



Peter Rainier (DMH Stallard LLP)
Griffin House
135 High Street
Crawley
RH10 1DQ

Our Ref: SDNP/21/03968/PRE
Contact Officer: Stella New
Tel. No.: 01730 819216

4 November 2022

Dear Peter Rainier (DMH Stallard LLP)

PRE-APPLICATION ADVICE

Applicant Name: Greenplan Designer Homes Ltd
Proposal: 12 no. residential dwellings at (Allocated SDNPA site SD74).
Site Address: Castelmer Fruit Farm, Ashcombe Lane, Kingston, Lewes, East Sussex, BN7 3JZ

Thank you for your correspondence received 27 July 2021 seeking pre-application advice.

Executive Summary

The site is allocated through policy SD74 of the South Downs Local Plan for up to 12 dwellings, and residential development is therefore acceptable in principle providing it meets the requirements of SD74 and the relevant local plan policies.

The site is constrained due to its sloping nature and existing habitat/biodiversity and is located in an area of groundwater vulnerability. The lower part of the site is also close to an area susceptible to ground and surface water flooding. The Design Review Panel and officers have assisted you over a period of time in establishing the optimum layout, form and quantum of development, and it would appear that 10-12 dwellings are deliverable whilst still retaining an area of orchard as public open space.

Further refinements to the layout and materiality of the scheme are now required to ensure the proposal will meet the requirements of SD74 and the relevant local plan policies. The size of the dwellings should also better reflect the requirement for smaller 2-3 bedroom homes and avoid an over provision of large 4-5 bedroom units.

Please note that the advice contained within this letter constitutes an informal Officer's opinion and does not prejudice, nor is binding upon, any future decision taken by the South Downs National Park Authority.

South Downs National Park Authority, South Downs Centre, Midhurst, GU29 9DH
Tel: 01730 814810 Email: planning@southdowns.gov.uk

ACKAPP

Planning Policy

See Appendix.

Planning Assessment

The 0.72ha site is currently in a mixed residential and commercial use, with a small commercial garage, two large but 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 north eastwards. The site is accessed from Ashcombe Lane via a narrow spur road. Kingston Hollows Local Wildlife Site (LWS) and area of priority woodland habitat lies adjacent to the northern boundary. The orchard is also a Habitat of Principal Importance (HPI) under section 41 of the NERC Act.

The site has been allocated through policy SD74 of the South Downs Local Plan for up to 12 dwellings. Residential development in this location is therefore acceptable in principle, subject to the requirements of SD74 and the relevant local plan policies.

Design and Landscape

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.

Policies SD4 and SD5 of the South Downs Local Plan require development 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. Policy SD7 seeks to conserve and enhance relative tranquillity. Criterion c) of SD74 also requires development to provide a suitably landscaped transition at the site 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 states that development should take full account of the local topography, the trees within the site and be informed by a LVIA. Para 9.128 also states that proposals should be informed by and come forward in conjunction with access, landscape, and ecological improvement strategies. The undeveloped part of the southern portion of the site should be retained as a publicly accessible open space.

The site is relatively constrained due for reasons of its sloping character, drainage and ecology, and there may also be contaminants on site due to the garage/workshop use. The DRP has sought to assist the design team with establishing the optimum layout, form and quantum of development. Please refer to the Panel's comments of October 2021, March 2022 and August 2022. The emerging layout has been iteratively developed to suggest that 11 dwellings could be provided primarily within the northern part of the site running east-west, with two further dwellings provided in the south western corner. The south eastern corner would be retained as a community orchard. This broad layout is supported by officers.

While the final layout, quantum and size/mix of dwellings is being refined, officers would suggest that you consider using a predominantly terrace typology to make the most efficient use of land, and more energy efficient homes, avoiding unused spaces between buildings. The proposals should also seek to provide a single, small yard space to the west of the site that would be shared by with the existing homes to the west to facilitate efficient use of land and improvements to landscape character. Parking spaces and bin collection points should be well integrated into the development, informal, and not prominent. Underground services should be planned to avoid existing and proposed vegetation and SuDS. Access roads and paths should be as narrow as possible, and treated with rural, informal surfaces (not block paving.) All buildings should have active frontages, and materials will need to be locally characteristic.

Any development proposal should be accompanied by a detailed Landscape and Visual Impact

Assessment, evidencing how the scheme has responded to local landscape character. Further information is available here

<https://www.southdowns.gov.uk/landscape-design-conservation/design-in-the-south-downs/what-is-good-design/landscape-led-design/>

Housing Provision

Policy SD27 requires the following broad mix of market housing:

- o 1 bedroom dwellings: at least 10%
- o 2 bedroom dwellings: at least 40%
- o 3 bedroom dwellings: at least 40%
- o 4+ bedroom dwellings: up to 10%

Affordable housing delivered as part of a market housing scheme should also be predominantly made up of smaller dwellings of the following broad mix:

- o 1 bedroom dwellings: 35%
- o 2 bedroom dwellings: 35%
- o 3 bedroom dwellings: 25%

There is an emphasis on smaller 2-3 bedroom homes because there is an evidenced need for this size of dwelling, and the over provision of larger dwellings would not be supported. Please note that any room in a dwelling that is not a main reception room, kitchen, bathroom or WC, and has dimensions that allow for a single bed, will be counted as a bedroom. This will include studies and additional reception rooms.

From the latest plans provided, the size of units is excessive in some cases, with some of the dwellings provided with second reception areas and home offices that would be counted as bedrooms, resulting in the provision of 50% 4-5 bedroom homes. This would not be supported. Units 10 and 11 also appear disproportionately large compared to the other dwellings. You should therefore seek to reduce the size of the units to provide a mix that would better meet policy requirements.

Policy SD28 requires sites with gross capacity to provide 11 or more homes to allow for a minimum of 50% affordable housing, of which a minimum 75% should be a rented affordable tenure. Where the calculation of the on-site affordable housing requirement results in a fraction of a unit, the requirement will be rounded up to the nearest whole number. This means that 11 dwellings would require the provision of six affordable units to be policy compliant.

Should less than 11 dwellings be provided, a lower proportion of affordable units would be required as follows:

- o 10 dwellings would require 4 affordable homes (at least 2 rented affordable)
- o 9 dwellings would require 3 affordable homes (at least 2 rented affordable)
- o 8 dwellings would require 3 affordable homes (at least 1 rented affordable)
- o 6-7 dwellings would require 2 affordable homes (at least 1 rented affordable)

Further information is available in the SDNPA Affordable Housing Supplementary Planning Document Adopted Affordable Housing SPD - South Downs National Park Authority

During the course of the pre-application, you queried policy SD28 in respect of gross/net figures and where this leaves the site in terms of affordable housing provision, given that there is an existing dwelling that would be demolished. SD28 1 a) and b) relates specifically to the amount of affordable homes that should be provided on a site. Both these criteria specify gross capacity, which means that any existing dwellings on site that would be demolished to provide the development would not be deducted from the final number when calculating the affordable housing provision.

The amount of AF to be provided onsite therefore depends on the gross figure being provided; that is the final number of dwellings you come forward with, without deducting the existing dwelling i.e. 12 dwellings = six affordable homes; 11 homes = six affordable homes; 10 dwellings = four affordable homes etc.

Applications proposing a lower proportion of affordable home provision will need to present robust evidence to demonstrate constrained viability or other exceptional circumstances

Sustainable Construction

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.

Further information is available in the SDNPA Sustainable Construction Supplementary Planning Document <https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/supplementary-planning-documents/sustainable-construction-supplementary-planning-document/>

Providing the scheme is more than 10 dwellings in size, you will need to comply with the requirements of Appendix 4 of the SPD as follows:

- o 19% improvement of Co2 emissions through energy efficiency (building fabric)
- o 20% improvement of Co2 emissions through green energy
- o 10% of units to be passive house certified
- o All homes to have EV charge point where feasible
- o Recycling and composting
- o Materials strategy including FSC certified timber
- o Water consumption of no more than 110l per day
- o SuDS and swales
- o 10% of total roof area to be green (not sedum)
- o Green infrastructure

Ecology, Trees and Ecosystem Services

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.

The Authority's ecologist has advised that here are multiple records of protected and notable species in the locality, including reptiles, bats, invertebrates and birds. The orchard within the site is a Habitat of Principal Importance (HPI) under section 41 of the NERC Act, as is the woodland adjoining the site.

The proposal is now supported by a Phase 2 Ecological Survey, NVC study, breeding bird survey and an invertebrate study, Tree Survey and Biodiversity Statement. The information indicates no evidence of roosting bats and a low population of slow worm; however it is unclear whether surveys have met best practice guidance, or what mitigation, compensation and enhancement measures are proposed. The orchard within the site is a Habitat of Principal Importance (HPI) under section 41 of the NERC Act, as is the woodland adjoining the site. It is therefore recommended that a buffer is provided to the LWS and woodland, and that as much of the orchard should be retained as possible. It is also recommended that sufficient habitat is retained and enhanced on site to allow reptiles to be retained on site. An Ecological Constraints and Opportunities Plan (ECOP) should inform site design and layout, to avoid the wholesale loss of habitat.

Any formal application should also be informed by an Ecological Impact Assessment (EclA) of the proposed development, assessing the likely impacts of the scheme on biodiversity and recommendations for appropriate mitigation, compensation and enhancement made in accordance with CIEEM guidance. Enhancements should aim to strengthen connectivity between existing habitats and provide biodiversity net gain. The assessment should include a data search from the Sussex Biodiversity Record Centre, and surveys should be carried out in accordance with national best practice guidance and Natural England's

standing advice. Cumulative and in-combination effects of this development with other local developments/plans/projects should also be considered.

Further information is available in the SDNPA Ecosystem Services TAN <https://www.southdowns.gov.uk/wp-content/uploads/2018/04/Core-07-Ecosystem-Services-Technical-Advice-Note-non-householder.pdf> and the Biodiversity TAN <https://www.southdowns.gov.uk/wp-content/uploads/2022/01/Biodiversity-Net-Gain-Technical-Advice-Note-TAN.pdf>

Dark Night Skies

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.

The site is located within the Dark Skies Transition Zone (EIb), which lies between dark zones and the urban environment. Whilst the skies are relatively brighter in this area, it is still important to reduce light pollution as these areas have the potential to become dark zones in the future. This would best be achieved by avoiding rooflights, or reducing them to a minimum, and ensuring any external lighting accords with the SDNPA Dark Skies Technical Advice Note Dark Skies Technical Advice Note (TAN) - South Downs National Park Authority

Further measures to further reduce harmful lightspill, for example using low transmission glazing and automated blackout blinds would also be appropriate here, and may be secured via an appropriately worded condition attached to any planning permission.

Drainage and the Water Environment

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. 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.

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 a very small portion of the site is also at risk from surface water flooding. The site is situated on the side of a dry valley feature, and groundwater emergence from the chalk aquifer is most likely along the mapped surface water pathways around the edge of the site.

The ESCC Local Lead Flood Authority (LLFA) have advised that there are significant constraints which could preclude the use of infiltration for managing surface water runoff including high groundwater and ground stability issues. British Geological Survey data also indicates that there is a significant potential for land stability issues, associated with landslides, which could be worsened by infiltrating surface water runoff to the ground. If infiltration is not possible, there do not appear to be many more feasible outfall locations.

A thorough geotechnical investigation should therefore be carried out to confirm whether infiltration will be appropriate at the site. If infiltration is proposed, this should be supported by infiltration testing to BRE365 standard and groundwater monitoring **between November and April**. Further information and recommendations for a site specific FRA, and the suitability and design of SuDS is available in the Lewes District Strategic Flood Risk Assessment Level 1 Update and Level 2, and the SDNPA Design Guide SPD.

Surface water drainage should be considered early in the design process. The incorporation of SuDS (swale) along contours is supported and should be evolved further as the architecture and spaces between buildings becomes better defined. The use of attenuation crates/soakaways and other piped solutions should be avoided, with water being managed at surface as far as possible. This will provide multifunctional amenity, climate and biodiversity benefits that will assist you in meeting SD2 and SD9.

The Environment Agency have advised that an environmental permit may be required, and you are advised to contact their National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk to obtain advice about environmental permitting matters.

Access and Parking

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 seeks to promote the safety and amenity of all road users, and prioritise and support existing safe, direct, walking and cycling routes. Criteria e) and f) of SD74 require safe vehicular and pedestrian access and egress to be provided and 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.

The ESCC Highway Authority have advised that any application would need to be supported by details of:

- o Existing and proposed trip rates supported by TRICS outputs and site selection methodology;
- o A Stage 1 Road Safety Audit;
- o A 'Transport Report', including location of key services, availability of sustainable modes of transport and existing/future vehicular traffic generation;
- o A Parking Strategy, including provision of parking and cycle storage;
- o Appropriate on site vehicle turning to cater for the largest refuse vehicle of 12 metres in length with appropriate vehicle tracking;
- o Suitable vehicle, pedestrian and cycle access, to include sufficient width, gradient and visibility splays (2.4m x 70m)

The amount of parking required will depend on the number of units and housing mix. Further information is available in the SDNPA Parking Supplementary Planning Document Adopted Parking SPD - South Downs National Park Authority which includes a parking calculator.

Paras 9.128-9 of the supporting text of SD74 also note an opportunity to provide public access to the woodland to the north of the site, and provision of a suitable off-site link to the existing PRoW to the north and east of the allocation site. As development of the site is the only opportunity for securing these public benefits, every opportunity should be sought to try and deliver them where feasible.

Other matters

The proposed development would trigger the requirement for a Community Infrastructure Levy contribution to help deliver infrastructure to support development in the area. The site falls within Zone 2, which is charged at a levy of £200 per sqm. Affordable dwellings are exempt from CIL charges. More information about CIL may be found here CIL & S106 Rates - South Downs National Park Authority (zestydev.com)

Information to accompany a full application

Should you proceed to a formal application, you will need to submit the following information:

- o A LVIA setting out the contextual evidence and analysis and how this has informed the scheme;
- o Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan;
- o Ecology Assessment including Protected Species Survey;
- o Surface Water Management Plan and Infiltration testing to BRE365 standard and groundwater monitoring between November and April;
- o Land Contamination Survey
- o Details of hard and soft landscaping including fencing, surfacing, and planting plans
- o Detailed drainage information including:
- o Colour and finishes of any external building materials;
- o Details of parking (vehicular and cycle) and refuse storage;
- o Light impact assessment and external lighting details, to include mitigation measures to minimise

light spill.

Please also consult the SDNPA's Local Validation List <https://www.southdowns.gov.uk/planning-applications/apply/local-validation-list/>

Consultations

The following consultation responses have been provided and should be read alongside this response: Design, Ecology, ESCC Highways, Natural England and the Environment Agency. You should also refer to the Design Review Panel notes already provided.

If you pursue a formal planning application please note that the requirements of the South Downs National Park Authority Local Validation List will apply with regard to the information required to be submitted. Further information is available at <https://www.southdowns.gov.uk/planning/making-an-application/local-validation-list/> .

It would be advisable to contact the Building Control department at your Local Authority to check if building regulation approval is required.

Please note that the advice contained within this letter constitutes an informal Officer's opinion and does not prejudice, nor is binding upon, any future decision taken by the South Downs National Park Authority.

Yours sincerely,

Stella New
Senior Development Management Officer
For and on behalf of South Downs National Park

Appendix

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications.

The following Policies and Outcomes are of particular relevance to this case:

National Planning Policy Framework (NPPF) and Circular 2010

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving 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.

Development Plan

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD19 - Transport and Accessibility

- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Development Management Policy SD21 - Public Realm, Highway Design and Public Art
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD26 - Supply of Homes
- Strategic Policy SD27 - Mix of Homes
- Strategic Policy SD28 - Affordable Homes
- Strategic Policy SD45 - Green Infrastructure
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Development Management Policy SD50 - Sustainable Drainage Systems
- Allocation Policy SD74 - Land at Castelmer Fruit Farm, Kingston near Lewes

Other plans considered

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End of Document

