

Report to: Planning Applications Committee
Date: 16 February 2022
Application No: SDNP/21/02685/FUL
Location: West Laine House, Church Lane, Kingston, BN7 3LW
Proposal: Erection of a five-bedroom detached dwelling (Revised Plans).
Applicant: Mr P Billingham
Ward: Kingston
Recommendation: Permission is granted.
Contact Officer: **Name:** Christopher Wright
E-mail: christopher.wright@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL liable.

Map Location:



1. **Executive Summary**

1.1 For the reasons set out in this report, the acceptability of building a house on this site has previously been established, and the proposed development is considered to be acceptable in principle and would not have a significant adverse impact on visual amenity or neighbour living conditions.

1.2 Accordingly approval is recommended.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

2.2 South Downs Local Plan

Core Policy SD1 - Sustainable Development

Core Policy SD2 - Ecosystems Services

Strategic Policy SD4 - Landscape Character

Strategic Policy SD5 - Design

Strategic Policy SD7 - Relative Tranquillity

Strategic Policy SD8 - Dark Night Skies

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 SD26 - Supply of Homes

Strategic Policy SD27 - Mix of Homes

Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

Strategic Policy SD49 - Flood Risk Management

3. **Site Description**

3.1 The application site lies within the South Downs National Park and within the planning boundary of Kingston village, to the southeast of Lewes. The site is accessed via a private road off the eastern side of Church Lane, which travels eastwards. The track is a dead end, culminating in a property known as West Laine House / Wychecroft. The site is bound by properties in Kingston Ridge to the northwest and properties in The Avenue to the southeast. Existing homes in the locality are predominantly detached and situated within spacious plots.

3.2 The track provides access to 5 existing houses. The site is not in a Conservation Area of near to any listed buildings. The site is within the settlement boundary where the presumption of sustainable development is supported by the National Planning Policy Framework subject to material considerations.

4 **Proposed Development**

4.1 The site is formed from the sub-division of the plot in which West Laine House is situated and, excluding the access route and a narrow area of land beyond the proposed parking area, measures approx. 56m in depth and 24m across, having an area of approx. 1280 square metres, or 0.13 hectares.

4.2 The proposal is to build a detached 5-bedroom house within the plot.

4.3 During the course of the planning application amended plans have been submitted.

- House set back approx. 12m from alignment of access track
- Gap to boundary with neighbouring plot to the south-west of approx. 4.6m
- Gap to north-east boundary of approx. 3.6m
- Back garden approx. 19.3m in length
- Ground floor approx. 104 square metres comprising three bedrooms; lobby; two bathrooms; plant room.
- First floor approx. 147 square metres comprising two bedrooms; kitchen/dining room; living room; utility room.
- First floor roof terrace/balcony overhanging ground floor to front elevation.
- Two storey height at front elevation
- Single storey height at rear elevation
- Cut into the sloping topography
- Flat roof
- Timber cladding vertically applied
- Front elevation predominantly glazed
- Underground surface water storage for use in grey water harvesting

5 **Relevant Planning History**

5.1 SDNP/19/01270/FUL - Erection of a four-bedroom detached dwelling. Approved 27 June 2019.

6 **Consultations**

6.1 Southern Water – No Objection

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

The proposed development would lie within a Source Protection Zone. The applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern

Water of the outcome of this consultation.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.2 Southern Water

The comments in our response dated 11/06/2021 remain unchanged and valid for the amended details.

6.3 ESCC - Flood Risk Management Team - Objection

[Objection following amendments (25 Nov 2021)]

We previously objected to the proposed development as it is not clear how surface water runoff arising from the proposed development will be managed, to avoid increasing flood risk elsewhere. No further information relating to surface water drainage has been provided and our objection therefore remains.

We request that the applicant submits a drainage strategy in support of the proposed development identifying an outfall location for surface water runoff. The drainage strategy should include a drainage plan showing the location and dimensions of the proposed drainage features as well as drainage calculations, demonstrating that the drainage system is capable of managing runoff from the development for all rainfall events, up to and including the 1 in 100-year plus climate change event.

If the applicant is proposing to infiltrate surface water runoff to the ground, infiltration testing should be carried out to BRE365 standards to confirm that this will be feasible at the site.

Groundwater levels beneath the site may also be elevated in winter months and we therefore request that groundwater monitoring is undertaken between November and April, to ensure there is a 1m unsaturated zone between the base of any proposed soakaway and the highest recorded groundwater level.

The drainage strategy should include details of the maintenance requirements of the proposed drainage system and who will be responsible for maintaining the system for the lifetime of the development.

6.5 [Previous application SDNP/19/01270/FUL]

Following the submission of additional information, the LLFA wishes to withdraw our earlier objection and instead recommends the imposition of appropriately worded planning conditions.

It is our understanding that the applicant will discharge into a sewer rather than use of infiltration. Whilst this is acceptable, we will require an investigation of the

extent, condition, and capacity of this system to ensure that it can serve as a viable discharge point for surface water runoff. Furthermore, it is assumed that this is a private drain as it is not recorded on any public sewer records.

6.6 Main Town or Parish Council - Objection

[Comments following submission of amendments]

KPC strongly objects to this revised planning application. Although the previous application for a 4 bedroomed property was agreed, this application differs in many ways, and there is still the extreme problem of construction and other large vehicles getting access to the site. Consequently, our objections remain the same.

1. Although the revised plans have reduced the property in size (232 square metres compared to 295 square metres) the proposed property remains larger than had previously been agreed. The house will still take up a substantial proportion of the ground, in contrast to surrounding properties which have relatively modest houses in large plots. The Lewes Local District Plan states that there should be "no erosion of the essential elements of the character and appearance of the area".
2. The materials that are proposed to build the property are out of keeping with the area - zinc, grey fibre cement and grey brick walls are more appropriate to an urban environment. The Lewes District Local Plan states that "materials should be appropriate to the character of the local area". The zinc roof will include several skylights which will affect the dark skies that we enjoy in the village and which are a major part of the South Downs Park. Dark skies will also be considerably affected by the planned large glazing panels.
3. Little mention is made of the protection of natural habitats nor how these will be restored following the clearance of the site that has already occurred. Houses immediately north of the area on The Ridge have large gardens which have been allowed to continue in their natural state, attracting in the past badgers and foxes. An ecological statement is essential so that it is clear how any adverse impacts can be managed and mitigated.
4. The proposed site of the house brings it closer to neighbours to the north of the property (on The Ridge), and the living area will face onto the plot at The Sheiling on The Ridge, affecting the enjoyment of the view and impacting on privacy.
5. The garage with the studio is sited such that the window, on this elevated position, will look down on Aquarius and Montfort, houses to the south on The Avenue. It is also proposed to be sited on top of tree roots that are in the tree protection area.
6. We have significant concerns about the possibility of flooding from runoff water from what is a considerable area of hard surfacing. This is likely to affect the houses directly in front of it, Montfort, and Aquarius on The Avenue, which could cause damage to the gardens and properties.

7. Detailed plans should be submitted that show how runoff is to be managed both during the build and after completion. Porous surfaces on their own are insufficient.
8. There are 13 Category A beech trees in the garden of Montfort, at the southern boundary. The root system of these trees extends into the development site. There is considerable evidence that construction vehicles could damage the root systems. Proposals should be submitted to the Council's Specialist Advisor for Arboriculture before any work is started.
9. We can see no detailed plans concerning sewage or utility services. Plans must be put in place to ensure that raw sewage does not escape onto the nearby track or into the gardens south of the site and to ensure that existing services for the current properties are not affected.
10. Finally, no mention at all is made of the issue of access for construction which is very fragile and would not withstand construction traffic of any great size. Access to the site is along a quiet residential street (The Avenue), along a single path bridleway and then along the private track. This track is made up of loose gravel which is very fragile and would not withstand construction traffic of any great size, let alone any traffic bringing steels to the property. The bridleway is extremely well used by children going to school and walkers who access the Downs. As well as damage to the bridleway surface, construction traffic will cause particularly dangerous situations. It is very surprising that a detailed construction management plan has not been provided with the application.

KPC is very grateful for the many thoughtful and detailed comments, those from Tim Ambrose. Without repeating Tim's comments, we feel that he has set out extremely well how it is felt that the proposed building will contravene many of the core policies of the SDNPA's Local Plan. The core policies identified are:

SD1 Sustainable Development
SD2 Ecosystem Services
SD4 Landscape Character
SD5 Design
SD6 Safeguarding Views
SD7 Relative Tranquillity
SD8 Dark Night Skies
SD9 Biodiversity & Geodiversity
SD19 Transport & Accessibility

We would request that the SDPNA's design review panel is convened to consider all these aspects as well as all the comments that have been made.

6.6 Tree & Landscape Officer

No comments have been received on the current planning application. Below are the consultation comments received on the previously approved planning application:

General comments:

With regards the existing trees: Trees of note have been assessed and categorised by the applicant's tree expert and having carefully read through the document and the associated documents I can confirm that I am in broad agreement with it. The tree report outlines tree protection measures before and during demolition and subsequent construction operations and recommends monitoring throughout. I note that the report also mentions the site gradient, which is likely to be a significant factor in this case.

In the light of concerns raised by the neighbouring residents to the south at 'Montfort', The Avenue, Kingston I am mindful of the fate of the group of Beech trees categorised as 'A' under BS:5837. I note that their rooting systems (or Root Protection Area) overlap the footprint of the access driveway and that the tree report mentions that specific measures will need to be employed to ensure the vulnerable rooting systems survive post construction operations. This should be a straightforward problem to solve without harming the rooting systems or the volume of soil surrounding them.

The residents at 'Montfort' have also requested that a Tree Preservation Order (TPO) is imposed to protect these trees. Whilst the BS5837 tree survey categorised them as 'A' this is really a planning tool and not necessarily something that can be used to gauge whether a tree(s) both merits and qualifies for a TPO.

Unfortunately, the trees are not considered to be a critical component of the character of the area and this is compounded by the fact that views of them are in fact relatively constrained and limited in scope. Contrary to appearances, it is also the case that these trees are not under significant threat, or at least any perceived threats can be dealt with via conditions, and a combination of this and additional factors I do not consider the trees fully merit or qualify for inclusion within a TPO.

Having said that, the Council is under a duty to protect trees including those of land adjacent to a development site. They will rank as a 'material consideration' when determining the above planning application. Section 197 of the Town & Country Planning Act 1990 states:

'it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions, for the preservation or planting of trees'

Recommended Planning Conditions:

In the event planning permission is granted the following conditions should be considered.

Condition: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels, and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Arboricultural supervision and inspection by a suitably qualified tree specialist
- l) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with (Insert relevant policies here) and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design, and construction - Recommendations

Condition 2: No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to

maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

Condition 3: The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

7 Neighbour Representations

7.1 Representations have been received from "West Laine House" Church Lane, in support of the application, as initially submitted and as amended, for the following reasons:

- o Improved self-build home
- o Landscape led
- o Generously spaced
- o Modern layout
- o Attractive design
- o Less waste / earth removal from site
- o Neighbour engagement
- o Rainwater harvesting
- o Investing in local economy
- o Increasing housing supply
- o Providing jobs
- o Additional details including landscaping details, trees and new, coloured, illustrations show how attractive and appropriate the new dwelling will sit in the landscape and surroundings.

7.2 Representations have been received from "The Shieling" "Twin Gables" "Roseway" "Wyndrum" Kingston Ridge; "Aquarius" "Montfort" "Larch House" "Rathbran" "Minden" The Avenue; "Friars Cottage" The Street; "Field Cottage" "Warwick" "Downside" "Mount Murray" "Well Barr" "Squirrels" and "Dormers" Church Lane, objecting to the application for the following reasons:

- o House is too big for site
- o At odds with National Park focus on smaller properties
- o Unsympathetic to surroundings
- o Over development
- o Increased density
- o Harmful to character of village
- o Onward development
- o Conversion of garage to living accommodation
- o Routing of utilities such as water supply
- o Damage to wildlife
- o Wildlife corridor
- o Two storey garage and studio on boundary
- o Badger activity

- o Ponds within 250m
- o Light pollution
- o Threat to trees
- o Loss of privacy
- o No natural screening between properties
- o Rubbish disposal plan represents danger
- o 30% extra massing
- o Intensification of use
- o Site cleared of vegetation
- o Contrary to policy
- o Access track traverses front gardens of existing properties
- o Delivery vehicles may experience access difficulties and damage the steep verge
- o Construction access plans must be provided
- o Storage of materials
- o Surface water run-off
- o Drainage
- o Applicant has not involved or consulted neighbours
- o Sewerage
- o Landslip
- o Noise
- o Materials
- o Hilltop borders the site on three sides, not Campion Cottage

7.3 Following the submission of amended plans, representations have been received from "Friars Cottage" The Street; "Montfort" "Larch House" "Aquarius" and "Rathbran" The Avenue; "Warwick" and "Field Cottage" Church Lane, objecting to the application for the following reasons:

- o Contrary to several Local Plan policies
- o Original objection sustained
- o Question as to legal position on right of access to build
- o Amendments do not address initial objections
- o Over development
- o Inaccessible site
- o Loss of privacy
- o Future conversion of garage to residential use
- o An access and construction traffic management plan are needed
- o Size of the property and hard surfaces relative to the overall size of the plot is not in keeping with the area

8 **Appraisal**

8.1 Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts must be made in accordance with the plan unless material considerations indicate otherwise.

8.2 The NPPF also advises that there is a presumption in favour of sustainable development.

- 8.3 The site is located within the South Downs National Park and therefore determined by the SDNPA who further to the presumption in favour of sustainable development and sec 38 (4) of the statutory purposes and duty of the National Park are:
- o Purpose 1: To conserve and enhance the natural beauty, wildlife, and cultural heritage of the area.
 - o Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
 - o Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

8.4 Principle and Design

8.5 Policy SD25 (Development Strategy) of the SDLP states that "the principle of development within Kingston will be supported, provided that development:

- a) Is of a scale and nature appropriate to the character and function of the settlement in its landscape context.
- b) Makes best use of suitable and available previously developed land in the settlement.
and
- c) Makes efficient and appropriate use of land.

SD25 goes on to say that "within the settlement boundary, the principle of further development is established subject to other policies in this plan".

8.6 It is considered that a new dwelling in this location within the settlement boundary and surrounded by other dwellings would not be out of place in terms of character and function. The dwelling in this large area of existing residential garden is a suitable and appropriate use of the land in accordance with the aims of SD25.

8.7 The principle of residential development of this site has previously been established with the approval of the previous planning application, ref. SDNP/19/01270/FUL.

8.8 Policy SD5 (Design) states that "development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high-quality design that makes a positive contribution to the overall character and appearance of the area". The purpose of Policy SD5 is to ensure that all development is of the highest possible design quality, which reflects and respects the exceptional quality of the natural, agricultural, and built environment of the National Park.

8.9 The plot is approximately 24m wide, slightly narrowing at the rear, and approximately 56m in depth. The site area is approximately 1,525 square metres. The plot slopes considerably from north-west to south-east, and due to this the proposed dwelling has been designed so that the ground floor at the rear sits within the hillside, enabling the dwelling to bed down into the landscape.

- 8.10 The dwelling is a two-storey upside-down house with living accommodation at first floor level. As outlined above, due to the sloping nature of the plot, the ground floor is set down into the hillside so that the south-east facing rooms have access to natural light and the rooms at the rear are entirely within the ground. The first floor of the building projects entirely above ground level with direct access to the rear garden and the property has a raised balcony at first floor level on the front elevation.
- 8.11 The scale, form and siting of the proposed dwelling is like that previously approved and is acceptable.
- 8.12 The dwelling has been designed to reflect the local vernacular in terms of materials whilst appearing contemporary in design. The appearance and scale of the contemporary design helps reduce the impact of the dwelling in its location, resulting in a relatively low massing and built form. It is considered that the design and the proposed materials respect the appearance of the local vernacular whilst reducing potential impact on the character and appearance of the surrounding area in order to comply with policy SD5 (Design) of the South Downs Local Plan.
- 8.13 The property is well screened by established planting to the north-west, north-east, and south-east boundaries. The location of this planting combined with the hillside setting of the property will result in the development being hidden from views from the neighbouring properties other than West Laine House to the south. New planting is proposed along this boundary with West Laine House. Concerns have been raised from neighbours regarding works to the existing trees, however none of these trees are protected and the existing boundary planting will be retained and enhanced where required. Due to the back-land location of the site it cannot be readily seen from the public realm. The site along with the village of Kingston can be seen in views from Kingston Ridge which is to the south-west. The green form of the roof will allow the dwelling to blend in with the surrounding area.
- 8.14 The property would be accessed via a private road that currently serves five dwellings including the host dwelling. The road is unmade, and concerns have been raised by residents over the effect any building work would have on the quality of the road. These points are noted and if approved a condition would be added requiring the submission of a 'Construction Management Plan' that would address any damage that could be caused to the road during construction and require its repair post-construction. It is considered that the current access, which already serves five properties, can serve an additional dwelling in terms of ease of access, width, and vehicular safety. The existing road where it currently stops at West Laine House will be extended to serve the new dwelling.
- 8.15 It is considered the proposed dwelling will not have a detrimental impact on the character or appearance of the national park or the surrounding area, and will not unduly impact on the residential amenities of local residents, in accordance with Policies SD5 (Design) and SD25 (Development Strategy) of the South Downs Local Plan and CP11 (Built and Historic Environment) of the Lewes District Local Plan.

8.16 The development is not considered to be contrary to the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and accords with Policy 50 which deals with housing, design, and supporting balanced communities

8.17 Flood Risk

8.18 It is noted that East Sussex County Council SuDS, as the lead local flood authority, objects to the scheme due to the absence of a sustainable drainage strategy. It is also noted that, notwithstanding comments on the previous planning application in 2019, SuDS does not generally comment on schemes for single dwellings. However, notwithstanding the objection received, it is appropriate to consider how the issue was addressed within the previously approved planning application, and this was by way of imposing conditions. These include requirements for the applicant to assess the capacity and catchment of the surface water attenuation, and provide photographs of the installation.

8.19 It is recognised that this proposal is a wholly sustainable development and does propose the use of water harvesting (capturing the rainwater from the building and hard surface areas and re-use it within the house). It is proposed that any overflow water would drain into the sewer in the same way as the previously approved scheme proposed.

8.20 In the circumstances this is a reasonable approach, and conditions are recommended to be applied to the current application.

8.20 Ecosystem Services

8.21 In order to mitigate, neutralise and enhance the ecological impact of the development, and enhance biodiversity an Ecosystem Services Statement is required.

8.22 The applicant proposes to incorporate the following renewable and sustainable energy features:

- Photovoltaic panels
- Rainwater collection
- Ground source heat pumps
- Natural room ventilation

8.23 However, more details are required as to the provision of other measures to minimise the impact of the development on natural capital and biodiversity, such as bird and bat boxes, planting, and habitat provision.

8.24 These measures should then be acceptable and appropriate to the scale and nature of the proposed development and meet the requirements of policy SD2 of the Local Plan.

8.25 Dark Night Skies

8.26 Policy SD8 of the Local Plan seeks to safeguard the Dark Night Skies. This site is within the settlement boundary, near to existing houses, and a similar development has been previously approved.

8.27 Considering the site context and the scale of the proposed development along with the planning history for the site, it is not considered likely to materially affect Dark Night Skies through artificial light pollution.

9 **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

10 **Recommendation**

10.1 The application is recommended for approval subject to the following conditions.

10.2 Conditions

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

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

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

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

3. **Construction Management Plan** No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency, and types (including size) of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,

- the parking of vehicles by site operatives and visitors,
- 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,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public/neighbour engagement both prior to and during construction works.
- confirmation of works proposed to make good the private access road once building work has been completed including survey of the condition of the existing access road prior to and after building works
- the means of identification and protection proposed for any existing utilities supplies that may cross the site and be affected by the building works.

Reason: In the interests of highway safety and the amenities of the area in accordance with SD5 of the South Downs Local Plan.

4. **Porus hard surfacing** All hard surfaces, including vehicular access, incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance SD49 of the South Downs Local Plan and having regard to National Planning Guidance contained in the National Planning Policy Framework 2019.

5. **Cycle Storage** The development hereby approved shall not be occupied until covered, secure cycle parking areas, have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use.

Reason: In the interests of amenity of future occupiers of the development having regard to Policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

6. **Refuse details** The development hereby approved shall not be occupied until details of the facilities for the storage and removal of refuse from the permitted scheme have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To secure a proper standard of development having regard to policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

7. **Electric Vehicle Charging** Details of the siting and design of the external electric car charging points to be provided, shall be submitted to, and approved in writing by the Local Authority prior to installation. The works hereby permitted shall be carried out in accordance with the approved details before the dwelling is occupied.

Reason: To secure a proper standard of development having regard to policy SD51 of the South Downs Local plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

8. **Carbon Reduction Details** No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first residential occupation of the new dwelling and retained as such thereafter.

Reason: To reduce locally contributing causes of climate change in accordance with policy SD1 of the South Downs Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

9. **Unexpected Contamination** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with SD54 of the South Downs Local Plan and the National Planning Policy Framework 2019.

10. **Tree Protection** Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels, and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Arboricultural supervision and inspection by a suitably qualified tree specialist
- l) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with (Insert relevant policies here) and pursuant to section 197 of the Town and Country Planning Act 1990

11. **Tree retention** No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

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

12. **Tree Works** The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

13. **Slab Levels** No development above ground floor slab level of any part of the development hereby permitted shall take place until details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

14. **SUDS** The development hereby approved shall not be occupied until details of the surface water drainage as outlined below have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details:

- a) Assessment into the catchment served by the surface water pipe, its capacity and condition to accommodate surface water runoff from the development should be undertaken as part of the detailed design. If capacity is not available, an alternative outfall to the watercourse should be investigated.
- b) Hydraulic calculations indicating pre and post development runoff rates should be provided along with detailed design drawings of drainage features including the proposed green roof.

- c) Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In the interests of sustainable development and to minimise flood risk.

15. **Ancillary use of the garage** the detached garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling house.

Reason: To prevent the creation of an additional dwelling having regard to policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

16. **Biodiversity protection strategy** No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles, hazel dormice, breeding birds and badgers has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works.
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
 - c) extent and location of proposed works shown on appropriate scale maps and plans.
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
 - e) persons responsible for implementing the works.
 - f) initial aftercare and long-term maintenance (where relevant).
 - g) disposal of any wastes arising from the works.

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

Reason: In the interests of safeguarding and enhancing the ecology and biodiversity of the land.

17. **External Lighting Strategy (Biodiversity)** Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

18. **Ecological Design Strategy** No development shall take place until an ecological design strategy (EDS) addressing retention and protection of existing habitats during construction, the creation, restoration and enhancement of semi-natural habitats and the provision of new wildlife features has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works.
- b) review of site potential and constraints.
- c) detailed design(s) and/or working method(s) to achieve stated objectives.
- d) extent and location /area of proposed works on appropriate scale maps and plans.
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) persons responsible for implementing the works.
- h) details of initial aftercare and long-term maintenance.
- i) details for monitoring and remedial measures.
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated, and restored and that the proposed design, specification, and implementation can demonstrate this.

19. **Bader Survey** No development shall take place until a further survey for the presence of badgers is carried out and the results plus appropriate mitigation measures in the form of a method statement has been submitted to and approved in writing by the local planning authority. The method statement shall set out the organisation or personnel responsible for implementing and supervising the method statement.

The scheme shall be implemented as approved by the local planning authority. Any modifications to the approved details, for example because of a protected species licence being required, must be submitted to the local planning authority.

Reason: To ensure that important biodiversity is conserved and in accordance with OPDM Circular 06/2005 and the National Planning Policy Framework. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

20. **Removal of Permitted Development** Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1, classes A-E of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies SD5 & SD31 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

Informative

If the proposed surface water drainage solution changes and there is a requirement for infiltration, then the applicant would need to obtain written approval from the Council for these changes prior to their implementation.

11 Background Papers

11.1 None.