

Report to: Planning Applications Committee
Date: 27 April 2022
Application No: LW/21/0622
Location: Retained land at Antler Homes Old Hamsey Brickworks Development & AVID Commercial Building
Proposal: Demolition of an existing office building, erection of 13 no. dwellings (mix of 2 and 3 bedrooms), redesign of parking area serving a consented office building, additional garden area for Kiln Cottage and all associated works.
Applicant: Antler Homes PLC
Ward: Chailey, Barcombe & Hamsey
Recommendation: Grant planning permission subject to s106 Agreement.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 The proposed development proposes a development of 13 new dwellings, effectively an extension to the existing new development to the south and east. The proposal involves the demolition of existing occupied employment premises on the site. This business will be moving into two of the new B1 units currently under construction on the main site.
- 1.2 The proposal will result in the net loss of actual and potential employment floorspace and as such would be a departure from Local Plan Policy if approved. However, it is considered that on balance, this is acceptable.
- 1.3 Approval is recommended, subject to conditions and a s106 agreement to secure a commuted sum of £369,460 in lieu of affordable housing on site, in accordance with the council's SPD and financial contribution towards recycling.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

Achieving sustainable development
Delivering a sufficient supply of homes
Building a strong, competitive economy
Ensuring the vitality of town centres
Promoting healthy and safe communities
Promoting sustainable transport
Making effective use of land
Achieving well designed places
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

2.2 Lewes District Local Plan

LDLP: – SP2 – Distribution of Housing
LDLP: – CP1 – Affordable Housing
LDLP: – CP2 – Housing Type, Mix and Density
LDLP: - CP4 - Encouraging Economic Development and Regeneration
LDLP: – CP7 – Community Facilities
LDLP: – CP9 – Air Quality
LDLP: – CP11 – Built and Historic Environment & Design
LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
LDLP: – CP13 – Sustainable Travel
LDLP: – CP14 – Renewable and Low Carbon
LDLP: – DM1 – Planning Boundary

LDLP: – DM24 – Protection of Biodiversity and Geodiversity

LDLP: – DM25 – Design

LDLP: - DM26 – Refuse and Recycling

LDLP: - DM27 – Landscape Design

Affordable Housing SPD July 2018

Interim Policy Statement for Housing Delivery March 2020

Five Year Housing Land Supply Position Statement March 2021

2.3 Hamsey Neighbourhood Plan

EN5: - Renewable and low carbon energy

EN6: - Reduction of carbon emissions

H4: - Safe Access

H6: - Housing for local needs

H7: - Design quality

H8: - Design and materials – context

H9:- Density

3. **Site Description**

3.1 The application site is located on the A275 between South Chailey and Cooksbridge. The site forms a combination of land retained by the applicant, Antler Homes, and an existing commercial building, occupied by Avid, a pet microchip business. The wider context of the site is residential development, with a small line of established residential properties fronting the A275 known as Bevernbridge Cottages and a new development of 49 dwellings, still under construction on what was formally a brickworks.

3.2 There are a further 6 dwellings recently constructed on a previous scaffold yard adjacent to the development (known as Knights Court), these were also completed by the applicant, Antler Homes. To the south of the site is a large farmhouse and grounds. To the north is a section of Ancient Woodland. The development is set within a former brickworks, and the wider area surrounding the site is in agricultural uses.

3.3 The village of South Chailey is 1.5km to the north and can be reached via the 121 bus (4 min ride), where a variety of local services including a post office, secondary school and doctor's surgery can be found. As part of the previously consented development, a footpath is in the process of being installed between the application site and South Chailey to provide safe pedestrian access to the village.

3.4 In terms of wider connectivity, the site is situated on the A275, with the larger settlements of Lewes 7km to the south (15 min drive), Burgess Hill 10.5km to the west (15 min drive) and Uckfield 14.5km to the east (22 min drive). There are buses running north and south from the A275 directly outside of the site, with an 8min bus ride south to Cooksbridge Railway Station, for connections to Burgess Hill/Lewes and the wider railway network beyond. Central London can be reached from the site on public transport in 2hrs.

4. Proposed Development

- 4.1 The application seeks full planning permission for the demolition of an existing commercial building currently occupied by Avid, retained land previously associated with the brickworks and a section of a site that has an extant consent for 5 commercial buildings, all to form 13 market dwellings (4 x 2 bed/4person houses and 9 x 3 bed x 4 person houses) along with associated access, landscaping and enabling works. The proposal will involve the loss of 2 category C trees (poor quality) and full or partial removal of four groups also category C, of which two are low quality scrub, all located along the north-west boundary of the site.
- 4.2 The dwellings will be the same house types as approved and constructed on the remainder of the development, to provide continuity and a cohesive overall settlement. The houses will be finished in a combination of brick and hanging tile.
- 4.3 In addition to the dwellings, the proposal includes re-configuration of the parking area for three consented commercial units that are outside of the red line boundary. These commercial units are currently under construction, ensuring that a commercial element will remain on the wider site. In total the development will have 36 parking spaces for the residential units and 22 spaces for the retained 3 commercial units in addition to the retention of existing parking spaces for the Knights Court dwellings that are within the red line.
- 4.4 Part of the justification put forward for the development is that it will facilitate the retention of Avid at the site. The company will be taking occupation of two of the new commercial units, providing them with improved workspace and allowing expansion of the business without leaving the District.
- 4.5 Access to the site from the A275 will be through the main spine road for the consented development, no further works are proposed to this junction to facilitate the traffic generation from the proposed development.
- 4.6 The scheme includes a landscaped buffer to the ancient woodland to the north of units 7-10 which will also provide an informal open space for residents to utilise. This will be retained within the management company for the site.
- 4.7 In addition, the approved access road will be re-configured to provide Kiln Cottage with an improved private garden.
- 4.8 Overall, the proposal represents a departure from local plan policy CP4 in that it would result in a net loss of actual and potential employment floorspace over the application site and the site to the east. The application was advertised as a Departure and any comments received as a result will be reported to the committee.

5. Relevant Planning History

- 5.1 None relating to the development site but of relevance is the development of the adjacent Hamsey Brickworks and Knights Court sites, and the Lakes site:

- 5.2 LW/14/0712 - Redevelopment of industrial estate with 8 x B1 (business) units and enabling residential development of 37 open market houses and 12 affordable dwellings – approved 13 February 2015.
- 5.3 LW/17/0030 - Redevelopment of the site with six residential units – Approved 05/04/2017.
- 5.4 LW/18/0850 - Details of the appearance, landscaping, layout and scale relating to LW/17/0030 – approved 18 December 2018.
- 5.5 LW/20/0609 - Outline application for up to 12 custom-build homes and supporting infrastructure - All matters reserved except access. Undetermined at time of writing this report.

6. Consultations

6.1 Regeneration Team

- 6.1.1 The consented scheme for the Knights Court Business Campus would have provided 1,353.6sqm of commercial office space. Based on the nationally-recognised Employment Densities Guide for B1 general office use (professional services), this space would be sufficient to host up to 112.8 full-time equivalent (FTE) jobs.
- 6.1.2 Regeneration is disappointed to note that marketing has taken place over a period of 5 years, via 2 different commercial agents, with a lack of demand identified. We recognise that the marketing approach appears to have been extensive and appropriate for the scale of development. Nevertheless, I have raised the site with Locate East Sussex (the inward investment agency for East Sussex) who have advised that they have not been directly contacted by agents marketing the scheme.
- 6.1.3 Regeneration is supportive of the plan to move the neighbouring business into space allocated for office use. This will safeguard the existing business, which we note has been searching for suitable space for several years. It may also lead to additional job creation as the business expands. We would like to see greater clarity from the applicant on the number of jobs being safeguarded, as well as the business's expansion plans over the next five years. This information will help us to understand how this proposal offsets the jobs that would have been created from the original consent.
- 6.1.4 Based on the level of active property enquiries received by Locate East Sussex, there is a good level of demand for commercial space within the district. The majority of enquiries received are for light industrial/warehousing/logistics use, rather than offices. Nonetheless, it is clear that there is demand for employment space in this and similar locations.
- 6.1.5 It is our view that there remains a good level of demand for commercial space in rural areas to the north of Lewes Town. This is supported by information provided by key partners, including Locate East Sussex. However, we also recognise the importance of safeguarding existing jobs in a more rural environment. The proposal to relocate an existing business to space that is better suited to their

needs and offers them expansion opportunities is welcomed. We would like to see additional information on the economic benefits of the proposal.

- 6.1.6 We further recognise that extensive marketing has been undertaken through two well-established and reputable commercial agencies with limited demand identified, albeit this appears to differ from information provided by key partners. As such, Regeneration reluctantly accepts the revised plan submitted by the applicant. It will provide employment space for an established local business and does offer some potential for future employment growth in this location.

6.2 Environmental Health – Air Quality

- 6.2.1 The air quality assessment submitted by Enzygo Environmental Consultants, reference number: CRM.1023.037.AQ.R.001 and dated December 2021 is accepted as being an accurate statement of current and future air quality at the proposed development site. I agree that the development itself will not be in an area of exceedance of any of the UK air quality standards or objectives however any development will lead to a worsening of air quality by its very nature and consequently, I would ask that you accept the air quality assessment subject to the following conditions should the development be approved:
- 6.2.2 A Construction Environmental Management Plan shall be written in accordance with Table 15 of the Enzygo Environmental Consultants Air Quality Assessment reference number: CRM.1023.037.AQ.R.001 (December 2021) and shall be approved by the LPA in writing prior to commencement of any works on site.
- 6.2.3 In addition to the requirement for eV infrastructure provision as detailed at Condition (4), the development shall include air quality mitigation as costed at Section 5.4 and Table 14 of the Air Quality Assessment submitted by Enzygo Environmental Consultants reference number: CRM.1023.037.AQ.R.001 (December 2021). *(Please note the total costing should read £5,178.58 not £5,197.57.)* These measures shall be agreed in writing with the LPA prior to commencement of building works and once agreed, no further air quality damage costs shall be required.
- 6.2.4 Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NO_x boilers with maximum NO_x emissions less than 40 mg/kWh *(or a zero emission energy source)*. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

An external power point shall be supplied to each property and must comply with the latest BS7671 for the purpose of future proofing the installation of an electric vehicle charging point. At least 20% of these charging points shall be active and capable of charging electric vehicles without the need for further works.

6.3 ESCC SuDS

Initial comments

- 6.3.1 It is understood that an area of the development is located within a site that has previously been granted planning permission, with drainage details previously approved by ESCC. The applicant is proposing to attenuate surface water runoff from the remaining area in geocellular attenuation crates prior to discharge to the nearby watercourse at a restricted rate. This is an acceptable approach in principle however we require further information before we can be satisfied that the development will not increase flood risk elsewhere.
- 6.3.2 The north east of the site is at risk from surface water flooding from the nearby watercourse. We request that the applicant provides details of the measures that will be put in place to ensure the proposed properties will not be at risk from surface water flooding. It is likely that land raising will be required in the area of the site at risk from surface water flooding. We request that the applicant undertakes hydraulic modelling to demonstrate that the proposed development will not result in an increase in flood risk elsewhere.

Updated comments following receipt of additional information

- 6.3.3 The applicant has undertaken further detailed hydraulic modelling to understand the effect the development will have on existing surface water flow paths. The modelling identifies the presence of a significant surface water flow path through the site that will be routed to the north of the site during the post-development scenario. The post-development scenario includes raising of the access track to the west of the development to ensure that surface water flows are routed back to the ditch to the east of the site. We require that this flood mitigation is taken forward to the detailed design stage and that proposed ground levels are submitted to the Local Planning Authority prior to construction.
- 6.3.4 It is proposed to discharge surface water runoff to the watercourse to the east of the development site. Any works affecting the watercourse adjacent to the development site will have to be discussed and agreed to by the County Council. The applicant should approach the LLFA for discussions once the nature of these works is known on watercourse.consenting@eastsussex.gov.uk
- 6.3.5 If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:
- 6.3.6 Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following
- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate

that surface water flows can be limited to 2.5 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

b. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.

c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

d. The detailed design of the surface water drainage features (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

6.3.7 A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

- 6.3.8 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.

6.4 ESCC Highways

- 6.4.1 Initial concerns raised about cycle parking, level of parking, tracking for waste vehicles. On receipt of amended plans and information, no objection raised.

6.5 Sussex Police

- 6.5.1 Plots 1 – 10 of the additional 13 residential dwellings on the north / north eastern elevation face outwards onto the street layout, creating a good active frontage with good levels of natural surveillance over the manoeuvring areas. Parking within the application has been provided with on-curtilage and garage parking. This should keep the street layout free and unobstructed. There is a large parking court for visitors with some observation over it. Back to back gardens have eliminated the need for vulnerable rear garden pathways.
- 6.5.2 The allocated parking for plot's 50 & 51 is located within the unallocated visitors parking court. There will need to be clear and legible signage indicating plots 50 & 51 parking bays, otherwise this has the potential to create illegal parking and neighbourly disharmony. A solution would be to create distinctive demarcated individual parking bays for plots 50 & 51 with low planting.
- 6.5.3 I have concerns over the location for plots 11,12, & 13 at the south east corner of the development. They are close to commercial unit B and my concerns is their amenity will be impacted upon from daily commercial noise, business movements, delivery movements and a pollution perspective. I am not aware of the business hours being proposed for unit B.
- 6.5.4 A dedicated pedestrian and cycle link is being proposed via the existing track located along the western boundary, connecting through to the existing dwellings located set back from the A275 and Meadow Way. When introducing public footpaths into development caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed.
- 6.5.5 Chapter 8.3 of SBD Homes 2019 V2 states; Whilst is accepted that through routes will be included within the development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should

consider making the footpath a focus of the development and ensure that they are as straight as possible, well lit (within BS 5489-1:2013), devoid of potential hiding places, overlooked by surrounding buildings and activities, well maintained so as to enable natural surveillance along the path and its borders.

- 6.5.6 Chapter 8.12. SBD Homes 2019 V; where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles). If footpaths are designated as an emergency access route, they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers. In order to create a safe environment for the users, I recommend that the proposed pathway has anti-vehicle measures implemented into it.
- 6.5.7 For all plots, garages will provide bin and cycle storage within them, with bins to be presented at the front of properties on collection day. A rear garden shed will also be provided for all plots. I would like to direct the applicant to SBD Homes 2019 V2 document chapter 56 for advice on cycle security and chapter 54 for information on how to increase security of the garage vehicle door-set or the garage pedestrian rear garden door-set.
- 6.5.8 Defensive barriers by using walls or fencing to a minimum height of 1.8m. Gates that provide access to the rear gardens must be placed at the entrance to the garden as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence so as not to reduce the overall security of the dwelling's boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.
- 6.5.9 Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.
- 6.5.10 Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations being satisfactorily addressed.

6.6 District Services

- 6.6.1 Request further information on the accessibility of the development to our waste and recycling vehicles. A swept path analysis is required for a vehicle with dimensions 11.9m long and 2.6m wide.

6.7 Southern Water

- 6.7.1 Southern Water records showing the approximate position of our existing foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.
- 6.7.2 The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- 6.7.3 No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- 6.7.4 No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- 6.7.5 All existing infrastructure should be protected during the course of construction works.
- 6.7.6 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.

6.8 Natural England

- 6.8.1 Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

6.9 Hamsey Parish Council

Initial comments

- 6.9.1 Hamsey Parish Council Objects to this application on the following grounds:
- 6.9.2 This isolated area has never been allocated as suitable for residential development, and the incremental approach to increasing the number of houses is unacceptable as the area is isolated from community facilities, and not sustainably accessible by foot or bike.
- 6.9.3 This proposal would change the overall development from mixed use to housing, contrary to the original justification for the development.
- 6.9.4 The wider site does not provide adequate communal open space accessible to all as would be expected of a development of 83 houses.
- 6.9.5 The development escapes the policy requirement for affordable housing which would have applied if this had been part of the original proposals - this is unacceptable.

- 6.9.6 The design does not meet the requirements of the Hamsey Neighbourhood Plan.
- 6.9.7 The proposal has the potential to harm the adjoining ancient woodland.
- 6.9.8 If approved, the PC requests the following:
- 6.9.9 Wishes to retain the option for the provision of a community building at no cost (other than maintenance and management costs) for operation by HPC and would request a s106 agreement to this effect.
- 6.9.10 Would like consideration to be given to additional open space and allotment provision being provided on site, for use by all residents in the area.
- 6.9.11 Would like firm commitment to be given to the construction of a footpath/cycleway to the south, to link with Cooksbridge.
- 6.9.12 Would like additional support to be given to local bus services to the site.
- 6.9.13 Seeks mitigation for local residents in the form of soft landscaping to the gabions used to retain the widened road outside the site and resurfacing of the road outside existing residents' houses.

Further comments following meeting with developer in December 2021

- 6.9.14 Inadequate communal outdoor space, no communal meeting space, no additional business units (8 planned originally, net increase now reduced to zero), no play park (this was proposed in the outline plans), not enough visitor parking.
- 6.9.15 Other matters drawn to PC by Cllr McKendrick include covenants in place preventing commercial vehicles, but housing tenants placed there with these vehicles and no alternative place to park, design deficiencies, parking problems, failed aspirations for quality in the environment, and a general failure to make good commitments to buyers in the way the development is emerging.
- 6.9.16 Note assurance that the open space shortcomings will be addressed both when the central open space becomes available, and when the woodland area is more readily accessible. However, the central open space, in common with the other parcels of open space throughout the site, is more like a left over bit of land between the housing and the business units. It is surrounded by the rear of houses and the rear of the business units – likely to be unwelcoming close-boarded fencing, quickly becoming tatty and degraded, rather than a generous and welcoming recreational space at the heart of the new community.
- 6.9.17 PC understood that applicant was going to address concerns by possibly reducing the number of houses and remodelling the proposals to improve the open space being provide. However, this has not happened and an offer of £10,000 was made on condition that objection was withdrawn.

- 6.9.18 A community building would go some way to addressing community shortcomings of the proposals. Therefore PC position has not changed from that included in representations to LDC, i.e. that PC wishes to '*... retain the option for the provision of a community building at no cost (other than maintenance and management costs) for operation by HPC and would request a s106 agreement to this effect.*'
- 6.9.19 PC will withdraw objection to the lack of affordable housing, given your assurance that this will be provided off-site.
- 6.9.20 PC hopes that developer will still make good offer of £10,000 towards the Sustrans study if this application is approved. However, this may not be acceptable as a material planning consideration under the CIL regs,. It does nothing to overcome PC fundamental objections to the proposals, so they will not be withdrawn.

7. Neighbour Representations

- 7.1 Representations have been received from 22 local residents objecting to the application for the following reasons:
- Concern about walkway at rear of 1-8 Bevernbridge being used for traffic
 - Residents don't want a community hall
 - Residents want open space with flowers, trees and benches
 - Gross overdevelopment in the countryside
 - Access is inadequate
 - Loss of privacy for residents in Bevernbridge
 - Footpath will cut off rear access to parking and garages in Bevernbridge
 - Access to main site hasn't been built as approved
 - Residents were led to believe that not all offices built, the area would be given over to open space
 - Concerns about affordable housing being 'bunched together'
 - Previously promised pavements do not appear to be happening
 - Concern about safety and security of walkway
 - Design is out of place – they look like town houses
 - Access road is not wide enough
 - Developer ignores the management plan, has no regard for residents
 - Would prefer to see a small shop rather than houses
 - Promised footway link between the new development and the station has not been delivered
 - Lack of social infrastructure
 - Loss of view
 - Impact on Ancient Woodland and endangered species

Maintenance charges will increase

Increased noise, disturbance and light pollution

Allotments should be kept

Increase in traffic

No footpath links to the countryside

Developer should address issues within the main site first

Existing houses were mis-sold – it was to be a development of just 55 houses.

8. **Appraisal**

8.1 Principle

Housing

8.1.1 The site is located outside of the planning boundary. However, as of 11th May 2021, the Council has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP). This means that the local plan policies that are most important for determining an application are out-of-date, and the NPPF's presumption in favour of sustainable development will apply to decision making. In this case, policy DM1 should not be used in the determination of this application.

8.1.2 It is considered that, in relation to the NPPF's presumption of sustainable development, the principle of developing the site for housing is acceptable. As a natural extension of the Hamsey Brickwork site, it will enhance and maintain the vitality of that community, in line with paragraph 79 of the NPPF.

8.1.3 At 16dph, the proposal is slightly below the parameters for rural development in policy CP2 and H9, and less than the 23dph achieved in the Old Hamsey site and 18dph in Knights Court. However, given the constraint of providing an ecological buffer to the Ancient Woodland, this is considered acceptable. The proposed mix of units – 4 x 4 bed/4 person and 9 x 3 bed/4 person houses – accords with the need for smaller units to meet local needs, as per policies CP2 and H6.

Loss of employment/commercial floorspace

8.1.4 The proposed development will effectively be an extension of the mixed commercial and residential development approved under LW/14/0712, which is substantially completed. The residential element of this site was justified as an enabling development to render the commercial aspect viable.

8.1.5 However, the commercial units have been extensively marketed off-plan since April 2017 but aside from Avid, no other parties have shown interest. The applicant submitted a Marketing Report, which sets out the marketing strategy undertaken. The report concludes that the location of the site and competition from sites in Lewes and Uckfield are significant factors in the lack of interest. Since early

2020, the impact of the pandemic has further undermined the attractiveness of the site.

- 8.1.6 Avid currently employs 15 staff and has been looking for new, larger premises, with additional parking, to expand the business for 4 years. At the time of writing, construction of one of the blocks of new commercial units on the old brickyard site was underway (units B4, B5 and B6 – a total of 507m²). Avid has expressed a strong interest to occupy two of these units and has agreed a land swap with the applicant – the existing Avid site/building for the two new units, dependent on the outcome of this application.
- 8.1.7 It is also understood that the developer has responded positively to the Parish Council's wish to take on the third unit for community use. Although this is acknowledged, it is not considered necessary to make this application acceptable, given that it is relatively modest development.
- 8.1.8 As noted elsewhere, the proposal to develop the site for housing only, together with the re-location of Avid to new modern premises on the adjacent site, will result in the net loss of 140m² of existing and 846m² of potential commercial floor space, which would be contrary to policy CP4 of the LDLP.
- 8.1.9 Although this does present a difficult choice, there are a number of factors, as well as the council's lack of five year housing supply, that must be taken into consideration.
- 8.1.10 The applicant has demonstrated by way of the Marketing Report, that there was little/no demand for the remaining off-plan commercial units even before the pandemic. The re-location of a long established local business onto the adjacent site is a considerable benefit.
- 8.1.11 On balance, it is considered that the benefit of 13 new dwellings, long-term security and potential new jobs in modern premises for Avid outweighs the loss of floorspace, for which no real interest has been expressed.

8.2 Affordable Housing

- 8.2.1 The proposal as submitted does not include provision for affordable housing, which in this case would amount to 5 units. The applicant has offered a commuted sum of £369,460 to be secured by s106.
- 8.2.2 This is considered to be acceptable, following the applicant's confirmation that 5 RPs (including the Council) had been approached to take on affordable units on site. All declined.
- 8.2.3 If the application is approved, this sum must be paid before 26% of the open market homes are occupied.
- 8.2.4 The proposal is considered to meet the policy CP2 and the Affordable Housing SPD.

8.3 Design, layout, landscaping and amenity

- 8.3.1 The 13 units are laid out around the site as one detached and six pairs of semi-detached house. Units 12 and 13 will front the existing

estate road that serves the adjacent development. The remainder of the dwellings will front a new access that will connect to the existing estate road that will terminate in a cul-de-sac at plot 10.

- 8.3.2 The detailed design typology and use of materials is identical to the completed adjacent development so will provide a cohesive overall appearance to the settlement. A materials schedule has been submitted with the application. In respect of design, the proposal is considered to meet the appropriate criteria of policies CP11, DM25, H7 and H8.
- 8.3.3 The proposed new dwellings all meet the Nationally Described Floor Standard in terms of overall area, bedroom size and storage space. Each dwelling has a rear garden of between 10m and 12m in length across the width of the house, plus a small front garden. Details of boundary treatment and landscaping, including replacement tree planting, for the communal areas will be secured by condition to comply with policy DM27.
- 8.3.4 Details of the proposed ecological buffer to the Ancient Woodland north of the site and its future management will also be secured by condition to comply with policy DM24.
- 8.3.5 The layout of the plots ensures that issues of privacy, daylight and sunlight will not arise between the new dwellings. Equally, there will be no loss of privacy, daylight or sunlight to any of the existing properties in the vicinity of the site. The amenity aspect of policies CP11 and DM25 are met.
- 8.3.6 Each dwelling has space for storage of bins, to comply with policy DM26.

8.4 Transport and parking

- 8.4.1 Each dwelling has two parking spaces, laid out as follows:
 - Plot 1 – 2 surface spaces in existing communal parking area at rear of Knights Court development.
 - Plots 2 and 3 – car port plus surface parking in front within curtilage.
 - Plots 4 and 5 – surface parking within curtilage.
 - Plots 6 and 7 - car port plus surface parking in front within curtilage.
 - Plots 8 and 9 - car port plus surface parking in front within curtilage.
 - Plot 10 - garage plus surface parking in front within curtilage.
 - Plot 11 – surface parking at rear.
 - Plots 12 and 13 - garage plus surface parking in front within curtilage.
- 8.4.2 In addition, there will be 22 unallocated surface parking spaces in a communal parking area in front of the commercial unit.
- 8.4.3 Each plot will have a secure timber shed for cycle and other storage.
- 8.4.4 It is considered that the proposal meets the relevant requirements of policy CP13.

8.4.5 In addition, it should be noted that access to garages at the rear of 1-8 Bevernbridge will not be restricted.

8.5 Sustainability

8.5.1 The application was not accompanied by an Energy and Sustainability Statement. However, the Planning Statement confirms that the LDC Technical Advice Note on sustainability will be complied with via condition. It is also confirmed that electric car points will be provided to each plot, also to be secured by condition. The proposal in this respect meets the objectives of policies CP14, EN5 and EN6.

8.6 Comments on objections not covered in the report

8.6.1 A number of objections from both residents and the Parish Council relate to ongoing matters concerning the Hamsey Brickworks site and as such these matters are not directly relevant to the consideration of this application.

8.7 Conclusion

8.7.1 Although the proposal would result in the net loss of commercial floorspace, some of which is existing and relatively low quality, the applicant has made a satisfactory case in support of it.

8.7.2 An existing local business, employing 15, mainly local, people will be given the opportunity to move into brand new premises, offering the chance to expand and create more jobs.

8.7.3 The proposed new houses are well designed and laid out, in keeping with the remainder of the new development that surrounds it and will make a small but nonetheless important contribution towards meeting the council's five year housing supply. A commuted sum towards affordable housing off-site is to be secured by s106.

8.7.4 It is considered that, on balance, the application should be approved, subject to conditions and an s106 agreement to secure commuted sums for affordable housing and recycling.

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 taken into account 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 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions and a s106 agreement to secure a commuted sums for affordable housing and recycling.

10.2 Conditions

- The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Planning Statement/Brief	28 July 2021	Planning Statement
Design & Access Statement	28 July 2021	Design & Access Statement
Transport Assessment	28 July 2021	Transport Assessment
Tree Statement/Survey	28 July 2021	Arboricultural Impact Assessment and Method Statement
Additional Documents	17 December 2021	Air Quality Report
Additional Documents	28 July 2021	Drainage Report
Additional Documents	28 July 2021	Drainage Strategy
Additional Documents	20 October 2021	Marketing Report
Location Plan	28 July 2021	7017-PL-01A Site location plan
Proposed Block Plan	14 March 2022	7017-PL-02B Proposed block plan
Proposed Layout Plan	14 March 2022	7017-PL-06B Site Master plan
Proposed Layout Plan	14 March 2022	7017 PL-07C Proposed site layout plan
Proposed Layout Plan	14 March 2022	7017 PL-08C Detailed site plan
Proposed Floor Plan(s)	28 July 2021	7017 PL-10A Plots 1 and 2 Floor Plans
Proposed Elevation(s)	28 July 2021	7017 PL-11A Plot 1 and 2 Elevations
Proposed Floor Plan(s)	28 March 2022	7017 PL-12A Plots 3, 4 9 and 10 Floor Plans
Proposed Elevation(s)	28 July 2021	7017 PL-13A Plots 3, 4 9 and 10 Elevations
Proposed Floor Plan(s)	28 July 2021	7017 PL-14A Plots 5 and 6 Floor Plans
Proposed Elevation(s)	28 July 2021	7017 PL-15A Plots 5 and 6 Elevations
Proposed Floor Plan(s)	28 March 2022	7017 PL-16A Plots 7, 8 , 11 and 12 Floor Plans
Proposed Elevation(s)	28 July 2021	7017 PL-17A Plots 7, 8, 11 and 12 Elevations
Proposed Floor Plan(s)	28 March 2022	7017 PL-18A Plot 13 Floor Plans

PLAN TYPE	DATE RECEIVED	REFERENCE
Proposed Elevation(s)	28 July 2021	7017 PL-19A Plot 13 Elevations
Street Scene	14 March 2022	7017-PL-20B Proposed plans and elevations - car ports
Other Plan(s)	14 March 2022	7017-PL-21B Proposed plans and elevations - garages plots 12 and 13
Street Scene	14 March 2022	7017-PL-30A Street elevations and site sections
Other Plan(s)	18 January 2022	21-T075-02B Access swept path analysis
Other Plan(s)	18 January 2022	21-T075-04.3 B Internal swept path analysis
Additional Documents	15 December 2021	Materials Schedule

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

2. 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 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 engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

3. Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 2.5 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

b. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.

c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

d. The detailed design of the surface water drainage features (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

4. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to

policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

5. No development shall commence until, the tree protection measures as set out in the Arboricultural Methodology Statement have been carried out in full.

Reason: To preserve trees on the site and in the interest of visual amenity and environment having regard to policy CP10 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

6. No development above ground floor slab level of any part of the development hereby permitted shall commence until a scheme, including materials, of all hard and soft landscaping, including replacement tree planting, and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11, DM25 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

7. No development above ground floor slab level of any part of the development hereby permitted shall commence until a scheme setting out details of the proposed ecological buffer to the Ancient Woodland to the north of the site. The scheme shall include details of how the buffer will be maintained. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy DM24 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

8. No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. No part of the development shall be occupied/brought into use until details for the provision of electric car charging points, both in the dwellings and for visitors, have been submitted to and approved in writing by the Local Planning

Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

10. No part of the development shall be occupied until the parking spaces, garages and car ports shown on the approved plans have been laid out. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

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

11. No part of the development shall be occupied until full details of the covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance Policy CP13 of Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

12. No part of the development shall be occupied until full details of storage for refuse and recycling bins have been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained.

Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.

13. 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: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

14. 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 Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.

15. Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

16. 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 and Part 2 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 CP11, DM25 and DM34 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11. **Background Papers**

11.1 None.