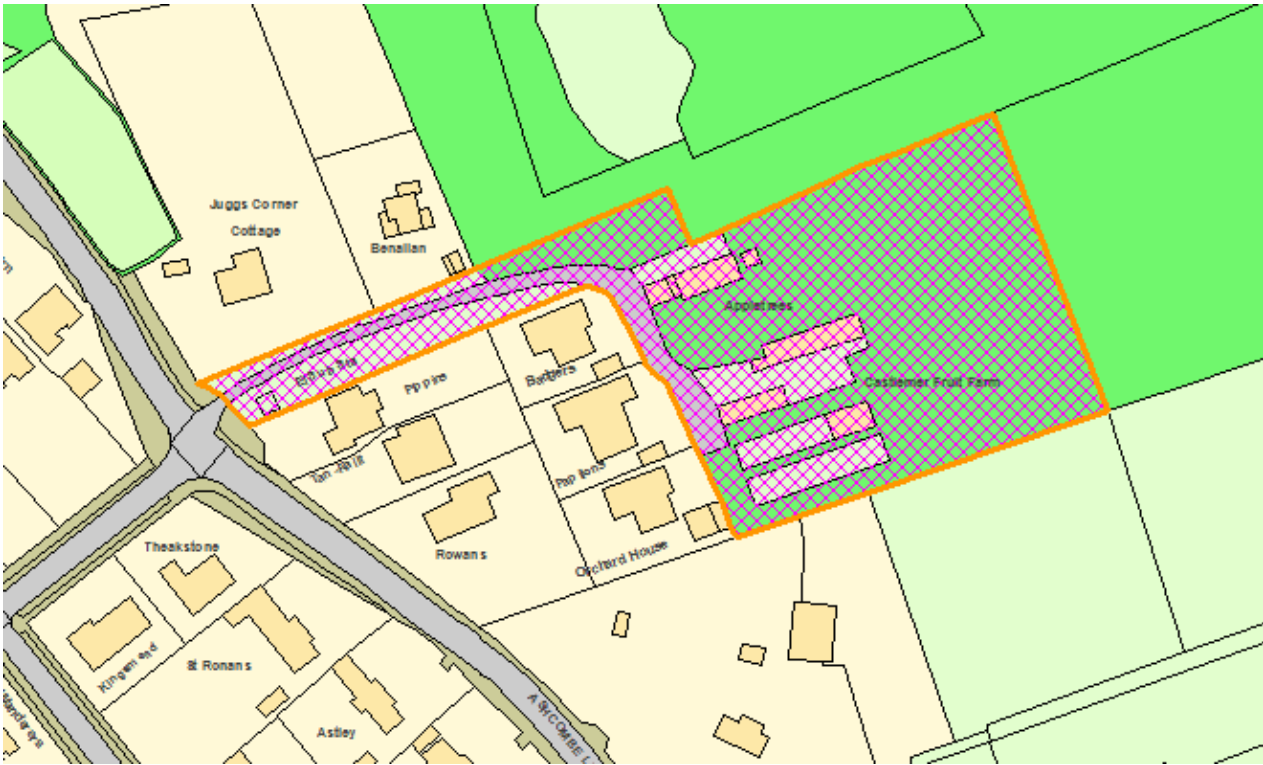


Report to	<b>Planning Committee</b>
Date	<b>13 July 2023</b>
By	<b>Director of Planning</b>
Application Number	<b>SDNP/22.05983/FUL</b>
Applicant	<b>Greenplan Designer Homes (Kingston) Ltd</b>
Application	<b>Demolition of existing dwelling, car workshop and MOT garage, poly-tunnels and erection of 10 dwellings, associated roads, car ports / garages / parking areas, landscaping including community orchard</b>
Address	<b>Castelmer Fruit Farm, Ashcombe Lane, Kingston, Lewes BN7 3JZ</b>

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**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) Four affordable homes of the following mix and tenure:
      - 2No 1-bedroom flats and 1No 2-bedroom maisonette (affordable rental)
      - 1No 2-bedroom maisonette (shared ownership); and
    - ii) The provision and management of a 0.05ha area of offsite compensatory orchard habitat; and;
    - iii) Replacement planting of trees within the adjacent Local Wildlife Site; and
  - 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 not been made, within 6 months of the Planning Committee meeting of 13 July 2023.
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## Executive Summary

The proposal is for 10 dwellings, with a policy compliant provision of affordable homes, on a site allocated under policy SD74 for up to 12 dwellings in Kingston, near Lewes.

Given the principle of the development is established, the main issues for consideration relate to design and landscape, ecology and trees, drainage and highways, which are laid out in detail in the following report. The proposals have evolved during the course of the application to respond to consultee and officer concerns. The relevant consultees are satisfied that the issues have been satisfactorily addressed, and that any remaining details required can be secured via suitably worded planning conditions.

Kingston Parish Council sustain a strong objection to the proposals which primarily relates to the amount and design of development, foul drainage arrangements, traffic impacts, and the proposed housing mix, which they feel does not provide a sufficient level of larger affordable homes, or smaller homes for older people. There are also a number of third-party objections which raise similar concerns.

The application is placed before the Planning Committee due to the objections raised by the Parish Council and other third parties.

### 1. Site Description

- 1.1 The 0.72ha site is allocated under policy SD74 of the South Downs Local Plan (2014-33) for up to 12 dwellings. It is currently in a mixed residential and commercial use, with a small MOT garage, two large, dilapidated greenhouses and a residential dwelling taking up the western part of the site. The eastern part of the site forms part of an extensive traditional orchard which extends eastwards. There are two small garden ponds located either side of the existing dwelling.
- 1.2 The site is accessed from Ashcombe Lane via a small spur road, also known as Ashcombe Lane, which is 5.2m wide. There is a row of three large detached modern dwellings opposite the site, and a further two detached dwellings to the north of the access road.
- 1.3 The site is located some 130m north of the Kingston Conservation Area. It slopes downwards from the north-west to the south-east with a level change of approximately 10m. Kingston Hollows Local Wildlife Site and area of priority woodland habitat lies adjacent to the northern boundary. The orchard within and adjacent to the site is also classified as a Habitat of Principal Importance. There are informal paths within the woodland to the north, however no public right of way.

### 2. Relevant Planning History

- 2.1 The following is the most relevant planning history pertaining to the site:
  - LW/97/0183 Outline application for the removal of glasshouses, polytunnels and storage buildings and the erection of two detached chalet bungalows and one bungalow. Approved 09.05.1997
  - LW/97/1974 Approval of Reserved Matters LW/97/0183 for the erection of two detached chalet bungalows and one bungalow with detached single garage for each dwelling. Approved 14.04.1998
  - SDNP/21/03968/PRE 12 no. residential dwellings at (Allocated SDNPA site SD74). Advice provided 04.11.2022 (see **Appendix 2.**)

The advice provided acknowledges that the applicant worked with officers and the Design Review Panel to establish the optimum layout, form and quantum of development, and that 10-12 dwellings are deliverable whilst still retaining an area of orchard as public open space. Further refinements were required to the layout and materiality of the scheme to ensure the proposal would meet the requirements of SD74 and the relevant local plan policies. The scheme should also reflect the requirement for smaller 2-3 bedroom homes and deliver a policy compliant level of affordable housing.

### 3. Proposal

- 3.1 The application seeks the demolition of the existing dwelling, car workshop and MOT garage and poly-tunnels on site, and the erection of 10 dwellings of the following mix and tenure:

Tenure	1 Bed Flat	2 Bed Maisonette	2 Bed House	3 Bed House	4 Bed House	TOTAL
Market	0	0	2	2	2	6
Affordable Rent (75%)	2	1	0	0	0	3
Shared Ownership (25%)	0	1	0	0	0	1
<b>TOTAL</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>10</b>

- 3.2 During the course of the application, a number of amendments were made to the design and layout in response to concerns raised by officers including;
- Removal of a large turning head between units 6 and 7;
  - Re-arrangement of parking spaces to avoid excavation of the bank on the northern boundary and improved pedestrian movement within the site;
  - Reduction in height of the southern elevation of units 1-8 from 11m to 10m.
- 3.3 The layout, which was evolved following the input of the Design Review Panel (DRP) and officers, locates the majority of the dwellings in a predominantly east-west arrangement following the natural contours of the site, and maximising energy efficiency via southern facing openings. An area of communal orchard will be retained as public space in the south-eastern corner, which will be accessed from a shared path and directly from the rear gardens of units 8, 9 and 10 via footbridges.
- 3.4 The dwellings will be of a contemporary design, utilising a mix of traditional facing materials including red multi-stock brick, brown hanging tiles, rubble stone walls and grey weatherboard. The roofs will be constructed of red/brown plain tiles, with grass roofs provided to flat roofed dwellings (units 9 and 10,) sections of flat roof to the rear of units 1-8, and associated car port and refuse/cycle stores. Windows will be dark grey timber, with black aluminium rainwater goods, and black fascias and soffits.
- 3.5 Solar panels will be located upon the flat roofs of units 9 and 10 and their associated car ports, and on the western roof pitches of units 1-8. A swale will be provided in the south western corner that curves around the orchard space, running east west with the site's contours. All units will have integrated air source heat pumps, and unit 10 will be built to Passivhaus standards. The applicant has also confirmed that seven of the units will be designed to accessible and adaptable dwelling standards.
- 3.6 The development will utilise the existing 5.2m wide access, and a new passing bay will be provided approximately mid-way along it. The vehicular access into the site itself will be surfaced with tarmac coated with tar and chip to achieve the appearance of a single material throughout the development. 16No allocated parking spaces and 2No visitor parking spaces will be provided.

#### 4. Consultations

- 4.1 **Design:** No objection, subject to conditions. Comments:
- Layout amendments, including removal of additional turning head and re-arrangement of parking and pedestrian routes, and reduced massing and height are positive;
  - At least 50% of dwellings should be designed to meet accessible and adaptable standards.
- 4.2 **Environmental Health (Air Quality):** No objection.
- 4.3 **Environmental Health (Contamination):** No objection, subject to conditions.
- 4.4 **Ecology:** Holding objection. Comments:
- No concerns regarding protected species or predicted level of BNG increase (38%);
  - It is for the LPA to determine the acceptability of

- The ‘exceptional circumstances’ for the removal of trees within the Local Wildlife Site (LWS), has been demonstrated;
- The replacement/offsetting of 0.05ha of woodland habitat with new habitat of a different type (rather than the same type, or habitat of a higher distinctiveness/value;)
- Compensating the loss of two garden ponds with a new swale and other (non-wetland) broad habitat types;
- Any compensatory planting for trees lost within the LWS should be provided at a minimum ratio of 2:1.

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

4.6 **ESCC Highway Authority:** Objection. Comments:

- Insufficient turning demonstrated for refuse vehicles, which will have to reverse more than 12m contrary to Manual for Streets guidance;
- Tandem parking should be resisted.

4.7 **Kingston Parish Council:** Objection. Comments:

- Proposed pumping station will overload already inadequate sewerage system;
- Housing mix does not meet local need for larger affordable homes, or smaller homes for older people;
- Design is inappropriate for rural setting and incompatible with local vernacular;
- Double gables not prevalent locally and will be maintenance liability, adding pressure for tree removal;
- Orchard area will not benefit wider public;
- Traffic increase has been underestimated, junction with Ashcombe Lane is unsafe, and conclusion of highway authority is disputed;
- Access makes no provision for pedestrians or cyclists;
- Construction and Environmental Management Plan should be submitted/agreed prior to determination;
- Revised scheme does not address concerns.

4.8 **Landscape:** No objection, subject to conditions. Comments:

- Scheme is not supported by evidence of impacts on views, so material choices at conditions stage will need to evidence any potential impacts and how these have been mitigated;
- Buildings must be designed to support weight of green roofs;
- Swift bricks and bat boxes should be integrated into the buildings;
- External lighting and light spill from glazing should be controlled;
- Planting must be characteristic and based on soil testing;
- SuDS must deliver multiple benefits including biodiversity and amenity, and bridges must be clear span (no culverting.)

4.9 **Lewes Housing Officer:** No objection. Comments:

- The Action in Rural Sussex (AIRS) report for Kingston identifies the greatest number of households in need of affordable housing (66.7%) as single adults, with the remainder being mainly adult older couples;
- The AIRS report and latest housing need figures support the provision of smaller 1-2 bedroom affordable units.

- 4.10 **Local Lead Flood Authority:** No objection, subject to conditions.
- 4.11 **Natural England:** No objection.
- 4.12 **Southern Water:** No objection, subject to conditions. Comments [*in response to technical concerns raised by third parties*]:
- Capacity checks are not undertaken for developments of less than 50 dwellings where there are no external flooding incidents within 100m of the site (the nearest flooding incident was 250m downstream of the connection point;)
  - There is capacity to accommodate foul flows from the Castelmer site within the main sewer at 0.08l/s when it is performing without operational issues;
  - There are some known operational issues with the foul sewer arising from existing surface water connections and build-up of Fat Oil and Grease (FOG) within the sewer however these are not related to capacity;
  - The SW response dated October 2022 regarding the nearby Audiburn development that “no additional flows other than currently received can be accommodated within the exiting sewerage network” relates to the disposal of surface water to the sewer;
  - Annual jetting activities are undertaken to control the build-up of FOG as part of the Drainage and Wastewater Management Plan for the Adur and Ouse River Basin Catchment;
  - The performance of the Newmarket Pumping Station will be monitored.
- 4.13 **Sustainable Construction:** No objection, subject to conditions.
- 4.14 **Tree Officer:** No objection, subject to conditions.

## 5. Representations

- 5.1 13 letters of objection and one neutral representation were received in response to the initial submission raising the following concerns:

### Principle

- Loss of employment use;
- Demolition of the existing house is unjustified;
- Recent windfall permissions already exceed housing numbers allocated to Kingston;
- Local Plan Examiner amended allocation to “up to” 12 houses due to concerns about the site’s capacity and suitability of the access;
- Site only suitable for 3-5 large detached homes with no affordable dwellings;
- Will not meet local need for smaller market dwellings;
- Affordable housing should include larger units;
- Only two public meetings held with local residents;

### Design

- Fails to conserve and enhance natural beauty and cultural heritage;
- Density, linear layout, height and massing incongruous with existing built form;
- Height and mass adversely impact on surrounding landscape and local character;
- Visual impacts from south and east have not been assessed;
- Colour, external treatment and mass of the buildings urban and out of character;
- No reference to vernacular building materials/designs detailed in the Conservation Area Appraisal;
- Small area of orchard open space will not benefit wider Kingston community;

- Does not address needs of older people;

#### Traffic and Access

- Access is narrow and unsuitable for increased traffic;
- Junction of access with Ashcombe Lane and bend at Badgers already dangerous, and landscaping will obscure visibility;
- No dedicated route for walkers, cyclists or disabled along access or at junction, and no street lighting;
- No Stage I Road Safety Audit;
- Stated existing vehicular movements are incorrect/too low and fail to account for deliveries;
- Inadequate parking provision will result in obstructive parking;
- Passing place will harm rural character;
- Will increase air pollution;
- Policy requirement for off-site pedestrian link has not been met;

#### Ecology and Trees

- Fails to conserve and enhance biodiversity and will not deliver 10% net gain
- Local Plan Examiner raised concerns regarding biodiversity and tree protection;
- Loss of trees could be avoided with lower density development;
- Fails to provide adequate buffers around hedgerows and woodland;
- Will cast shade on priority woodland habitat;
- Lighting will impact on wildlife and dark skies;
- Removal of trees on southern boundary will expose site in long views;

#### Amenity

- Will have visual, shading, privacy and noise impacts on Badgers;
- Passing space will result in loss of privacy to Benallan;
- Works will impact access to Benallan, Badgers, Maylea and Orchard House;
- Construction Management Plan should be required prior to determination;
- Will impact private amenity of agricultural /equestrian land to the south and occupants' dogs will harm livestock;

#### Drainage

- Southern Water are incorrect; sewer network requires upgrading and does not have capacity to support additional development;
- Drainage Layout Plan does not provide details of foul drainage routes, levels, pipe sizes or materials or pumping station;
- Pumping sewage uphill is unsustainable use of electricity, should be gravity fed;
- Swales will fail given level changes; will increase flood risk
- Land disturbance and extent of tree removal will disrupt drainage and underground aquifers;
- Maintenance of the sustainable drainage should be transferred to a management company.

- 5.2 In response to revised plans submitted in June, five further letters of objection and one neutral representation were received, raising the following additional concerns:
- Amended scheme does not address concerns previously raised regarding size, height and density of development or road safety;
  - Southern Water do not understand capacity and operational issues of the sewerage system and their responses do not address concerns raised;
  - Sewer floods in heavy rain and anti-flood devices in Ashcombe Lane leave affected properties unable to use sanitary facilities;
  - Flowrate from development will be higher than 0.08l per second due to pumping station;
  - More trees should be retained, and the boundary should be hedged and stock fenced;
  - Overdevelopment will result in loss of nature and habitat, contrary to the Nature Recovery Opportunities in the parish of Kingston report (Jun 2023;)
  - Already enough walkers' cars parked on The Avenue which cannot be used as overflow car park.

## 6. Planning Policy

### Relevant Sections of National Planning Policy Framework:

- NPPF05 - Delivering a sufficient supply of homes infrastructure
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

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

- SD4: Landscape Character
- SD5: Design
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD25: Development Strategy
- SD27: Mix of Homes
- SD28: Affordable Homes
- SD74: Land at Castelmer Fruit Farm, Kingston near Lewes

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

- Policy 1
- Policy 3
- Policy 5
- Policy 9
- Policy 25
- Policy 50
- Policy 57

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

- SDNPA Affordable Housing SPD (Jul 2020)
- SDNPA Design Guide SPD (Jul 2022)



- SDNPA Parking SPD (Apr 2021)
- SDNPA Sustainable Construction SPD (Aug 2020)
- SDNPA Biodiversity TAN (Jan 2022)
- SDNPA Dark Skies TAN (May 2021)
- SDNPA Ecosystem Services TAN

## **7. Planning Assessment**

7.1. The main matters for consideration relate to:

- Principle of Development
- Landscape, Design and Sustainable Construction
- Housing
- Trees, Ecology and Ecosystem Services
- Drainage, Contamination and the Water Environment
- Highways, Access and Parking
- Dark Skies
- Amenity

### Principle of development

- 7.2. The proposal is not considered to constitute major development for the purposes of policy SD3 and paragraph 177 of the NPPF. The NPPF accompanying footnote 60 advises 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 relatively discreet and the site has been allocated for the use proposed. Any adverse impacts on the designation as a result of development will not be significant and have furthermore already been considered via the Local Plan process.
- 7.3. Policy SD1 encourages a presumption in favour of sustainable development where development proposals accord with other relevant policies in the South Downs Local Plan and the National Park’s statutory purposes. Policy SD25 of the South Downs Local Plan (SDLP) directs new development to within settlement policy boundaries, where proposals are of a scale and nature appropriate to the character and function of the settlement in its landscape context.
- 7.4. Policy SD26 allocates a housing provision of approximately 11 dwellings to Kingston. This is provided for by policy SD74, which allocates Land at Castlmer Fruit Farm for up to 12 dwellings providing the following site-specific criteria are met:
- a) To enhance biodiversity and provide for protected species;
  - b) Protect and enhance trees within the site worthy of retention;
  - c) Provide a suitably landscaped transition at the site boundaries;
  - d) The location of new housing and access roads to have regard to areas of surface water flooding and potential groundwater emergence;
  - e) Safe vehicular and pedestrian access and egress should be provided and an internal road layout which provides for larger vehicles including refuse vehicles;
  - f) To provide all necessary vehicular parking on-site to avoid additional on street parking in local roads; and
  - g) The site layout must not include opportunities to provide future vehicular access into either adjacent fields or the remainder of the Castlmer Fruit Farm site (other than a narrow single track for the purpose of maintaining the land).

- 7.5. The development of the site for a C3 residential use is therefore acceptable in principle, subject to compliance with the criteria of policy SD74 and requirements of other relevant policies.

Landscape and Design

- 7.6. The first statutory purpose of the National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and development within it must accord with this purpose.
- 7.7. Policies SD4 and SD5 of the South Downs Local Plan require proposals to conserve and enhance existing landscape character features, make a positive contribution to the overall character and appearance of the area, and be of a landscape-led design. Policy SD6 supports proposals that preserve the visual integrity, identity and scenic quality of the National Park, including views from public rights of way.
- 7.8. Criterion c) of SD74 requires development to provide a suitably landscaped transition at the site's boundaries. Criterion g) states that the site layout must not include opportunities to provide future vehicular access into either adjacent fields or the remainder of the Castelmer Fruit Farm site (other than a narrow single track for the purpose of maintaining the land). Para 9.122 of the supporting text of SD74 also outlines that development should take full account of the local topography, the trees within the site and be informed by a LVIA. Para 9.128 states that proposals should be informed by access, landscape, and ecological improvement strategies, and outlines an aspiration for the undeveloped part of the southern portion of the site to be retained as a publicly accessible open space. Section C.2.1 of the Design Guide SPD states that character and identity will be best served where it is clear that local heritage, history and culture are being responded to; and that character may be enhanced with high quality contemporary architecture which complements existing character.
- 7.9. Concerns have been raised by the Parish Council and other third parties with regard to the density and height of development, the urban appearance of the dwellings, lack of wider community access to the orchard space, and failure to design for the needs of older people.
- 7.10. The Design and Landscape officers have no objection to the layout or contemporary design of the proposed development, which has evolved iteratively following input from both officers and the DRP. The proposals have been informed by topographical, ecological and drainage landscape evidence, and the layout makes efficient use of the land by utilising the existing access into the site and following the site's natural contours. The new access along the northern boundary continues the settlement pattern and allows the rear gardens of units 1-9 to benefit from the southern facing slope, and the proposal will utilise locally appropriate and sustainable materials.
- 7.11. The site is not visually or physically close to any historic building or the Conservation Area, where a more traditional approach may assist development to integrate in the landscape, and there is a precedent for contemporary dwellings in the locality. The contemporary design utilises traditional materials that draws from and complements local character, and also allows for the introduction of large flat green roofs on the two larger dwellings. It also allows for greater flexibility in terms of window dimensions and arrangement to improve solar collection, reduce external surfaces for energy efficiency, and facilitate passive house certification.
- 7.12. A number of positive changes have also been made in response to concerns raised by officers during the course of the application. These include the removal of a large secondary turning head, the re-arrangement of parking spaces to avoid excavation on the northern boundary and the reduction in height of the southern elevation of units 1-8. Although evidence of impacts upon views has not been provided, the perception of mass will be mitigated by the variety of materials proposed and the breaking up of the southern elevations with green roofs at the lower ground floor level. In addition, the roof form has been amended to a single hipped roof form (rather than a mix of gabled and hipped), and 50% of dwellings will be designed to meet Part M4 Category 2 standards for Accessible and Adaptable Dwelling (Design Guide SPD). Further refinements, including materials details, the integration of swift bricks and bat boxes, characteristic tree and other native planting for biodiversity, and landscape management can be secured via suitably worded planning conditions.

- 7.13. In summary, the proposal is considered to be acceptable in design and landscape terms, and in accordance with policies SD4, SD5, SD6 and SD74.

Sustainable Construction

- 7.14. Policy SD48 requires 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, and achieve 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 39% carbon reduction above Part L, 10% passive house homes, 10% green roofs and multifunctional sustainable drainage.
- 7.15. The Authority’s sustainable construction consultant has advised that the reduction in carbon emissions associated with building fabric improvements will be on average 12% and the average reduction in emissions will be 84%. Although this does not meet the requirement for 19% improvement in building fabric, the overall carbon emissions improvements substantively exceed the requirements of Policy SD48 and the Sustainable Construction SPD as a whole and are welcomed.
- 7.16. Preference will be given to locally sourced materials (bricks, tiles, weatherboard, rubble stone and timber windows.) All units will have an EV charging point, and unit 10 will also be certified to Passivhaus standards. The amount of green roofs will exceed 10%, and the predicted water consumption is calculated to be 78-88 litres per person per day, both of which go above and beyond policy requirements.
- 7.17. The proposal therefore meets and, in some areas, exceeds the requirements of SD48 and the Sustainable Construction SPD.

Housing

- 7.18. The SDNPA’s Housing and Economic Development Needs Assessment (HEDNA) (2017) identified a predominant need for 1-3 bedroom dwellings, as reflected by policy SD27. Policy SD28 requires sites with gross capacity to provide 10 homes to provide a minimum of four affordable homes on-site, of which at least 50% should be of a rented affordable tenure. This is based on evidence provided by the HEDNA and Strategic Housing Market Assessment (SHMA) which demonstrates that social rent tenures are the most affordable in the SDNP to those in greatest need and should be prioritised over other forms of rented tenure.
- 7.19. Policy SD27 3) supports proposals of five or more homes where local need for older people’s or specialist housing is reflected in the types of homes proposed. The Design Guide SPD specifies that developments of 10 dwellings and above should ensure at least 50% of dwellings meet Part M4 Category 2 standards for Accessible and Adaptable Dwellings.
- 7.20. Concerns have been raised by the Parish Council and other third parties that the development will not meet the local need for smaller market dwellings; or larger affordable dwellings.
- 7.21. The above concerns appear to be based on a housing needs assessment commissioned by Kingston Parish Council and carried out in October 2019 by an Action in Rural Sussex (AIRS). Although the needs assessment is over three years old, it provides a ‘snapshot’ of the specific need for Kingston parish at the time it was carried out, and therefore carries some weight. The need identified is for six affordable homes (1x 1-bed, 4x 2-bed, and 1x 3-bed home;) and seven market homes for households wishing to downsize (1x 1-bed, 3x 2-bed, and 3x 3-bed homes).
- 7.22. More recent information provided by Lewes District Council in March 2023 identifies an affordable housing need in the South West Rural Area of Lewes District (which includes Kingston parish) as follows:

<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>
31	22	13	6

- 7.23. Policies SD27 and SD28 and the Affordable Housing SPD recognise the need for a degree of flexibility when considering the *mix* of homes. In this case, there is a greater provision of 4x bedroom market dwellings than is encouraged by SD27 (33% as opposed to up to 10%), however there is a good provision of smaller 2-3-bedroom market dwellings (66%.) The delivery of a policy compliant *number* of affordable homes is also considered to be a priority when assessing mix overall, and the over-provision of 4x bedroom market dwellings (to effectively enable this) is therefore considered to be acceptable.
- 7.24. With regard to the affordable housing mix, there is an identified need for 1x 3-bedroom unit in the AIRS 2019 survey, and currently for 13x 3-bedroom units in the wider South West Rural Area of Lewes district. However, both sets of evidence identify a predominant and significant need for 1- and 2-bedroom units, such that the lack of any 3-bedroom affordable units is not considered to be contrary to the local need. Furthermore, 75% of the affordable homes (2No 1-bed flats and 1No 2-bed maisonette) are proposed to be affordable rental, which is the preferred and most affordable tenure in the National Park. This is a higher amount than the required 50% affordable rental tenure required by SD28 for sites with a capacity to provide ten dwellings.
- 7.25. The applicant has also confirmed that 50% of the units will be designed to meet Part M4 Category 2 (accessible and adaptable dwelling standards) as required by the Design Guide SPD.
- 7.26. In summary, the proposed mix and tenure of both the market and affordable units is considered to be acceptable and in accordance with policies SD27 and SD28; and will achieve the accessible design standards required by SD27 and the Design Guide SPD.

Trees, Ecology and Ecosystem Services

- 7.27. Policies SD2, SD9, SD11 and SD45 support proposals that conserve and enhance biodiversity, trees and woodland, and green infrastructure; retain, protect and enhance features of biodiversity and supporting habitat, and identify and incorporate net gains for biodiversity and green infrastructure. Criteria a) and b) of SD74 require development to enhance biodiversity and provide for protected species and protect and enhance trees within the site worthy of retention. Para 9.122 of the supporting text of SD74 states that ecological and arboricultural improvements should be considered across all of the site including those parts proposed for built development.
- 7.28. The SDNPA Biodiversity Net Gain (BNG) Technical Advice Note (Jan 2022) provides interim guidance ahead of legally mandatory BNG requirements expected later in 2023. This states that developments of 10 or more dwellings should maximise biodiversity opportunities on site with a minimum of 10% BNG.
- 7.29. Both the broadleaf woodland (known as Kingston Hollow) to the north and areas of orchard of approximately 0.1ha in size within the site are identified as Habitats of Principal Importance. Kingston Hollow is also a Local Wildlife Site (LWS). There are a number of broad-leaved trees within and around the periphery, the majority of which are C or U category. The category A beech tree at the site entrance will be retained. There are also two small garden ponds located either side of the existing dwelling, which provide potential for habitat. The recent *Nature Recovery Opportunities in the Parish of Kingston* report (June 2023), which was commissioned by the Parish Council, identifies the retention of existing woodland and planting of suitable, climate adaptable trees as key to help mitigate climate change, reduce carbon and provide shade. It also identifies the expansion of chalk grassland and allowing grassed areas including verges to grow as positive nature recovery actions.
- 7.30. Concerns have been raised by third parties with regard to impacts on trees, woodland habitat and wildlife, and loss of nature and habitat contrary to the *Kingston Nature Recovery Opportunities* report.
- 7.31. The main arboricultural features are the two linear groups of trees along the northern and southern boundaries, and the 0.06ha area of existing orchard in the south-eastern corner, which is one of the most ecologically valuable parts of the site and will be retained. The proposal will require the removal of 44No category trees, the majority of which are C and U category, which are in direct conflict with the development. This includes 18No trees along the northern boundary that are located just within the Kingston Hollow LWS, which are proposed to be replaced on a 2:1 basis. 41No replacement trees of native species will be planted within the site

as part of the landscaping scheme, and a new 0.05ha area of offsite compensatory orchard will be provided to the east of the application site where there is currently a grassed tennis court. The verges along the access road area will also be planted and managed for habitat/wildlife, in accordance with the recommendations of the Kingston Nature Recovery report (June 2023.) Overall, it is estimated that there will be a minimum 38% increase in Biodiversity Net Gain (BNG) as a result of development.

- 7.32. No concerns are raised by the tree officer, subject to conditions to secure tree protection. However, some concerns are retained by the Authority's ecologist with regard to whether the loss of trees within the LWS can be justified, and whether the loss of woodland and pond habitat would be appropriately compensated.
- 7.33. As confirmed by the submitted arboricultural survey, the trees bordering the site within the LWS are low category trees in a poor structural condition with unbalanced crowns and are compromising the condition of other high category trees within the woodland. Their loss, and replacement on a 2:1 basis within the LWS, is therefore considered to be justified and reasonable. The loss of 0.05ha of existing woodland in the north-eastern part of the site is proposed to be compensated for by a new 0.05ha area of orchard habitat offsite. Whilst this is a different habitat to woodland, it is of a similar classification and will be closely associated with other areas of similar orchard habitat. Although two garden ponds will be lost, the swale will provide a permanent, larger area of wet or seasonally wet habitat. The swale and its management can be secured via a suitably worded planning condition, and the provision and management of the compensatory orchard and appropriate re-planting of trees within the LWS (both of which are offsite) can be secured via the s.106.
- 7.34. Given the above, officers are of the view that the loss of trees within the LWS is justified, and that the replacement tree planting and mitigation/compensation for the loss of habitat(s) is appropriate. The proposal is therefore considered to be acceptable in terms of ecology, trees and green infrastructure, and accord with the requirements of policies SD2, SD9, SD11, SD45 and SD74, and the Biodiversity Net Gain TAN.

Drainage, Contamination and the Water Environment

- 7.35. Policies SD17, SD49, SD50 and SD54 seek to reduce flood risk and ensure proposals within Groundwater Source Protection Zones (SPZs) do not have an adverse impact in terms of pollution or 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. Criterion d) of SD74 requires the location of new housing and access roads to have regard to areas of surface water flooding and potential groundwater emergence.
- 7.36. In this case the site is located in a Groundwater Source Protection Zone and area of major groundwater vulnerability due to the underlying aquifer. As noted in para 9.126 of the supporting text of SD74, the south-eastern corner of the site is at some risk from surface and ground water flooding. Given the previous use of the site for vehicle repairs and waste storage there is also potential for contamination risk to controlled waters.
- 7.37. Concerns have been raised by the Parish Council and other third parties with regard to the capacity of the foul sewer, the potential for outflow from the pumping station to overload the system and the ability of the proposed swale to deal with surface water. Concerns are also raised that Southern Water do not understand the capacity and operational issues associated with the Kingston sewerage system; or the cumulative impacts arising from the nearby Newmarket pumping station, recent nearby housing developments and surface/ground water ingress. Concerns have also been raised with regard to flood risk, and the potential for contamination from water infiltration given the former use(s) of the site.

*Foul Drainage*

- 7.38. With regard to foul drainage arrangements, a pumping station will be provided with a 24hr storage capacity. The applicant has also confirmed that the discharge rate to the public sewer will be limited to a flow rate of 0.08 litres per second (l/s).

- 7.39. Southern Water have provided detailed responses to a number of specific, technical concerns raised by third parties, and have confirmed that the sewer network has the capacity to accommodate foul flows from the Castelmer site at 0.08l/s. They also advise that as part of the Drainage and Wastewater Management Plan for the Adur and Ouse River Basin Catchment, annual jetting activities are undertaken to control the build-up of Fat Oil and Grease (FOG.)
- 7.40. As a Water and Sewerage Company (WaSC,) Southern Water has a statutory obligation under Section 94 of the Water Industry Act 1991 to connect new development to the public sewer. Although Grampian style conditions can be used to manage new connections to allow network capacity reinforcements to be carried out, this is only in cases where the WaSC deems such works to be necessary. In this case, Southern Water has raised no concerns and does not deem a capacity upgrade to be necessary.

*Surface Water Drainage*

- 7.41. With regard to surface water drainage, all units will also be provided with raingardens to initially deal with water runoff. A swale will also be provided in the south-western corner that curves around the shared orchard space, running east-west along the site's existing contours. Infiltration testing has revealed that the upper part of the site drains significantly better than the lower part of the site, which means that a partially engineered solution is required. A combination of raingardens and soakaways is therefore proposed to accommodate the run-off from the roofs of plots 1-7, with units 8, 9 and 10 draining via raingardens directly to the swale.
- 7.42. No concerns have been raised by the Local Lead Flood Authority or Southern Water with regard to the surface water arrangements given that no surface water will enter the main sewer. The Environment Agency and Lewes Environmental Health are also satisfied that the submitted Contamination Risk Assessment demonstrates it will be possible to manage the risks of contamination, including to controlled waters from surface water infiltration.
- 7.43. Given the above, the proposed foul and surface water arrangements are therefore considered to comply with the requirements of SD17, SD49, SD50 and SD74 and are acceptable in principle, subject to suitably worded planning conditions to secure technical details, including a foul flow rate of no more than 0.08l/s.

Highways, Access and Parking

- 7.44. Policies SD19 and SD22 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. Policy SD21 promotes the safety and amenity of all road users and safe, direct walking and cycling routes.
- 7.45. Criteria e) and f) of SD74 require safe vehicular and pedestrian access and egress to be provided; an internal road layout which provides for larger vehicles including refuse vehicles; and all necessary vehicular parking to be contained within the site to avoid additional on street parking in local roads. Criterion g) seeks the prevention of future vehicular access into either adjacent fields or the orchard to the east (other than a narrow single track for the purpose of maintaining the land.)
- 7.46. Concerns have been raised by the Parish Council and other third parties with regard to the width of the access, the safety of the junction with the main road, lack of sufficient parking within the site, and that the level of vehicular movements which they believe will result in highway safety issues. The Parish Council have also raised concerns that their own mobile speed sign has recorded high volumes of traffic along Ashcombe Lane and traffic speeds in excess of 30mph, and that the submitted Travel Plan does not compel occupants to use sustainable transport.
- 7.47. The ESCC Highway Authority has raised no concerns with regard to the submitted TRICS information, which compares the existing and proposed site uses and identifies a peak increase of two additional two-way trips between 8-9am and 3 additional two-way trips between 5-6pm. The existing access is access is 5.2m, which is wide enough to accommodate two vehicles passing each other, and a passing point will also be provided. A visibility splay of 2.4m x 43m can be achieved at the junction, which is in accordance with Manual for Streets for a 30mph road. Sufficient parking will also be provided within the site.

- 7.48. The layout also allows for a small field access to be provided in the northeastern corner to the orchard beyond, in accordance with SD74 g) above.
- 7.49. The ESCC Highway Authority undertook a further TRICS assessment using the parameters set out in the Parish Council's concerns and found that the trip rates were similar. Even accounting for lower-than-average vehicular movements associated with the existing garage use, the increase in trips will be low and will not have a severe impact on the operation of the junction. The ESCC Highway Authority also further advised that the access is existing, and there is no record of any associated accidents. The proposals do not constitute a significant intensification of use of the access, and there is therefore no requirement for the junction to be upgraded. The scale and nature of proposals do not require the provision of a road safety audit or formal Travel Plan. The submitted Travel Plan Statement satisfactorily informs prospective owners of alternatives to the private car and the site is in any case relatively sustainably located.
- 7.50. Following the removal of the second turning head within the development, which was considered to be harmful in design terms due to resultant urbanising impacts and reduction in size of the gardens of units 6 and 7, concerns were raised by ESCC Highways due to lack of swept path information relating to refuse vehicles. Further information has been provided by the applicant to indicate turning for the size of refuse vehicles used by Lewes District Council, and refuse collection points, which are located some 49m away from the refuse storage areas for units 8 and 9, and. Although this is further away than the 30m suggested by Manual for Streets, it is not considered to be so harmful as to warrant a reason for refusal.
- 7.51. Concerns are also expressed with regard to the six parking spaces in a tandem arrangement, and the two further parking spaces in front of garages. Whilst this is not ideal, the nearest available street parking is approximately 120m away, and therefore unlikely in practice that occupants would utilise it. The tandem parking is therefore considered acceptable and not so harmful as to warrant a reason to refuse the application.
- 7.52. Given the above, the proposal is considered to be acceptable in terms of highways and parking, and in accordance with the requirements of policies SD19, SD21, SD22 and SD74.

Dark Skies

- 7.53. 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.
- 7.54. 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.
- 7.55. 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.

Amenity

- 7.56. Policy SD5 k) requires proposals to have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.
- 7.57. Concerns have been raised with regard to impacts on neighbour amenity in terms of noise, loss of privacy and overshadowing to the dwellings known as Badgers and Benallan, increase in traffic movements and parking along the access road.
- 7.58. Badgers is located some 20m to the west of the block which will form units 1-4, the western elevation of which includes a two-storey box window. This window will serve bedrooms on the ground and first floors, which are not primary living spaces, and new street trees will in any case be provided along the western boundary of the development which will provide a level of screening. Any material impacts from overlooking or overshadowing are therefore considered to be minor. Benallan is located over 50m away, and the new passing space would not result in any material impact in terms of loss of privacy, especially given the intervening vegetation.

- 7.59. Although there would be a minor increase in traffic movements, this is not considered to significantly impact neighbour amenity in terms of noise or disturbance.

Other Issues raised by Third Parties

- 7.60. Concerns have been raised that no pedestrian link has been provided to connect with footpath Lewes 37 which currently terminates in a field some 400m to the north-east of the site, contrary to the explanatory text of SD74. Aspirations in policy supporting text do not carry the weight of policy requirements and the Local Plan Examiner in fact concluded it was unsound for public access to the priority woodland habitat to the north to be required.
- 7.61. A link has not been progressed due to lack of an agreement for access over land in third party ownership. Whilst disappointing, failure to progress the link does not isolate the site or make access to public footpaths (particularly the Jugg's Road track to the North) difficult.
- 7.62. Unrelated to the application, a Definitive Map Modification Order to create a connecting footpath ('the Ramblers Route') between Lewes 37 and Ashcombe Lane is due to be determined via a hearing in August 2023. If confirmed, the order will not prejudice the delivery of the development subject of this application. If it is not confirmed, the proposal allows for a link via a different route to be provided in the future.
- 7.63. Concerns have also been raised that the shared space will only serve future occupants rather than the wider Kingston community, and the woodland to the north and orchard to the east will not be publically accessible. Again, the opportunity for public access is a policy aspiration of SD74 rather than a requirement of the policy itself. Under SD46 there is no requirement for the proposal to meet any amenity public green space standards as there are none stipulated for the Lewes District Area of the National Park. In any event, Kingston Village has three existing greens which are public open spaces. The woodland to the north and orchard to the east are not in the Applicant's control and will remain in the original family ownership.

**8. Conclusion**

- 8.1. The proposal delivers on the Local Plan allocation and provides ten homes and a policy compliant level of affordable housing of a tenure which compares favourably to the requirements of SD28.
- 8.2. The scheme has been iteratively designed with the input from both officers and the Design Review Panel to ensure it is landscape-led. The layout is considered to be appropriate to the context, responds well to the site's existing features and contours, and retains an area of orchard for shared amenity space. The design will use locally appropriate materials and meets or exceeds the requirements of SD48 and the Sustainable Construction SPD. Although a number of trees will be lost, this is adequately compensated by a new orchard area and replacement trees, and the scheme overall will achieve an estimated Biodiversity Net Gain of 38%.
- 8.3. As some of the replacement tree planting and the area of compensatory orchard habitat will be provided off-site, it is appropriate to secure it these elements via a S.106 legal agreement.
- 8.4. The proposal is considered to deliver well on requirements of the relevant policies development plan and in particular the land allocation. The scheme is therefore recommended for approval.

**9. Added Value**

- 9.1. During the course of the application, officers have negotiated nature recovery improvements to maximise biodiversity net gain in accordance with Objective 1 of the SDNPA Corporate Plan 2020-25, and multiple design and landscape character improvements to the public realm and reduction in building height.

**10. Reason for Recommendation and Conditions/Reasons for refusal**

- 10.1. It is recommended that the application be approved subject to the conditions set out below and the completion of a S106 agreement to secure:
- i) The provision of four affordable homes of the following mix and tenure:
    - 2No 1-bedroom flats and 1No 2-bedroom maisonette (affordable rental)
    - 1No 2-bedroom maisonette (shared ownership); and



- ii) The 0.05ha area of offsite compensatory orchard habitat.

Conditions 12-15 relating to design and landscaping, 18-22 relating to drainage and management of surface water, and 23-27 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 remaining standard conditions are required to make the development acceptable.

Planning Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. 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 and Environmental Management Plan and Ecological Method Statement 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) Programme and timetable for implementation of works;
  - ii) The anticipated number, frequency and types of vehicles used during construction, including routing and parking;
  - iii) The loading, unloading and storage of plant, materials and waste;
  - iv) The erection and maintenance of security hoarding;
  - v) No burning of construction materials on site;
  - vi) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
  - vii) Protection of reptiles including a Reptile Mitigation Strategy (providing evidence that the HGBI (1998) requirements for receptor sites have been met and information

requested in Point 19 of the 19 June 2023 Ecology Response) including during removal of ponds;

- viii) Soft-felling of trees to avoid impact on bats;
- a) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- b) Persons responsible for implementing the works;
- ix) Measures to manage flood risk and control/minimise the emission of dust, dirt vibration, light and air pollution and odour during demolition/construction;
- x) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- xi) 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;
- xii) Details of public engagement both prior to and during the construction works.

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

Reason: To protect amenity, highway safety, 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 and The Conservation of Habitats and Species Regulations 2017, 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.

- 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.

Development shall thereafter 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. Piling and other penetrative methods of construction shall not be carried out unless a piling risk assessment, demonstrating that disturbance of the aquifer will be avoided, is first submitted to and approved in writing by the Local Planning Authority. Any approved piling shall be implemented in accordance with the approved details.

Reason: To protect the strategic water supply from any possible effects of land contamination in accordance with policies SD2, SD54 and SD55 of the South Downs Local Plan (2014-33) and the NPPF.

*Contamination*

- 8. Prior to the commencement of the development hereby permitted, a remediation strategy that includes the following components to deal with the risks associated with contamination of the site, shall be submitted to and approved, in writing by the local planning authority:
  - i) A preliminary risk assessment which has identified

- All previous uses;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site indicating sources, pathways and receptors; and
  - Potentially unacceptable risk arising from contamination at the site
- ii) Additional site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Thereafter the approved strategy shall be implemented and adhered to in full throughout the entire construction period.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF 2021.

9. Prior to the first occupation of any part of development hereby permitted, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include a long term monitoring and maintenance plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF 2021.

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

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF 2021.

11. Prior to the commencement of the development hereby permitted, a full asbestos survey to be carried out on the building to be demolished, including detail of the removal of asbestos containing materials (ACMs) by a suitable qualified contractor and disposal off-site to a licenced facility, shall be submitted to and approved in writing by the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

*Design and Landscaping*

12. Notwithstanding any submitted landscaping and arboricultural details, prior to the commencement of the development hereby permitted, a detailed scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. The scheme shall include details of, but not be limited to:
- i) Proposed planting plans and schedules of plants and trees, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment, to be sourced from a peat-free nursery;
  - ii) Planting and management of the verges along the access road;
  - iii) Construction of parking spaces and tree-pit construction;
  - iv) Location of services and utilities in relation to planted areas;
  - v) Location, height and materials/construction technique for all boundary treatments including gates;
  - vi) Treatment of surfaces, paths and access ways;
  - vii) Design of ancillary structures including footbridges, cycle and refuse storage, EV charge points;
  - viii) A timetable for implementation of the soft and hard landscaping works.
  - ix) A schedule of landscape maintenance for a minimum period of five years to include details of the arrangements for its implementation.

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

All soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building, or the completion of the development, whichever is the sooner. All shrub and tree planting shall be maintained free from weeds, avoiding pesticides, and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of 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, in accordance with SD2, SD4 and SD5, and the SDNPA Design Guide SPD. 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 commencement of the development hereby permitted, details of the green roofs shall be submitted to and approved in writing by the Local Planning Authority. The details shall include loading requirements and evidence as to how the four criterion to meet 'Good' condition in Technical Annex I (TAB 22) of Defra's Biodiversity Metric version 4 have been met. Thereafter the roofs shall be constructed prior to first occupation in accordance with the approved details and shall be retained and maintained as agreed thereafter.

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and deliver appropriate sustainable drainage solutions and habitat net gain in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, policies SD2, SD4, SD9 of the South Downs Local Plan, the SDNPA Design Guide SPD, 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.

14. Prior to the first occupation of the development hereby permitted a Landscape Management Plan covering areas of shared public space, access roads, pathways landscaping, and green roofs shall be submitted to and approved in writing by the Local Planning Authority. The Landscape management plan shall include long term objectives for biodiversity and wildlife, 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 in accordance with SD2, SD4, SD, and the SDNPA Design Guide SPD.

15. Prior to the development above slab level, 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 bricks, render, doors, pipework, flues, timber cladding and rainwater goods,) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be provided in full accordance with the approved details.

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

*Sustainable Construction*

16. 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 data;
  - ii) Passive house verification report for unit 10;
  - iii) Waste management (construction and operation);
  - iv) Sustainable transport measures to include:
    - a) A Transport Assessment and Travel Plan (including public transport support);
    - b) All dwellings to have EV charge point with a minimum power rating output of 7kW and a universal socket;
  - v) 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;
    - b) Elevational details;
    - c) Grown in Britain certified timber (FSC or equivalent where G in B not feasible);
  - vi) A design stage BRE water calculator demonstrating a predicted mains water use below 110 litres per person per day;
  - vii) Layout or landscape plans demonstrating:
    - a) GI and green roofs and green roof calculation;
    - b) Sustainable drainage, 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, in accordance with SD2, SD48 and the SDNPA Sustainable Construction SPD. 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. Prior to the first occupation of any residential unit hereby permitted, detailed information in a Post Construction Stage Sustainable Construction Report demonstrating how the development has been carried out in accordance with all of the requirements set out in Condition 12 shall be submitted to, and approved in writing by, the Local Planning Authority. This documentary evidence shall include, but shall not be limited to, as built SAP and SBEM data, and as built stage BRE water calculator.

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

*Drainage*

18. Prior to the commencement of development hereby permitted, details of the proposed foul drainage and means of disposal, which shall demonstrate a flow rate no greater than 0.08 litres per second, 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.

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

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

Reason: To ensure satisfactory provision of surface water drainage and ensure surface water runoff from the development is managed safely whilst achieving maximum water quality, biodiversity and amenity benefits, in accordance with SD2, SD17 and SD50, and the SDNPA Design Guide SPD. 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. Prior to the commencement of the development hereby permitted, details of the swale 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 swale 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) Be designed [i.e. the swale] to improve biodiversity with clear span foot bridges and no culverting.

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 whilst achieving maximum water quality, biodiversity and amenity benefits, in accordance with SD2, SD17 and SD50, and the SDNPA Design Guide SPD. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

- 21. 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 whilst achieving maximum water quality, biodiversity and amenity benefits, in accordance with SD2, SD17 and SD50, and the SDNPA Design Guide SPD. 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 first occupation of the development hereby permitted, 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

Reason: To ensure satisfactory provision of surface water drainage and ensure surface water runoff from the development is managed safely.

#### *Ecology and Trees*

- 23. If the development hereby approved does not commence within 2 years from the original bat emergence surveys used to support the application (undertaken May/June 2020) then the need for updated surveys should be reviewed by a suitably qualified bat ecologist. Further surveys may be required to i) establish if there have been any changes in ecological conditions and ii) identify any likely new ecological impacts that might arise from any changes.

Where any survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed.

24. Prior to the commencement of the development hereby permitted, an Ecological Design Strategy (EDS) shall be submitted to and approved in writing by the local planning authority. The EDS shall address on-site compensation for the loss of habitat including details of Kingston Hollow Local Wildlife Site (LWS) buffer planting, sensitive lighting strategy demonstrating how light spill onto the orchard/woodland/LWS will be minimised, bird and bat box specification (min. one bird box per dwelling and 5No. bat boxes) to be integrated into the fabric of the building, and general enhancement of the site to provide measurable biodiversity net gain in line with the recommendations in the Ecological Assessment (Derek Finnie Associates, December 2022, Ref: DFA22070) and Excel Biodiversity Metric V4.0 (Derek Finnie Associates, undated.)

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, Policy SD9 of the South Downs Local Plan, 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.

25. Prior to the commencement of the development hereby permitted, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The LEMP shall include the following areas:

- i) On-site and off-site reptile receptor sites;
- ii) On-site and off-site orchards; and
- iii) Verges along the access road, to be planted/managed for habitat/wildlife in accordance with the Kingston Nature Recovery Plan 2023.

The LEMP shall include details of ongoing management and monitoring including a five-year annual work plan, the body or organisation responsible for implementation, and details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of receptor site for reptiles, in accordance with the Natural Environment and Rural Communities Act 2006 and policy SD9 of the South Downs Local Plan. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

26. Prior to the commencement the development hereby permitted (including any demolition, site clearance or delivery or storage of any equipment, machinery or materials), the approved Arboricultural Development Report (Tree:Fabrik, May 2023) shall be updated, and submitted to and approved in writing by the Local Planning Authority. The updated arboricultural method statement (AMS) shall include a detailed schedule of arboricultural site supervision and record keeping prepared by a suitably qualified arboricultural consultant. 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) Visiting and record keeping;
- v) Procedures for dealing with variations and incidents.



The approved AMS 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: 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.

27. 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: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality and in accordance with Policy SD11 of the South Downs Local Plan.

#### *Dark Skies*

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

- i) Comply with the guidance set out in the SDNPA's Dark Night Skies TAN;
- ii) Be designed to minimise impacts on wildlife and the countryside edge.

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

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

29. Prior to development above slab level, details of low transmission, non-reflective glazing and automated black-out blinds shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and retained in full accordance with the approved details.

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

#### *Highways and parking*

30. Prior to the first occupation of the development hereby permitted, evidence that visibility splays of 2.4m by 43m will be achieved at the junction with Ashcombe Lane shall be provided in both directions and maintained thereafter.

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

31. Prior to the first occupation of the development hereby permitted, the car parking shall be constructed in full accordance with the approved plans. The car parking (at least 2.5m x 5m) 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.

32. Prior to the first occupation of the development hereby permitted, detailed drawings of the covered and secure cycle parking stores and 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 in accordance with SD19.

33. Prior to the commencement of the development hereby permitted, detailed drawings, including levels, sections and constructional details of the proposed road surface water drainage, outfall disposal and street lighting to be provided, 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: In the interests of highway safety and for the benefit and convenience of the public at large.

### 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. The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information please visit <http://www.hse.gov.uk/Asbestos/regulations.htm>
3. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:
  - Excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
  - Treated materials can be transferred between sites as part of a hub and cluster project.
  - Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays (03708 506 506 (Monday to Friday 8am to 6pm) or email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)). Developers should refer to:

  - The position statement on the Definition of Waste: Development Industry Code of Practice
  - The waste management page on GOV.UK
4. Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
  - Duty of Care Regulations 1991
  - Hazardous Waste (England and Wales) Regulations 2005

- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays (03708 506 506 (Monday to Friday 8am to 6pm) or email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)).

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

**Tim Slaney**

**Director of Planning**

**South Downs National Park Authority**

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Appendices	1 – Information concerning consideration of applications before committee 2 – Pre-application Advice (November 2022)
SDNPA Consultees	Director of Planning, Legal Services
Background Documents	<a href="#">All planning application plans, supporting documents, consultations and third party responses</a> <a href="#">Nature Recovery Opportunities in the Parish of Kingston (Jun 2023)</a> <a href="#">National Planning Policy Framework (2021)</a> <a href="#">South Downs Local Plan (2014-33)</a> <a href="#">South Downs National Park Partnership Management Plan (2020-25)</a> <a href="#">SDNPA Affordable Housing SPD (Jul 2020)</a> <a href="#">SDNPA Biodiversity TAN (Jan 2022)</a> <a href="#">SDNPA Corporate Plan (2020-25)</a> <a href="#">SDNPA Dark Skies TAN (May 2021)</a> <a href="#">SDNPA Design Guide SPD (July 2022)</a> <a href="#">SDNPA Ecosystem Services TAN</a> <a href="#">SDNPA Parking SPD (Apr 2021)</a> <a href="#">SDNPA Sustainable Construction SPD (Aug 2020)</a>

