

**Agenda Item 12**  
**Report PC25/26-07**

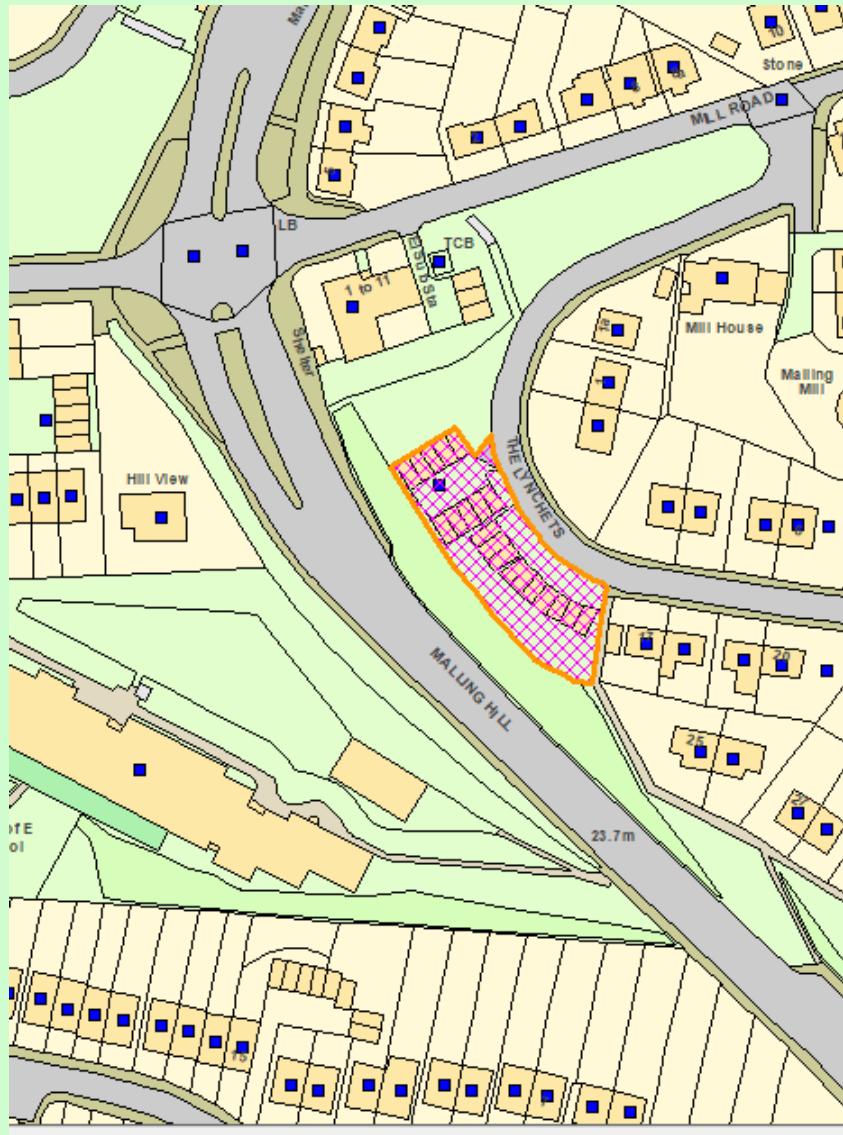
Report to	<b>Planning Committee</b>
Date	<b>10 July 2025</b>
By	<b>Director of Planning</b>
Local Authority	<b>Lewes District Council</b>
Application Number	<b>SDNP/24/04066/FUL</b>
Applicant	<b>Mr Simon Burton – Lewes District Council</b>
Application	<b>Demolition of garages and erection of 4 x affordable dwellings to rent.</b>
Address	<b>Garage Compound, The Lynchets, Lewes, East Sussex</b>

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**Recommendation:**

- I. That planning permission be granted subject completion of:**
    - i. A Section 106 Legal Agreement, the final form of which is delegated to the Director of Planning to secure:**
      - the 4no. dwellings as affordable rented or social rented housing (to be confirmed by the applicant), and;
      - the necessary purchase of ‘off site’ credits for Biodiversity Net Gain.
    - ii. The conditions set out at paragraph 9.2 of the report and any amendments or other conditions, as required.**
  - 2. That the Committee confirm that they, in principle, support the ‘Stopping Up’ of the existing adopted highways under Sections 247 of the Town and Country Planning Act 1990;**
  - 3. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the agreement is not completed or sufficient progress has not been made in securing the agreement within 6 months of the 10 July 2025 Planning Committee meeting.**
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## Site Location Map



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## **Executive Summary**

The site is allocated for the development of up to 6 dwellings in the Lewes Neighbourhood Plan (policy PL1B) and the application proposes 4 x 3-bed dwellings, with on plot parking. The application is recommended for approval, subject to conditions and the completion of a Section 106 Agreement.

The scheme has been revised since submission, in order to address concerns raised in respect of the layout, loss of Local Green Space and highway safety concerns.

Local concern remains regarding the loss of informal parking provision and turning space the site currently provides, however no objection has been raised by the Local Highway Authority. The proposed development complies with policy SD21 and SD22 of the South Downs Local Plan.

The proposed development will bring forward 4 much-needed units of affordable housing, which would conserve and enhance the townscape and character of the immediate area, therefore complying with policy SD5 of the South Downs Local Plan.

### **1. Site Description**

- 1.1 The application relates to an existing local authority-owned garage site and verge, approximately 780 square metres in area, which has been allocated for residential development in the Lewes Neighbourhood Plan (LNP). The site currently contains 20 flat roofed garages, 10 of which face onto the Lynchets and the remainder forming two blocks of five facing each other at the northern end of the site.
- 1.2 The site is located along the Lower Ouse Valley Side, as defined by the South Downs Integrated Landscape Character Assessment (SDILCA) and occupies an elevated position above Lewes town and Malling Estate to the north, south and west. The Lynchets (and application site) is accessed from Mill Road and curves up the valley side to meet Lewes Downs, a Site of Special Scientific Interest, which lies above the site to the east.
- 1.3 The site is relatively flat, sloping slightly downwards from the carriageway to the rear of the site by less than a metre at its greatest. Beyond the rear (west) boundary, is a belt of mature trees and vegetation, from which the land drops steeply to meet the A26/Malling Hill which is some 9 metres below the site. To the immediate north of the site is an area of Local Green Space, as designated in the LNP. Beyond this – again on lower ground – is a 2-storey block of flats, the pitched roof of which is visible over the fence on the ridge of the hill. A footpath leading to 25-34 The Lynchets marks the southeastern boundary and continues to slope southwards towards the existing properties. 2-storey dwellings are located on the opposite side of the carriageway, facing the application site, beyond a mature vegetated boundary.
- 1.4 The site lies approximately 1km from Lewes Town Centre, accessed directly from Malling Hill, or through the Malling Estate opposite. A bus stop is located in close proximity on Malling Hill, which offers frequent services to the town centre and northwards.
- 1.5 Mill House, a Grade II Listed Building is located 40m to the north-east of the application site.

### **2. Relevant Planning History**

- 2.1 No relevant planning history; there have been no applications relating to the site subsequent to the designation of the National Park.

### **3. Proposal**

- 3.1 This application has come forward as one of eleven sites across Lewes District, of which seven are in the South Downs National Park (SDNP), to provide circa 37 affordable housing units on 'underutilised garage sites'. The sites will deliver a range of homes, including 1 no. – 3no. bed houses and bungalows, meeting the needs of households currently in housing need across Lewes District.

3.2 The application is seeking planning approval for 4no. 3-bedroom dwellings which would be offered as affordable homes for either social or affordable rent by Lewes District Council. The units would be constructed as 2 pairs of semi-detached dwellings facing onto The Lynchets, the units themselves comprising 105sqm each. The accommodation would be spread across two storeys with a master bedroom suite in the roof, facilitated by a rear dormer window. Each unit would have a private garden area with on-plot parking, bin and cycle stores. To facilitate the development, all garage buildings would be demolished.

3.3 The dwellings would be constructed using a volumetric modular construction (VMC) method – in this instance once the substructure has been installed on the site (e.g. piles / footings) the modules are transported to site, assembled and clad with brick slips and Rockpanel. The roofs would be tiled using a plain concrete tile. Windows and doors are proposed to be recycled UPVC units. The roofs would comprise traditional dual pitches with gable ends and with Photovoltaic (PV) panels on the front-facing roof slope.

#### **4. Consultations**

##### **4.1 Archaeology (ESCC) – Objection**

Further information requested taking into account the archaeological notification area in which the site is located.

##### **4.2 Design Officer – No Objection.**

Whilst changes to minor aspects of the scheme remain recommended, which can be secured by condition, the scheme has undergone significant design improvements which result in a layout that sits more comfortably in the street scene. Whilst the houses remain tall compared to the existing housing, given the site constraints, there is not an alternative solution, without either losing the provision of family sized housing or resulting in other design compromises.

##### **4.3 Environmental Health (Contaminated Land) – No Objection subject to conditions.**

Conditions recommended to secure a remediation strategy, associated verification report, procedure for unidentified contamination and construction management plan.

##### **4.4 Lewes Town Council – Comment.**

SDNPA should consider the concerns of residents with reference to access of the site and parking. Lewes Town Council were positive about the concept of using suitable garage sites for social housing.

##### **4.5 Local Highway Authority (ESCC) – No Objection subject to conditions.**

Public concern has been noted regarding parking. Given the good transport connections and the level of car ownership in this area, an objection based on the minor shortfall in parking would be difficult to justify. Conditions are recommended to provide further details of parking areas / spaces, cycle parking and to secure a construction management plan.

##### **4.6 Southern Water – No objection.**

##### **4.7 Sustainable Construction – Comments.**

There is concern that the use of direct electricity for space heating based on a SAP 10 assessment may result in affordability issues for the occupants. Further details are required and the strategy for the use of substituted, re-used, recycled or other green materials, the location of internal recycling bins and how the dwellings are designed to reduce overheating risk. In the event permission is granted, these matters could be secured by condition.

#### **5. Representations**

5.1 Eight objections were received when the scheme was first received, and a further four following the consultation on revised and additional information submitted in June 2025.

The comments are summarised below. Where multiple comments have been received from a single party during a consultation round, these have been counted as one representation.

## 5.2 Objections

- Insufficient parking on site, or provision for turning leading to further obstruction on The Lynchets. This will affect the ability for emergency vehicles to turn and/or access the far end of the road, as parking already takes place in the turning head.
- Increased risk to safety of pedestrians and other road users.
- Impact on residential amenity, particularly the use of The Lynchets and off-road parking.
- Impact of construction traffic on residents.
- Lack of information regarding current level of garage use.
- Proposed parking is not sufficient for the proposed 3-bed units and no visitor parking provided.
- Lack of compliance with allocation policy in Lewes Neighbourhood Plan, including provision of footway along front of site.
- Impact on / loss of Local Green Space.
- Overdevelopment of site (too many units and too tall) resulting in a negative effect on existing residents.
- No noise assessment provided.
- Biodiversity Net Gain not provided at appropriate level.
- Ability to maintain vegetation along steep bank impeded.
- Parking beat survey should be undertaken.

## 5.3 Friends of Lewes

Friends of Lewes support the proposed scheme in principle, however the particular design solution proposed here is unsuitable as it limits the scope for providing a suitable frontage to the curved street, the existing mature trees along the western boundary are too close to the proposed dwellings, which require shallower building footprints in order to maximise the size of the rear gardens.

## 6. **Planning Policy**

### 6.1 Most Relevant Sections of the National Planning Policy Framework:

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

### Listed Building and Conservation Areas Act 1990

- 6.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect Listed Buildings, Conservation Areas or their setting. Section 66(1) states that ‘in

considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

- 6.3 Most relevant policies of the adopted South Downs Local Plan (2014-2033) (A full list of relevant policies and applicable legislation can be found in Appendix I):
- SD5: Design
  - SD9: Biodiversity and Geodiversity
  - SD21: Public Realm, Highway Authority
  - SD22: Parking Provision
- 6.4 The South Downs Local Plan is undergoing a period of review and the First Publication (Regulation 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.
- 6.5 Most Relevant Policies of the Adopted Lewes Neighbourhood Development Plan (A full list of other relevant policies can be found in Appendix I):
- PL1B – Allocated Sites
  - PL2 – Architecture and Design
  - PL4 – Renewable Energy and the Resource and Energy Efficiency of New Buildings
  - SS3 – Protection and Enhancement of Green Spaces
- 6.6 Other Relevant Policy Documents (including Supplementary Planning Documents and Technical Advice Notes):
- Design Guide SPD
  - Parking for Residential and Non-Residential Development SPD
  - Sustainable Construction SPD
  - Biodiversity Net Gain TAN
  - Dark Skies TAN
  - Ecosystem Services TAN
- 6.7 Relevant Policies of the South Downs Management Plan (2020 – 2025)
- Partnership Management Plan Policy 1 (Landscape)
  - Partnership Management Plan Policy 3 (Dark Skies)
  - Partnership Management Plan Policy 25 (Water Efficiency)
  - Partnership Management Plan Policy 37 (Active Travel)
  - Partnership Management Plan Policy 39 (Vehicle Parking)
  - Partnership Management Plan Policy 40 (Transport)
  - Partnership Management Plan Policy 48 (Towns and Villages)
  - Partnership Management Plan Policy 50 (Housing)

## 7. **Planning Assessment**

7.1 This application is seeking full planning approval for the development of the Lynchets garage site. Therefore, the main issues for consideration are:

- Principle of development
- Affordable Housing / Housing Mix
- Sustainable construction and Net Zero
- Highways and Parking
- Design and landscape
- Ecology and biodiversity net gain (BNG)
- Drainage

Principle of Development

7.2 The application site is allocated in the Lewes Neighbourhood Plan (LNP) for 6 dwellings (Policy PL1B). The principle of residential development on this site is therefore acceptable, subject to compliance with the Development Plan as a whole and material planning considerations.

Affordable Housing / Housing Mix

7.3 In accordance with South Downs Local Plan (SDLP) policy SD28, the site is required to provide 1 affordable home. The proposal is for all the units to be secured as affordable rented housing, which goes beyond the policy requirement and is welcomed as this supports the National Park Duty and the provisions of the 2010 Circular (see Appendix 1).

Considered in isolation, the application site does not demonstrate a policy compliant housing mix as it proposes 4 x 3-bed dwellings (SDLP, Policy SD27), however, given the constraints of the site and the wider provision of affordable homes across the multiple sites outlined in Section 3 of this report, such deviation is considered acceptable. The provision of 100% affordable homes on a site allocated in the LNP is given significant weight.

7.4 The LNP requires a proportion of any affordable housing being provided to be delivered as 'Lewes Low-Cost Homes' (LLCH). The ability to provide LLCH will depend, among other things, on the tenure of affordable housing being proposed and land ownership; as the land is owned by Lewes District Council, if the units were to be provided as Social Rented units, these would belong to the Lewes District's Housing Revenue Account and could not be redefined as anything but Social Rented units. The application is currently not clear on the type of affordable housing being proposed i.e. Affordable or Social Rent. This would need to be clarified and secured as part of a S106 Agreement.

Sustainable Construction and Achieving Net Zero

7.5 Policies SD48, PL2 and PL4 require the design of new development to address climate change mitigation through the on-site use of zero/low carbon technologies, sustainable design and construction and low carbon materials. Proposals must achieve an additional 19% carbon reduction above Part L and a total mains consumption of no more than 110 litres per person per day.

7.6 The proposed development has demonstrated 75.8% reduction in CO2 emissions for residential use over the notional building case for the development. Whilst normally UPVC windows and doors would be discouraged, these are prevalent within the local context and it is noted that the units comprise ~75% recycled materials. The scheme also proposes a PV array on front roof slope as well as a hot water heat pump.

7.7 Water fittings within the units will ensure a water consumption target of 105 litres, per person per day is achieved.

7.8 It is considered that the proposal would meet the requirements of SD48 from the SDLP and

policy PL4 from the LNP.

#### Highways and Parking

- 7.9 The dwellings front the highway directly with on-plot parking. The prevailing character of the existing road, being a cul-de-sac and therefore slow vehicle speeds result in there being no concerns regarding the creation of individual accesses to each dwelling.
- 7.10 A footway is proposed along the existing carriageway, in front of the dwellings. This is welcomed in principle and would be in accordance with the LNP allocation policy criteria for the site. It is noted that in order to deliver this, it would incorporate land that is considered to be public highway and would therefore require a stopping up order under the Town and Country Planning Act (this is reflected in the second recommendation to Committee as the applicant is yet to submit such an application).
- 7.11 A total of 4 parking spaces are proposed, all of which would support electric vehicle (EV) charging. This is below the number of spaces recommended by the Parking Calculator in the SDNPA Parking SPD, which advises 6 spaces should be provided on site. The site is located in close proximity to a bus stop on Malling Hill, which offers a frequent service to the town centre. Other facilities including schools and shops are within walking distance of the site. Given the sustainable location of the site, a reduction in the total number of spaces provided by the application site is considered acceptable in this instance. The LHA has not raised a concern with the reduced parking provision.
- 7.12 5 of the 20 existing garages are currently leased, with at least one showing signs of frequent use (based on the applicant's Transport Statement and Officer Site Visits). Given the low level of use currently demonstrated, the loss of the garages on this site is unlikely to have an adverse effect on the amenity of the surrounding area.
- 7.13 A number of objections have raised the importance of the garage sites in providing off-road parking for existing residents overnight, as The Lynchets already experiences high levels of on-street parking. These representations also raise concerns that the vehicle turning head at the bottom of The Lynchets is often full of parked cars, meaning that larger vehicles (and emergency vehicles) are unable to turn – therefore currently using the tarmacked area of the garage compound to perform turning manoeuvres. Whilst these concerns are noted, the site has already been allocated for residential development and the loss of the garage compound was considered during the examination of the LNP. In addition, the use of the site for turning is an informal arrangement resulting from cars parking in a dedicated turning space. The improper use of the dedicated turning space, and resulting highway impact, is a matter for the Local Highway Authority to address. For this reason, as well as the acceptance of the situation by the Local Highway Authority who are responsible for the management of The Lynchets, it is considered the concerns do not outweigh the benefits of the provision of affordable housing.
- 7.14 Lewes Town Council have suggested including car club spaces or a cycle hub as part of the wider provision of the housing on existing garage sites. These are encouraged by the NPPF, however officers note this is a commercial decision for the applicant. Despite this, it is considered that the development provides adequate parking and therefore the proposal complies with policies SD21 and SD22 of the SDLP as well as the site-specific criteria in PL1B of the LNP.

#### Design, Landscape and Residential Amenity

- 7.15 The scheme has been altered significantly since submission, including the removal of the designated Local Green Space from the red line boundary and the reduction from 5 proposed dwellings to 4 dwellings.
- 7.16 The layout now responds to the curvature of the highway reflecting the existing street scene, with all amenities associated with each dwelling provided on plot. This creates a more welcoming, characteristic street frontage, which relates positively to the surrounding



dwelling.

- 7.17 The dwellings will be taller and more assertive than the existing dwellings along the same street scene. This is as a result of the steeper pitch of the roof to facilitate the dormer windows and the higher eaves height that is as a result of the modular construction method proposed. The applicant has advised it would not be possible to reduce the eaves height for these units and that it would only be through a shallower pitched roof that the overall height could be reduced. This would result in the loss of a bedroom for each dwelling. The impact on the street scene is not so significant that the loss of the affordable family homes would be justified.
- 7.18 The proposed dwellings are separated from 16-17 The Lynchets by the footpath and a change in levels. The degree of separation is such that the current arrangement does not result in any overlooking or an overly-dominant relationship in this side-to-side arrangement. The scheme would not result in any overshadowing nor would it be overbearing in nature. It is considered that the taller dwellings in this location would not cause harm to the wider townscape and the provision of family-sized housing is welcomed.
- 7.19 The proposed use of brick-slip cladding is acceptable, subject to samples and colour tones. A tiled roof is characteristic of the surrounding area, although the Design Guide SPD advises that concrete tiles are not normally supported. Whilst UPVC is discouraged, it is noted that these are formed of 75% recycled materials. Given the surrounding examples in the locality, the use of UPVC on this occasion is accepted. All final details of materials and finishes will be secured by condition.
- 7.20 The garden areas (excluding Unit 1) fall below the expectations of at least 60% of the internal floor space, as recommended by the Design Guide SPD. This is a result of the tight relationship between the existing garage compound, site levels and mature vegetation beyond. The gardens may receive limited sunlight due to overshadowing from the existing trees, although it is noted that the main patio spaces are located so as to minimise this impact. The trees and bank are owned by the applicant so there are no concerns regarding ongoing future management. Final details of tree protection and associated works are secured by planning condition.
- 7.21 There is some inconsistency between the site layout plan and landscape general arrangement and it is not clear what the precise size of the gardens is for units 2-4. All include a secure patio area and bike store, however only Unit 1 appears to benefit from a grassed area. The remaining area between the dwellings and mature, vegetated boundary appears to be enhancement of the existing vegetation with wildflower planting. It is therefore considered reasonable to finalise details through a soft landscaping condition.
- 7.22 The impact of the loss of the parking and garage facilities has been covered in the section above. The removal of the fifth unit from the northern boundary has resolved the previously outstanding concerns officers had regarding the loss of amenity to existing residents (the loss of the protected Local Green Space).
- 7.23 Clearer definition between the proposed property boundary and the existing footpath leading to 25-34 The Lynchets is required. The Design Officer has recommended a low brick wall, which appears capable of being delivered within the red line boundary and can be secured by condition. There also remains some concerns regarding the proposed methods of boundary treatments – particularly that in the public realm. This, along with the final details of the bin and cycle stores can also be secured by condition.
- 7.24 The proposed development has adopted a landscape-led approach, delivering a scheme which has responded positively to the characteristics of the surrounding area and complies with policies SD5 of the SDLP, the site-specific requirements of PL1B and PL2 of the LNP.

#### Ecology and Biodiversity Net Gain

- 7.25 The preliminary ecological appraisal undertaken by the applicant identified the potential for

bats within the existing garages. Further surveys have therefore been carried out. Whilst no bats were present during that survey, a package of mitigation measures including a sensitive lighting scheme and provision of a built-in bat box were recommended. Subject to these being conditioned, officers are satisfied there would be no harm caused to protected species as a result of the development.

- 7.26 The site is less than 150m from the Malling SSSI and associated SAC. The provision of 4 affordable dwellings, to help meet local housing needs identified by the local authority are considered unlikely to have an impact on the reasons for why the SSSI and SAC have been designated. Whilst the dwellings are in reasonably close proximity to the sites, there would not be an increase in the recreational pressure on the designated areas as they are supporting an existing local need. No potential harm has been identified in the applicant's PEA and officers have no reason to disagree with this conclusion.
- 7.27 The proposed development includes the loss of an area of bramble scrub. As a result of the area affected, which does not meet the criteria for de minimis exemption, the applicant has been required to provide mandatory BNG, using the Small Sites BNG Metric. Given the constraints of the site, the applicant considers it would not be possible to provide the necessary BNG on site and has therefore secured units through the Environment Bank. These units would be provided within Wealden District, through the Environment Bank, who the applicant has instructed to deliver credits for all of the sites – both within and outside the SDNP that require them. The SDNPA BNG Technical Advice Note (TAN) expects offsite credits to be secured within the SDNP in the first instance. If not, justification for why this is not possible or reasonable should be provided. The applicant is therefore considering whether there are alternative sites within the SDNP which can provide suitable credits. These credits could be secured through the Section 106 Legal Agreement.
- 7.28 Subject to the necessary mitigation being secured as recommended in the protected species survey, there will be no harm caused to protected species or habitats, with existing areas of vegetation enhanced through appropriate planting and management. As such, it is considered the proposal accords with policies SD9, SD10 and SD45 of the SDLP.

#### Drainage

- 7.29 The site is in Flood Zone 1 and unlikely to be at risk of fluvial or tidal flooding. Precautionary measures are proposed against potential overland flow and surface water risk including the raising of finished floor levels to at least 150mm above surrounding ground floor levels.
- 7.30 Given the site constraints, the options for SuDS are restricted. The use of permeable paving is welcomed and other measures, including water butts and below-ground attenuation have been recommended in the drainage strategy. Final details will be conditioned however officers are satisfied that the scheme can achieve an improvement in surface water management from the existing arrangements. As such, the proposal would comply with policies SD49 and SD50 of the SDLP.

#### Other Matters

##### Heritage

- 7.31 Consideration has been given to the proximity of the development to the nearby Grade II Listed Building, Mill House. The application site comprises existing garages that are well established within the surrounding residential context that already impacts the setting of the listed building. The proposed construction of 4 further dwellings in place of these garages will enhance the immediate context of the surrounding area and achieve a minor positive impact on the setting of the listed building.
- 7.32 The site is located within an Archaeological Notification Area and the County Archaeologist had requested further information be provided to ensure there is no impact on potential

features of archaeological interest. The applicant has provided updated information and officers have included a Watching Brief condition, as a precautionary approach.

#### Construction

- 7.33 It is noted that owing to the site constraints and the nature of the proposed construction methods, the applicant intends to crane the units on to the site from the A26 / Malling Hill. This would involve road closures and so the applicant has suggested this take place overnight. Such details will be carefully considered by officers and the LHA, as there will be highway, residential amenity and ecological matters to take into account. These details will be secured through the construction and environmental management plan, which is conditioned.

### **8. Conclusion**

- 8.1 It is considered that the proposed development has undergone significant design improvements which result in a layout that sits more comfortably in the street scene and responds to the specific design criteria included in the site allocation policy PL1B, PL2 and PL4 of the LNP and SD5, SD21 and SD22 of the SDLP.
- 8.2 The proposal would not have a detrimental impact on the character of the local area and it is considered it would conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park, providing 4 much needed affordable homes. It would therefore deliver a scheme that is compliant with the Development Plan as a whole.

### **9. Recommendation and Conditions**

- 9.1 It is recommended that planning permission be granted subject to the conditions and reasons set out in paragraph 9.2 and the completion of a Section 106 Agreement (delegated to the Director of Planning) based on the following Heads of Terms:
- The 4no. dwellings to be secured as affordable rented or social rented affordable housing, and
  - The necessary purchase of 'off site' credits for Biodiversity Net Gain.

### **9.2 Conditions**

#### 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 and documents listed below under the heading 'Plans and Documents referred to in consideration of this application'.

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

#### Removal of permitted development rights

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification). No buildings, structures, works or minor operations as defined within Part 1, classes A-H and Part 2, classes A-B of Schedule 2, shall be erected or undertaken on the site, unless permission is granted by the Local Planning Authority pursuant to an application for that purpose.

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

Construction Management

4. No development shall commence on site, including any site clearance work and any works of demolition, until a Construction Environmental Management Plan (CEMP), which shall include details of the following:
  - A programme for carrying out the works, including phased programme of demolition and construction works;
  - Details of the method of delivery for the modular units, including timings and any proposed road closures;
  - The anticipated number, frequency and types of vehicles used during construction;
  - The method and management of access and routing of vehicles during construction;
  - The parking of vehicles by site operatives and visitors;
  - The location of site office and welfare facilities, and sales office;
  - The timings of deliveries to site;
  - The loading and unloading of plant, materials and waste;
  - The storage of plant and materials used in construction of the development;
  - The erection and maintenance of security hoarding;
  - A demolition asbestos survey (undertaken by a competent person) and, if required, mitigation measures;
  - Measures to minimise the noise (including vibration) generated by the demolition / construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers;
  - Measures to control the emission of dust and dirt during the demolition / construction process, including details of a dust management plan;
  - Management measures being taken to ensure no burning of demolition and construction materials on site;
  - Tree protection works during construction in accordance with the details required under Condition 5;
  - A scheme for recycling / disposing of waste resulting from demolition and construction works;
  - Wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders where necessary);
  - Measures to manage flood risk both on and off site during construction;
  - Any lighting, including location, height, type and direction;
  - Other ecological mitigation measures, including method statements and measures to be adopted to avoid and manage impacts on the adjacent designated sites, protected species and other important habitats and the eradication of invasive non-native species (in accordance with the approved Preliminary Ecological Appraisal

prepared by PJC dated 22 August 2023 and the Bat Emergence Survey prepared by PJC, dated 16 April 2024); and

- Public engagement both prior to and during the construction works, has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Environmental Management Plan shall be adhered to in full throughout the construction period. The development shall not be carried out otherwise than in full accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in the interest of maintaining a safe and efficient highway network and in the interests of local amenity.

5. No development, including any site clearance works, demolition works or ground works, shall commence on site until a final Tree Works / Removal and Protection Plan, indicating which trees are to be removed and / or pruned and how the remaining trees will be protected during construction of the development has been submitted to and approved in writing by the Local Planning Authority.

The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

For the purposes of this condition the term 'tree' means any existing tree or hedge / hedgerow.

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

Reason: In the interests of amenity and the landscape character of the area.

6. No development hereby permitted shall commence (excluding demolition and site clearance) until details, including plans and cross sections of the existing and proposed ground levels of the development, the boundaries of the site, the height of the ground floor slabs of each building and damp proof course, in relation to a nearby datum point and reference points taken from existing structures adjacent, have been submitted to and approved in writing by the Local Planning Authority. The development must then be completed in full accordance with the approved details.

Reason: In order to secure a satisfactory standard of development and these details are required prior to commencement as they relate to the construction of the development.

#### Landscaping / Ecology

7. Notwithstanding the details shown on the approved plans, no development shall be commenced until details of boundary treatments (including any retaining walls) and hard 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, patio areas and parking spaces, including their appearance, depth and permeability, kerbs, edges, steps and ramps, spot levels, finished floor levels, upstands and demarcation;
  - Drainage proposals (including any attenuation or other SuDs features) in accordance with the details required under Condition 16);
  - Proposed and existing levels and falls, including any land alterations (including section plans in accordance with the details secured under condition 6);
  - Construction details, sections and treatment of external surfaces for any proposed retaining walls / structures;

- Location, height and materials / construction technique for all boundary treatments, including a brick wall no more than 0.3m in height adjacent to the footpath leading to 25-34 The Lynchets, and other built means of enclosure including any gates, bollards, railings and fencing;
- Location, height and design of any street furniture, including any relocated or new street lighting, bins and other utilities equipment;
- Tree grilles and tree pit surfaces;
- Tree protection measures (including those in accordance with details required under Condition 5),
- Any Air Source Heat Pumps to serve the residential dwellings and other external storage buildings required under Condition 10; and
- Other ecological mitigation and enhancement measures, including method statements and measures to be adopted to avoid and manage impacts on the adjacent designated sites, protected species and other important habitats (in accordance with the approved Preliminary Ecological Appraisal prepared by PJC dated 22 August 2023 and the Bat Emergence Survey prepared by PJC, dated 16 April 2024).

Reason: In the interests of amenity, to conserve and enhance the landscape character and to safeguard protected species.

8. Notwithstanding the details shown on the approved plans, no development shall be commenced until the final details of the soft landscaping, including the provision of the green roofs, have been submitted to and approved in writing by the Local Planning Authority. The plans shall include:
  - Detailed schedule of plants, hedgerows and trees, noting species, sizes and proposed numbers / densities;
  - Tree protection measures (in accordance with details required under Condition 5);
  - 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 16), and
  - Other ecological mitigation and enhancement measures, including method statements and measures to be adopted to avoid and manage impacts on the adjacent designated sites, protected species and other important habitats and the eradication of invasive non-native species (in accordance with the approved

Preliminary Ecological Appraisal prepared by PJC dated 22 August 2023 and the Bat Emergence Survey prepared by PJC, dated 16 April 2024).

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

9. All hard and soft landscape works shall be carried out in full accordance with the approved details (in accordance with Conditions 7 and 8).

All hard landscaping shall also be carried out in full accordance with the approved details prior to the development hereby permitted first being occupied or in accordance with a programme to be agreed in writing by the Local Planning Authority.

All soft landscaping shall be carried out in full accordance with the approved details prior to the development hereby permitted first being occupied or in accordance with a programme to be agreed in writing by the Local Planning Authority.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity, to conserve and enhance the landscape character and to safeguard protected species.

Design / Sustainable Construction

10. Notwithstanding the details shown on the approved plans, no development shall commence until a schedule of architectural details, materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes have been submitted to and approved in writing by the Local Planning Authority. Details to include:

- External walls;
- Roofs;
- Any proposed photo voltaic panels (including fixtures and fittings);
- Eaves, fascias and soffits;
- Rainwater goods;
- Windows and openings including glazing, head, sill, lintel and depth of reveals;
- Doors;
- External lighting;
- Sustainable materials and other sustainable construction measures in accordance with the details required by Condition 11;
- Any Air Source Heat Pumps to serve the residential dwellings and other external storage buildings, and
- Other ecological mitigation and enhancement measures, including measures to be adopted to avoid and manage impacts on protected species (in accordance with the approved Preliminary Ecological Appraisal prepared by PJC dated 22 August 2023 and the Bat Emergence Survey prepared by PJC, dated 16 April 2024).

The development shall be carried out in full accordance with the approved schedule and samples unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development in the interest of conserving and enhancing the landscape character and to safeguard protected species.

11. No development shall commence on site until a design stage sustainability report has been submitted to and approved in writing by the Local Planning Authority.

For energy this must demonstrate with reference to design stage SAP data

- Predicted CO2 emissions from all proposed new dwellings to be at least 19% reduced through the energy efficiency of the buildings compared to the target emission rate baseline set by Building Regulations
- Predicted CO2 emissions from all proposed new dwellings to be at least 20% reduced through the use of on-site low or zero carbon energy generation compared to the target emission rate baseline set by Building Regulations.

For water this must demonstrate via a BRE (or equivalent) water calculator that the predicted internal mains water consumption is no more than 105 litres/person/day.

Thereafter, the development shall be undertaken in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an environmentally sustainable development.

12. Within six months of the first occupation of any residential unit hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the applicant must submit to the Local Planning Authority for written approval a post completion sustainable construction report. The report shall demonstrate that the development has complied with the details and requirements of Condition 11.

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

#### Contaminated Land

13. No development, including site clearance works, demolition or ground works, shall commence until a Remediation Scheme (informed by the Phase I and Phase II Land Contamination Assessment Reports prepared by Land Science, reports references LS 6855K dated 10 August 2023) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme shall detail how the remediation will be undertaken, what methods will be used, what is to be achieved and a Verification Report setting out any requirements for longer term or on-going monitoring and maintenance arrangements.

A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme.

Thereafter, the approved Remediation Scheme shall be fully implemented in full accordance with the approved details.

Reason: In the interests of amenity and to protect the health and future occupiers of the site from any possible effects of land contamination.

14. The development hereby permitted shall not be occupied until a Verification Report for the approved Remediation Scheme, as required by Condition 13, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 24 hours to the Local Planning Authority.



An investigation and risk assessment must be undertaken and where remediation is necessary a Remediation Scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved Remediation Scheme, a Verification Report must be prepared, submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, to protect human health and to ensure that risks from land contamination to neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

Drainage

16. No development shall commence until a detailed sustainable surface water drainage scheme, including a Management Plan detailing its future management and maintenance, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- include construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement;
- be in accordance with the approved Flood Risk and SuDS Assessment, dated July 2023 produced by Meridian Civil Engineering Consultancy; and
- include the provision of green roofs.

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

No dwelling shall be occupied until the drainage system has been implemented in full accordance with the approved details.

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

17. No development shall commence until a detailed scheme for the means of foul water disposal has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- include construction drawings of the drainage network, associated drainage components, drainage calculations, flow control mechanisms and a construction method statement;
- include details of the odour and noise mitigation measures, if required, and
- include full details of a Management and Maintenance Plan.

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

No dwelling shall be occupied until the drainage system has been implemented in full accordance with the approved details.

Reason: To ensure satisfactory provision of foul water drainage and in the interest of local amenity.

18. Prior to first occupation of the development hereby permitted, evidence (including photographs) to demonstrate that the surface water and foul water drainage systems have been constructed in full accordance with the final agreed detailed drainage schemes shall be submitted to and agreed in writing by the Local Planning Authority

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

Parking and Cycle Facilities

19. No development shall be commenced until details of the location and appearance of the Electric Vehicle Charging Points and associated infrastructure for the individual houses and parking areas (both above and below ground) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To enable the provision of sustainable modes of transport.

20. Prior to the first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the car parking, including electric vehicle charging points to be approved under Condition 19, shall be constructed in full accordance with the approved plans. The car parking spaces, together with the electric vehicle charging points, shall thereafter be retained for their designated purpose.

Reason: To ensure an adequate and satisfactory standard of parking provision and turning space within the development.

21. 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 in full accordance with the approved details prior to the occupation of the development and thereafter retained.

Reason: To provide for alternative modes of transport.

Refuse / Recycling Storage

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

Reason: To safeguard the appearance of the development in the interest of conserving and enhancing the landscape character and to protect local amenity.

Archaeology

23. No development shall be commenced on site until details of an Archaeological Watching Brief, including its implementation, has been submitted to and approved in writing by the Local Planning Authority. If archaeological deposits are found, the works shall cease and an evaluation shall be undertaken to ascertain its heritage significance and any subsequent avoidance, mitigation and remediation to be undertaken to preserve deposits. A written record of any archaeological assessment undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation, unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure the preservation of archaeology through a regime of monitoring and, if any deposits are discovered to ensure their preservation and conserve the heritage of the site.

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices: Appendix I - Information concerning consideration of applications before committee.  
Background Documents: [All application plans, supporting documents, consultation and third party responses for SDNP/24/04066/FUL](#)  
[Lewes Neighbourhood Development Plan](#)  
[South Downs Local Plan 2019](#)  
[Supplementary Planning Documents and Technical Advice Notes](#)

