

APPLICATION NUMBER:	LW/17/0205	ITEM NUMBER:	6
APPLICANTS NAME(S):	KSD Group Ltd	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Planning Application for Full planning application for the development of an 80 bedroom hotel, 25 flats, 14 houses and B1 commercial uses (144sqm) with a multi storey car park, other associated ground level parking, landscaping and access arrangements.		
SITE ADDRESS:	Land Between Beach Road And Transit Road Newhaven East Sussex BN9 0BN		
GRID REF:	TQ4500		



1. SITE DESCRIPTION / PROPOSAL

1.1. Site Description

- 1.1.1. The application site has an area totalling 0.45 ha. It is located between Newhaven Harbour train station and Beach Road. The site is adjacent to the entrance to Newhaven Port, off Beach Road, and the main port area is to the south. To the north are terraced houses fronting Beach and Transit Roads.
- 1.1.2. The site is a flat parcel of land with two flat roofed modern (1970's and 80's) buildings located at the northern and southern ends. These buildings are one and a half and two storeys high. The building to the north of the site is a former warehouse/store that is currently being used by a model aircraft club. The building to the south was previously used as the Port Admin Office (B1) with associated dorms, but has now been refurbished for temporary use (5 years) by EON staff working on the Rampion Wind Farm Project at the port.
- 1.1.3. The wider area is mixed use in character, with ~~bu~~ residential to the north, industrial/ commercial buildings on the opposite side of Beach Road, and the port to the south.
- 1.1.4. This is a brownfield site for the purposes of planning policy, within the Planning Boundary for Newhaven in the Joint Core Strategy.

1.2. Proposal

- 1.2.1. This is a full planning application which proposes;
 - 80 bedroom hotel of 9-13 storeys in height;
 - 25 apartments over five/six-storeys in 2 blocks:
 - 14 three-bed terraced houses of three-storeys arranged in two rows, and
 - B1 commercial uses (144m² GIA)
 - A multi-storey car park, ground level parking, landscaping and access.
- 1.2.2. The Block Plan (drawing 1603-P-002) illustrates the proposed layout.
- 1.2.3. The two rows of three storey terraced housing would be at the northern end of the site, fronting onto Beach Road and Transit Roads. There would be a shared mews court in between the two rows, with 2 parking spaces per house and landscaped amenity space.
- 1.2.4. 'Block A' would be a 6-storey building comprising 18 apartments (8 x 1 bedroom and 10 x 2 bedroom) and would be adjacent to Beach Road in the central part of the site. Block A would also include B1 commercial floorspace on the ground floor. Adjacent to Block A would be an open parking area with 26 spaces.
- 1.2.5. The 9-13-storey hotel would be located south of Block A, adjacent to the port entrance. The height would step up from 9 to 13 storeys and, externally, would be finished in various shades of metallic cladding and glazing.
- 1.2.6. A multi storey car park would adjoin the hotel across to the western boundary and would have three levels. The car park would have 'living' walls, with vertical stainless steel tensile cables that would provide support for climbing vegetation.

- 1.2.7. The apartment 'Block B' would be 5 storeys in height and would comprise 7 apartments (6 x 2 bedroom and 1 x 3 bedroom). This would be at the south end of the site, adjoining the multi-storey car park.
- 1.2.8. Access to the development is proposed off Beach Road and Transit Road. An access to the mews court for the houses would be off a link road between Beach and Transit Roads.
- 1.2.9. The proposed materials comprise the following;
- Natural Slate pitched roofs
 - Single ply membrane flat roofs
 - Facing brickwork, natural zinc cladding, powder coated aluminium cladding and green walls to the multi storey car park on external walls.
 - Powder coated aluminium coated window frames and rainwater goods.
- 1.2.10. The proposal provides for 40% of the residential to be 'affordable'.
- 1.2.11. The application includes a Design & Access Statement; Townscape Assessment; Transport Statement and Travel Plan; Flood Risk Assessment; Preliminary Geotechnical and Ground Contamination Risk Assessment; Planning Noise Assessment; and a Biodiversity Checklist; Sunlight & Daylight Assessment and Air Quality Assessment.
- 1.2.12. During the progress of the application additional documents have been submitted including a Concept Framework Plan, Landscape Concept Framework Plan, Design and Access Addendum, Transport Assessment Addendum Report (Final), Testing Layout (indicative plan for information only), Built Heritage Assessment, Flood Risk Assessment and Sequential Test.

1.3. Background

- 1.3.1. Pre-application meetings were held with planning officers in March and June 2016 and then later in November 2016.

1.4. Policy

- 1.4.1. Lewes District Council (LDC) adopted the JCS on the 11th May 2016. The JCS, including the retained 'saved' 2003 LDLP policies, is the development plan for the district. Its policies are therefore given full weight in the determination of relevant planning applications in the district, unless other material considerations indicate that it would be unreasonable to do so.

2. RELEVANT POLICIES

NPPF

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – E03 – Town Centres

LDLP: – E07 – Out of Centre Retail Development

LDLP: – E11 – Hotels, Guest Houses

LDLP: – T01 – Travel Demand Management

LDLP: – NH21 – Railway Quay

LDJCS: – CP1 – Affordable Housing

LDJCS: – CP2 – Housing Type, Mix and Density

LDJCS: – CP4 – Economic Development and Regeneration

LDJCS: – CP5 – The Visitor Economy

LDJCS: – CP6 – Retail and Town Centres

LDJCS: – CP7 – Infrastructure

LDJCS: – CP9 – Air Quality

LDJCS: – CP11 – Built and Historic Environment & Design

LDJCS: – CP12 – Flood Risk, Coastal Erosion and Drainage

LDJCS: – CP13 – Sustainable Travel

3. PLANNING HISTORY

PV/73/0011 - Proposed display of two directional signs. - **Approved**

LW/04/2240 - Change of use of offices and dorms to language school - non residential - **Approved**

LW/14/0585 - Change of use from port operation storage to use class B8 storage with ancillary office accommodation, with re-clad elevation incorporating new office windows, and associated underground septic tank - **Approved**

LW/16/0484 - Proposed temporary change of use of the existing building to provide accommodation for staff from EON who will be working on the Rampion Wind Farm Project for a period of 5 years - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1. Newhaven Town Council

4.1.1. The committee welcomed this development in principle but raised some concerns as follows:

- the committee would wish discussions to take place to facilitate vehicular access to this site from the roundabout at the end of the Port Access Road as already built.
- environmental concerns.

4.2. British Telecom

4.2.1. No objection in principle. There is no land or buildings owned or occupied by BT within the application site. However, this advice does not extend to BT apparatus located in the public highway or under private land, or BT's deep level tunnels. The applicant will need to check BT's network prior to development in this regard.

4.3. Environmental Health

4.3.1. No objections, subject to planning conditions in relation to contamination, a CEMP and a restriction on the hours of work for demolition and construction. Also, a Section 106 to secure a financial contribution toward the Newhaven Air Quality Action Plan.

4.4. Environment Agency

4.4.1. No objection, subject to conditions to mitigate flood risk and contamination.

4.5. ESCC Highways

4.5.1. No objection subject to planning conditions and a S106. Please see recommendation in report for the detail.

4.6. Southern Gas Networks

4.6.1. Standard advice given to the applicant that safe digging practices need to be carried out and that the position of hand dug trial holes should be confirmed.

4.7. Natural England

4.7.1. No response received.

4.8. Sussex Police

4.8.1. The application is supported and will seek to develop this redundant site. The design has been well thought out to ensure residents are in a safe defensible space.

4.9. Southern Water Plc

4.9.1. No objections and recommends an informative reminding the applicant that they will need to make a formal application for connection to the public sewerage system which is required in order to service this development.

4.10. ESCC SUDS

4.10.1. No objection in principle, subject to conditions.

4.11. Planning Policy Comments

4.11.1. *"The application site is located within the Newhaven planning boundary, as defined in the Policy CT1 of the LDLP, and development in this location is therefore acceptable in principle. The most relevant JCS policy in terms of the hotel element of the proposed development is CP5 (The Visitor Economy), which supports the development of additional visitor accommodation within the district provided it is of a scale, type and appearance appropriate to the locality. If it is considered that the hotel design meets this criterion, there is no reason to apply the sequential test for*

main town centre uses because the development would be in accordance with the up-to-date Local Plan (see paragraph 24 of the NPPF).

- 4.11.2. JCS Policy CP1 (Affordable Housing) is applicable to the proposed level of residential development, whilst the overall design of the development should meet the criteria set out in JCS Policy CP11 (Built and Historic Environment and High Quality Design) and LDLP Policy ST3. The location of the application site in close proximity to the Newhaven Air Quality Management Area and within Flood Zone 3 means that air quality and flood risk issues should also be fully addressed by the application, in accordance with JCS Policies CP9 (Air Quality) and CP12 (Flood Risk). In view of the previous uses on the site and the proximity of the Seaford to Lewes railway line, The Council will also need to be satisfied that contamination and noise issues will be successfully addressed by the development, in accordance with the NPPF and National Planning Practice Guidance.
- 4.11.3. It should be noted that the application site is identified as an 'Area of Opportunity' for the location of waste treatment facilities in Policy SP2 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan. However, Policy SP2 is not a safeguarding policy and only identifies the site as suitable in principle for such uses. Consequently, if the Council is satisfied that the proposed development meets the requirements of the JCS policies listed above, together with any other relevant national planning and local plan policies, the application can be recommended for approval."

4.12. LDC Regeneration & Investment

- 4.12.1. "Lewes District Council's 'Council Plan' 2016 to 2020 was informed and developed in consultation with our residents, partners and other stakeholders. The application fits with one of these priorities, Provide visitor services across the district in line with our Tourism Strategy 2015-2018. The proposal will provide additional accommodation for visitors alongside residential development. The proposals will regenerate a mostly under-utilised site close to Newhaven Port, creating new residential and commercial floorspace and employment opportunities as well as additional visitor accommodation stock, albeit in a non-ideal location to drive town centre vitality.
- 4.12.2. Whilst the application site is not within the EZ, it does lie adjacent to both the 'East Quay' and 'Bevan Funnell' sites. It is considered that the development proposals will support delivery of new and refurbished employment space on these sites and so the scheme will indirectly support Newhaven's regeneration through Enterprise Zone status.
- 4.12.3. However, the appropriateness of the site location is questioned and whether a more central central which is closer to the town centre would be more likely to act as a catalyst and drive increased footfall to the town centre, thereby having a more positive impact on Newhaven's regeneration.
- 4.12.4. The ST concludes that there is enough demand in Newhaven for hotel development to take place in more than one location. However, based on the work carried out by LDC Regeneration & Investment, the town is not considered to be a primary location by most hotel operators and would question the current level of demand for new hotels in Newhaven.
- 4.12.5. With this in mind, we retain our concerns over the potential scheme but recognise the potential indirect benefits that may result. However, we still question whether this

is the optimal location for a new hotel and would request that occupancy restrictions be imposed on the proposed hotel to reduce the scope for subsequent residential conversion, unless robust evidence is provided by the applicant on the proposed end operator for this facility. We would also like to see the economic statement to ensure that the proposed development is viable and deliverable in this location.”

5. REPRESENTATIONS

5.1. 13 representations have been received, being seven of objection and six of support. The objections are summarised as follows;

5.2. Newhaven Port and Properties Ltd (by DMH Stallard Planning Consultants)

5.2.1. object on grounds of:

- Principle of locating a hotel within an industrial area (sequential test).
- Transport and parking.
- Design and overdevelopment.
- Living conditions of future occupiers.

5.2.2. The applicant has failed to demonstrate that the application site represents a sequentially preferable location for a proposed hotel. The use would be better suited to the town centre which is also thought to be a more attractive proposition for visitors. Para's 24 and 26 of the NPPF indicate that a sequential test and economic impact assessment should be carried out given the out of centre proposed location.

5.2.3. The Port Masterplan (PMP) identifies that development in this locality between East Quay and Railway Quay should be focused on supporting coastal shipping including the importing and exporting of materials for green energy along with the provision of boat maintenance and waterfront recreation.

5.2.4. There may be a conflict of highway use between those occupying the proposed development and vehicle movement in association with the port. The Transport Assessment submitted with the application does not address the recently permitted development relating to the new multi-purpose berth at East Quay along with provision of a land development area (LW/15/0034). The inadequate level of parking will increase on street parking and thus be prejudicial to highway safety.

5.2.5. The height, size and density of the proposed development is out of keeping with the local area and represents an overdevelopment of the application site. The proposed hotel and apartment block are 13 and 5 storeys respectively. Existing surrounding buildings are 2 storeys in height.

5.2.6. The applicant has failed to adequately take into account noise and disturbance impacts to future users of the proposed hotel. The hotel does not conform with surrounding land uses and the living conditions of future occupiers is likely to be detrimentally impacted by the surrounding existing industrial use. The industrial processes/operations include loading and offloading of scrap metal from the quayside and the use of Beach Road by heavy goods vehicles. This is a commercial port which operates 24 hours.

5.3. CCD Properties Ltd (by Indigo Planning Consultants “*on behalf of the owner of a large regeneration site in Newhaven town centre, and CCD Properties Limited (CCD) as Development Manager for the project*”).

5.3.1. The “basis” of the objection is a review of the Sequential Report on behalf of the applicant, which includes a “brief assessment” of “our client’s development site” which is the former Co-op site and adjoining land in Dacre Road, in Newhaven town centre.

5.3.2. The hotel element of the application is objected to for the following reasons:

- There is no up to date policy support for hotel use at the application site.
- The proposals conflict with the NPPF’s clear town centres first strategy.
- The analysis of potential alternative development sites is inadequate, leading to unreliable conclusions and insufficient information upon which a decision maker can rely on.
- The applicant’s view on the local market’s capability to support two new hotels is not accepted.
- It is not accepted that any localised benefits as a result of the proposals outweigh the need to protect planned investment from coming forward for Newhaven town centre.

5.4. Residents (3 from households within the immediate vicinity and 4 from households further afield in Newhaven and also Seaford)

5.4.1. object on the following grounds:

- Lack of infrastructure
- Not sustainable
- Overbearing building and overdevelopment
- Loss of privacy/overlooking
- Lack of parking
- Traffic generation and subsequent impact on A259 (should be considered cumulatively with the Parker Pen, Bevan Funnell and Reprodex House housing developments) and speed of vehicles prejudicial to highway safety and pedestrians
- Inadequate access
- Increased air pollution
- Noise and disturbance. Scrap metal for shipping takes place three times a month and on each occasion requires an intensive period of delivery (HGV movements) and ship loading during a continuous 72 hour period. H Ripley & Co is concerned that the recommended noise attenuation measures proposed in the applicants noise report does not properly reflect the potential background noise levels that occur during the period that the ships are being loaded with processed scrap metal from their site and the noises associated from HGV vehicle movements (especially during the night when other noises are reduced or not occurring at all). The proposed development needs to ensure that future occupants of the development are not materially harmed by the existing surrounding noises associated with the industrial uses and a robust noise report is needed to assess background noise levels.
- Drainage problems and flooding

5.5. Letters in support

5.5.1. are summarised as below;

- Maria Caulfield MP welcomes the proposal and comments that the mixed use proposal will assist in the town centres regeneration.
- There is a need for more homes

- It is an excellent use of this patch of land
- The wider context for active travel could be very good given this flat section of land will be easily accessible from Newhaven town and Seaford by foot and bike.

6. PLANNING CONSIDERATIONS

The planning issues for consideration are 6.1) principle of a hotel and sequential test 6.2) sustainability 6.3) living conditions 6.4) affordable housing (and housing mix) 6.5) transport 6.6) flooding 6.7) air quality 6.8) lack of infrastructure, and 6.9) Section 106.

6.1. Principle

- 6.1.1. The site is located within the planning boundary as defined in the Lewes District Local Plan, where the principle of development is acceptable.
- 6.1.2. The site is brownfield land, which is previously developed and is not allocated for any specific purpose in the Local Plan or the Joint Core Strategy. Therefore, the principle of its development is acceptable in accordance with Policy CT1 of the Local Plan. In the pre-application advice given by planning officers, the principle of the proposed development and mix of uses in this location was generally supported.
- 6.1.3. Policy CP5 of the Core Strategy concerns the Visitor Economy and one of its key strategic objectives supports proposals that stimulate and maintain a buoyant and balanced local economy through regeneration of the coastal towns. The policy recognises the need *"to take advantage of the richness and diversity of the districts natural and heritage assets to promote and achieve a sustainable tourism industry in and around the district."* The proposed mixed use development will help meet this objective.
- 6.1.4. Paragraph 24 of the NPPF states that LPA's should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. Culture and tourism development (including hotels) is a *"main town centre"* use (See Annex 2: Glossary of the NPPF).
- 6.1.5. In this case the site is not in an *"existing centre"*. Whether the proposal accords with the Local Plan is a matter of judgement. For the purpose of this proposal, it is necessary to determine whether the scale, type and appearance of the hotel is acceptable, and therefore whether it accords with policy CP5 of the up-to-date Local Plan. If it is considered that the hotel proposal does accord with CP5, then the sequential test need not be applied to this application. Objections which refer to the sequential test should then carry little weight when considering the proposal.

Scale, Type and Appearance (Policy CP5)

- 6.1.6. Following the first pre-application meeting, the applicant was requested to prepare a townscape analysis to justify, in particular, the height of the hotel element of the mixed-use scheme. A comprehensive assessment was undertaken by the project architects and this was considered by the planning department who subsequently advised that the proposed height of around 13 storeys may be acceptable, subject to detail design, and with reference to the juxtaposition of the tall blocks of flats on the west side of the River Ouse at the marina.

- 6.1.7. The Townscape Analysis submitted with the application has provided 5 long distance views, from the 1) Ouse Estuary Nature Reserve (South Downs National Park), 2) Denton - Crest Road, 3) UTC, 4) West Quay and 5) from The Fort. The panoramic photographs provide an existing, pre-app proposal and application proposal of each view.
- 6.1.8. It should be noted that the building mass on the 10th storey reduces in floor area from thereon up, with the profile of the hotel stepping back across the footprint on its axis orientated from the south to the northern elevation.
- 6.1.9. Therefore, the full footprint of the hotel only extends in building mass and height up to 9 storeys, which is similar to the existing residential apartments on the west side of the Quay at Newhaven Marina. In terms of scale, there would be a visual symmetry with existing and proposed developments either side of the Ouse. In design terms this could be recognised as a gateway to Newhaven for those entering Newhaven by ferry.
- 6.1.10. Furthermore, the scale and massing of the proposed hotel would not appear incongruous because it is considered to be a well-articulated design which through its (stepping down in height) profile, irregular shaped footprint and varying use of materials (different coloured metal cladding and glass), appears relatively elegant and lightweight within its setting.
- 6.1.11. All of the view points on the townscape analysis demonstrate that the proposed hotel would not break the skyline (particularly in views from Denton and the Ouse Estuary Nature Reserve which is SDNP countryside) and would be seen in the backdrop against existing surrounding buildings at Newhaven Port and Marina. In terms of scale, the long distance views show the dominance of the Newhaven-Dieppe ferry and the proposed hotel reads as being somewhat subservient to this. It is considered that the existing development and uses either side of the Ouse at Newhaven port is built up and a very active, light industrial/commercial environment. In this respect, the proposed development in terms of its scale would not appear discordant with existing development in the surrounding locality.
- 6.1.12. The Design and Access Statement provides an aerial view of the character of the area. It illustrates that the application site is located on the eastern side of the Ouse with the port located to its southern side, light industrial area to the east, Newhaven Harbour railway station and line to the west, and residential (housing) to the north. The land between the railway line and the river is part of the port land which is given over to port activities. The western side of the Ouse, opposite the application site and just beyond the railway station, comprises the West Quay and its flatted development at the Marina.
- 6.1.13. The area is therefore mainly industrial in character with residential to the north.
- 6.1.14. The site characteristics comprise a flat parcel of land with two flat roofed modern buildings located to the north and south. These have red brick facing walls and there is also painted render on buildings within the vicinity elsewhere. The buildings referred to are one and two storeys in height but with more sparse open landscape of the port land to the west and south and Victorian back to back housing to the north.
- 6.1.15. The proposed terraced housing has been designed to emphasise the individuality of each house by expressing the gable ends and verticality of each plot and reflecting the character of more modern houses on the West Quay which evoke

beach huts. The block of flats have been designed with a more urban feel , considered to be more appropriate to the character of the station forecourt. Like the hotel, the elevations have been fragmented with the use of different materials to express the articulation of the facades, the introduction of balconies and with a recessed top floor clad in zinc.

- 6.1.16. It is considered that the proposed development is an example of planning *"positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces"* (para 57 of NPPF). It is considered that the proposed development will *"establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit"* (para 58 of the NPPF).
- 6.1.17. The provision of residential development in the form of three storey housing and apartment blocks is in keeping with existing development in the locality and planning permissions on nearby sites (3 storey houses at Marco Trailers in Railway Road, residential at the Parker Pen site and a mixed use residential/commercial scheme at Reprodex House). The proposed uses, C1 - Hotels, C3 Residential, and B1 are all existing uses within the locality. Policy NH21 (Railway Quay) of the LDLP referring to land adjoining the application site is allocated for mixed use development including these type of uses and leisure.
- 6.1.18. It is considered that the proposed development would be acceptable with the character of existing development in the surrounding locality and complies with policy CP5 of the JCS. Therefore, in terms of the NPPF, a sequential test is not considered to be necessary for the hotel.

Sequential Test Analysis

- 6.1.19. Without prejudice to the Council's view of the proposed hotel, the applicant was requested to submit a Sequential Test (ST) to demonstrate that they have carried out an exercise to consider town centre sites and comment on why these sites are not available and, as such, why the application site is the preferred option. The agent was asked to justify why preference should be given to this out of centre proposal and how it is well connected and accessible to the town centre. Reference in the Sequential Test has been made to the currently vacant Co-op site. The agent was specifically asked to address the bullet points in paragraph 26 of the NPPF.
- ***"the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and***
 - ***the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made."***
- 6.1.20. The applicant has undertaken a sequential site report which considered seven locations in the urban area and concluded that none were sequentially preferable to the application site.
- 6.1.21. Para 7 of the ST Report identifies 7 sites large enough to accommodate a hotel. These are (1)Newhaven Rehabilitation Centre, Church Hill, (2) open park land off Lewes Road north of Robison Road, (3) North Quay, North Quay Road, (4) Land

north of UTC at Harbour Side (5) former Co-op, Dacre Road Newhaven town centre, (6) the former Parker Pen site, Railway Road and (7) Newhaven Port. The ST comments that the co-op site is not available, nor advanced in terms of its ability to deliver a hotel development site compared to the current application site. The ST claims that there is uncertainty over the tenure situation (whether there are occupational leases in place) of the Co-op site and the ability to secure vacant possession for its redevelopment.

- 6.1.22. The conclusion of the ST also states that the Co-op site has existing buildings of value which may impact on the financial viability of the scheme. It is also stated that hotels on both the Co-op site and application site could take place feasibly.
- 6.1.23. The applicant submits that the ST Report is robust in its content and identifies the former Co-op site as the only potential alternative. The co-op scheme referred to in the CCD objection is in its embryonic stages with no certainty of an application submission stage or construction. The applicant also submitted that there is no publicly available information about the scheme and no evidence that the provision of a hotel (compared to any other use) in this central location, would bring about increased foot fall. There is also no evidence to confirm that a town centre hotel and the proposed hotel could not operate successfully together.
- 6.1.24. The current application must be considered on its merits and should not be held up or resisted because of an unknown outcome on another site. This is the position set out in the submitted Sequential Report.
- 6.1.25. Following the submission of the Indigo objection on behalf of CCD Properties Ltd, the agent has written a letter to confirm that the applicant has sought the advice of Counsel (Cornerstone Barristers).
- 6.1.26. The applicants Barrister confirms that the Indigo letter only makes objection to the content of the ST and raises no other concerns with the proposed development.
- 6.1.27. The policy position is that an ST is not required where the Council has an up-to-date local plan, as commented above.
- 6.1.28. The agent has highlighted through the Barristers comments that the Examination Inspector to the JCS referred to Policy CP5 (The Visitor Economy) at para 122 of his final report (March 2016) and stated;
- 6.1.29. *"Policy CP5 suitably sets out the measures necessary to sustainably develop tourism locally, including by improving the availability of all types and budget levels of visitor accommodation, as evidenced in the recent Hotel Futures Study. The policy wording is essentially consistent with the expectations of the NPPF and PPG in this regard and no modifications are required for soundness".*
- 6.1.30. The letter also states;
- 6.1.31. *"Policy CP6 (Retail and Town Centres) is also referred to by the Examination Inspector at para 123 and reference is made to the strategic objectives of town centres and the significance of retail related uses in these locations. The Inspector stated that this was also consistent with the NPPF."*
- 6.1.32. The point being that the redevelopment of the existing town centre Co-op site for a potential hotel is not a retail use. The Barrister considers that the comments from

Indigo are therefore misdirected and not relevant to the application given that the ST is not a requirement of the application in the first place.

6.1.33. Comments from the Barrister go onto highlight that;

6.1.34. *"The NPPF sets out the presumption in favour of sustainable development at para 11 stating that 'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise' and paragraph 14 requires, in respect of decision taking, the presumption in favour of sustainable development means "approving development proposals that accord with the development plan without delay". There are no material circumstances in this case that would mean not determining the application in accordance with the up-to-date development plan. The existence of a site in Newhaven town centre that may or may not come forward as a hotel does not represent such material circumstances."*

6.1.35. *"Case law has addressed the relevance of alternative proposals in the determination of planning applications and reference is made to the Court of Appeal judgement in the case of R. (on the Application of Mount Cook Land Ltd) v Westminster CC in October 2003 which found that where an application proposal does not conflict with policy, and involves no planning harm and may include some enhancements, any alternative proposals would normally be irrelevant (refer para 30)."*

6.1.36. Therefore, the agent and applicants' Barrister is of the view that there is no requirement to prepare a sequential assessment of alternative sites for the hotel element of the proposals, which accord with the development plan. The existence of a potential alternative site in the town centre (the position is which is one of uncertainty) should not have any bearing on the determination of this application.

6.1.37. Officer Conclusions to the ST Report and Case Law Examples

6.1.38. The applicant has not dismissed the Co-op site in its ST appraisal and acknowledges that the site could be suitable for hotel development but at the time of the enquiries made by Flude Commercial (commissioned to prepare the ST), the feedback given was that various options were being considered for the site. Flude therefore concluded that the site was not available at the time of the ST for hotel development. The former Co-op site is currently vacant retail land, and it is considered that a replacement retail use would be preferable rather than a hotel use, and would create better footfall within the town centre, thereby benefiting the vitality and viability of Newhaven town centre.

6.1.39. **The Council's Regeneration and Investment Officers commented, "that there is currently limited demand for new hotel development in Newhaven. It is considered that a hotel developed in a more central location (for example, closer to the town centre) would be more likely to act as a catalyst and drive increased footfall to the town centre - thereby enhancing vitality. We are also concerned with the viability of the hotel and would like to see evidence of discussions with hotel operators to ensure that the hotel can feasibly be delivered within the current scheme."**

6.1.40. *"Trust House Forte Hotels v SoS 1986 concluded that if there are no clear planning objections to a development on a particular site, the fact that more appropriate alternative sites exist is irrelevant."* (4.19 of the DCP Online).

6.1.41. The applicant has acknowledged that the town centre is in much need of investment. However, also recognises that the Beach Road/Transit Road area needs investment which is the thrust of the Council policies for urban regeneration in the town. In line with the case law example above, the applicant is of the view that there is no proof that the economics of the town centre scheme is finely balanced and, irrespective of whether this is the case or not, the economics of a town centre scheme (an alternative site) is irrelevant to the current application proposal.

6.1.42. In R v St Edmundsbury BC ex parte Davidson 28/6/99, *"it was argued that a decision by a council to grant permission for a multiplex cinema had not been reached on its planning merits, but because of the council's concern that if permission were refused then no other cinema operator would come forward. A possible alternative site was rejected because it was leased to operators of a livestock market and it was thought piecemeal development could result. Subsequently the livestock market surrendered its lease to the council, so that comprehensive redevelopment became possible. However the council did not reconsider its decision, which was challenged in court on the basis of changed circumstances. While the High Court concluded that planning officers had identified various reasons for rejecting the site, in the light of changed circumstances and the sequential approach, it held that the decision should be reconsidered. Following reconsideration, the council concluded that since the cattle market would not be available until 2003, there was a risk that the developer of the other site would withdraw its interest, thereby depriving the town of the proposed facility."* (DCP Online 17.7)

6.1.43. The comparisons that can be drawn from the above case and current application is that the Council should not be refusing this application on the basis that the town centre Co-op site may be a more suitable alternative site that will come forward for redevelopment. This is an uncertainty. There is no evidence to indicate that both the application proposal and co-op site cannot be built and operate successfully together, the market forces will dictate whether and when they get built. However, market demand is not a material consideration in considering whether the proposed hotel is acceptable in planning terms. There is no evidence to support the fact that the town centre regeneration future proposals will be jeopardised if this application is approved. Further, if the town centre regeneration proposals put forward by CCD were either unacceptable or delayed, this could stunt any regeneration of the East Quay area.

6.1.44. Newhaven Enterprise Zone and its regeneration, together with the Port Access Road are both included in the infrastructure projects being promoted within the Council Plan under the Joint Transformation Programme for Eastbourne and Lewes Councils. The eastern part of Railway Quay has received other permissions in the locality for new residential development which can only strengthen the application site's connectivity along Railway Road and towards the town centre. It is submitted that all development proposals in the locality will contribute successfully to the growth and prosperity of Newhaven, a vision of the new council as recognised in the comments made by Officers in Regeneration & Investment.

6.2. Sustainability

6.2.1. National guidance states that there is a presumption in favour of sustainable development and planning law requires that applications 'must be determined in accordance with the development plan unless materials considerations indicate otherwise' (para 11 of the NPPF refers). The three dimensions of sustainable are

economic, social and environmental. All three of these must be achieved to constitute sustainable development.

- 6.2.2. An economic role - the proposals include a new hotel and 144 sqm of B1/office floorspace which will provide a range of good quality jobs available to local people. In addition, there will be wider economic benefits through the construction programme and the CIL contributions from the proposed housing. This is sufficient land, of the right type (policy NH21) available in the right place and at the right time to support growth and innovation (para 7 of the NPPF).
- 6.2.3. A social role- the proposals provide much needed new housing including affordable homes (40%) which comprise clear social benefits for Newhaven. The development will be permeable to enable public access from Beach Road through the site to Newhaven Harbour station. The proposed housing will have a shared communal amenity area at the rear thus creating a sociable space supporting strong, vibrant and healthy communities.
- 6.2.4. An environmental role - the existing site (save for the former Port Authority office building) is brownfield land. It is derelict and makes no positive contribution to the area. The proposed development represents an opportunity to greatly enhance the appearance of the site and the area surrounding it. It will add positively to the town as a whole.
- 6.2.5. Whilst welcoming the application in principle The Town Council raised some concerns regarding the environment and these were to do with protected species (newts) being witnessed on the site. As such the applicant has prepared and submitted an ecological appraisal. Mitigation measures are recommended for nesting birds and invertebrates to provide nesting opportunities within new buildings and these can be addressed by way of planning conditions including a landscaping scheme with native plants and bird boxes. No newts were found on the site at the time of the survey.
- 6.2.6. The proposal would therefore deliver sustainable development by achieving all three of its dimensions in accordance with the requirements of the NPPF.

6.3. Living Conditions

- 6.3.1. Representations have been made in relation to concerns of overlooking/loss of privacy, overshadowing/loss of daylight and sunlight and overbearing impact in terms of height and proximity. Concerns have also been raised in relation to noise given the surrounding industrial uses.
- 6.3.2. It is considered that the proposed development would not result in any material harm by reason of overlooking and loss of privacy, for the living conditions of occupants in nearby dwellings. The application site borders the railway line and port associated land to the west and south, and light industrial uses immediately to the east. The existing Victorian houses to the north, back onto each other and the proposed housing would flank onto existing housing with minimal loss of privacy. There would be some views over existing housing from the proposed flatted development (block A) and hotel (the hotel has only one column of windows facing north). The northern elevation and closest part of Block A to existing Victorian properties would be approximately 47m away. It is considered that this relationship wouldn't be any more harmful than existing residential development in other built up areas.

- 6.3.3. The application is accompanied by a daylight and sunlight assessment. The impact of a proposed mixed use development at Beach Road on its nearest residential neighbours at Transit Road and Beach Road has been analysed.
- 6.3.4. In terms of overshadowing and loss of daylight/sunlight, the proposed hotel would be around 80m away from existing housing adjoining the site to the north, and would be 38.5m high on its northern side.
- 6.3.5. The report concludes that *"loss of both daylight and sunlight to the nearest three houses on each terrace of Beach Road (no's. 17, 18 and 19) and Transit Road (no's. 14, 15 and 16) would be minimal and well within the guidelines in BRE Report 'Site layout planning for daylight and sunlight' in all cases. The impact would be even smaller for houses which are further away from the proposals. The development as a whole would therefore comply with the BRE guidelines."*
- 6.3.6. A minor revision has been made (in part) in response to the representations made to the application concerning noise impacts from the operation of the port activities, including the ferry and Ripleys scrap metal business to the south of the proposed development. It is noted that, following the night-time noise surveys (undertaken at the request of the Council's Environmental Health Officer, EHO, to assess the port operations), the consultants recommended that the balconies on the south elevation of Block B be removed as part of the mitigation strategy. The Council's EHO reviewed the night-time surveys and further noise report and concluded (in their consultation response of 22nd August 2017) that the port activities would not have an unacceptable impact on the proposed development and the balconies on Block B could therefore remain.

6.4. Affordable housing (and housing mix)

- 6.4.1. Core Policy 1 of the Lewes District Local Plan Part 1 - Joint Core Strategy (2016) states that *"A district wide target of 40% affordable housing, including affordable rented and intermediate housing, will be sought for developments of 11 or more dwelling units."*
- 6.4.2. The application is proposing 40% affordable housing which equates to 16 units or 15 and 0.6 of a unit as a commuted sum (page 4 of the design and access statement states 14 affordable units but this has been amended). This is in accordance with the adopted development plan relevant policy. It is proposed that 12 of the flats and 4 of the houses are scheduled to be affordable units: a total of 16 affordable units.
- 6.4.3. CP1 states that as a guideline affordable housing split will be 75% affordable rented and 25% intermediate (shared ownership). However, the policy states that the Planning Authority will negotiate the appropriate tenure split on a site by site basis based upon the latest evidence of needs in the site locality. The Housing Policy Officer has advised that the Council has no objection to the tenure split. The application form states that there will be 12 rented flats and 4 shared ownership (intermediate) houses. The tenure split amongst the flats could ideally be better represented but the details of this can be negotiated in the S106.
- 6.4.4. CP1 also states that the affordable housing units will be integrated throughout the development site, be indistinguishable in design and materials from the market housing on the site and remain affordable in perpetuity. This will be secured through the Section 106 Legal Agreement.

6.5. Transport

- 6.5.1. The application site lies on the east side of central Newhaven and is served by good public transport links, including; bus routes, railway stations and ferry links to Dieppe, France. It is considered to be a highly sustainable location.
- 6.5.2. As said above, the Town Council welcomed the principle of the application but wanted LDC to have discussions to facilitate vehicular access to this site from the roundabout at the end of the Port Access Road as already built.
- 6.5.3. The route which the Town Council presumably have in mind would be via Beach Close, which runs from Transit Road towards the Eastside land. This, however, can only be a long term aspiration which would not be deliverable within the lifetime of this planning application. It may be that such a connection could be made in the future, to provide an alternative access to this development, if this application is granted and implemented.
- 6.5.4. Also referred to above, an Addendum Transport Assessment (together with Stage 1 Road Safety Audit) was prepared in response to The Highway Authority at East Sussex County Councils' initial comments on the application. The Highway Authority has now confirmed that the Addendum deals satisfactorily with all the matters raised and that there are no objections to the proposed development.
- 6.5.5. The Highway Authority has recommended that permission can be granted subject to a number of planning conditions and a Section 106 to include a travel plan, audit fee (£6,500) a Traffic Regulation Order contribution of £6000 towards any parking restrictions, widening of footway along Beach Road to 2 metres, improvements to the junctions (including road markings) of Beach Road and Transit Road, new pedestrian crossing points and pedestrian signage directing the public through the main shared surface access from Beach Road.
- 6.5.6. Local residents have expressed concerns regarding traffic generation, highway safety and a lack of parking. Residents are concerned about the subsequent impact on the A259 following the cumulative traffic movements from planning permission for developments at nearby sites, some of them including Parker Pen, Bevan Funnell and Reprodux House.
- 6.5.7. The applicant has provided the Transport Assessment Addendum [TAA] which updates the Transport Assessment [TA] and now includes traffic associated with the relevant committed developments in the area. The traffic flow surveys have been revisited and the impact on the town centre has been adequately addressed.
- 6.5.8. The Highway Authority at ESCC has commented that; *“The TAA has satisfactorily considered the impact of the development on Transit Road and in particular the junction/crossroads with Beach Road/Beach Close and the cumulative effect of this development with that approved [subject to s106] at Reprodux House, Beach Close.”* It was concluded that; *“given the volume of traffic on the existing local highway network and the suitability of the access the trip rates are acceptable to the highway authority in this location and the impact of the development is not considered to be severe, subject to mitigation measures being provided at point 7 below. It should also be noted that not all these trips would be “new” on the network given that there are existing buildings on the site which could still generate an unknown number/proportion of vehicular trips on the highway network.”*
- 6.5.9. Amended drawings were submitted by the applicant and resulted in the loss of some apartments in Block B to facilitate some additional parking including larger

spaces. Based on the revised parking guidelines the proposed parking falls short by one space and The Highway Authority has confirmed that this is acceptable. The applicant has agreed that the 6 commercial spaces will be made available to residents in the evenings and weekends. The majority of apartments are 1 and bedrooms only which reduces the parking requirements (as does the affordable housing provision).

6.5.10. The proposal is therefore in accordance with policies TP1-Travel Demand Management of the LDLP and CP13-Sustainable Travel of the JCS.

6.6. Air quality

6.6.1. Of the objections received from local residents one of their concerns was regarding air pollution due to the increased traffic generated by the proposed development. CP13 (Sustainable Travel) of the Joint Core Strategy seeks to ensure the district reduces locally contributing causes of climate change and is proactive regarding climate change initiatives. Transport issues remain a major concern for many local people.

6.6.2. The location of the application site is in close proximity to the Newhaven Air Quality Management Area (Policy CP9). The applicant has agreed (as part of the Heads of Terms in the S106) to make a financial contribution towards the Newhaven Air Quality Action Plan to assist in delivering the mitigation options identified in their Air Quality Assessment report prepared by Phlorum. This report is comprehensive and refers to up to date traffic survey information provided by Motion, transport consultants.

6.6.3. The AQA concludes that the proposed development is acceptable in terms of its impacts on air quality on the site and surrounding area, including impacts on the Newhaven Ring Road and Town Centre Air Quality Management Area (AQMA) which is located some 550m to the north-west of the application site. This is as a result of negotiations with the Council's Environmental Health Officer.

6.7. Flooding/drainage

6.7.1. The application site is located within Flood Zone 3 which means that flood risk issues should be fully addressed by the application.

6.7.2. The applicants' drainage engineers have been advised by the Environment Agency that the revised Flood Risk Assessment is acceptable (following the removal of any habitable accommodation at ground floor, namely the 2 ground floor flats from Block B).

6.7.3. With regard to the revised Flood Risk Assessment (FRA), the removal of the 2no. flats from the ground floor of Block B expressly deals with the outstanding matter raised by the Environment Agency.

6.7.4. The EA no longer raises any objection to the application and planning conditions (to ensure surface water run-off from the development is managed safely) have been recommended, it would not be justified to refuse the application on the grounds of flooding.

6.7.5. The proposal therefore complies with policy CP12 (Flood Risk) of the JCS.

6.8. Lack of Infrastructure

6.8.1. Local residents have expressed concern and objection to the proposed housing development in relation to the impact on existing infrastructure such as healthcare and schools in the locality. Concern has been expressed regarding the cumulative impact of existing planning permissions for housing on nearby sites to name but two such as the Parker Pen, and Reprodex House developments.

6.8.2. Policy CP7 of the Joint Core Strategy - Infrastructure, commits the Council to provide an *"Infrastructure Delivery Plan which sets out how the necessary physical and social infrastructure provision for the district will be achieved with key delivery partners in a timely manner to support growth"* and the Community Infrastructure Levy (CIL) will provide for wider infrastructure and community needs within the respective areas.

6.8.3. The provision of infrastructure to serve this development would be delivered through CIL. As such the provision of infrastructure cannot be a requirement of a planning permission for this development.

6.9. Section 106

6.9.1. Any recommendation for granting planning permission would be subject to the satisfactory completion of a S106 Legal Agreement. The S106 would include the following;

- **Highways**
 - I Commercial (hotel) Travel Plan
 - II Travel Plan auditing fee of £6,500
 - III Traffic Regulation Order contribution of £6,000 towards any parking restrictions required in the vicinity of the site
 - IV Widening of footway along Beach Road to 2.0 metres
 - V Improvements to the two junctions of Transit Road with Beach Road to include junction road markings
 - VI New pedestrian crossing points across the two junctions of Transit Road with Beach Road and across the Port Access to the south of the site in the form of dropped kerbs and tactile paving
 - VII Pedestrian signage directing the public through the main shared surface access from Beach Road

- **Affordable Housing**
 - I 40% of the 39 residential units to be affordable (ie 16 dwellings or 15 and 0.6 of a unit as a commuted sum) in accordance with policy CP1 of the Joint Core Strategy 2016
 - II Affordable dwelling mix and tenure in accordance with policy CP1

- **Air Quality**
 - I Financial contribution towards the Newhaven Air Quality Action Plan in the region of £50,000.

- **Kerbside recycling (£19 per dwelling)**

6.10. Conclusion

6.10.1. The Joint Core Strategy (JCS), and relevant policies therein, is the adopted development plan for the Lewes district and as such is given full weight. There is up to date policy support for a hotel in this location - Policy CP5 (The Visitor Economy) of the 2016 Joint Core Strategy which supports development of additional visitor accommodation in the district provided it is of a scale, type and appearance appropriate to the locality and provides local employment. It is concluded that the proposed development is acceptable in terms of its scale, type and character having regard to the locality and it would provide employment in the form of B1, office use. The need for a sequential test is therefore not relevant in this case and should not be afforded any weight in the determination of this application. Policy NH21 (Railway Quay) of the Local Plan also supports the uses proposed, on land which has become surplus to the direct operational requirements of the Port, like the application site adjoining Policy NH21 land.

6.10.2. It is recognised that the proposed scheme would also benefit the locality through the provision of much needed family housing, 40% of which will be affordable, and it comprises sustainable development in an urban area that will benefit greatly from regeneration. It is also recognised that the site utilises vacant brownfield land. The principle of the proposed development was welcomed by Newhaven Town Council and supported by some local residents.

6.10.3. With all this taken into account it is considered that the application proposal is acceptable and complies with the relevant planning policies. As such, it is considered that the proposed development comprises a high quality and well-designed mixed-use scheme that will be a positive and welcome addition to the urban area, and should be granted planning permission.

7. RECOMMENDATION

7.1 That the Director of Planning and Regeneration be authorised to grant permission, subject to;

A. the satisfactory completion of a Section 106 Agreement to secure;

- 40% affordable Housing
- Off site highway works to include;
 - Commercial (hotel) Travel Plan
 - Travel Plan auditing fee of £6,500
 - Traffic Regulation Order contribution of £6,000 towards any parking restrictions required in the vicinity of the site
 - Widening of footway along Beach Road to 2.0 metres
 - Improvements to the two junctions of Transit Road with Beach Road to include junction road markings
 - New pedestrian crossing points across the two junctions of Transit Road with Beach Road and across the Port Access to the south of the site in the form of dropped kerbs and tactile paving
 - Pedestrian signage directing the public through the main shared surface access from Beach Road
- A financial contribution of £50,000 towards the Newhaven Air Quality Action Plan, and
- Kerbside Recycling of £19 per dwelling.

and B, the following conditions:

1. This planning decision relates solely to the following plan(s):

2. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason; To enhance the general appearance of the development having regard to CP11 of the Joint Core Strategy and policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first planting season or in accordance with the programme approved in writing with the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to CP11 of the Joint Core Strategy and policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. Prior to the construction of the residential development, a scheme of glazing and ventilation (mechanical and temperature controlled) shall be submitted to and approved in writing by the Local Planning Authority, to achieve internal noise levels recommended in BS822. This scheme shall be based upon the recommendations and finding of the noise reports provided supporting the application unless otherwise agreed in writing. The development shall be implemented in accordance with the approved details. The proposed residential units shall not be occupied until a validation report has been provided by suitably qualified acoustic consultants to demonstrate that the required internal noise levels requirements have been achieved.

Living Rooms 35 dBLAeq16 Hr
Bedrooms 30 dBLAeq 8hr and 42 dBLAFmax

Reason: In the interests of residential living conditions for existing and future occupants in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

6. The rating noise level emitted from the proposed external plant and machinery at the proposed development, as assessed under BS4142:2014, shall be controlled to level that is at least 5 dB below the existing background noise level, as measured at the nearest noise sensitive facades, during the relevant periods of operation.

Reason: In the interests of residential living conditions for existing and future occupants in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

7. No development shall take place until a scheme for the soundproofing of the building between commercial units and residential units has been submitted to an approved in writing by the local planning Authority. The measures shall be implemented in strict accordance with the

approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: In the interests of residential living conditions for existing and future occupants in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

8. The developer and their construction company shall develop a Construction and Environmental Management Plan. This Plan shall detail in writing how dust, noise, vibration, air pollution and light pollution will be mitigated and monitored during the construction of this proposal. The CEMP shall include a construction and vibration noise assessment in accordance with BS 5228 -1& 2:2009 "Code of Practice for noise and vibration control on construction and open sites". The CEMP shall be included into a Control of Pollution Act 1974 Section 61 Notice. The CEMP shall be submitted in writing for the Local Planning Authority Approval prior to the commencement of construction works.

Reason: In the interests of residential living conditions for existing and future occupants in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

9. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme shall each be submitted to and approved, in writing, by the local planning authority.

A remediation method statement giving full details of the remediation measures required to deal with the elevated levels of lead and PAHs on the site. The report should also contain details of the how the asbestos contaminated soil can be safely removed from the site.

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 National Planning Policy Framework, sections 12.0 and 12.1].

10. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

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 National Planning Policy Framework, sections 12.0 and 12.1].

11. Prior to demolition, a full asbestos survey must be carried out on the building(s) to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified

contractor and disposed off-site to a facility licenced by the Environment Agency. The waste transfer certificate must be included in the verification report.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 12.0 and 12.1].

12. 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, an amendment to the 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 National Planning Policy Framework, sections 12.0 and 12.1].

13. No habitable accommodation at ground floor level within the site, as specified in FRA points 4.1 to 4.3 and shown in figures 4.1 and drawing 1603-P-020-A BLOCK B_ PROPOSED FLOOR PLANS (6/10/2017) particularly no self-contained ground floor flats originally proposed in Block B. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: The above mitigation measures are required in order to protect people and property from flooding, in accordance with the NPPF.

14. 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 policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. No part of the development shall be occupied until such time as the vehicular accesses have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

16. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development in accordance with the National Planning Policy Framework.

17. No part of the development shall be occupied until the vehicle turning spaces have been constructed within the site in accordance with the approved plans. These spaces shall thereafter be retained at all times for this use.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

18. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with the National Planning Policy Framework.

19. No part of the development shall be occupied until such time as the redundant sections of the existing vehicular access onto Beach Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

20. No development shall commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction in accordance with the National Planning Policy Framework.

21. 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,

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and egress and routing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o 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),
- o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with the National Planning Policy Framework.

22. No part of the development shall be occupied until the 1st floor of hotel building fronting Beach Road shall be constructed a minimum of 2.4 metres above the level of the public highway and a minimum of 2 metres back from the edge of the carriageway as shown on drawing no. 1603-P-060-A dated 23rd October 2017 and shall thereafter be maintained.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

23. No part of the development shall commence until such time as details of the new footway on the northern and southern side of the site along Transit Road has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of pedestrian access in accordance with the National Planning Policy Framework.

24. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

25. No part of the development shall be first occupied until visibility splays 2.4 metres x 43 metres have been provided at the proposed new main site vehicular access onto Beach Road [UC5294] in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

26. No part of the development shall be first occupied until visibility splays 2.4 metres x 18 metres have been provided at the proposed new vehicular access onto Transit Road [on northern boundary of site] in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

27. The garage building(s) shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety in accordance with the National Planning Policy Framework.

28. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with the National Planning Policy Framework.

29. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area in accordance with the National Planning Policy Framework.

30. The surface water drainage strategy outlined in the HOP Flood Risk Assessment (Rev A) should be carried forward to detailed design. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

Reason: In accordance with the National Planning Policy Framework.

31. Groundwater monitoring should be undertaken to confirm the range of groundwater levels at the site and the potential impact on the surface water drainage network.

Reason: In accordance with the National Planning Policy Framework.

32. The detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

Reason: In accordance with the National Planning Policy Framework.

33. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the LPA.

Reason: In accordance with the National Planning Policy Framework.

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

Reason: In accordance with the National Planning Policy Framework.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. 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.

3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take

appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

4. The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- o Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- o Tree pit and staking/underground guying details
- o A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- o Hard surfacing materials - layout, colour, size, texture, coursing, levels
- o Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- o Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

5. Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk

6. The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

7. The applicant will be required to enter into discussions with and obtain the necessary license from the Highway Authority to cover the proposed section of hotel building over the public highway [Beach Road] prior to occupation of the development. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within or above the highway prior to the Licence being in place.

8. The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

9. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.

10. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

11. The applicant is advised that the erection of temporary directional signage should be agreed with Transport Development Control Team prior to any signage being installed. The applicant should be aware that a Section 171, Highways Act 1980 licence will be required.

12. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	7 March 2017	
Biodiversity Checklist	7 March 2017	
Noise Detail	7 March 2017	
Transport Assessment	7 March 2017	
Flood Risk Assessment	7 March 2017	
Location Plan	7 March 2017	1603-P-001
Existing Block Plan	7 March 2017	1603-P-002
Proposed Block Plan	7 March 2017	1603-P-002
Survey Plan	7 March 2017	1603-P-003 TOPOGRAPHICAL
Existing Roof Plan	7 March 2017	1603-P-004
Existing Floor Plan(s)	7 March 2017	1603-P-004
Existing Elevation(s)	7 March 2017	1603-P-004
Existing Roof Plan	7 March 2017	1603-P-005
Existing Floor Plan(s)	7 March 2017	1603-P-005
Existing Elevation(s)	7 March 2017	1603-P-005
Proposed Floor Plan(s)	26 October 2017	1603-P-006-B
Proposed Floor Plan(s)	26 October 2017	1603-P-007-B
Proposed Floor Plan(s)	26 October 2017	1603-P-008-B
Proposed Roof Plan	26 October 2017	1603-P-009-B
Proposed Elevation(s)	26 October 2017	1603-P-010-B

Proposed Elevation(s)	26 October 2017	1603-P-011-B
Proposed Elevation(s)	26 October 2017	1603-P-012-B
Proposed Elevation(s)	26 October 2017	1603-P-014-B
Proposed Section(s)	7 March 2017	1603-P-015
Proposed Section(s)	7 March 2017	1603-P-016
Proposed Floor Plan(s)	7 March 2017	1603-P-017 BLOCK A
Proposed Roof Plan	7 March 2017	1603-P-017 BLOCK A
Proposed Elevation(s)	7 March 2017	1603-P-018 BLOCK A
Proposed Elevation(s)	7 March 2017	1603-P-019 BLOCK A
Proposed Floor Plan(s)	26 October 2017	1603-P-020-B
Proposed Roof Plan	26 October 2017	1603-P-020-B
Proposed Elevation(s)	26 October 2017	1603-P-021-B
Proposed Elevation(s)	26 October 2017	1603-P-022-B
Proposed Floor Plan(s)	7 March 2017	1603-P-023
Proposed Elevation(s)	7 March 2017	1603-P-024
Proposed Roof Plan	7 March 2017	1603-P-025
Proposed Floor Plan(s)	7 March 2017	1603-P-025
Proposed Elevation(s)	7 March 2017	1603-P-025
Proposed Elevation(s)	7 March 2017	1603-P-026
Proposed Elevation(s)	7 March 2017	1603-P-027
Proposed Floor Plan(s)	7 March 2017	1603-P-028
Proposed Floor Plan(s)	7 March 2017	1603-P-029
Proposed Roof Plan	7 March 2017	1603-P-029
Proposed Elevation(s)	7 March 2017	1603-P-030
Proposed Elevation(s)	7 March 2017	1603-P-031
Photographs	7 March 2017	1603-P-040 KEY VIEWS
Photographs	7 March 2017	1603-P-041 KEY VIEWS

Landscaping	7 March 2017	1603-P-042
Additional Documents	7 March 2017	1603-P050 ACCOMMODATION SCHEDULE
Noise Detail	2 August 2017	3122_002R_1-0JB
Technical Report	7 March 2017	CONTAMINATION REPORT
Technical Report	14 August 2017	ECOLOGICAL APPRAISAL
Technical Report	17 November 2017	SHADOWING STUDY
Technical Report	7 March 2017	TOWNSCAPE ASSESSMENT