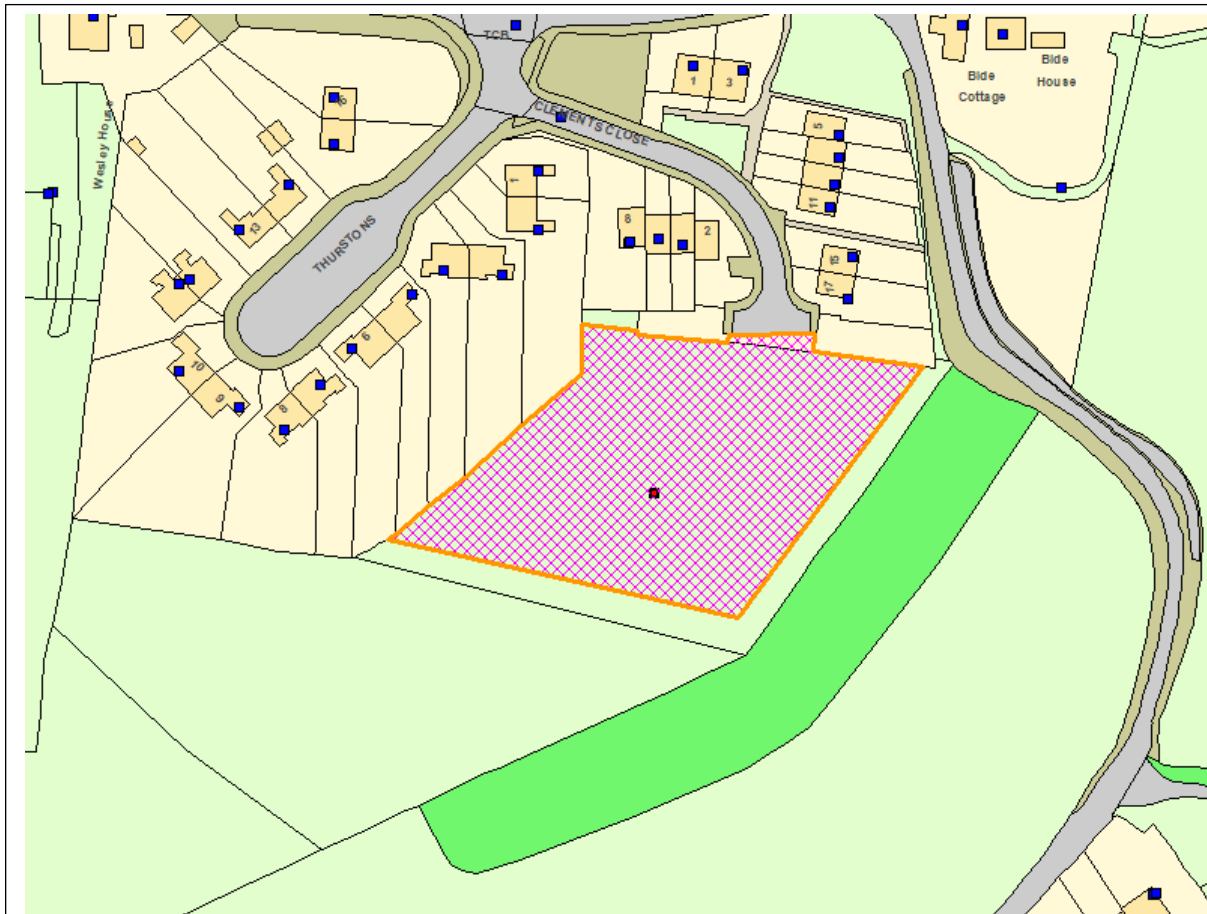


Report to	Planning Committee
Date	10 July 2025
By	Director of Planning
Application Number	SDNP/24/03248/FUL
Applicant	Priory Investment Group
Application	Erection of 10 x residential dwellings, creation of new vehicular access, provision of footpath link, and associated landscaping / infrastructure.
Address	Land South of Clements Close, Binsted, Alton, Hampshire

Recommendation:

- 1) That planning permission be granted subject to:**
 - i. The satisfactory completion of a Section 106 Agreement, the final form of which is delegated to the Director of Planning, in consultation with the Chair of the Planning Committee to secure:**
 - **3 Affordable Homes as set out in the report;**
 - **Biodiversity Net Gain Plan, associated management and monitoring and Off-site Biodiversity Net Gain;**
 - **Rights of Way Contribution of £5000 towards:**
 - **the replacement of two stiles with accessible gates on Binsted Footpath 27, approximately 200 metres southwest of the development and accessible from it as part of a circular walking loop incorporating The Street and Binsted Footpaths 26, 27 and 28.**
 - **vegetation cutback on the surfaces of Binsted Footpaths 30b and 55, approximately 550-700 metres east of the site.**
 - ii. The satisfactory consideration and resolution of a project level HRA relating to the impact on Wealden Heaths Phase II SPA.**
 - iii. The conditions set out at paragraph 8.1 with authority delegated to the Director of Planning in consultation with the Chair of Planning Committee, for amendments to conditions so as to accommodate any necessary minor changes;**
 - 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the Section 106 Agreement is not completed or sufficient progress has not been made within 6 months of the 10 July Planning Committee Meeting.**
-

Site Location Plan



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Executive Summary

- The application proposes 10 dwellings on an allocated site in the SDNP Local Plan, under Policy SD60 'Land at Clements Close, Binsted'. The application is placed before Members due to the scale and nature of the proposed development and the level of local interest.
- This application follows a previous refusal in 2022 for a development comprising 12 market dwellings. The site has also been subject to a number of pre-application advice requests, the most recent in 2023.
- The application would provide:
 - 7 market dwellings (4x3-bed, 3x4-bed).
 - 3 affordable dwellings (2x2-bed, 1x3-bed) secured in perpetuity.
 - 23 car parking spaces (including 3 visitor spaces).
 - 4 cycle parking spaces per dwelling.
 - A footpath link (to edge of site boundary) to FP28 and contributions to local PROW network improvements.
 - Biodiversity net gain on-site and via off-site habitat credits.

- The proposed development was originally submitted with no affordable housing units. Following a full viability appraisal, independent assessment and discussions, the application now proposes 3 affordable housing units.
- Officers consider the application is in accordance with the Policies within the Local Plan and the Purposes of the National Park and Duty and recommend approval.

1. Site Description

- 1.1. The application site is located to the south of Clements Close, a residential cul-de-sac to the south of the village of Binsted, within the settlement boundary. The site is accessed via an existing turning head at the south of Clements Close.
- 1.2. This site comprises an agricultural field, which has become overgrown in recent years. The site is bound to the north and east by a mature tree belt. To the north and west are the residential properties of Clements Close and Thurstons. The site is relatively flat, although the ground is uneven.
- 1.3. A Public Right of Way (PRoW) ref. 020/28/1 (Footpath 28) runs around the north-eastern corner of the site but is not directly visible from the site itself owing to a significant change in land levels.
- 1.4. There is an existing 11kv electricity cable that runs north-south across the site.
- 1.5. The site is allocated for 10-12 residential dwellings under SDNP Policy SD60. The application site area measures 0.431 hectares in size which is slightly smaller than the site allocation (0.5 hectares).

2. Relevant Planning History

- 2.1. The following planning history is relevant:

Full applications:

SDNP/21/05428/FUL Erection of 12 dwellings. Refused 28.04.2022.

Refused for 5 reasons relating to:

1. Landscape and design issues.
2. Sustainability concerns.
3. Lack of affordable housing.
4. Ecology concerns.
5. Highways and PROW issues.

Pre-applications:

SDNP/23/03395/PRE Erection of 10 dwellings and associated landscaping. Advice issued 05.12.2023.

Advice concluded that:

- Layout offers some improvement compared to the previously refused scheme.
- The built form creates a more distinctive cluster, responds better to the topography of the site and creates some transition to the countryside edge.
- Would not provide a variety of dwellings in terms of size, mix, appearance, and tenure required by a number of Policies in the SDLP.
- Fails to demonstrate characteristics of the local area, with a repetitive design of very large, detached dwellings. The proposed private amenity spaces inadequate in terms of

size and orientation, with several plots 'boxed-in' by development.

- Three Large areas of hardstanding proposed, with areas of prominent parking in the streetscene.
- No affordable housing proposed.

SDNP/23/00249/PRE Proposed scheme of 12 dwellings. Advice issued 05.04.2023.

SDNP/22/03169/PRE Proposed scheme of 12 dwellings at land adjacent to Clements Close, Binsted, Alton, GU34 4NY. Advice issued 05.09.2022.

SDNP/20/02539/PRE 10 residential dwellings. Advice issued 14.08.2020.

3. **Proposal**

3.1. The proposed development includes:

- 7 market dwellings (4x3-bed, 3x4-bed).
- 3 affordable dwellings (2x2-bed, 1x3-bed).
- 23 car parking spaces (including 3 visitor spaces).
- 4 cycle parking spaces per dwelling.
- A footpath link (to edge of site boundary) to PROW 28.
- Biodiversity net gain on-site and via off-site habitat credits.
- The re-routing of existing powerlines to below ground.

3.2. During the course of the application, a number of amendments were made to the layout, design, materials, boundary treatments and parking arrangements.

4. **Consultations**

4.1. **Binsted Parish Council (BPC)** – Objection:

Initial comments:

- BPC has received a large number of objections directly from parishioners.
- The parish needs more truly affordable housing which the application does not propose.
- A full Financial Viability Appraisal (FVA) is required.
- The application presents a net loss of biodiversity.
- Impact on wildlife and protected species.
- Concerns re. traffic issues and highways safety.
- Concerns re. access to adjacent field and future development.
- Unsatisfactory drainage strategy.

Comments after amendments:

- Difficult to comment on the FVA without technical/specialist background.
- Will be one of the biggest developments in Binsted village for the foreseeable future so it is vital that it provides affordable housing.
- Existing issues with larger vehicles (including bin lorries and emergency vehicles) being unable to access Clements Close due to the number of vehicles parked on the narrow road.
- Previous objections regarding drainage and flooding have not been addressed.

- 4.2. **Darkscape Consulting (Dark Skies)** – No objection, subject to conditions.
- 4.3. **East Hants Drainage Engineer** – Further information required. Officer note: addressed within report
- 4.4. **HCC Ecologist** – No objection, subject to conditions.
- 4.5. **HCC Highway Authority** – No objection, subject to conditions.
- 4.6. **HCC Rights of Way Officer** – No objection, subject to securing contribution towards PROW network improvements.
- 4.7. **Lead Local Flood Authority** – No objection, subject to conditions.
- 4.8. **Natural England** – No objection.
- 4.9. **SDNPA Conservation Officer** – No objection.
- 4.10. **SDNPA Design Officer and Landscape Officer - (Combined comments) –:**
 - Concerns re. lack of variety in mass, scale and setbacks.
 - Poor relationships between front doors and vehicle parking.
 - Small gardens;
 - Car domination.
 - Suburban character
- 4.11. **SDNPA's Sustainable Construction Consultant** – No objection, subject to conditions.
- 4.12. **SDNPA Tree Consultant** – No objection, subject to conditions.
- 4.13. **Thames Water** – No objection, subject to conditions.

5. Representations

- 5.1. 22 letters have been received objecting to the proposals. The main objections are summarised below:

Principle

- Loss of agricultural land.
- Proposed development does not address Binsted Parish Council priorities.
- The site has been un-used for 20 years.
- Contradicts the government's incentivisation to farmers to re-wild farmland.

Landscape, visual impact

- Ruin an area of natural beauty.
- Overdevelopment of the village.
- Landscape impact of access through to field beyond.
- Binsted will lose its character.
- Loss of more green space.
- Erosion of rural character.

Design, layout

- Access to field beyond will open it up for development.
- Gateway dwelling is too large and intrusive and the same footprint as 2 smaller dwellings originally proposed.

- Proposed development is not in keeping with neighbouring properties.
- Garden sizes too small. Previous application refused on this basis.
- Site will be highly visible from Thurstons Road and Clements Close.
- No high screening is proposed between development and existing properties.
- Materials proposed are not in keeping.
- More planting is required along boundary with the Thurstons Road properties.

Amenity

- Serious implications to standard of living of neighbouring residents and the village.
- Overlooking and loss of privacy.
- Noise and disturbance from construction.
- Overbearance.
- Overshadowing.
- Restricted access to existing driveways.
- Proposal will increase opportunities for crime.
- Noise and air pollution.
- Disturbance to peace and quiet.
- Light pollution.
- Impact on view.

Environment and Sustainability

- Solar PV will not be efficient owing to tree cover.
- Impact on Dark Skies.

Housing

- Lack of affordable housing.
- The quote for new housing in Binsted has already increased significantly.

Access, highways and parking

- Increased traffic on already busy roads.
- Limited public transport service.
- Reliance of private vehicles.
- Local roads in urgent need of repair.
- Local roads have a number of existing hazards.
- Limited off-road parking in the village.
- Pavements and footpaths are poorly maintained, inaccessible and not lit.
- Poor cycle routes through the area.
- Clements Close can effectively take one flow of traffic owing to on-street parking.
- Concerns re. waste collection and emergency vehicular access.
- It is false to say that you can walk to Alton, Binsted or Kingsley as it is unsafe to do so.

- Concerns re. 'farm access' to next field.

Trees, Ecology and biodiversity

- Destruction of habitats of barn owls, birds, deer.
- Loss of trees.
- Lack of clarity and consistency regarding tree removal.
- Impact on existing trees.
- A TPO should be served to protect boundary trees.
- Ecology report does not consider the full scope of the proposed development.
- Net loss of biodiversity.
- Applicant does not consider a Soil Management Plan to be necessary.
- Buying biodiversity credits is not an adequate solution.
- Development would not have a positive impact on the natural environment.

Utilities, infrastructure

- Local infrastructure and services are already under pressure.
- There are limited local amenities.
- Water supply, capacity and pressure issues.
- Concern re. loss of services during and after construction.
- Poor internet access in area.

Water management

- Drainage and flooding concerns.
- Permeable paving prone to clogging causing water and pollutant run-off.

Application and submission

- Misleading and inaccurate submission.
- Applicant is an out of area business not interested in local needs or the character of Binsted.
- Site is for sale for £1,500,000 and advert stipulates 'no social housing subject to contract'.
- Access to field beyond not needed as it's never been used.
- Applicant has not taken into consideration the concerns of the community.

5.2. There have been no letters of support submitted during the course of the application.

6. Planning Policy

Most Relevant Sections of the National Planning Policy Framework:

- NPPF02 – Achieving sustainable development.
- NPPF04 - Decision-making.
- NPPF05 - Delivering a sufficient supply of homes infrastructure.
- NPPF08 - Promoting healthy and safe communities.

- NPPF09 - Promoting sustainable transport.
- NPPF11 - Making effective use of land.
- NPPF12 - Achieving well-designed places.
- NPPF14- Meeting the challenge of climate change, flooding and coastal change.

The South Downs Local Plan Review

The South Downs Local Plan is undergoing a period of review and the First Publication (18 Consultation) was undertaken between 20 January – 17 March 2025. This is the first publication of the Local Plan Review and therefore can only be attributed very little weight. As it progresses through the adoption process, it will gain more weight for the purposes of decision making.

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

- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD27 - Mix of Homes
- Strategic Policy SD28 - Affordable Homes
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Development Management Policy SD50 - Sustainable Drainage Systems
- Allocation Policy SD60 – Land at Clements Close, Binsted

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

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 19
- Partnership Management Plan Policy 25
- Partnership Management Plan Policy 28
- Partnership Management Plan Policy 37
- Partnership Management Plan Policy 39
- Partnership Management Plan Policy 40
- Partnership Management Plan Policy 50
- Partnership Management Plan Policy 57

The DRAFT Partnership Management Plan 2026-2031

This is currently undergoing public consultation. As such, it carries little weight at this stage.

Other Relevant Policy Documents (including SPDs and TANs)

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

Principle of development

- 6.1. The proposal is not considered to constitute major development for the purposes of policy SD3 and paragraph 190 of the NPPF. The NPPF accompanying footnote 67 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 in broad landscape terms 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.
- 6.2. Development plan policies and in particular the NPPF places 'great weight' on conserving the landscape and the scenic beauty of national parks, which have the highest status of protection. This is in line with the first purpose of a National Park, which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- 6.3. 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.
- 6.4. The site is allocated for the development of 10 to 12 residential dwellings (C3 use) within Allocation Policy SD60 and is located within the defined settlement of Binsted. The proposal comprises a residential scheme of 10 dwellings, and on the basis of SD60 this is acceptable subject to the following criteria:
 - 1a) Appropriate mitigation of the impact of the development on the Wealden Heath SPA which should be informed by a Project-level HRA;
 - b) The existing vehicular access should be retained and the existing on-site cables grounded or appropriately re-routed;
 - c) Improvements to biodiversity in line with local strategies;
 - d) To provide all necessary vehicular parking on-site to avoid additional on street parking in local roads; and
 - e) Provides a pedestrian link to adjoining Footpath 28.

SD60 also requires that the development:

- 2a) Protect and enhance trees within the site where possible, and where trees are lost, provide at least the equivalent in new tree planting on site;
- b) Minimise hard surfaced areas on site; and

c) New planting should be suitable for pollinating species.

- 6.5. The development of the site for a C3 residential use is therefore acceptable in principle, subject to compliance with the criteria of policy SD60 and requirements of other relevant policies.

Affordable Housing and Housing Mix

- 6.6. Policy SD27 requires that residential developments deliver a balanced mix of housing. Policy SD28 requires that residential developments of 10 units provide 4 affordable housing units.
- 6.7. The previous application SDNP/21/05428/FUL was refused, in part, owing to it not being satisfactorily demonstrated that there were exceptional circumstances, on financial viability grounds, that the proposed development could not deliver the provision of on-site affordable housing to meet local housing need.
- 6.8. The application was originally submitted with no affordable housing units. The applicant submitted a 'Financial Viability Assessment' (FVA) and Cost Plan which stated and concluded that the proposed scheme is unviable and cannot provide any affordable housing.
- 6.9. The Authority commissioned an independent review of the applicant's FVA and has undertaken detailed discussions with the applicant. This review concluded that a viable form of development with a (policy compliant) provision of 4 affordable housing units would be viable. During discussions with the applicant, it was clear that there were some areas of dispute between the FVA and the independent review on relatively contained matters, however these created a significant disparity. Following discussions, the developer has agreed to provide 3 affordable housing units on site which is a position that the Authority, on seeking further independent advice on the further analysis submitted, is willing to accept in order to secure much needed affordable housing for the National Park.
- 6.10. As such, the proposal has been amended, and the development would now provide the following mix:

House Type	Market	Affordable	Total	%
1-bed house	0	0	0	0
2-bed house	0	2	2	20%
3-bed house	4	1	5	50%
4-bed house	3	0	3	30%
TOTAL	7	3	10	100%

As set out in the subtext of Policy SD27, it is recognised that on smaller sites it is not possible to achieve the exact housing mix proportions set out in the policy wording. Whilst no 1-bed units are proposed, there is a good mix of 2, 3 and 4-bed units, with a greater provision of 3-bed units which is in broad accordance with the principles set out in Policy SD27.

- 6.11. Policy SD28 sets out that developments of 10 residential dwelling should provide 4 affordable housing units, 2 of which should be affordable rent tenure. The proposed tenure would be:

Plot	Type	Size (sqm)	Tenure
8	2-bed	89	Shared Ownership

9	2-bed	89	Affordable Rent
10	3-bed	90	Shared Ownership

- 6.12. Policy SD28 requires a 10-unit development to provide 2 affordable rented units. The proposal includes 1 affordable rent unit, with 2 shared ownership units. Given the findings of the independent assessment and subsequent discussions, Officers are satisfied that the proposed tenure is acceptable and does provide a mix of tenures taking into the account the size of the development.
- 6.13. In terms of location within the site and appearance, the affordable units would be indistinguishable from the remaining market dwellings on site and would be of a suitable and acceptable size.
- 6.14. Whilst the affordable housing provision of 3-units is 1 less than the 4 required by Policy SD28, Officers are satisfied that the viability position has been robustly and independently assessed and, on this basis, and on balance, the proposed provision is considered acceptable. Affordable housing would be secured in perpetuity by a S106 agreement.

Landscape and Design

- 6.15. 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.
- 6.16. The previous application SDNP/21/05428/FUL was refused, in part, owing to a failure of the scheme to adopt a landscape-led approach, presenting an overly suburban design and a poor layout which was considered to not contribute positively to local distinctiveness and character.
- 6.17. Following the initial submission, and comments provided by the Authority's Design Officer, a suite of amended plans were submitted, with a few further changes made in the lead up to the writing of this report, which the following comments are based on. Owing to the site's allocation with the Local Plan, the principle of 10-12 dwellings on the site is established. In this case, 10 dwellings are proposed. It is acknowledged that the site is a somewhat awkward shape, which has influenced the proposed layout. Given the site's allocation and siting within the Binsted settlement, the SDNP Design and Landscape Officers have provided combined comments which have highlighted a number of concerns, in their opinion.
- 6.18. The principle set out by the layout is supported. It provides a simple resolution for this awkwardly shaped site and successfully protects the tree boundary on the eastern elevation, whilst providing a small area of communal open space.
- 6.19. Concern has been raised regarding the standard 'house-type' homes that are repeated across the site with an overall lack of variety in scale, form, mass and details. Notwithstanding this, Officers recognise that efforts have been made in the most recent iteration of plans to provide a wider variety of materials and elevational treatments which has enabled a more varied appearance, even if the size and form of the dwellings remains fairly uniform.
- 6.20. Previous concerns were raised about how the dwellings related to each other characteristically. To address this, albeit in a minor way, a pair of semi-detached dwellings were provided in the more recent iteration of plans. Further, the dwellings are no longer in regimented rows with some small variations in setback and orientation. The proposed 'gateway' dwelling is large but adds interest to the entrance of the site and is set in a larger plot to avoid an overbearing and dominant appearance within the site.

- 6.21. A range and variety of materials are proposed to include brick, malmstone, clay tile hanging, painted timber cladding, clay tile roofs and coloured aluminium window frames. This is considered to be a positive of the scheme and a condition is recommended requiring the submission of material samples to ensure the quality of the chosen materials.
- 6.22. Some concern is raised regarding the size of some of the proposed private gardens, in particular the length of them which in some cases falls below the recommended 10m for north-facing gardens. It is noted, however, that the smaller gardens provided are for the smaller dwellings and would meet the overall recommended garden sizes as set out in the Authority's Design Guide. Albeit small, there are some communal open spaces proposed with benches and some play space. These areas are considered to be positive contributions to the overall provision of amenity space.
- 6.23. Concerns were raised that the scheme appears to be dominated by vehicles within the property curtilages. Officers note, however, the constraints posed by the size and shape of the site and the efforts that have been made to resist siting development close to the eastern and southern boundaries which provide a rural edge and is considered to be a positive factor. Further, much of the parking proposed is tandem parking between buildings which does help to somewhat screen vehicles.
- 6.24. Criteria 2b) of Policy SD60 sets out that the development should minimise hard surfaced areas on site. The areas of hard standing on site are predominantly the access road and the parking areas. Other areas of lawns, planting and open space help to break up the hard surfaced areas.

Summary

- 6.25. It is recognised that the Authority's Design and Landscape Officers still have some concerns following the amendments proposed by the application. Officers, however, in recognising the constraints of the site, further recognise the improvements that have been made from the previous refusal, the pre-application submissions and the original submission under the current application. The improvements include a greater variation in materials across the house types, improvements to the boundary treatments and dwelling set-backs.
- 6.26. The applicant has addressed a number of concerns, and it is the view of the Landscape and Design Officer that more could be achieved, the proposed design is considered on balance to be acceptable and would respect the countryside edge of the Binsted settlement.
- 6.27. In conclusion, it is considered that the proposal is in broad compliance with the Local Plan and any minor negative aspects should be weighed against the positives of the proposals, discussed elsewhere in the report. Subject to compliance with appropriate conditions, the proposal is considered acceptable. The proposed development is considered by Officers to conserve and enhance the landscape.

Flood risk and drainage

- 6.28. Policy SD50 (Sustainable Drainage Systems or 'SuDS') supports development proposals that ensure against the increase of surface water run-off, taking account of climate change. Furthermore, Policy SD49 states that proposals should seek to reduce the impact and extent of flooding.
- 6.29. The application is supported by:
 - Drainage Strategy and Flood Risk Statement for Planning rev 1.4
 - Correspondence with Thames Water

Surface Water Drainage

- 6.30. The development proposes to discharge surface water runoff into the existing foul sewer within the site via gravity at an attenuated rate of 2l/s, with the agreement of Thames Water.

- 6.31. Thames Water's advice recognises that this catchment is subject to high infiltration flows during certain groundwater conditions. They have advised that the developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. Thames Water confirm that they consider that the scale of the proposed development would not materially affect the sewer network and as such raise no objection. However, care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding.
- 6.32. In this regard, HCC LLFA have confirmed that they have no objection to the proposed development, subject to conditions requiring a detailed surface water scheme for the site to be submitted and approved and for details of the long-term maintenance arrangements for the surface water drainage system to be submitted and approved.
- 6.33. The District Drainage Engineer had raised similar concerns to those raised initially by HCC LLFA, however Officers are satisfied that these matters have been addressed, as confirmed by the correspondence and consultation response received from HCC LLFA and Thames Water.

Foul Drainage

- 6.34. Thames Water have advised that the proposed development is within 15m of a strategic sewer. No objection is raised in this regard, however a condition is recommended requiring the developer to submit a detailed piling method statement and other relevant detail to ensure that construction works do not significantly impact or cause failure of local underground sewerage utility infrastructure.
- 6.35. Foul water flows generated by the development would be discharged to the existing foul water drainage outfall to the north-west of the site, via a proposed 150mm connection into the existing manhole.

SuDS

- 6.36. The Landscape and Design Officers note that some SuDS features are incorporated, as sought by Policy SD50 including attenuation basins but that most surface water would be conveyed in a conventional, engineered manner. Officers recognise that a more landscape led solution could have been explored here, but given that ground infiltration has been demonstrated to be poor the proposed drainage scheme is acceptable and is considered to accord with the requirements of Policy SD50
- 6.37. Given the above, the proposed foul and surface water arrangements are therefore acceptable, subject to the consideration of detailed drainage schemes required by condition and detailed construction details regarding piling and the layout of the sewerage system.

Highway Access, Public Rights of Way, Parking and Cycling

- 6.38. Previous application (SDNP/21/05428/FUL) was refused, in part, owing to a lack of information and justification to demonstrate that the proposals would provide for safe access and egress of the site and would not cause a severe impact upon highway safety of the local network. No pedestrian link to FP28 was proposed.
- 6.39. The application site is accessed from Clements Close, an existing residential cul-de-sac. The proposed dwelling would be sited along a slowly curving shared surface 'lane' running from the site access through to the south-western corner of the site.
- 6.40. Officers note the concerns raised by neighbouring occupiers regarding additional traffic, highway safety and accessibility through Clements Close. HCC Highway Authority have been consulted on the proposed development and have raised no objection.
- 6.41. HCC Highway Authority raised initial concerns regarding the proposal and additional information and amendments were provided by the applicant, including additional visibility splay drawings which were considered to be acceptable.

Access

- 6.42. The Highway Authority consider that the additional visibility splay drawings demonstrate that adequate visibility could be achieved when exiting the driveways of dwellings located adjacent to the proposed site accessing the existing turning head area. On this basis, no objection has been raised.
- 6.43. It is noted that should permission be forthcoming, a secondary permission would be required from HCC to undertake the vehicle access and footway linking works in the form of a Section 278 agreement with the Highway Authority.

Internal site layout

- 6.44. It has been confirmed that the internal roads within the development would not be adopted and would remain as private, which is the reason why the existing adopted turning head at Clements Close would be retained. HCC HA consider this to be acceptable, given the updated commentary provided by the independent Road Safety Engineer.
- 6.45. Concerns have been raised regarding the (previous) provision and retention of the 'farm access' to the south of the site in terms of its necessity and potential future development. Notwithstanding the concerns raised, it is a material consideration that the application site provides access to land beyond the site that is outside of the applicant's ownership, therefore the developer is obligated to retain access.

Parking

- 6.46. Officers note the concerns raised by third parties regarding on-street parking and the pressures on Thurstons and Clements Close in this regard.
- 6.47. 20 allocated parking spaces would be provided (2 per dwelling) and 3 visitor spaces would be provided in the 'lane' running through the site. Each dwelling would be equipped with an active EV charging point. This is considered sufficient and in accordance with Policy SD60 1d) which requires that the development provides all necessary vehicular parking on-site to avoid additional on street parking in local roads. The parking also accords with the adopted Parking Standards SPD.

Cycling

- 6.48. The Planning Statement sets out that 4 cycle spaces per dwelling would be provided, in the form of enclosed cycle parking. Each dwelling will be provided with its own cycle store, with the final detail recommended to be secured via condition. This is considered to be acceptable.

Rights of way

- 6.49. Allocation Policy SD60 sets out that the development must meet site specific development requirements if permitted. Criteria 1(e) requires the development to provide a pedestrian link through to Footpath 28 (FP28). FP28 runs from 'The Street'.
- 6.50. The application proposes to provide a link to FP28 but only within the extent of the red line boundary and does not provide a direct connection to the PROW. The applicant states this is not possible to achieve due to the land in between being under different ownership and also notes the significant change in levels between the site and PROW. The HCC Countryside Services Team have considered this and accept these reasons and, given the size of development proposed and the alternative access to the PROW via Clements Close and The Street, does not actively seek from this application the provision of a direct link between the site and FP28.
- 6.51. However, HCC Countryside Services have requested, in lieu of the direct connection to FP28, a contribution of £5000 towards:
 - the replacement of two stiles with accessible gates on Binsted Footpath 27,

approximately 200 metres southwest of the development and accessible from it as part of a circular walking loop incorporating The Street and Binsted Footpaths 26, 27 and 28.

- vegetation cutback on the surfaces of Binsted Footpaths 30b and 55, approximately 550-700 metres east of the site.
- 6.52. These PROW are considered key walking routes in the Binsted area, formally part of the Service's priority cutting list for the parish, a list made and updated in conjunction with parish councils and their local knowledge of the most-utilised paths in their area.
- 6.53. On this basis, whilst the development would not provide a direct connection to FP28 in conflict with Criteria 1(e) of Policy SD60, it is agreed that this is not possible at this time. Notwithstanding this, it is a benefit that a link is provided from the site to the extent of the land ownership should works be reconsidered by the County in the future. Further, the development contributions would enable works to the local PROW network which would mitigate for the moderate increase in the use of local footpaths which can be reasonably anticipated as a result of the development.

Summary

- 6.54. The HCC Highway Authority and HCC ROW Officer have confirmed that they raise no objection to the proposed development, subject to conditions, contribution towards the PROW improvement works to be secured via S106 and to the applicant entering into a S278 agreement with HCC Highway Authority for the required access works.

Sustainable Construction

- 6.55. Policy SD48 requires all developments to achieve 19% carbon dioxide reduction improvement against Part L (2013) through the energy efficiency of the building and a total mains water consumption of no more than 110 litres per person per day. The SDNPA Sustainable Construction Supplementary Planning Document (SPD) requires that residential developments of this scale (10+ dwellings) provide 10% of the homes as Passivhaus certified. The SPD also requires a number of other measures such as EV charging points, waste segregation and greener materials.
- 6.56. Previous application (SDNP/21/05428/FUL) was refused, in part, owing to a failure to demonstrate the sustainability credentials of the proposed development.
- 6.57. The submitted 'Design and Access Statement' sets out the proposed Sustainable Construction strategy for the development. The Authority's Sustainable Construction Consultant and Design Officer have reviewed the proposals. The proposed development would target a 31% improvement on Part L (2013), as such this meets the energy requirement. EV charge points would be provided for each dwelling, as would PV panels and Air Source Heat Pumps (ASHPs) which is considered positive.
- 6.58. Planning conditions relating to a Design-Stage Sustainable Construction Report and Post-Construction Stage Construction Report are recommended in order to secure the detail that has been set out within the submission and some other details, such as water consumption and waste segregation.
- 6.59. The application does not propose that any dwelling will be Passivhaus certified as it is considered to not be viable, as is discussed elsewhere in the report. This is a matter that would need to be weighed in the planning balance.
- 6.60. Officers consider that the lack of Passivhaus certification within the design is unfortunate, however, the proposal would otherwise be energy efficient with a number of details that could be secured by condition. On this basis, the proposal therefore largely meets and, in some areas, exceeds the requirements of SD48 and the Sustainable Construction SPD.

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

- 6.61. 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.

- 6.62. Criteria 1c) of Policy SD60 sets out that development proposals should provide improvements to biodiversity in line with local strategies.
- 6.63. Criteria 2(a) of Policy SD60 sets out that development proposals must protect and enhance trees within the site where possible, and where trees are lost, provide at least the equivalent in new tree planting on site.
- 6.64. Officers note the concerns raised by third parties regarding the loss of trees, impact on protected species and the loss of biodiversity.
- 6.65. Previous application (SDNP/21/05428/FUL) was refused, in part, owing to a lack of ecological information to demonstrate that the proposals would not cause harm to protected species and a failure to identify any appropriate compensation, mitigation, and enhancement measures to conserve and enhance biodiversity.

Trees

- 6.66. The application is supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (TPP). The Authority's Tree Consultant notes that the submitted information correctly identifies trees of poor condition that should be removed prior to any construction works are commenced, on the grounds of safety. The retained trees will be adequately protected by fencing as demonstrated on the TPP. The only trees scheduled for removal are groups of suckering Goat willow from a parent tree. The removal of these small trees is considered to be acceptable as they offer no amenity value to the landscape.
- 6.67. It is noted that the Proposed Utility Strategy Plan indicates that utilities will encroach into rooting area of trees to the south of the site (T38 - Category B, G1 and G2 - Category C/U). The Tree Consultant advises that supervision of any excavations works in the rooting area of T38 would be recommended.
- 6.68. The Tree Consultant is supportive of the planting and landscaping plan which includes a good variety of native species that are considered to enhance both the ecological and landscape character of the site. A number of conditions are recommended in the event of an approval to ensure that the proposed development does not negatively impact trees to be retained within and outside of the site.

Protected species

- 6.69. The application is supported by an 'Ecological Appraisal' which has been reviewed by HCC Ecology. It is noted that the application site is located within the green impact zone for great crested newts. A low population of slow worms has been confirmed on site. The surveys have confirmed the likely absence of dormice on site. A number of bat species use the site for foraging and commuting, including the rare Barbastelle. Whilst no badger setts are present on site, the site is considered to be suitable for this species.
- 6.70. Initial concerns were raised regarding the submitted 'Ecology Plan' as a number of integrated bat features were positioned along the northern and eastern elevations, which were not considered appropriate. A revised 'Ecology Plan' has been submitted which addressed these concerns.
- 6.71. The HCC Ecologist recommends that the avoidance and mitigation measures in relation to protected species included within Section 7.0 'Avoidance, Mitigation and Compensation' of the submitted Ecological Appraisal are appropriate and should be secured by condition in the event of the approval of planning permission.

Biodiversity Net Gain (BNG)

- 6.72. Legally mandatory BNG came into effect for major development in February 2024, and the

proposed development would be required to provide 10% BNG. This is also supported by SDNP Policy SD9 which requires it to be demonstrated that development proposals identify and incorporate opportunities for net gains in biodiversity.

- 6.73. As set out in the submitted Planning Statement, the applicant recognises that there will be net biodiversity loss on the site. There would be a net gain in hedgerow units of (31.39%) as a result of the retention of the boundary tree line and the creation of native and non-native hedgerows. However, there would be a net loss of 32.75% (or 0.67) of habitat units due to the removal of 'Other Neutral Grassland' (g3c) and 'Bramble Scrub' (h3d) on site, noting the very overgrown nature of the site.
- 6.74. The proposed development would create 'Other Neutral Grassland' (g3c), mixed scrub (h3h) and vegetated gardens, in addition to a pond (a non-priority habitat). However, to offset the remaining biodiversity loss, habitat creation of medium distinctiveness habitats or higher is required to be provided off-site. The HCC Ecologist advises that 2.24 habitat units will be required to be secured to ensure that 10% BNG is achieved through the proposed development.
- 6.75. The Authority's BNG TAN sets out that significant BNG is required to be secured via S106 agreement to secure habitat management and monitoring fees.

Wealden Heaths Special Protection Area (SPA)

- 6.76. Policy SD10 requires that development proposals resulting in a net increase in residential units within 5km of the boundary of the Wealden Heaths Phase II SPA will be required to submit a screening opinion to the Authority for a project-specific HRA which, in consultation with Natural England, will determine whether a likely significant effect on the integrity of the site will result.
- 6.77. The site is within 5 kilometres of the Wealden Heath Phase II SPA. Natural England have raised no objection and consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 6.78. Notwithstanding this, for completeness, Officers have drafted an HRA and are awaiting Natural England's formal comments. (Members will be updated accordingly).

Summary

- 6.79. On the basis of the above, and subject to a number of conditions and a S106 agreement to secure off-site BNG credits, the proposal is considered acceptable and in accordance with Policies SD2, SD9, SD11, SD45 and SD60.

Dark Skies

- 6.80. The site currently falls within the area defined by policy SD8 as E1(a) 'Intrinsic Rural Darkness'. This area would be classified as a 'dark sky'. Officers note the concerns raised by third parties regarding the potential impact of the development on dark skies in the area.
- 6.81. The application is supported by a 'Lighting Strategy'. The Authority's Dark Skies Consultant advises that the luminaires proposed are minor and domestic in character and would not measurably impact dark skies in the area. There is already a minor contribution from existing dwellings in the area and the proposed lighting will not add to this. The choice to not use street lighting is welcomed as this could have potentially eroded the sky quality into the darker skies to the south. The core of the dark sky is unlikely to be affected. There will be a slight loss of dark skies in the immediate area from the presence of the residential housing, but this cannot be avoided.
- 6.82. The proposed glazing is appropriate and although roof lights are proposed, they are singular and provided they are fitted with automatic black out blinds, should not significantly erode dark skies. The surrounding vegetation and landscaping will reduce the visual impact from surrounding viewpoints. Therefore, subject to conditions, the proposal would be acceptable

and in accordance with Policy SD8.

Amenity

Neighbouring occupiers

- 6.83. Officers note the concerns raised by neighbouring occupiers regarding the impact of the proposed development in terms of disruption from the construction process, as well as ongoing noise and disturbance from the development and comings and goings. It must be acknowledged however that disturbance caused during construction is not a material planning consideration.
- 6.84. It is recognised that the relationship between existing properties and the application site will alter as a result of the proposed development, an inevitable impact of the site allocation. This is particularly the case for the dwellings at Clements Close and Thurstons which bound the site.
- 6.85. The closest dwellings to the application site are 2, 4, 6, 8 and 17 Clements Close to the north of the site. It is noted from the Officer site visit, aerial imagery and planning history that there are a number of outbuildings or other structures on the boundary between the site and these properties.
- 6.86. There is a first-floor window in Plot 7 which would face towards the rear elevation and rear gardens of nos.2 and 4 Clements Close. The window would serve a habitable room (Bedroom 2). The window would be approximately 25m from the rear elevation of no. 2 and 20m from the rear elevation of no. 4. This separation distance is considered sufficient to avoid any harmful impacts by way of overlooking or loss of privacy.
- 6.87. There are 3 first floor windows proposed in the northern elevation of Plot 2 that would face no. 8 Clements Close. However, owing to the orientation of the dwelling, the proposed windows would face the existing turning head at the end of Clements Close and the parking area for no. 8 which would not be considered primary habitable space. On this basis, the relationship between the dwellings is considered acceptable.
- 6.88. There is a double-height bay window proposed in the northern elevation of Plot 1 that would face the southern side elevation of no. 17 Clements Close. It is noted, that there is a garage and driveway between the application site and no. 17 as well as the proposed footpath link which would provide some screening to the window. On this basis, no concern is raised regarding overlooking or loss of privacy.
- 6.89. Proposed Plots 8, and 10 would be approximately 7m from the shared boundary with nos. 2 and 3 Thurstons, with first floor windows facing the rear gardens of these properties. Notwithstanding this, the proposed dwellings would be set at an angle and would face the very rear of the long gardens that these existing dwellings benefit from (circa. 35m long) where there is extension vegetation on the boundary thus meaning the area is not considered primary amenity space. Similarly, Plot 7 would be approximately 9m from the very rear of no. 2 Thurstons. On this basis, no concern is raised regarding overlooking or loss of privacy.
- 6.90. It is recognised that the development would be visible from a number of properties on Clements Close and Thurstons which would alter the view that is currently experienced by the occupiers. Notwithstanding this, the proposed development is sufficiently separated from existing dwellings to avoid a sense of overbearance, a loss of light or a loss of outlook to neighbouring occupiers.

Future occupiers of the site

- 6.91. Proposed Unit 7 would be adjacent to the rear boundaries of Unit 2 and 3. Initial concerns were raised about first floor windows in the side elevation of Unit 7 which appeared to overlook the rear gardens of 2 and 3. However, it was clarified by the applicant (and on the plans) that the house-type was 'handed' and therefore the windows would be on the

western side elevation instead. Therefore, no concern is raised regarding overlooking or loss of privacy to the future occupiers of Units 2 and 3. Further clarification was provided with regard to the orientation of the 'house type D' units, for units 3, 4 and 10. These house-types are also handed for these units.

- 6.92. No concerns are raised with regard to overlooking, loss of privacy or overbearance. The proposed development would provide a good standard of accommodation and amenity for future occupiers.

Other Issues raised by Third Parties

- 6.93. Officers note the various concerns raised regarding the application however it is noted that all applications must be assessed on their own individual merits.
- 6.94. Officers note the concerns raised regarding the principle of being able to see the development from existing dwellings. It is a material consideration, as set out, that the site is allocated in the SDLP for development. Being able to see a development does not necessarily mean that it is harmful.

Conclusion

- 6.95. Officers acknowledge the level of public interest in the site and have sought to summarise the key concerns in the above report. It is recognised that the development of the site will alter the experience of the site by neighbouring occupiers.
- 6.96. However, it is an important material consideration in the 'plan led' system that the application site is located within the Binsted settlement boundary and is allocated within the SDLP, thus development is acceptable in principle. This is on the proviso that the development is of a scale and nature appropriate to the character and function of the settlement in its landscape context, and also that it complies within the other relevant policies of the SDLP.
- 6.97. In terms of the design and landscape impact, the current application constitutes a tangible improvement on the previously refused scheme. The current layout reduces the number of dwellings and improves the arrangement of development across the site. This has enabled more GI to be retained and provided resulting in a less dense development on the southern countryside edge. The road layout has reduced in width where possible and a number of improvements have been made to the parking layout and screening.
- 6.98. It is considered that the site would deliver a number of positives which are important material considerations. It would assist in the delivery of an allocated site, enabling the National Park to achieve its housing numbers within the plan period. 3 affordable homes would be provided, to be secured via legal agreement in perpetuity and this position has been robustly tested. On-site biodiversity enhancements would be provided through additional planting and 10% biodiversity net gain to be secured including through the purchase of off-site units within the National Park. The local PROW network would benefit from contribution towards improvements and enhancements which would improve public access within the National Park.
- 6.99. The proposed access is considered acceptable by the Highway Authority. There are no statutory objections to the flooding and drainage strategy by the authorities responsible for the assessment, with appropriate conditions attached to ensure the relevant detail is provided. The proposal would provide a good standard of accommodation for future residents and would not result in material harm to neighbouring occupiers.
- 6.100. On this basis, the application is recommended for approval subject to the matters set out in paragraph 9.1, below.

7. Reason for Recommendation and Conditions/Reasons for refusal

- 7.1. It is recommended:

- I) That planning permission be granted subject to:
 - i. The satisfactory completion of a **Section 106 Agreement**, the final form of which is delegated to the **Director of Planning**, in consultation with the **Chair of the Planning Committee** to secure:
 - **3 Affordable Homes;**
 - **Biodiversity Net Gain Plan**, associated management and monitoring and **Off-site Biodiversity Net Gain;**
 - **Rights of Way Contribution of £5000 towards:**
 - the replacement of two stiles with accessible gates on **Binsted Footpath 27**, approximately 200 metres southwest of the development and accessible from it as part of a circular walking loop incorporating **The Street** and **Binsted Footpaths 26, 27 and 28.**
 - vegetation cutback on the surfaces of **Binsted Footpaths 30b and 55**, approximately 550-700 metres east of the site.
 - ii. The satisfactory consideration and resolution of a project level **HRA** relating to the impact on **Wealden Heaths Phase II SPA.**
 - iii. The conditions set out at paragraph 8.1 with authority delegated to the **Director of Planning** in consultation with the **Chair of Planning Committee** for amendments to conditions so as to accommodate any necessary minor changes;
- 2) That authority be delegated to the **Director of Planning** to refuse the application with appropriate reasons if the **Section 106 Agreement** is not completed or sufficient progress has not been made within 6 months of the **10 July Planning Committee Meeting.**

Planning Conditions and Reasons

Time limit

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

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

Approved plans and documents

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

Materials

3. No development above slab level shall be commenced unless and until a schedule of materials and samples of such materials, finishes and colours to be used for external walls, windows and doors, roofs, rainwater goods, ducts, meter boxes and services for the proposed buildings, have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to those approved. The materials shall use characteristic and locally appropriate materials.

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

Highways

4. No development shall commence on site until a construction site management plan has been submitted to and approved in writing by the Planning Authority, which shall include:
 - a) A programme of and phasing of demolition (if any) and construction work;
 - b) The provision of long term facilities for contractor parking;
 - c) The arrangements for deliveries associated with all construction works;
 - d) Access and egress for plant and machinery;
 - e) Protection of pedestrian routes during construction;
 - f) Location of temporary site buildings, compounds, construction material, and plant storage areas;
 - g) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process.

Demolition and construction work shall only take place in full accordance with the approved method statement.

Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

5. No occupation of the dwellings on the site until the proposed footway links and vehicle access, including the footway and/or verge crossing shall be constructed in accordance with the approved plans.

Reason: To provide satisfactory access and in the interests of highway safety.

6. Prior to the commencement of development, the developer shall enter into a S278 agreement with the Highway Authority to undertake the vehicle access and footway linking works. These works shall be fully completed prior to the first occupation of the development hereby approved.

Reason: To provide satisfactory access and in the interests of highway safety.

Water, flooding and drainage

7. No development shall begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The submitted details should include:
 - a) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
 - b) Detailed drainage plans to include type, layout and dimensions / levels of drainage features including references to link to the drainage calculations.
 - c) Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
 - d) Evidence that urban creep has been included within the calculations.
 - e) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

The development shall be implemented in full accordance with these approved details.

Reason: To ensure satisfactory provision of surface water drainage, ensure surface water runoff from the development is managed safely and in the interest of local amenity.

8. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include maintenance schedules for each drainage feature type and ownership.

Reason: To ensure satisfactory provision of surface water drainage, ensure surface water runoff from the development is managed safely and in the interest of local amenity.

9. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) and piling layout plan including all Thames Water wastewater assets, the local topography and clearance between the face of the pile to the face of a pipe has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

The piling layout plan should show the positions of the foundation/piles in relation to Thames Water clean water mains and sewers and local topography such as roads (please include road names), existing buildings and/or any other notable features. Thames Water require drawings indicating the location of all piling and the clearance between the face of the pile to the face of a pipe. If any basements intended to be constructed as part of the development, please clearly indicate the location and footprint.

Any piling must be undertaken in full accordance with the terms of the approved piling method statement and piling layout plan.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

Trees

10. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree the precise position of the approved tree protection measures to be installed. The development shall thereafter be carried out in accordance with the approved details, or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SD11: Trees, Woodland and Hedgerows.

11. The Arboricultural Method Statement and Tree Protection Plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in section 7 of the report, by a suitably qualified tree specialist.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SD11: Trees, Woodland and Hedgerows.

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

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during

development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SD11: Trees, Woodland and Hedgerows. Informative: The following British Standards should be referred to: a) BS: 5837 (2012) Trees in relation to demolition, design and construction recommendations

13. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with SD11: Trees, Woodland and Hedgerows.

Sustainable Construction

14. Prior to the commencement of the development hereby permitted, detailed information in a Design-Stage Sustainable Construction Report in the form of:
 - 1) Design-stage SAP 10 assessments for each dwelling type
 - 2) Design-stage BRE water calculator for each dwelling type
 - 3) Product Specifications (including EV, ASHP, PV and materials)
 - 4) Grown in Britain or FSC certificates
 - 5) Sustainable materials strategy and building design details
 - 6) Green roof layouts
 - 7) Landscape and Layout Plans showing the enhancement of tree cover, hedges and water features, native and low water use planting.

Demonstrating that each dwelling will:

- a) Reduce predicted CO2 emissions using energy efficiency in the building fabric and low and zero carbon technologies by a minimum of 12% in total (Part L1A 2021) supported by design stage SAP 10 assessments for each residential unit.
- b) Have at least 10 no. EV charge points (1 per dwelling) with a minimum power rating output of 7kW and a universal socket
- c) Have predicted water consumption of no more than 110 litres/person/day per dwelling;
- d) Have separate internal bin collection for recyclables matching local waste collection services
- e) Provide external private compost bins for each dwelling with a garden
- f) Divert 50% of construction waste from landfill.
- g) Adapt to climate change by providing at least 10% of the roof area to be green roofs.
- h) To enhance the tree cover with new native planting as described in the Landscape strategy.
- i) Dwellings be designed to minimise overheating risk

- j) Provide evidence demonstrating a selection of sustainable materials (including for all timber to be certificated “Grown in Britain,” FSC or PEFC certified), and alternatives to uPVC for windows and doors and all rainwater goods, soffits and fascia

shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in full accordance with these approved details.

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

15. Within one month of the first occupation of the development hereby permitted, detailed information in a Post Construction Stage Sustainable Construction Report demonstrating how the development has been carried out in accordance with all the requirements set out in Condition No.1 (above) shall be submitted to, and approved in writing by, the Local Planning Authority. This documentary evidence shall include, but not be limited to As Built SAP 10 assessments, photographic evidence of materials etc and other assessments.

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

Design

16. The development hereby permitted shall not be brought into use until details of refuse and recycling storage shall have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage facilities shall be fully implemented prior to the occupation of the development and thereafter be retained.

Reason: To preserve the residential and visual amenities of the locality.

Parking and Cycle Facilities

17. Notwithstanding the details shown on the approved plans, no development shall be commenced until, details of cycle parking / storage for all the dwellings has been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking / storage details shall be implemented prior to the occupation of the development and thereafter retained.

Reason: To provide for alternative modes of transport.

Ecology

18. All ecological measures and/or works shall be carried out in strict accordance with the details contained in Section 7.0 AVOIDANCE, MITIGATION AND COMPENSATION of the submitted Ecological Appraisal (Ecosupport, July 2024) and the submitted Ecology Plan (TOR-XX-ZZ-DR-A-SK205 REV B).

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.

Landscaping

19. Notwithstanding the details shown on the approved plans, no development shall be commenced until the final details of the hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The plans shall include:

- Treatment of external surfaces, paths, access ways, courtyards, seating areas, patio areas and parking spaces, including their appearance, depth and permeability, kerbs, edges, steps and ramps, spot levels, finished floor levels, upstands and demarcation;
- Location, height and materials / construction technique for all boundary treatments and other built means of enclosure including any gates, bollards, railings and fencing;
- Location, height and design of any street furniture;

- Detailed schedule of plants, hedgerows and trees, noting species, sizes and proposed numbers / densities;
- Tree protection measures (in accordance with details required under Condition 10);
- Planting methods including soil depth and support proposals (underground guying etc);
- Tree guards, staking and tree-pit construction information;
- Ground preparation;
- Surface dressing, where appropriate;
- Grassing / turfing operations;
- Seed mixes;
- Written specification for soil amelioration including cultivations, planting methodology, establishment and maintenance operations;
- Proposed and existing levels and falls;
- Any bunding or land alterations (including cross-sections);
- Surface water drainage features details (in accordance with the details required under Condition 6), and
- Other ecological mitigation and enhancement measures set out within the submitted Ecological Appraisal (Ecosupport, July 2024) and the submitted Ecology Plan (TOR-XX-ZZ-DR-A-SK205 REV B).

The development shall be implemented in full accordance with these approved details.

Reason: In the interests of amenity and to conserve and enhance the landscape character.

Dark Skies

20. The external lighting scheme installed, maintained and operated at the development hereby approved shall be in strict accordance with the submitted 'Lighting Strategy' (DFL August 2024). The approved external lighting scheme shall be fully implemented prior to the occupation of the development and thereafter retained.

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

21. 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, used 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.

Informatives

1. Section 106 Legal Agreement

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

2. Community Infrastructure Levy

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

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

this planning permission as soon as practicable.

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

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

3. Pre-commencement Conditions

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

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

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

4. Approved Plans

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

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

5. Wildlife and Countryside Legislation

Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000 and Wildlife and Countryside Act 1981 (as amended) and in particular to Sections 1 and 9. These make it an offence to:

- kill or injure any wild bird,
- damage or destroy the nest of any wild bird (when the nest is being built or is in use),
- damage or destroy any place which certain wild animals use for shelter (including all bats and certain moths),
- disturb certain wild animals occupying a place for shelter (again, all bats and certain moths).

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September.

You are advised to contact Natural England for further information.

6. Tree Protection

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3998:2010 Tree work Recommendations
- c) BS: 3936-1:1992 Nursery Stock Part 1: Specification for trees and shrubs
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces) The London Tree Officers Association - www.ltoa.org.uk

- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use.

7. Sewerage Infrastructure

- a) There are public sewers crossing or close to the development. The developer is advised to read Thames Water' guide 'Working Near Our Assets' to ensure any workings will be in line with the necessary processes that need to be followed if considering working above or near Thames Water pipes or other structures. [Thames Water working near our pipes.](#)

Should the developer require further information please contact Thames Water:

Email: developer.services@thameswater.co.uk

Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm)

Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

- b) The Developer is also requested to confirm whether they have been in touch with Thames Water to discuss or arrange for the abandonment of any existing assets beneath the development site. Please give a short summary of any correspondence to date and any references they have been provided. Plans of Thames Water apparatus can be obtained through our website at www.thameswater-propertysearches.co.uk. Please use the following reference in all future correspondence: DTS 47872.
- c) With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444-448200.

8. Highway Works

The applicant is advised that the proposed highway works hereby permitted require alterations to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An agreement under Section 278 of the Highways Act 1980 will be required.

9. Commencement Notices

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

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

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

Failure to provide the commencement notice could lead to the Local Planning Authority serving notice on them to require information to be provided, and if that is not provided within 21

days, they will be guilty of an offence, as below:

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

PLEASE NOTE: The requirement under Section 93G of the Town and Country Planning Act 1990 (as amended) is separate from any requirements under the Community Infrastructure Levy Regulations 2010 (as amended) or any requirements for serving notices secured through the signed Section 106 Legal Agreement.

10. Building Regulations

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

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

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer:	Philippa Smyth
Tel:	01730 819296
email:	philippa.smyth@southdowns.gov.uk
Appendices	I – Information concerning consideration of applications before committee
SDNPA Consultees	Director of Planning, Legal Services
Background Documents	All planning application plans, supporting documents, consultations and third party responses National Planning Policy Framework (2024) South Downs Local Plan (2014-33) South Downs National Park Partnership Management Plan (2020-25) SDNPA Affordable Housing SPD (Jul 2020) SDNPA Biodiversity TAN (March 2025) SDNPA Corporate Plan (2020-25) SDNPA Dark Skies TAN (May 2021) SDNPA Design Guide SPD (July 2022) SDNPA Ecosystem Services TAN

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

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

