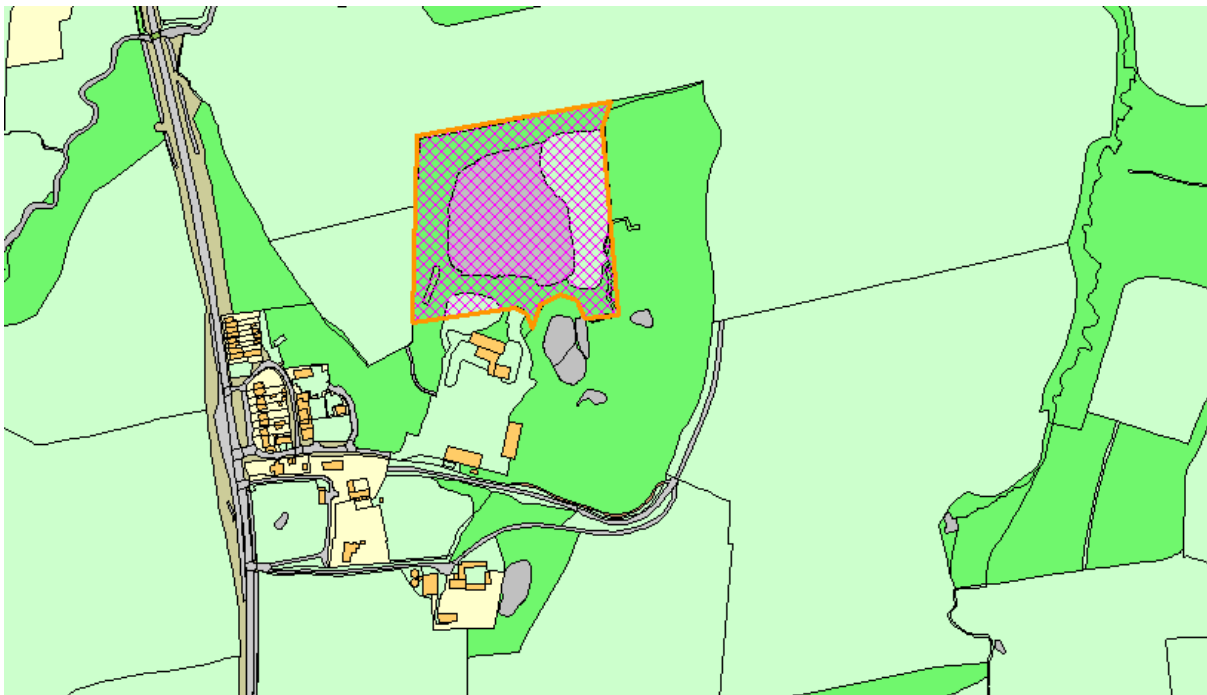


**Report to:** Planning Applications Committee  
**Date:** 7 December 2022  
**Application No:** LW/20/0609  
**Location:** Former Hamsey Brickworks, South Road, South Common, South Chailey, East Sussex  
**Proposal:** Outline application for up to 12 custom-build homes and supporting infrastructure - all matters reserved except access.  
**Ward:** Barcombe and Hamsey  
**Applicant:** EA Strategic Land LLP  
**Recommendation:** Approve subject to conditions and a S106 legal agreement to cover self-build status of the scheme and a financial contribution towards the provision of off-site affordable housing.  
**Contact Officer:** **Name:** James Smith  
**E-mail:** [james.smith@lewes-eastbourne.gov.uk](mailto:james.smith@lewes-eastbourne.gov.uk)

**Map Location:**



**1. UPDATE ON AFFORDABLE HOUSING:**

- 1.1 The application was originally heard by committee on 7<sup>th</sup> July 2021 and a resolution was made to approve subject to a section 106 agreement to ensure the development was carried out in self-build format.
- 1.2 The applicant had cited advice from a barrister that, as the application was self-build, there was no requirement for affordable housing provision. The barrister referenced para. 65 of the NPPF which identifies self-build development being exempt from the national

planning policy baseline requirement of 10% affordable housing provision within major developments.

- 1.3 However, the Council's legal officers disagreed with this position and maintained that the exemption identified related only to on-site affordable housing provision and did not exempt self-built development from the obligation to pay a commuted sum towards affordable housing in lieu of an on-site provision. As a result, the Council challenged the position of the barrister who, ultimately, agreed that the view of the legal officer was correct.
- 1.4 In order to comply with relevant policies relating to affordable housing, the developer is therefore required to pay a commuted sum to be allocated to the delivery of affordable housing, this being the agreed mechanism identified in the hierarchy set out in para. 4.5 of the Affordable Housing SPD where on-site provision is discounted.
- 1.5 As with on-site provision, the commuted sum sought would be based on a delivery of 40% of the scheme as affordable housing. The calculation of the commuted sum is based on the development cost within an equivalent development to construct affordable housing.
- 1.6 The applicant maintained that a requirement for a policy compliant (40%) commuted sum would render the development unviable and submitted details, in the form of a Financial Viability Assessment (FVA) to substantiate this claim, noting extraordinary construction costs associated with the constraints of the site.
- 1.7 As per the requirements of the affordable housing SPD, the content of the FVA was independently reviewed by a Chartered Surveyor, in accordance with the RICS Professional Statement Financial Viability in Planning: conduct and reporting (1st edition 2019).
- 1.8 The review concluded that, on viability grounds, it would not be possible to make a policy compliant contribution towards affordable housing. However, it did conclude that it would be viable for all homes to be sold at a discounted rate and remain viable.
- 1.9 It is the opinion of officers that a monetary contribution equivalent to the discounted rate identified by the independent assessor would be of greater benefit to the delivery of affordable housing given the type of units being delivered on the site, even when discounted, would remain high cost and inaccessible to those in greatest need of housing. It is therefore recommended that a section 106 agreement be used to secure a commuted sum payment of £378,564 which would be allocated directly to the provision of new affordable housing within the district.
- 1.10 Members are therefore requested to determine whether they consider this arrangement to be acceptable. It is important to note that the merits of the scheme as a whole were assessed when the application was originally taken to committee and where a resolution was made to approve the application. The scheme has not been altered since that time.

1.11 Attached below is a copy of the report to Planning Committee in July 2021 for ease of reference

## 2. **Executive Summary**

- 2.1 The proposed development is considered to represent sustainable development. It would provide environmental gains by way of introducing new habitat as part of the site landscaping scheme and reducing pressure to develop surrounding greenfield sites. It would provide social gains by facilitating a net gain of 6 residential units that would be of good quality and in an accessible and sustainable location. It would provide economic benefits by generating additional custom for shops and services.
- 2.2 The two units shown on the indicative layout plan that are positioned closer to the ancient woodland to the west of the site (plots 5 and 6) would not be suitable due to harmful ecological impact. The same applies for the proposed path through the woodland buffer. As such, the application description has been modified to apply to UP TO 12 units. This means there is an opportunity to revise the indicative layout to include the 2 units in a more appropriate position at the reserved matters stage. If this cannot be achieved then the wording of the outline permission would apply to a development of reduced size.
- 2.3 It is therefore recommended that the application is approved subject to relevant conditions.

## 3. **Relevant Planning Policies**

### National Planning Policy Framework 2019

2. Achieving sustainable development
4. Decision making
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

### Lewes District Local Plan (Parts 1 and 2)

- LDLP: – CP2 – Housing Type, Mix and Density;
- LDLP: – CP10 – Natural Environment and Landscape;
- 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 Energy
- LDLP: – DM1 – Planning Boundary

LDLP: – DM20 – Pollution Management  
LDLP: – DM22 – Water Resources and Water Quality  
LDLP: – DM23 – Noise  
LDLP: – DM24 – Protection of Biodiversity and Geobiodiversity  
LDLP: – DM25 – Design  
LDLP: – DM27 – Landscape Design

### 3.1 Hamsey Neighbourhood Plan

HNP: – EN2 – Local Green Spaces;  
HNP: – EN3 - Protect ecological corridors, landscape features and habitats.  
HNP: – EN4 - Trees replaced with suitable trees on a ratio of 3:1 new for old  
HNP: – EN5 – Support renewable and low carbon energy  
HNP: – EN8 – Protection of Views  
HNP: – H3 - SDNP character and ecology protected  
HNP: – H5 - Use of green infrastructure  
HNP: – H7 – Demonstrate excellence in design  
HNP: – H8 – Building design and choice of materials in context  
HNP: – H9 - Housing density 20-30 units per hectare  
HNP: – H10 – Sustainable design  
HNP: – TT3 – Ensure that adequate parking is provided

## 4. **Site Description**

- 4.1 The site falls outside of the planning boundary. It comprises an approx. 2-hectare horseshoe shaped area of land surrounding a relatively large water body in the form of a disused and flooded clay pit associated with the historic use of the site and land to the south as a brickworks. The land to the waterside is typically bare earth or grassland with patches of scrub and self-seeded tree saplings. There are also trees at the water's edge in places, particularly along the western bank. The outer edges of the site are marked by dense belts of mature trees to the north and west whilst the eastern boundary is marked by the fringe of the ancient woodland known as Kiln Wood. There are smaller bodies of water within this woodland to the south-east of the site.
- 4.2 The site is relatively flat, with its broad level being approx. 30.5 metres above ordnance datum (AOD). The land level slopes upwards on the eastern bank, reaching 33 metres AOD at the edge of Kiln Wood whilst the western bank is relatively flat but is flanked by a tree planted bund that rises to approx. 36 metres AOD. There is also a bund along the northern boundary at approx. 33 metres AOD whilst the area to the south, which is currently being developed, is at a similar level to the site although very slightly raised.
- 4.3 The area of the former brickworks to the south of the site is currently being developed as part of a mixed housing/commercial scheme (49

dwellings and business units). To the south-west of the site are two established rows of dwellings, a terrace of properties originally built to accommodate workers at the brickyard (Bevernbridge Cottages) and a more recent development of semi-detached dwellings (Bevernbridge) which flank the A275. There are sporadic dwellings and agricultural buildings to the north and south of the site. The settlement of South Chailey is approx. 1km driving distance to the north of the site whilst Cooksbridge is approx. 2km driving distance to the south.

- 4.4 There is currently no direct vehicular access to the site from the road although the new development to the south is accessed directly from the A275, which passes to the west of the site and access would be gained through this development.
- 4.5 The overriding characteristic of the wider surrounding area is rural, with the landscape pattern comprising a mosaic of hedgerow enclosed fields and patches of woodland. The edge of the South Downs National Park is approx. 1.5km to the south-west
- 4.6 Kiln Wood is included within the Hamsey Neighbourhood Plan as a Local Green Space.

## 5. **Proposed Development**

- 5.1 The application seeks outline permission for the erection of 12 self-build dwellings within the site. The application has been submitted in outline form, with all matters other than site access to be dealt with at the Reserved Matters stage. However, a significant amount of material relating to ecological impact and indicative layout and design has been provided given the sensitivity of the site. This includes a Design Code
- 5.2 The site would be accessed from the A275 via an extension to the internal road being constructed as part of the neighbouring development to the south. Indicative layout plans show 5 dwellings to be positioned along the western edge of the water body, a further 5 along the eastern edge and 2 additional dwellings set back from the water body towards the north eastern corner of the road. A separate access spur would be provided for dwellings on each side of the water body. These would be connected by a footpath along the northern edge of the site.
- 5.3 The submitted parameter plan includes a dwelling mix of 4 x 3 bed dwellings, 6 x 2 bed dwellings and 2 x 5 bed dwellings. Dwellings would be split level, the bulk of them being two-storey but with single-storey elements also incorporated. Parking parameters would be a minimum of 2 bays per dwelling, with the 5 bedroom and one of the 4-bedroom dwellings being provided with 3 bays. 2 visitor parking spaces would be provided in laybys. This would deliver an overall quantum of parking of 27 allocated parking spaces and 2 x visitor spaces (29 total parking spaces). It is stated that each dwelling would have one space provided with an electric vehicle charging point.
- 5.4 Due to the self-build nature of the scheme, the development would be phased. Phase 1 would involve the construction of access roads, carrying out of earthworks and delivery of utilities. Phase 2 would

involve the erection of platforms which would support the dwellings, 12 of which would project over the water's edge. Phase 3 would comprise landscaping associated with each development plot. Phase 4 would involve the construction of each dwelling on a plot by plot basis and phase 5 would comprise final landscaping works including site buffers and a communal landscaped area towards the south-eastern corner of the site.

- 5.5 The submitted design code shows sets parameters for the scale and mass of each dwelling using a block system. Parameters include a maximum height of two blocks for each type of dwelling (6.6 metres overall), a maximum floor space of 120m<sup>2</sup> for 3 bed dwellings, 160 m<sup>2</sup> for 4 bed dwellings and 200 m<sup>2</sup> for 5 bed dwellings. The exact way the mass would be distributed on each dwelling would be established at the reserved matters stage. The height restriction and block massing dictate the use of flat roofing on each dwelling. The split-level design set out in the design code would also allow for parking to be provided in undercroft form. A materials palette is also set out in the design code, restricting external finishes to timber cladding with glass balustrading on balconies/terraces and metal framed windows. It is stated that the cube design approach would facilitate the use of modular construction.

## 6. Relevant Planning History

- 6.1 **E/73/0745** – Extraction of Minerals (into Kiln Wood, east of application site) – Approved by ESCC – 2<sup>nd</sup> November 1973
- 6.2 **LW/00/2193** - Demolition and removal of buildings. Construction of site compound treatment plant and parking for Lloyds. Use of land as waste management centre for receipt, storage, treatment and recycling of liquid waste transfer. Erection of 3800 sqm of B2/B8 space and the provision of internal roadways, landscape features and parking – Approved Conditionally by ESCC – 16<sup>th</sup> January 2003 (ref: LW/319/CM)
- 6.3 **LW/03/0605** - Section 73 application to carry out development without compliance with conditions. Revised conditions proposed (variation of conditions 3,4,5,6,12,21 & 31 deletion of conditions 29 & 34) – Approved by ESCC – 22<sup>nd</sup> June 2004 (ref: LW/380/CM)
- 6.4 **LW/04/2535** - Non-hazardous and stable non-reactive hazardous waste landfill site and materials recovery facility – Withdrawn 29<sup>th</sup> July 2005 (ESCC Ref: LW/424/CM)
- 6.5 **LW/11/0726** - Variation of condition 5 of planning permission LW/380/CM to allow changes to the approved access road – Refused by ESCC – 24<sup>th</sup> February 2012 (ref: LW/668/CM)
- 6.6 **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 – (Outline) Approved Conditionally – 17<sup>th</sup> November 2015
- 6.7 **LW/18/0849** - Details of the appearance, landscaping, layout and scale relating to the redevelopment of industrial estate with 8 x B1(business)

units and enabling residential development of 37 open market houses and 12 affordable dwellings pursuant to condition 1 of outline permission LW/14/0712 – Approved Conditionally – 23<sup>rd</sup> January 2019

## 7. Consultations

### External Consultations:

#### **Planning Policy**

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

The Housing and Planning Act 2016 inserted a legal duty on LPAs to, “give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area arising in each base period”. The Act confirms that the demand for self-build and custom housebuilding arising in an authority’s area is the demand as evidenced by the number of entries added to the register kept by the authority during a base period. A base period is 12 months running from 31 October to 30 October each Year. At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots which are suitable for self-build and custom housebuilding.

30 October 2019 marks three years since the end of the first register base period. By this date, the legislation requires that authorities must have granted development permissions for enough serviced plots suitable for self and custom build to meet the demand for the period of 1 April 2016 to 30 October 2016.

Lewes District Council have 38 entries on the Self Build Register for this base period. Between the same period the Council approved 43 dwellings which were later granted CIL self-build relief. Several appeals have ruled it is incorrect to deduct these consents from the need identified in the Self Build Register. To qualify as a self-build scheme to go against the register the consent needs to be formally secured through a mechanism such as condition or a more secure s106 to guarantee the occupation for 3 years etc. Only then these would be ‘self-build’ dwelling in planning terms as far as the Act is concerned.

Therefore to date LDC have not met this identified need as defined by the Custom and Self Build Register.

Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and

reflected in planning policies, including people wishing to commission or build their own homes.

Neither LPP1 nor LPP2 contain policies specifically related to custom or self-build proposals.

The application would provide the opportunity for 12 custom/self-builders in the District to build their own homes, which would go some way to meeting the needs of this sector within the area. Therefore the provision of the self-build housing should be given significant weight in consideration of the application.

Paragraph 62 of the NPPF states that provision of affordable housing should not be sought for residential development that are not major developments. Paragraph 64 goes further to state that where major development involving the provision of housing, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, but provides certain criteria which would be exempt from this requirement including where development is proposed to be by people who wish to build or commission their own homes.

In this instance it is agreed that as the development is proposed to be 100% self-build then the development is not liable for an off-site affordable housing contribution.

### **ESCC Ecology**

It is recommended that the scheme is amended to remove or relocate plots 5 and 6 and to remove the proposed woodland path through the ancient woodland buffer zone. Reserved Matters will need to be informed by updated survey information. However, provided the recommended measures are implemented, the proposed outline application can be supported from an ecological perspective.

### **ESCC Archaeology**

Based on the information supplied I do not believe that any significant archaeological remains are likely to be affected by these proposals.

### **Southern Water**

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

### **ESCC Highways**

Phase 1 of the development under Planning permission LW/14/0712 includes off site highway works to be carried out including a new right turn lane on the A275 at the access road junction. The applicant has similarly assessed these additional residential trips using this access track. The proposal is likely to generate around 7 trips in the AM and 9 in the PM peak hours thus 1 trip only every 7 to 8 minutes in the peak hours. The applicant has satisfactorily demonstrated that the right turn lane would operate within capacity and that there would be no impact on the highway network.

At detail stage the applicant would need to satisfy the Highway Authority that sufficient on-site car parking and turning area are to be provided. The Highway Authority has concerns over the illustrative proposals and potential area for car parking. Although the parking layout is not acceptable as shown



it is agreed that the layout at reserved matters stage could be altered to accommodate further on plot parking areas and additional visitor spaces, thus the principle in this OUTLINE form is acceptable.

### **Specialist Advisor – Arboriculture**

With regards the existing trees the principle area of concern relates to two of the three separate blocks of woodland which are designated Ancient Semi-natural Woodland (Natural England), located on the eastern side of the plot. I am in broad agreement with the tree survey, arboricultural impact assessment and the tree protection plan together with the stated intention to remove a select few trees to facilitate the development.

### **Secured by Design**

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.

OFFICER COMMENT: A balance will need to be achieved with regards to external lighting in order to ensure there is no harmful impact upon habitat. A number of other comments made in the consultation relate to the design and layout of the scheme, which is a reserved matter and, therefore, will be addressed at that stage.

### **Hamsey Parish Council**

Hamsey Parish Council Objects on the grounds that the site's sustainability objectives cannot be met without a pathway south to Cooksbridge - this needs to be resolved to mitigate the effect of additional road traffic and so that more residents are not left cut off during future lockdowns. Existing community benefits agreed in relation to the adjacent site inc. business units and woodland management plan have not yet materialised. As with Rural Exception sites, some element of affordable housing should be included on this green space where houses would not normally be built. A minimum of 2 units should be made available to local, low income residents. Car-free travel south to the rest of their community centre and railway station at Cooksbridge must be a prerequisite of any site within Hamsey Parish, let alone one so strongly marketed as having eco credentials.

## **8. Neighbour Representations**

A total of 9 letters of objection have been received, material planning objections contained therein are summarised below:-

- Harm to wildlife/wildflowers. Loss of habitat;
- Inadequate access road;
- Continued disturbance due to construction works;
- Local community used to enjoy access to the lagoon;

- Will harm character of area;
- Will result in noise and light pollution;
- Will result in loss of access to countryside;
- Inadequate public transport;
- Will involve building on ancient woodland;
- Insufficient road/footpath width results in danger to pedestrians;

OFFICER COMMENT: The proposed development does not encroach into designated ancient woodland. Layout of the development would be agreed at reserved matters stage and it would be expected to allow for public access to surrounding countryside. A number of comments raised relate to the site access which was approved as part of the development of the neighbouring site to the south. The access would not be modified by the proposed development and ESCC Highways have stated that they are satisfied it has the capacity to accommodate the small number of additional trips that would be associated with the proposed development.

#### Key Considerations

- 8.1.1 The main considerations relate to the principle of the development, the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and ecological impacts within the site and the adjacent Ancient Woodland. This feeds into an assessment of the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.

#### Principle

- 8.1.2 The site, along with the wider former brickworks site, is included as a safeguarded site in the East Sussex County Council Waste and Minerals Plan (2013) under policy WMP6. As a suitable access for use by frequent HGV traffic could not be formed to serve the waste management centre due to the need to use land outside of the control of the applicant to provide suitable width. In the absence of any alternative means of access, the use of the site for waste management could not be brought forward. Subsequently and having regard to this fundamental issue, permission was granted for a mixed-use housing/employment scheme approved under LW/14/0712 and LW/18/0849. This development is now under construction.
- 8.1.3 The site is located outside of the planning boundary as defined by policy DM1 of the Lewes District Local Plan part 2. However, as confirmed by the recently issued Interim Policy Statement for Housing (March 2021), the housing need figure for Lewes District has significantly increased (from 345 per annum to 782 per annum) since 11<sup>th</sup> May 2021 due to being recalculated using the standard method

as a result of the Lewes District Local Plan Part 1 being over 5 years old.

- 8.1.4 Planning boundaries in the development plan were defined on the basis of accommodating a housing requirement of 345 dwellings per annum, as set out in Spatial Policy 1 of the Local Plan. If the Council is unable to demonstrate a five-year supply of deliverable housing sites, it is acknowledged that the planning boundaries may need to be breached in order to help meet local housing needs.
- 8.1.5 The development plan does not contain any specific policy on self-build housing. Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015 (as amended) defines self-build and custom housebuilding as involving building or completion by 'individuals, associations of individuals, or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. Para. A2 states that it does not include the 'building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.'
- 8.1.6 The proposed development is outline only and includes a phasing approach allowing individuals to acquire a plot and build a dwelling to their own specifications, although in conformity with the design code and parameter plans that set overarching principles for the development in the interest of the character and amenities of the surrounding environment. It is therefore considered to represent self-build development.
- 8.1.7 Para. 2A states that a Local Planning Authority 'must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.' Section 2, para. 6(a) states that demand for self-build and custom housebuilding arising in an authority's area is the demand as evidenced by the number of entries added to the register kept by the authority during a base period. A base period is 12 months running from 31 October to 30 October each Year. At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots which are suitable for self-build and custom housebuilding. This requirement is recognised within the NPPF where para. 61 instructs that housing needed for different groups in the community should be provided, with a specific reference made to people wishing to commission or build their own homes.
- 8.1.8 Lewes District Council have 38 entries on the Self Build Register for this base period. Between the same period the Council approved 43 dwellings which were later granted CIL self-build relief. Several appeals have ruled it is incorrect to deduct these consents from the need identified in the Self Build Register. To qualify as a self-build scheme to go against the register the consent needs to be formally secured through a mechanism such as condition or a more secure s106 to guarantee the occupation for 3 years etc. Only then these would be 'self-build' dwelling in planning terms as far as the Act is

concerned. Therefore to date LDC have not met this identified need as defined by the Custom and Self Build Register.

- 8.1.9 Para. 11 (d) of the NPPF states that, where there are no relevant development plan policies in relation to a submitted scheme, permission should be granted other than where NPPF policies that protect areas or assets of particular importance provide a clear reason for refusing or where any adverse impacts generated by a development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. The current application will therefore be assessed on this basis, with reference also to all development plan policies that align with the aims and objectives of the NPPF.

#### Design and Impact upon Character of Surrounding Area

- 8.1.10 The site is located outside of the planning boundary. The NPPF does not recognise planning boundaries (other than the green belt) but does state in para. 79 that planning decisions should avoid the development of isolated homes in the countryside. Whilst the site does not fall within, or on the edge of, any established settlement, it is positioned adjacent to a recently approved housing development, and the groups of dwellings at Bevernbridge and Bervenbridge Cottages. The villages of South Chailey and Cooksbridge (which is on the main Eastbourne to London railway line) are relatively close, and there are bus stops on the A275 adjacent to the site that are served fairly regularly by a bus service that connects with Newick to the north and Lewes to the south. It is therefore considered that the proposal would not result in the provision of new homes in an unacceptably isolated location.
- 8.1.11 Due to the proximity to neighbouring development to the south as well as the number of dwellings that would be included within the development and the sense of openness the site would have, with indicative layout, parameter plans and design code showing dwellings all facing towards the central water body it is not considered that occupants of the development would feel secluded nor would there be an oppressive sense in the surrounding environment as dwellings would engage well with each other as well as with neighbouring development.
- 8.1.12 The site is considered to be self-contained, with screening provided by dense arrangements of mature trees to the north, east and west as well as by raised bunds. The southern boundary is open but this part of the site would link to the housing development to the south. Whilst not qualifying as previously developed land, the site is clearly not part of the general tapestry of fields and woodland that characterise the surrounding rural area. It is therefore considered that the proposed development would not appear as an incongruous or disruptive feature that would disrupt or compromise the visual and spatial characteristics of the surrounding countryside.
- 8.1.13 The density of the development would be low at approx. 6 dwellings per hectare. Whilst higher density is generally encouraged as per para. 122 of the NPPF, it is important to note the constraint of the

site, these being its awkward shape, the space needed to provide access and the need to protect nearby sensitive habitat areas including the water body itself and the ancient woodland at Kiln Wood, as well as its location on the periphery of the wider site. It is therefore considered that the low-density development proposed is acceptable in this instance.

- 8.1.14 As the application is in outline form, full details of design, scale, layout and landscaping of the development have not been provided. Given the rural setting of the site it is considered to be sensitive to visual and environmental impact. The design code and parameter plans provided are therefore vital in establishing overarching characteristics and requirements that any submission for approval of reserved matters would have to adhere to. An illustrative layout plan also provides details of the only feasible way to provide access to all parts of the site.
- 8.1.15 The design code and parameter plans include measures to restrict the overall height of each dwelling to a maximum of 6.6 metres as well as to dictate maximum floor space and footprint (due to control over platform sizes). A palette of acceptable materials is set out and this is limited to timber cladding and glazed screening. It is considered that buildings that comply with these general characteristics could be accommodated within the site without resulting in a harmful impact upon the character of the surrounding area as it is considered the scale of the buildings would allow for effective and sympathetic screening to be provided by existing landscape features whilst the external materials, particularly the use of timber cladding, would support visual integration with the surrounding woodland.
- 8.1.16 It is considered that this provides sufficient assurance to allow for outline approval to be granted, with the reserved matters stage allowing for a mechanism for the exact design and scale of each dwelling to be assessed and adjusted if necessary. The amount of glazing would, in particular, have to be carefully controlled in order to minimise risk of light spill that would detract from the tranquillity of the dark sky rural environment.
- 8.1.17 The parameter plan includes details of platforms on which each dwelling would be positioned. These would partially jut out over the water. The majority of the water body would be undisturbed and the use of platforms would prevent the need for any infilling whilst ensuring there is room on the relatively narrow banks of the water body to allow for access routes, parking and amenity space.
- 8.1.18 The parameter plan includes provision of parking largely in undercroft format. This would ensure parked cars are well screened and do not form a visually dominant feature within the development that may undermine the rural nature that it is considered the site will retain due to its location and low density.
- 8.1.19 The proposed access road would run close to the western site boundary where it would be screened by the existing tree belt which is growing on a raised bund. The road serving dwellings on the

eastern bank would be stepped well away from Kiln Wood so as to minimise impact on the ancient woodland by way of noise, light and air pollution and disturbance of root protection areas. It is noted that ESCC Highways have suggested additional visitor parking spaces are provided, including on the western access which occupies a narrower part of the site. It is considered there is adequate space to allow for this to be achieved in a sympathetic way that can be addressed at reserved matters stage.

- 8.1.20 A footpath would be formed to provide access to the woodland area and waterbody within the south eastern corner of the site, providing an amenity function and facilitating public access to Kiln Wood, as encouraged in section 7.9 of the Hamsey Neighbourhood Plan.

#### Impact upon Amenities of Neighbouring Residents:

- 8.1.21 The parameter plans and design code that form part of the application dictate the general positioning of each dwelling and also set thresholds for overall scale. It is considered that the parameters set for the height and mass of each dwelling would ensure that they do not appear overbearing towards neighbouring residents of the development to the south, where dwellings will be of similar height. It is considered that natural screening of the site as well as the degree of separation maintained would prevent any harmful impact upon the amenities of occupants of dwellings at Bevernbridge and Bevernbridge Cottages.
- 8.1.22 The proposed development would be accessed via a spur taken from the access road being constructed to serve the development to the south. ESCC Highways anticipate a trip rate increase of approx. 7 trips during AM peak hours and 9 trips during PM peak hours. Given the relatively low increase in trips, it is not considered that additional traffic would have an unacceptable impact upon the amenities of residents occupying the development to the south or those occupying properties at Bevernbridge which are adjacent to the shared access from the A275.
- 8.1.23 It is therefore considered that the proposed development could be delivered without resulting in unacceptable adverse impacts upon the amenities of neighbouring residents.

#### Living Conditions for Future Occupants

- 8.1.24 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.
- 8.1.25 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of

occupants. Although design and scale of the development are reserved matters, the parameter plans allow for a maximum floor space of 120m<sup>2</sup> for 3 bed dwellings, 160 m<sup>2</sup> for 4 bed dwellings and 200 m<sup>2</sup> for 5 bed dwellings. These figures all exceed the minimum area for each form of dwelling as set out in the space standards.

- 8.1.26 There is ample space within the development site to provide outdoor amenity space in the form of private gardens as well as terrace areas that extend over the water's edge. In addition, the occupants of the development would have access to the woodland walk being formed in the south-eastern corner of the site.

#### Parking Demand and Highway Impact

- 8.1.27 The development would utilise the access from the A275 and internal road network of the adjoining development to the south in order to provide vehicular access to the site. ESCC highways have reviewed the submitted plans and have stated they are satisfied that increase in trip rates would not be excessive (additional 7 trips per day at AM peak time and 9 trips per day at PM peak time). They have also confirmed that the right turn lane being provided on the A275 to serve the development to the south of the site would have the capacity to accommodate any increase in frequency of vehicles turning into the site.
- 8.1.28 A total of 29 x car parking spaces would be provided to serve the proposed development. Each plot would have either 2 or 3 allocated spaces and an additional 2 spaces would be provided as visitor parking. ESCC Highways have stated that 30 car parking spaces should be provide and that visitor parking would need to be provided on both sides of the water body rather than only on the eastern side as shown on the indicative layout plan. It is considered that the site has the capacity to allow for an additional parking space to be formed without causing a detrimental impact upon visual and environmental amenities.
- 8.1.29 Indicative layout plans demonstrate that a footway can be provided alongside the vehicular access road. This footway would link would also provide a pedestrian link between the western and eastern access roads along the northern bank of the water body. The extension into the woodland buffer may not be acceptable, see comments made on ecological impact in section 7.9. Vehicle tracking plans have been included to show that an 11.2-metre-long refuse vehicle could enter and turn within the site using the turning heads provided at the end of each access. It is therefore considered that the site has the capacity to accommodate a layout that would allow for the safe access and movement of pedestrians and vehicles and would ensure no vehicles have to reverse out of the site onto neighbouring roads.
- 8.1.30 It should be noted that ESCC Highways require a demonstration that an 11.97-metre-long refuse vehicle can access all dwellings and turn within the site and, therefore, an amended tracking plan would be needed at the reserved matters stage.

## Flooding and Drainage

- 8.1.31 The site is located in Flood Zone 1 and, as such, is at low risk from tidal and fluvial flooding. The presence of the water body means that risk of surface water flooding within the site is low although there are areas within Kiln Wood and on the development site to the south where the risk of surface water flooding is higher. Surface water within the site is currently directed towards the water body. There is an overflow control device in place in the south-western corner of the water body in the form of pipes and a ditch/swale that direct overflow to a watercourse to the west of the site that, ultimately, flows into Bevern Stream which is to the north of the site. It is intended for surface water to be discharged into the water body via attenuation tanks, oversize pipes and flow control devices that would regulate the rate of discharge. The overflow mechanism is currently being modified as part of the development to the south of the site but would continue to allow for overflow from the water body to be released into Bevern Stream. A small balancing pond would be provided in the south eastern corner of the site to allow for drainage of surface water from the south-eastern part of the site.
- 8.1.32 By utilising existing water bodies, it is considered that the proposed scheme has adopted sustainable drainage principles. Para. 80 of the Planning Practice Guidance for Flood Risk and Coastal Change identifies a hierarchy of drainage options based on sustainability, these being 1: Infiltration, 2: Use of a surface water body, 3: To a surface water sewer, highway drain or another drainage system and 4: To a combined sewer. The use of infiltration has been discounted due to the impermeable clay soil structure beneath the site and, as such, the use of existing water bodies is the most sustainable option that is feasible.
- 8.1.33 The platforms on which the proposed dwellings would be positioned would project over the water, with the ground floor of the dwelling site on it being cantilevered over the water's edge. The platform would ensure the ground floor of each dwelling is set at 300mm above the design flood level for the site taking into account a 1 in 100-year extreme water level as well as climate change.
- 8.1.34 It is stated that foul drainage would be managed by way of connection to the sewers serving the adjacent development to the south.
- 8.1.35 Final drainage details would be secured at the reserved matters stage in order to ensure that the drainage layout is compatible with the development.

## 8.2 Biodiversity

- 8.2.1 The site is positioned adjacent to ancient woodland, this being Kiln Wood which is directly to the east of the site. Whilst the development would not intrude into the ancient woodland area it would impact upon the environment immediately adjacent to it and it is important to ensure that habitat connectivity is not interrupted or the quality of habitat degraded as a result of the proposed works.



- 8.2.2 The application is accompanied by an Ecological Assessment which states that a 15-metre buffer would be maintained between the edge of the development and the ancient woodland in order to minimise impact upon it. The buffer zone utilise suitable planting to complement the woodland edge. This would include dense planting of thorny native species such as hawthorn, dog rose and blackthorn as a means to control access to the woodland. A condition will be used to secure a Construction Environmental Management Plan (CEMP) in order to ensure the woodland is not adversely affected by dust, noise or other forms of pollution or damage during construction works.
- 8.2.3 The County Ecologist has raised concerns that the indicative plan shows a mown path passing through these buffer zones. This would not be appropriate and, as such, the footpath would have to be removed or realigned at the reserved matters stage. Units 5 and 6 are also positioned too close to the woodland on the indicative plan and would therefore also need to be repositioned or omitted. As layout is a reserved matter this can be resolved at that stage. There is no objection to the positioning of the access, the road or any of the other units shown on the indicative plan.
- 8.2.4 Site surveys have also identified encroachment by bramble into potential habitats and the development allows for the potential for this to be controlled as part of the landscaping/biodiversity enhancement scheme. Water planting and wet grassland planting would be used to form new habitats around the pond. Invasive species (Canadian Waterweed and New Zealand Pigmyweed) have also been identified on the banks of the water body and these would be removed as part of the development.
- 8.2.5 The Ecological Assessment includes the results of surveys carried out to establish the presence, or lack of, protected species on site. Surveys carried out discount the presence of dormice and badger. No evidence of Great Crested Newts was found, with the presence of fish in the waterbody being a likely contributing factor for this. The site was not considered suitable for reptiles due to the extensive grazing of grassland areas by rabbits and Canada geese. The woodland fringes were however recognised as providing potential sites for hibernation. A variety of bat and bird activity was identified on and around the site.
- 8.2.6 The site survey did not identify any trees within the site that would provide suitable opportunities for bat roosting, with bats observed likely roosting in the ancient woodland area.
- 8.2.7 The assessment does not consider the development would have an adverse impact upon bats provided external lighting is strictly controlled. It notes that the low density of the development would allow bats to continue to commute easily over the site and that additional planting and habitat creation would support insect species that are a food source for bats. Furthermore, new roosting opportunities for bats would be provided through the installation of bat boxes in appropriate locations.

- 8.2.8 The application includes a lighting plan suggesting external lighting would be restricted to low level bollard lighting on the access road. This would need to be confirmed with the final layout at the reserved matters stage, with input from the County Ecologist. The amount of glazing used on the proposed dwellings will also need to be evaluated at the reserved matters stage, with appropriate mitigation measures being put in place to reduce light spill from internal lighting.
- 8.2.9 Habitat for birds would be maintained, with enhancement made to the water body and surrounding woodland protected and supplemented by additional tree planting, with a focus on fruit and nut bearing species. Bird boxes would also be installed in appropriate locations. A range of sizes and designs would be used in order to appeal to a broad range of bird species.
- 8.2.10 The County Ecologist has concluded that the landscaping scheme, as presented on indicative plans and documents would achieve a modest biodiversity net gain. Full details of all ecological enhancement measures would be secured at the reserved matters stage along with the result of any additional surveys necessary, bearing in mind those referred to in the ecological assessment date from 2018/2019. This will include a requirement for it to be demonstrated that biodiversity net gain achieved is a minimum of 10%, as required by the Biodiversity Net Gain Technical Advice Note (TAN). New planting should recognise the need for any trees removed to be replaced at a ratio of 3:1 as per policy EN4 of the Hamsey Neighbourhood Plan.

### 8.3 Sustainability in Development

- 8.3.1 The submitted design code places an emphasis in using locally sourced building materials. The design of the dwellings themselves support the use of modular building techniques, enabling them to be built off-site and thereby reducing wastage and the impact of construction works on the surrounding environment. It is considered that the custom build nature of the scheme would incentivise site owners to utilise energy efficient materials in the design stage as it would help reduce energy costs once the dwelling is occupied. The development would not be connected to the gas network and so would rely on electricity and/or air source heat pumps for heating.
- 8.3.2 Notwithstanding the above, a comprehensive sustainability assessment would be required to be submitted for each phase of the development in order to ensure that each dwelling incorporates suitable carbon reduction and water efficiency measures. These measures would need to align with the requirements and objectives of the Sustainability in Development TAN.

### 8.4 Circular Economy

- 8.4.1 The design brief, that will inform the design of all buildings within the development, supports the use of modular construction that would allow buildings to be constructed off-site, minimising wastage. There is an incentive for modular buildings to be constructed by a local company in order to reduce delivery costs.

- 8.4.2 It is considered that modular buildings would be easier to remove from the site when they come to the end of their useful life without extensive damage to the site and surroundings. This would also assist with the recycling of building materials. The permanent platform provided for the buildings would remain in place following any removal, allowing for a new building to be installed with minimum disruption. This introduces a good level of adaptability and flexibility to the site, ensuring it can remain in use without the need for significant redevelopment for a lengthy period of time.
- 8.4.3 The self-build nature of the development would allow for bespoke designs that meet the needs of homeowners, providing a good level of flexibility to the scheme as a whole and the opportunity to cater for a range of needs.

## 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 It is recommended that permission is granted subject to the conditions listed below and a S106 agreement to secure the self-build status of the units.
- 10.2 Should the S106 not be completed within 6 months of the date of the committee resolution is it recommended that permission is refused under delegated powers if there is no meaningful progress towards completion of the agreement.
- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990.
- 2) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission. These details relate to:-
- layout of internal road and communal areas;
  - size and position of plots which will be subject to the subsequent approval of the County Ecologist;
  - landscaping of communal areas;
  - ecological Appraisal

When creating semi-natural habitats, all species shall be locally native species of local provenance. The reserved matters shall comply with the parameters set out for access established by this outline permission and be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail.

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	8 <sup>th</sup> September 2020	18096-SBR-SW-XX-DR-A-80099 Rev 1
Access Plan	10 <sup>th</sup> June 2021	18096-SBR-SW-XX-DR-A-80200 Rev 1
Arboricultural Report	8 <sup>th</sup> September 2020	AR/49416
Design & Access Statement and Design Code	8 <sup>th</sup> September 2020	18096-SBR-ZZ-XX-RP-A-80201 Rev 5
Ecological Assessment	8 <sup>th</sup> September 2020	5785.EcoAss.vf1

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

- 4) A phasing plan for the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail.

- 5) Details of the appearance, landscaping, layout, and scale for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development begins within that phase or sub-phase and the development shall be carried out in accordance with the details as approved.

Reason: To enable the Local Planning Authority to control the development in detail.

- 6) All phases of the development hereby approved shall comply with the parameters and criteria set out in the approved Design & Access Statement and Design Code - 18096-SBR-ZZ-XX-RP-A-80201 Rev5.

Reason: To ensure the design, layout and scale of the development is appropriate in the context of its surroundings in terms of visual, environmental and residential amenity in accordance with policies DP10 and CP11 of the Lewes District Local Plan Part 1, Policy DM25 of the Lewes District Local Plan Part 2 and policies H3, H7 and H8 of the Hamsey Neighbourhood Plan.

- 7) A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:
- i. description and evaluation of features to be managed;
  - ii. ecological trends and constraints on site that might influence management;
  - iii. aims and objectives of management;
  - iv. appropriate management options for achieving aims and objectives;
  - v. prescriptions for management actions, together with a plan of management compartments;
  - vi. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - vii. details of the body or organisation responsible for implementation of the plan;
  - viii. ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details..

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features in accordance with policy CP10 of Lewes District Local Plan Part 1, policy DM24 of the Lewes District Local Plan Part 2, policies EN3 and H3 of the Hamsey Neighbourhood Plan, section 15 of the NPPF and the Biodiversity Net Gain Technical Advice Note.

- 8) No development shall take place until an ecological design strategy (EDS) addressing protection of retained habitats including the on-site waterbody and adjacent ancient woodland, provision of a semi-natural buffer zone to the woodland, mitigation for the loss of woodland, scrub and grassland habitats and enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- i. purpose and conservation objectives for the proposed works;
  - ii. review of site potential and constraints;

- iii. detailed design(s) and/or working method(s) to achieve stated objectives;
- iv. extent and location /area of proposed works on appropriate scale maps and plans;
- v. type and source of materials to be used where appropriate, e.g. native species of local provenance;
- vi. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- vii. persons responsible for implementing the works;
- viii. details of initial aftercare and long-term maintenance;
- ix. details for monitoring and remedial measures;
- x. 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, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Core Policy 10 of the Lewes Local Plan.

- 9) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
  - i. risk assessment of potentially damaging construction activities;
  - ii. identification of “biodiversity protection zones”;
  - iii. practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - iv. the location and timing of sensitive works to avoid harm to biodiversity features;
  - v. the times during construction when specialist ecologists need to be present on site to oversee works;
  - vi. responsible persons and lines of communication;
  - vii. the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - viii. use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of the Lewes District Local Plan Part 1.

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

- the anticipated number, frequency and types of vehicles used during construction,
- measures to prevent harm to wildlife and habitat
- means of reusing any existing materials present on site for construction works,
- the method of access and routing 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 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.
- address noise impacts arising out of the construction;
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;
- provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
- details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 of the Lewes District Local Plan

part one, policies DM20 and DM23 of the Lewes District Local Plan part 2 and the Circular Economy Technical Advice Note.

- 11) The arboricultural tree protection measures (Tree Report AR/49416 prepared by The Mayhew Consultancy Ltd) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with policy CP10 of the Lewes District Local Plan Part 1, policy DM27 of the Lewes District Local Plan Part 2 and section 15 of the NPPF.

- 12) 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 5 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 biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policy CP10 of the Lewes District Local Plan Part 1, policies DM24 and DM27 of the Lewes District Local Plan Part 2 and section 15 of the NPPF.

- 13) 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 in accordance with policy CP10 of the Lewes District Local Plan Part 1, policy DM27 of the Lewes District Local Plan Part 2 and section 15 of the NPPF

- 14) No development shall commence [including demolition/ground clearance] until the vehicular access and offsite highway improvements approved under Planning Permission LW/14/0712 serving the development have been carried out and completed.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with para. 110 of the NPPF.



- 15) No individual phase of the development shall be occupied until parking areas for that phase have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with para. 110 of the NPPF.

- 16) The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls). The proposed garage[s] shall measure at least 3m by 6m (internally)

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with para. 110 of the NPPF.

- 17) No individual phase of the development shall be occupied until secure and covered cycle parking areas to serve that phase have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: To promote the use of more sustainable forms of transport in accordance with paras. 108 and 109 of the Revised NPPF and policy CP13 of the Lewes District Local Plan Part 1 and the Lewes District Council Electric Vehicle Charging Points Technical Guidance Note and Sustainability in Development Technical Advice Note.

- 18) Prior to the commencement of any construction works, full details of the proposed means of surface water disposal for each sub-phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works for each sub-phase of the development shall be completed prior to the completion or occupation of any dwelling that forms part of that sub-phase.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding, in accordance with para. 163 of the Revised NPPF and Policy CP12 of the Lewes District Local Plan Part 1.

- 19) Each dwelling shall be provided with a minimum of 1 x electric vehicle charging facility and this shall be installed and operable prior to its first occupation. These facilities shall thereafter remain in place and in an operable condition throughout the lifetime of the development.

Reason: To promote the use of more sustainable forms of transport in accordance with paras. 108 and 109 of the Revised NPPF and policy CP13 of the Lewes District Local Plan Part 1, policy H10 of the Hamsey Neighbourhood Plan, the Lewes District Council Electric

Vehicle Charging Points Technical Guidance Note and Sustainability in Development Technical Advice Note.

- 20) 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 having regard to Policy CP10 of the Lewes District Local Plan part one, policies DM20 and DM24 of the Lewes District Local Plan part two, policies EN3 and H3 of the Hamsey Neighbourhood Plan and paras. 170, 175 and 180 of the NPPF.

- 21) Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of the Lewes District Local Plan.

- 22) Reserved Matters shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats, badgers, dormice, amphibians and reptiles, and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved outline application, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed.

23) No development above ground floor slab level shall take place until a detailed Sustainability Assessment Report which includes details of how the development and each dwelling 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 occupation of each of the residential units, and shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

### **Informatives**

1. The Local Planning Authority has acted positively and proactively in determining this application by engaging with stakeholders, visiting an existing business site to get a better understanding of the operation, identifying matters of concern and negotiating acceptable amendments. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.