.

The South Downs National Park Local Plan (2014-33)

- 7.2 Whilst the South Downs Local Plan must be read as a whole, the following policies are particularly relevant to the principle of development:

- SD25: Development Strategy
- SD29: Rural Exception Sites
- SD43: New and Existing Community Facilities

- 7.3 The following policies are also of particular relevance here:

- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding Views
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD17: Protection of the Water Environment

- SD19: Transport and Accessibility
- SD22: Parking Provision
- SD27: Mix of Homes
- SD45: Green Infrastructure.
- SD48 Climate Change and Sustainable Use of Resources
- SD50: Sustainable Drainage Systems
- SD54 Pollution and Air Quality.

Supplementary Planning Documents and Technical Advice Notes

7.4 The following are considered to be relevant:

- SDNPA Affordable Housing SPD (July 2020)
- SDNPA Biodiversity TAN (Jan 2022)
- SDNPA Parking SPD (Apr 2022)
- SDNPA Sustainable Construction SPD (Aug 2020).

8. Planning Assessment

8.1 The main considerations in the determination of this application are:

- Principle of development;
- Housing mix and affordable housing;
- Design and landscape Impacts;
- Ecosystem services and sustainable design;
- Ecology and trees;
- Highways and access;
- Drainage and the water environment;
- Impact on residential amenity.

Principle of development

Affordable Housing

8.2 Policies SD25 and PLIA direct new development to within settlement policy boundaries. Exceptionally, proposals outside settlement boundaries may be supported providing these comply with other relevant development plan policies; respond to the context of the relevant broad area; and

- b) There is an essential need for a countryside location; or
- d) It is an appropriate reuse of a previously developed site... and conserves and enhances the special qualities of the National Park.

8.3 One of the priority outcomes of the English National Parks and the Broads UK Government Vision and Circular (2010) is that new housing in National Parks will be focused on meeting affordable housing requirements. Supporting paragraph 7.10 of SD25 states that the exceptional circumstances whereby development outside settlements may be acceptable include rural exception sites. The provision of 100% affordable housing would therefore meet the exceptional development test and SD25. Policies SD29 and PLIA further support the provision of 100% new affordable homes on land outside settlement boundaries that would not normally be used for housing in order to meet local needs which are not served by the market. Policy SD29 requires:

- a) Affordable housing to be provided in perpetuity;

- b) The site selection process to consider all reasonable options, and the most suitable available site in terms of landscape, ecosystem services and overall sustainability chosen;
 - c) The scale and location to relate well to the existing settlement and landscape character; and
 - d) It is shown that effective community engagement has fed into the design, layout and types of dwellings proposed.
- 8.4 In this case, the site is owned by the applicant, Raven Housing Trust (RHT), who are a registered social housing provider, and would be managed by RHT once operational. The provision of 100% affordable housing in perpetuity would assist in meeting the locally identified need for affordable homes in Lewes, and a s106 legal agreement has been substantially progressed to secure the affordable homes in perpetuity. The proposal is considered to be an acceptable use of a brownfield site that lies immediately adjacent to the settlement boundary, in a location that is predominantly residential in character, and reads as part of the existing settlement, and it is not considered necessary or appropriate to require a sequential test of other potentially available sites. The application is also supported by a Community Engagement Report detailing consultation work with residents and key stakeholders carried out prior to submission. As such, the proposal is considered to have met the relevant requirements of SD29.

Loss of Community Asset

- 8.5 Policies SD43 and HCI seek to protect against the loss of community facilities, unless it can be robustly demonstrated that there is a lack of need for the existing facility, or an equivalent community use. Paragraph 7.231 of the supporting text of SD43 states that the loss of a community facility run as a non-commercial public service, should be supported by an assessment of local need showing that there is no longer a need for the facility, or that there is no opportunity for an equivalent use to move into the premises.
- 8.6 Concerns have been raised by the Town Council and other third parties in regard to the loss of the school and community use of the site.
- 8.7 Following a period of public consultation, East Sussex County Council and Chichester Diocese took the decision to permanently close the school in August 2017. The reasons given for the closure including declining enrolment numbers and the unpopularity of the school to prospective parents. The buildings were also stated to be of inadequate design and quality for other long term uses.
- 8.8 An equivalent non-commercial, public service community use for the site could be education (school, adult education), healthcare, library, youth club or village hall. ESCC as provider of several of these services, are in a position to assess the need and viability of such alternative public community uses. ESCC have not provided any response to the current application however, at the time of the 2017 pre-application, ESCC stated that no alternative proposals for future community uses of the school were put forward during the public consultation. ESCC also stated that given the buildings are “of inadequate design and quality for other long term uses...a disposal for residential redevelopment [was] the most appropriate way of fulfilling their disposal duties of compliance with the Charities Act 2011 in the case of the diocese and similar obligations on the part of the county council.” In this case, therefore, the educational use of the site has been ceased, with no realistic prospect of the school re-opening, and whilst an equivalent community use would have been acceptable, no proposals have come forward since the school’s closure in 2017.
- 8.9 Concerns were raised during the initial public consultation with regard to the loss of the community use of the small wooded area in the southernmost part of the site, which was used for forest schools activities by a number of community groups. The applicant has confirmed that this area of land will be retained for community use and secured via a s106 legal agreement.
- 8.10 Given the above, the proposal would not be contrary to policies SD43 and HCI. The loss of the community use can be balanced against the significant social and economic benefits to the local community of a 100% affordable housing scheme, in a sustainable location. There

are also few opportunities in Lewes to achieve such a level of affordable housing, taking into account the viability. The development of the former community asset to provide 100% affordable homes is therefore acceptable in principle, subject to consideration of the affordable housing mix and tenure; design and landscape impacts; ecology and trees, highways and access; and drainage and flood risk. These and other matters are considered in more detail below.

Affordable Housing Mix and Tenure

- 8.11 Policy SD29 2) states that the size, type and tenure of affordable homes proposed on rural exception sites should be based on robust and up-to-date evidence of local community need. Policy PL1 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;’ or, more specifically, housing that is ‘available for rent or purchase at the median local income.’ The supporting text of PL1 A also supports a mix of LLCH tenures with preference given to smaller 1, 2 and 3 bedroom homes.
- 8.12 A housing needs assessment was not carried out during the preparation of the Lewes NDP, which generally relied on the needs assessments carried out during the preparation of the Lewes Joint Core Strategy (2016). However, evidence from the SDNPA’S Housing and Economic Development Needs Assessment (HEDNA) (2017) demonstrates that social rental tenures are the most affordable in the SDNP to those in greatest need, and should be prioritised over other tenures. The Lewes Housing Officer has also advised that there is significant local need for social/affordable rental housing in Lewes Town. The affordable rental need (as of September 2021) is summarised as follows:

Household Size	Number of Applicants
1-bed Sheltered	45
1-bed	86
2-bed	60
3-bed	69
4-bed	21

- 8.13 The SDNPA Affordable Housing Supplementary Planning Document (SPD) recommends that to reflect the aims of LLCH policy PL1A, rented affordable dwellings should be provided at a rent level based on local average income rather than a reduced market rent.
- 8.14 In this case, the proposal would provide a good number of small and medium homes (25% 1-bedroom; 37.5% 2-bedroom and 37.5% 3-bedroom). It would also provide a higher proportion (56.25%) of affordable rental units, with the remainder of homes being shared ownership (initial share 35% capped at 80%).
- 8.15 Four of the affordable rental 1 bedroom flats (12.5% of overall units) would be secured as LLCH. The applicant has provided financial information relating to the land value, build costs and available grant, and has tested agreed scenarios of between 10-20% of LLCH. Officers are satisfied that the amount of LLCH proposed (12.5%) is acceptable, given the relevant viability considerations. It is also acknowledged that, aside from the expected costs associated with developing brownfield sites, there are higher costs associated with a zero carbon development as opposed to standard construction methods. The zero carbon development will also assist in keeping household heating and energy bills low, which will financially benefit all future occupants.
- 8.16 A S106 agreement to secure the affordable homes in perpetuity is at an advanced stage of preparation. The methodology for calculating annual rent increases and re-let rent settings for the LLCH and Affordable Rental units in line with Homes England guidance for Affordable Rents will be set out in an agreed Nomination Agreement between the applicant and the Local Housing Authority, in consultation with the SDNPA.

- 8.17 In summary, this proposal for 100% affordable homes will provide an acceptable level of LLCH and affordable rental units, and will assist in meeting the identified need for affordable homes in Lewes. The proposal therefore complies with the policy requirements of SD29 and PL1A.

Design and Landscape Impacts

- 8.18 Policies SD4, SD5 and 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. Policy SD25 also supports the appropriate reuse of previously developed sites outside settlement boundaries where proposals conserve and enhance the special qualities of the National Park.
- 8.19 Concerns have been raised by third parties with regard to the design and layout being cramped, not landscape-led and of a generic, overbearing appearance in relation to nearby dwellings.
- 8.20 Officers acknowledge that the development would be relatively dense (35 dwellings per hectare (dph)) for what is an edge of settlement site, albeit less dense than the surrounding housing (approximately 41 dph). This led to some early concerns being raised by the landscape and design officers with regard to the amount of parking required, and limitation of the available area for shared open space, public realm, sustainable drainage and biodiversity net gain benefits. However, given the requirement for 32 units to allow the scheme to be brought forward as 100% affordable housing, the applicant has worked extensively with officers to achieve a layout that as far as possible reduces the impacts of parking, and maximise improvements to the public realm and movement through the site.
- 8.21 The Design officer has no objection to the proposals, and has advised that the changes made to the layout to allow a green linear feature along the frontage of plots 19-32 is positive and improves the quality of the public realm and experience for pedestrians. This feature will soften the visual impact of parked vehicles in the public realm and improve the relationship with ground floor living spaces. The widening of the route onto Landport Road will also allow safe access for both pedestrians and cyclists. Further opportunities could be taken to improve the public realm and assist climate regulation include pinch-pointing the access road with larger trees and joined canopies; the avoidance of timber boundary treatments facing onto the public realm; and increasing the variety of facing materials, and should be secured via planning conditions. Where possible, at least 50% of the units should also have step-free access, in accordance with the emerging Design SPD.
- 8.22 The design is contemporary in style, and the form and layout of the buildings sits well within the residential context of the Landport Estate, which rises up as a backdrop when viewed from the recreation ground and beyond. Although the new buildings would be two storey, and higher than the existing single storey school building, the height of the new buildings would be lower than the row of dwellings to the north by approximately 2m. The design and appearance of the development is acceptable, albeit some variation in external materials, currently proposed as a single mixed red facing brick and plain brown roof tiles, would assist with softening the building facades and better reflect the variety of materials that is typical of Lewes. With regard to accessibility, in this case the ground level of the buildings is required to be at a certain height due to potential flood risk, however it is likely that some of the dwellings could be accessed via a ramped access where feasible. It is therefore considered appropriate to secure details of a varied external materials palette, and accesses to the dwellings via planning conditions. The flats are all dual aspect and would meet nationally described space standards, such that the internal layout and design is acceptable.
- 8.23 The Landscape officer has no objection to the proposals, and also supports the further positive changes made to the layout including consolidation and relocation of refuse and cycle storage, and amendments to the frontage along units 19-32 to improve the public realm. In particular, the ability to provide a linear strip of green infrastructure across much of the length of the site will support a number of multifunctional benefits including habitat creation, biodiversity net gain and the ability to capture and store surface water from the

semi-detached dwellings. Locally characteristic, native tree planting along the north western boundary will assist in filtering views of the development, however should maximise canopy area and narrow the access road in some locations to help deter speeding. All landscaping and drainage features should be designed to benefit wildlife.

- 8.24 In summary, the development would represent an enhancement of the site in its current condition, in terms of the quality and appearance of built form, and additional landscaping. Providing that details of the additional design and landscape improvements and features suggested above are secured via planning conditions, the scheme is capable of complying with the relevant design and landscape policies.

Sustainable Construction

- 8.25 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. Proposals must achieve an additional 19% carbon reduction above Part L, and a total mains consumption of no more than 110 litres per person per day. In addition, the SDNPA Sustainable Construction Supplementary Planning Document (SPD) requires residential developments of this scale to achieve 10% passive house homes, 10% green roofs and multifunctional sustainable drainage. The supporting text of policy PL1 A also states that LLCH homes should aim for the highest sustainability levels.
- 8.26 In terms of sustainable construction, the applicant has committed to achieve operational Net Zero Carbon on all of their new Affordable Housing developments from 2020, and the proposal will be one of their first projects to achieve this. This would be delivered using Modern Methods of Construction, (MMC), including factory-produced insulated panels to improve energy efficiency and reduce construction waste. Ground or air source heating and photovoltaic panels are also proposed.
- 8.27 The Design Officer welcomes the net zero carbon commitment, and supports the principle of air source heat pumps being provided. The buildings have also been arranged to maximise solar gain and photovoltaic potential, which is positive. Details of ground or air source heat pumps, and green roofs on the outbuildings (cycle and refuse buildings) where feasible, should be secured via condition. EV charging points should be available to all houses. Flats could share EV charging points at a minimum rate of 1 for every 8 parking spaces. All EV charging points should be well integrated with the street furniture.
- 8.28 Overall the scheme would provide sustainable construction benefits that significantly exceed the relevant policy requirements. It is considered appropriate to secure net zero carbon and other sustainable construction details as above via appropriately worded conditions.

Ecology, Trees and Ecosystem Services

- 8.29 Policies SD2, SD9, SD11, SD45 LE1 and LE2 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.
- 8.30 Approximately a third of the existing site is given to hardstanding and built form, with the remainder comprising amenity grassland and a number of C-category (low amenity) trees (predominantly ash and sycamore). A single ash tree was identified as having low bat roost potential. There is also a small area of semi-natural broadleaf woodland in the south eastern corner, bordered by a native species hedgerow, with a dry pond where a number of reptiles were identified.
- 8.31 Nine of the C-category trees would be removed to facilitate new the development, and there would be some loss of hedgerow in providing the new pedestrian/cycle accesses onto Landport Road. Provision landscaping details indicate that 21 native trees would be provided including street trees at the site entrance and along the frontage of the semi-detached dwellings, and that existing hedgerow will be enhanced and new hedgerow planted. An ash tree with low bat roost potential will be retained, and the small area of woodland habitat and pond will be enhanced and restored, with native aquatic, woodland and night flowering

plant species. The site layout also allows for a strip of green infrastructure to be provided running through the site along the frontage of the semi-detached dwellings, which will provide additional habitat.

- 8.32 The Tree officer has advised that the application is supported by a robust Arboricultural Impact Assessment and associated method statement and raises no objection subject to conditions to ensure ongoing protection and preservation of the trees remaining on site.
- 8.33 The Authority's ecologist has advised that given the nature, scale and location of the proposed development, it is unlikely that there will be any impacts on any sites designated for their nature, or protected species. Although the SDNPA Biodiversity TAN (Jan 2022) requires a scheme of this scale and nature to provide a minimum of 10% biodiversity net gain, given timescales it has not been possible to establish the percentage of net gain that would be achieved. Nonetheless, officers are satisfied that the scheme is capable of significantly increasing habitat provision on site, with additional opportunities to maximise net gains to be secured via condition.
- 8.34 It is considered appropriate to secure additional opportunities for biodiversity net gain via a suitably worded landscaping condition, and a condition requiring an Ecological Design Strategy, to include further details of SuDS features, sparrow terraces, bird boxes and bricks, and restoration of the woodland area and pond.

Highways and Access

- 8.35 Policies SD19, SD22 and AM1 seek to promote sustainable modes of transport, and parking provision that is appropriate to the site's needs and accessibility to facilities and services, and of a location, scale and design that reflects its context. Policies SD21 and AM1 seek to promote the safety and amenity of all road users, and prioritise and support existing safe, direct, walking and cycling routes.
- 8.36 Concerns have been raised that the scheme is car dominated, with insufficient provision made for cycle storage to encourage sustainable means of transport, and that a car share scheme should be implemented. The scheme should also be required to contribute to the upgrading of the Cabbage Walk footpath to a cycle path.
- 8.37 The development would provide a total of 49 parking spaces, with proposed storage provision for 18 cycles. The SDNPA Parking Calculator estimates that between 24 and 51 parking spaces are required for the site, depending on whether parking spaces are formally allocated. Paragraph 5.1 of the SDNPA Parking SPD also states that the output from the calculator is a starting point and guide, and that decision makers will need to exercise judgement in determining parking provision having regard to landscape context and the sustainability of the location. The decision making process will also include other information such as parking conditions in the local area, availability and frequency of public transport and access to, and opportunity to use, other transport modes.
- 8.38 In this case, there is a bus route but no direct cycle link from the site into Lewes Town, as the rights of way route includes sections of footpath and a pedestrian railway bridge. The Landport Estate is also relatively cramped, with a somewhat tortuous, narrow road network such that additional on-street parking should be avoided. Given the above, future occupants of the site are likely to require a level of car ownership, and it is therefore appropriate to ensure there is a sufficient level of vehicular parking within the site, avoiding overspill on-street parking in the wider Estate. The SDNPA Parking and Sustainability SPDs require EV charging points for each parking space, which may be secured via an appropriately worded condition.
- 8.39 Officers acknowledge the sustainability and well-being benefits of encouraging cycling. The layout has already been amended to upgrade the western pedestrian access onto Landport Road to a shared cycle path, to encourage cyclists onto the cycle route beyond, which is positive. However, it is the view of both the Design officer and ESCC Highway Authority that cycle storage should be increased, in line with the SDNPA Parking SPD. Although the upgrading of the pedestrian route into Lewes Town to a cycle route would be of significant benefit to future occupants and existing local residents, given the relatively small scale and

affordable nature of the residential development, a requirement to provide or contribute towards such works is not considered to be reasonable or proportionate. It is therefore considered appropriate to secure a higher level of cycle parking via a suitably worded condition.

- 8.40 With regard to a car sharing scheme, the development is not of a scale that could viably provide a new car club for the sole use of future occupants. Car club spaces are also required to be located in dedicated parking spaces on the public highway or in public car parks, with the nearest Lewes Co-wheels car club space located 0.5km away. In this case the internal roads will not be adopted and will remain in private ownership, such that a car club space could not be enforced on the site.
- 8.41 The ESCC Highway Authority has no objection to the proposal subject to conditions to secure a number of details including parking, turning and additional cycle storage, and a s278 agreement to provide a number of highway works including 2 No on-street parking bays on the Arundel Green Spur to address concerns raised by Lewes Waste that 12m refuse vehicles would not be able to access the site if cars were parked along the Arundel Green spur. Lewes Waste agree that this will address the issue. The parking bays will be provided on existing highway land at what is currently the vehicular entrance to the school. An administrative contribution towards a Traffic Regulation Order (TRO) is required to apply parking restrictions to these spaces (for use by the flats opposite). The ESCC Highway Authority has also requested that the cycle route through the site and out onto Landport Road is secured as a permissive path. The highway works, TRO contribution and permissive cycle route may be secured via the s106 legal agreement.
- 8.42 In summary, subject to the above matters being secured via the s106 and suitable worded conditions, the proposal is considered to meet the relevant development plan policies and the requirements of the relevant SPDs in terms of parking and access.

Drainage and the Water Environment

- 8.43 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 provided to avoid increase of surface water run-off, taking account of climate change. PL3 requires new residential development which would materially add to water discharge to assess fluvial, coastal and groundwater flood risk, and surface water drainage.
- 8.44 The site is located in an area of major groundwater vulnerability due to underlying chalk aquifers, and falls within a Source Protection Zone (SPZ). Due to high ground water levels, the ability to infiltrate excess surface water is likely to be limited. The scheme proposes to provide an attenuation pond within the area of public open space, with any excess surface water being proposed to be discharged to the surface water sewer.
- 8.45 Southern Water have provided a report confirming that there is adequate capacity to accommodate foul and surface water flows from the development. The Environment Agency and ESCC Local Lead Flood Authority (LLFA) also have no objection subject to conditions securing details of surface water drainage, and management of flood risk during construction, to ensure surface water runoff from the development is managed safely.
- 8.46 Notwithstanding, officers consider that there is scope to provide additional sustainable drainage features and other solutions to deal with and retain as much surface water as possible on the site, such as rainwater harvesting, rain gardens, green roofs on outbuildings, and potentially a swale. In addition to the surface water conditions required by the LLFA, it is therefore considered appropriate to secure details of further on-site surface water interventions and solutions via appropriately worded conditions.

Other considerations

Impact on surrounding amenities

- 8.47 Concerns have been raised with regard to impacts on neighbour amenity in terms of loss of views and impacts of additional traffic movements.

- 8.48 It is acknowledged that the height of the new built form will exceed that of the existing single storey building, however, site sections have been provided demonstrating that the ridge height of the new semi-detached dwellings would be no less than 2m lower than the eaves height of the existing dwellings on Stansfield Road, with an intervening distance of 27m. As such there would not be any material impact from overlooking, overshadowing or loss of light. National Planning Policy Guidance also makes it clear that planning is concerned with land use in the public interest, such that the protection of private views is not a material consideration.
- 8.49 There would be an increase in traffic movements, however this is not considered to significantly impact neighbour amenity in terms of noise or disturbance and adequate parking would be provided on-site.

Air Quality

- 8.50 Policy SD54 supports proposals where the levels of air pollutants do not have a significant negative affect on people and the natural environment, taking into account cumulative impacts and any mitigation.
- 8.51 The site, is located approximately 550m from the Lewes Air Quality Management Area, however by virtue of being major development is caught by the requirements of the Air Quality and Emissions Mitigation Guidance for Sussex (2020) for an Air Quality Assessment and Emissions Mitigation Assessment, which the applicant has provided.
- 8.52 The Environmental Health officer has advised that the submitted air quality and emissions assessments RHTPellsSchool(A).9 (Mayer Brown, Dec 2021) are an accurate statement of current and future air quality. Although the development itself will not exceed UK air quality standards or objectives, any development will lead to a worsening of air quality both in the immediate vicinity and in this case, in the Lewes Town Air Quality Management Area. In the case that air or ground source heat pumps are not provided, an updated damage costing would be required. A number of conditions are therefore required to ensure air quality will be acceptably managed when the site becomes operational.

Dark Night Skies

- 8.53 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.
- 8.54 The site falls within the dark skies zone E3, which include urban residential environments with street lighting. All proposals within E3 areas should strive to achieve a zero upward light ratio via 'night usage' curfews and dark skies treatments of glazed openings to reduce harmful upwards light spill.
- 8.55 In this case, no rooflights are proposed, and the ability to provide them under permitted development rights would be effectively removed via condition 3. It is considered appropriate to secure an appropriate external lighting scheme to protect dark skies and wildlife via a suitably worded condition.

Community Infrastructure Levy

- 8.56 The development would be for 100% affordable housing, which is exempted from any Community Infrastructure Levy.

9. Conclusion

- 9.1 The proposal will provide 32 affordable homes of a mix and tenure that meets the needs of the local community of Lewes Town, including four Lewes Low Cost Housing Units. The scheme will also be zero net carbon in terms of its construction and operation, which significantly exceeds sustainable construction policy requirements.
- 9.2 Details of materials, hard and soft landscaping, and additional green infrastructure, biodiversity net gain and sustainable drainage measures can be secured via suitably worded conditions, to ensure the proposal is capable of conserving and enhancing this part of the National Park, in accordance with the First statutory purpose and relevant development plan policies.

9.3 It is therefore recommended that planning permission be granted.

10. Reason for Recommendation and Conditions

10.1 The application is recommended for approval subject to a s106 agreement to secure:

- 32 affordable homes;
- A 278 agreement for the various highways works;
- A £5K TRO contribution;
- A permissive cycle/foot path through the site for public use; and
- Community use of the forest schools area;

and the conditions below. Conditions 8-10 relating to design and landscaping, 20-24 relating to drainage and management of surface water, and 26 relating to ecology and biodiversity net gain, are pivotal to the recommendation for approval and specifically address concerns raised by consultees and/or ensure the proposal is capable of complying with the relevant development plan policies and the National Park's Purposes. The remainder of the conditions are standard, and required to make the development acceptable.

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

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

3. Notwithstanding the provisions 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 buildings, structures or works as defined within Part 1 of Schedule 2, classes A-G or any order revoking or re-enacting that Order shall be erected or undertaken on the site.

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

Construction

4. Prior to the commencement of the development hereby permitted, plans and cross sections of the existing and proposed ground levels of the development, site boundaries and finished floor levels in relation to a nearby datum point (above Ordnance datum) shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in full accordance with the approved details.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

5. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be 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 necessarily be restricted to the following matters:

- i) An indicative programme for carrying out the works;
- ii) The anticipated number, frequency and types of vehicles used during construction;
- iii) The method of access, egress and routing of vehicles during construction;

- iv) The parking of vehicles by site operatives and visitors;
- v) The loading and unloading of plant, materials and waste;
- vi) The storage of plant and materials used in construction of the development;
- vii) The erection and maintenance of security hoarding;
- viii) No burning of construction materials on site;
- ix) The provision 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 where necessary);
- x) Adherence to the measures set out in Appendix A sections A.17-A.28 of the approved Air Quality Assessment RHTPellsSchool(A).9 (Mayer Brown Dec 2021);
- xi) Measures to manage flood risk, both on and off the site, during the construction phase;
- xii) Measures to minimise the noise (including vibration) generated by the demolition/construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers;
- xiii) No work to be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work to be undertaken on Sundays, Bank and Public Holidays;
- xiv) Details of any flood lighting, including location, height, type and direction;
- xv) Measures to control the emission of dust and dirt during demolition/construction;
- xvi) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- xvii) A method to record the quantity of recovered material (re-used on site or off site);
- xviii) Details of public engagement both prior to and during the construction works.

Reason: In the interests of highway safety, the amenities of the area, and the living conditions of nearby residents, and to manage air quality. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

6. Prior to the commencement of the development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) The proposed grading and mounding of land area including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform in relation to a nearby datum point;
 - ii) The volume of cut/fill material;
 - iii) Where surplus material may be placed on site, or alternatively proposals for removing and distributing the soil resource from site;
 - iv) Suitable vehicle wheel washing equipment to prevent contamination and damage to the adjacent roads during any form of earthworks and/or excavations.

Development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

7. All new electricity and telephone lines shall be laid underground.

Reason: To safeguard the landscape character of the site.

Design and Landscaping

8. Notwithstanding the approved elevational plans and other submitted elevational details, prior to the commencement of the development hereby permitted, a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes, (to include, but not be limited to, external walls, roofs, windows, doors, rainwater goods, fascias and any structures in the public realm) shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include variation in facing materials to reflect the vernacular of Lewes.

Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

9. Notwithstanding the approved elevational plans and other submitted elevational details, prior to the commencement of the development hereby permitted, a schedule of architectural details shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of:
- i) Accesses to buildings (including sections where appropriate);
 - ii) Doors;
 - iii) Windows and openings including glazing, head, sill, lintel and depth of reveal;
 - iv) Projections;
 - v) Porches;
 - vi) Eaves; and
 - vii) Rainwater goods.

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

Reason: To achieve an appropriate form of development in the interests of the character and appearance of the area, and the quality of the development. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

10. Notwithstanding any submitted landscaping 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:
- i) Proposed planting plans and strategy, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment;
 - ii) Schedules of plants and trees, which shall be locally characteristic, native species, achieving climate regulation and where possible maximised tree canopies, noting species, sizes; and proposed numbers/densities where appropriate;
 - iii) Plants and compost used throughout the planting schemes to be sourced from a peat-free nursery;
 - iv) Tree guards and staking
 - v) Detailed drawings showing construction of parking spaces and tree-pit construction;
 - vi) Climbers for northern building elevations (to improve thermal efficiency and provide habitat);

- vii) Location of services and utilities in relation to planted areas;
- viii) Location, height and materials/construction technique for all boundary treatments and other built means of enclosure (including gates and setbacks) to property frontages, to include hedgehog holes in all close board fences, and brick walled boundaries where rear gardens face onto public spaces;
- ix) Retained areas of grassland cover, scrub, hedgerow, and trees;
- x) Treatment of surfaces, paths, access ways (demonstrating hierarchy of routes), courtyards, seating areas, patio areas and parking spaces, including their appearance, depth and permeability, kerbs, edges, steps and ramps, spot levels, finished floor levels, upstands and demarcation;
- xi) Surface water interventions such as swales and rain gardens;
- xii) Ancillary structures (including cycle and refuse storage);
- xiii) Electric vehicle charging points, which shall be well integrated with the street furniture;
- xiv) A timetable for implementation of the soft and hard landscaping works.
- xv) A schedule of landscape maintenance for a minimum period of 5 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 and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

11. Prior to the first occupation of the development hereby permitted, a Landscape Management Plan covering areas outside of private ownership including shared public space, access roads, pathways and landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens. The landscape management plan shall thereafter be implemented in full as approved.

Reason: To secure the long term maintenance of the landscaping scheme, which will contribute to the setting of the development and the surrounding character and appearance of the area.

Sustainable Construction

12. Prior to the commencement of the development hereby permitted, a design stage Sustainable Construction Report shall be submitted to and agreed in writing by the local Planning Authority. The report shall include details of:
- i) Design stage SAP/ SBEM data showing DER/BER which shall be at least 100% improvement over TER plus further reduction to meet non-regulated energy emissions;
 - ii) A Site Waste Management Plan demonstrating that:
 - a) A minimum 95% (volume/tonnage) of non-hazardous demolition waste generated by the project has been diverted from landfill;

- b) A minimum 85% volume or 95% tonnage of non-hazardous excavation waste generated by the project has been diverted from landfill;
- c) Compost bins and segregated kitchen waste bins will be provided;
- iii) Sustainable transport measures to include:
 - a) A Transport Assessment and Travel Plan (including public transport support);
 - b) All houses to have EV charge point; and minimum 1 EV charge point for every 8 flats;
- iv) A Sustainable Materials Strategy, demonstrating:
 - a) Low carbon and environmentally friendly materials (substituted, re-used, recycled and locally sourced) including alternatives to uPVC building products (windows, doors, rainwater goods, fascias and sockets etc.);
 - b) Elevational details;
 - c) Grown in Britain certified timber (FSC or equivalent where G in B not feasible);
- v) A design stage Water Calculator demonstrating a predicted mains water use below 110 litres per person per day;
- vi) Layout or landscape plans demonstrating:
 - a) GI and green roofs and green roof calculation;
 - b) That the development will provide sustainable drainage, enhance green infrastructure and GI linkage; and
 - c) Adaptation to climate change.

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

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

13. Prior to the first occupation of the development hereby permitted, a post construction Sustainable Construction Report shall be submitted to and agreed in writing by the local Planning Authority. The report shall include details of:
- i) As-built stage SAP/ SBEM data showing DER/BER which shall be at least 100% improvement over TER plus further reduction to meet non-regulated energy emissions;
 - ii) A Site Waste Management Plan demonstrating that:
 - a) Percentage of (volume/tonnage of) non-hazardous demolition waste generated by the project has been diverted from landfill;
 - b) Percentage of (volume/tonnage of) non-hazardous excavation waste generated by the project has been diverted from landfill;
 - c) Compost bins and segregated kitchen waste bins have been provided;
 - iii) Photographic evidence of installed Sustainable Transport measures;
 - iv) Updated Sustainable Materials Strategy, demonstrating:
 - a) Low carbon and environmentally friendly materials;
 - b) Elevational details;
 - c) Grown in Britain or FSC certified timber;
 - v) As-built stage Water Calculator demonstrating a predicted mains water use below 90 litres per person per day;

- vi) As-built layout or landscape plans demonstrating GI and green roofs and green roof calculation.

The development shall be occupied in full accordance with these approved details, which shall thereafter be retained.

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

14. Prior to the first occupation of the development hereby permitted, a bin storage and management strategy, incorporating collection for recyclables and private garden compost, shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter the development shall be undertaken in full accordance with the agreed strategy.

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

15. Prior to the commencement of the development hereby permitted, details of the proposed ground or air source heat pump(s) 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 detail.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

Noise and Air Quality

16. Prior to the commencement of the development hereby permitted, details demonstrating that the noise rating level (LAr,Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (LA90,T) at the nearest residential façade shall be submitted to and approved in writing by the Local Planning Authority.

All measurements shall be defined and derived in accordance with BS4142:2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: To protect the amenity of the locality. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

17. In the case that ground or air source heat pumps are not installed, prior to the commencement of the development hereby permitted, details of air quality mitigation and appropriate damage costing shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, no further air quality damage costs shall be required.

Reason: In the interests of the living conditions of future occupiers of the site and to manage air quality. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

18. In the case that ground or air source heat pumps are not installed, prior to the first occupation of the development hereby permitted, details of Ultra-Low NOx boilers with maximum NOX emissions less than 40 mg/kWh shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of nearby residents and future occupiers of the site and to manage air quality.

Drainage

19. Prior to the commencement of development hereby permitted, details of the proposed foul drainage and means of disposal, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved designs.

Reason: To ensure satisfactory provision of foul water drainage. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

20. The development shall be carried out in accordance with the submitted Flood Risk Assessment (A/RHTPELLSSCHOOL.10, Mayer Brown Ltd, Oct 2020) and the following mitigation measures it details:

- i) Finished floor levels shall be set no lower than 6.05 metres above Ordnance Datum (AOD) (as specified in section 5.8 of the Flood Risk Assessment).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with any timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

21. Prior to the commencement of development hereby permitted, details of the proposed surface water drainage and means of disposal, including on and/or off site works, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) Infiltration testing in accordance with the BRE 365 to ascertain the feasibility of infiltration on site (should site investigations prove that infiltration is feasible the strategy should be revised to include this);
- ii) Evidence of hydraulic calculations taking into account the connectivity of the different surface water drainage features and demonstrating that surface water discharge rates shall not exceed 2.0 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence;
- iii) How surface water flows exceeding the capacity of the surface water drainage features will be managed safely;
- iv) Evidence of the satisfactory condition of the sewer which will take surface water runoff from the development 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;
- v) Prior to first occupation, evidence (including photographs) to demonstrate that the drainage system has been constructed in full accordance with the final agreed detailed drainage designs shall be submitted to and agreed in writing by the Local Planning Authority

All works undertaken and agreed in accordance with v) shall be retained thereafter.

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

22. Prior to the commencement of the development hereby permitted, details of the attenuation pond and permeable pavement shall be submitted to and approved in writing by the Local Planning Authority. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring, and shall:

- i) Leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided;
- ii) Include details of the outfall of the proposed attenuation pond and permeable pavement, including cross sections and invert levels, and how it connects into the watercourse/sewer/drain;
- iii) Be designed to benefit wildlife.

All works shall be undertaken in full accordance with the agreed detailed designs and calculations, based on sustainable drainage (SuDS) principles, and retained thereafter.

Reason: To ensure satisfactory provision of surface water drainage and ensure surface water runoff from the development is managed safely, and secure biodiversity net gain. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

23. Prior to commencement of the development hereby permitted, a maintenance and management plan for the entire drainage system and surface water attenuation features shall be submitted to and approved in writing the Local Planning Authority to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall include the following:

- i) The plan shall clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that the appropriate authority is satisfied with the submitted details;
- ii) Evidence that the responsibility arrangements will remain in place throughout the lifetime of the development.

All works shall be undertaken in full accordance with the agreed details, and implemented throughout the lifetime of the development.

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

24. Prior to development above slab level, details of additional vegetative and capture-at-source solutions for the management of surface water shall be submitted to and approved by the Local Planning Authority. These shall include where feasible the provision of:

- i) Rainwater gardens (to include any planted areas in front of buildings);
- ii) Water butts;
- iii) Opportunities alongside the access road for features to receive surface water;
- iv) Green roofs.

The details shall be implemented and maintained as approved in full accordance with the approved details.

Reason: To manage and mitigate surface water run-off and the risk of flooding.

Ecology and Trees

25. Prior to the commencement of the development hereby permitted (including any demolition, ground works, or site clearance) a method statement for a precautionary approach to site clearance to protect amphibians and reptiles shall be submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- i) Purpose and objectives for the proposed works;

- ii) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- iii) Extent and location of proposed works shown on appropriate scale maps and plans;
- iv) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- v) Persons responsible for implementing the works;
- vi) Initial aftercare and long-term maintenance (where relevant);
- vii) Disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

26. Prior to the commencement of the development hereby permitted, an Ecological Design Strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, to include the recommendations in section 9 of the Ecological Assessment (Bakerwell, June 2021) shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- i) The provision of at least one sparrow terrace on each new unit;
- ii) Swift bricks on the apartment blocks;
- iii) A sensitive lighting scheme retaining dark boundaries;
- iv) Purpose and conservation objectives for the proposed works;
- v) Review of site potential and constraints;
- vi) Detailed design(s) and/or working method(s) to achieve stated objectives;
- vii) Extent and location /area of proposed works on appropriate scale maps and plans;
- viii) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- ix) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- x) Persons responsible for implementing the works;
- xi) Details of characteristic habitats and species to be created;
- xii) Details of initial aftercare and long-term maintenance;
- xiii) Details for monitoring and remedial measures;
- xiv) 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 Natural Environment and Rural Communities Act 2006, and the NPPF. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

27. Works shall be carried out in full accordance with the tree protection measures as set out in the approved Tree Retention and Protection Plan (LLD2131-ARB-DWG-003 and LLD2131-ARB-DWG-004, Lizard, Nov 2020).

Reason: In the interests of the amenity of the local area and to accord with British Standard BS5837 Trees in Relation to Construction (2012).

28. Prior to the commencement of the development hereby permitted, including any demolition, site clearance or bringing of any equipment, machinery or materials for the development onto the site, a detailed schedule of arboricultural site supervision and record keeping prepared by a suitably qualified arboricultural consultant shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

- i) Identification of individual responsibilities and key personnel;
- ii) Induction and personnel awareness of arboricultural matters;
- iii) Supervision schedule, indicating frequency and methods of site;
- iv) Procedures for visiting and written record keeping and reporting of records;
- v) Procedures for dealing with variations and incidents.

The approved schedule of supervision shall be implemented and adhered to in full throughout the entire construction period.

Written site supervision reports, including photographic evidence, shall be submitted to the Local Planning Authority within 5 working days of each site monitoring visit, demonstrating that the supervision has been carried out and that the tree protection is being provided and maintained in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

29. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

Reason: In the interests of amenity, to provide ecological, environmental and bio-diversity benefits, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

Archaeology

30. Prior to the commencement of the development hereby permitted, a Written Scheme of Investigation to secure the implementation of a programme of archaeological assessment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the provisions of the scheme shall be carried out in full accordance with the approved programme.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

31. Prior to the first occupation of the development hereby permitted, the archaeological site investigation and a report, setting out and securing any post-excavation assessment, specialist analysis and reports, publication and dissemination of results and archive deposition as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The archaeological site investigation and post-excavation assessment shall be undertaken in full accordance with the written scheme of investigation approved under condition 30.

Reason: To contribute to our knowledge and understanding of the past by ensuring the recording of any items of historical or archaeological interest, and to make this publicly available.

Lighting and Dark Night Skies

32. Prior to development above slab level, a scheme of external lighting to be installed at the site shall be submitted to, and approved in writing by the Local Planning Authority. The lighting shall:

- i) Comply with the guidance set out in the SDNPA's Dark Night Skies Technical Advice Note;
- ii) Be designed to minimise impacts on wildlife.

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

Reason: In the interests of amenity and to protect the South Downs International Dark Skies Reserve.

Highways and parking

33. Prior to the commencement of the development hereby permitted, a pre-commencement condition survey of the surrounding highway network shall be submitted to and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area.

34. Prior to the commencement of the development hereby permitted, details of the visibility splays at the access works and for the highway works shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: In the interest of highway safety.

35. Prior to the first occupation of the development hereby permitted, details of visibility splays of 2.4 metres by 26 metres at the junction of Arundel Green with Landport Road shall be submitted to and approved in writing by the Local Planning Authority. The 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 Arundel Green Road and proceeding along the highway.

36. Prior to the commencement of the development hereby permitted, detailed drawings, including levels, sections and constructional details shall be submitted to and approved in writing by the Local Planning Authority of:

- i) The proposed vehicular access, and pedestrian and cycle accesses onto Landport Road;
- ii) Outfall disposal, and means of preventing surface water drainage from the proposed site onto the public highway and from the highway onto the site;
- iii) Street lighting.

The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

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

37. Prior to the first occupation of the development hereby permitted, the car parking and vehicle turning shall be constructed in full accordance with the approved plans. The proposed parking spaces shall measure at least 2.5m by 5m with an extra 0.5m to either or both dimensions where spaces abut a wall, fence or hedge. The car parking and

vehicle turning shall thereafter be retained at all times for their designated purpose and shall not be obstructed.

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

38. Prior to the first occupation of the development hereby permitted, details of an appropriate level of covered and secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

39. Prior to the first occupation of the development hereby permitted, details of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. All houses to have EV charge point; and minimum 1 EV charge point for every 8 flats.

Thereafter the development shall be carried out in full accordance with the approved details and the charging points shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Informatives

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
2. Southern Water requests a formal application for a water main diversion under s185 of the Water Industry Act 1991 in order to divert any public water main. Southern Water can provide surface water sewage disposal to service the proposed development at manhole reference TQ41100652 (surface water flow of 2 l/s). An application should be made using Southern Water's Get Connected Service at developerservices.southernwater.co.uk
3. The 6 inches diameter water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future maintenance access. No excavation, mounding or tree planting should be carried out within 6 metres 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 construction works. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public water mains. Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf
4. 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)

5. 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.
6. The applicant is requested to contact the Transport Development Control Team at East Sussex Highways (01273 482254) to commence the s278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
7. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence this process.
8. The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and parking areas are properly constructed, surfaced, drained and where appropriate lit and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.
9. The applicant is advised that if any of the existing public highway is to be incorporated into the development it must be formally stopped up to remove the highway rights over it. This process must be successfully completed prior to any highway land being enclosed within the development. In order to commence the stopping up order process the applicant will need to contact the Highway Land Information Team (01273 482316).

11. Crime and Disorder Implication

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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SDNPA Consultees: Legal Services, Development Manager

Background Documents: [All Planning Application Plans, Supporting Documents, Consultation and Third Party Responses](#)

[Air Quality and Emissions Mitigation Guidance for Sussex \(2020\)](#)

[Lewes Neighbourhood Plan \(2015-33\)](#)

[National Planning Policy Framework \(2021\)](#)

[Modern Methods of Construction \(RICS, 2018\)](#)

[South Downs Local Plan \(2014-33\)](#)

[South Downs National Park Partnership Management Plan 2020-25](#)

[SDNPA Affordable Housing SPD \(Jul 2020\)](#)

[SDNPA Biodiversity TAN \(Jan 2022\)](#)

[SDNPA Parking SPD \(Apr 2021\)](#)

[SDNPA Sustainable Construction SPD \(Aug 2020\)](#)