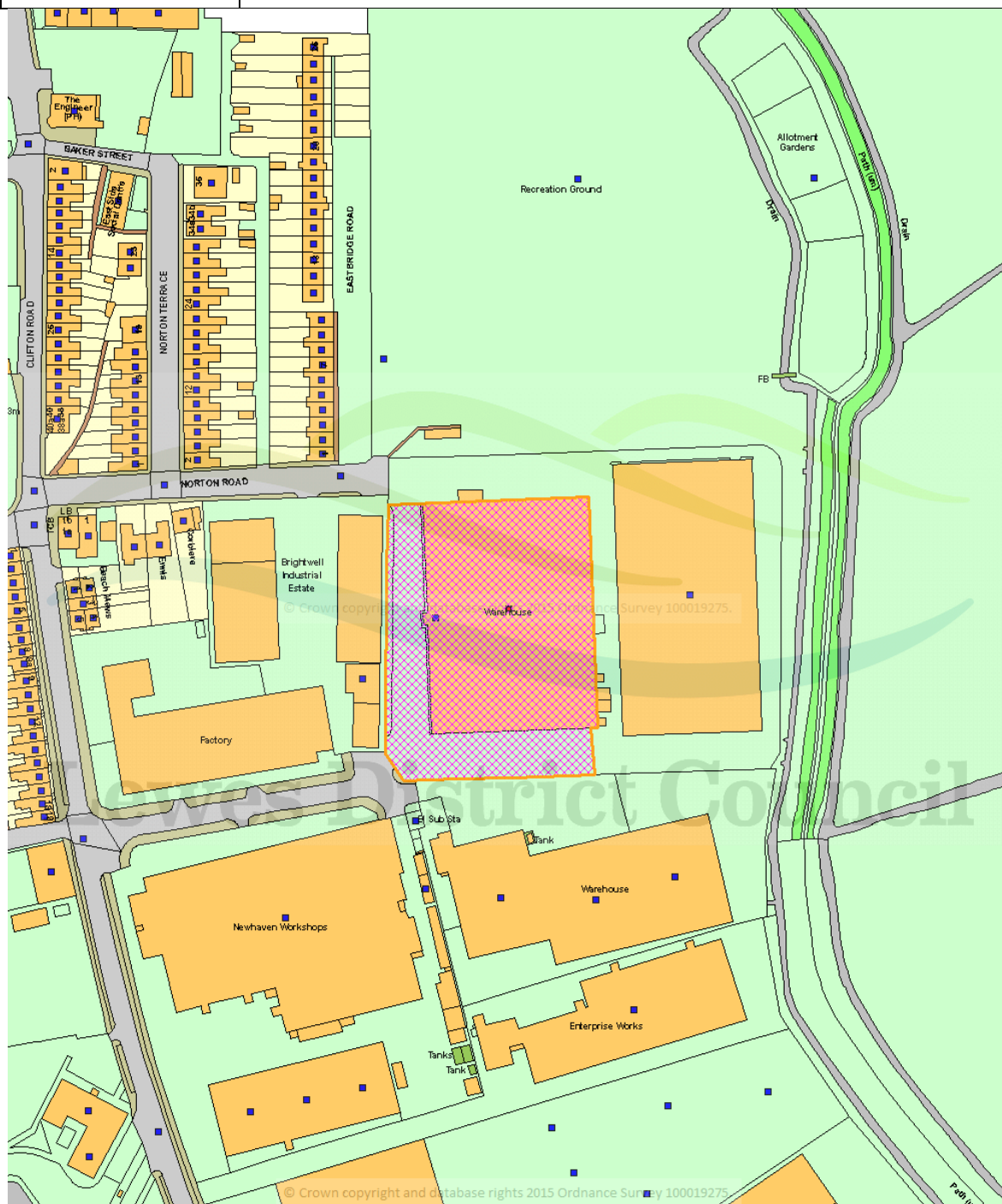


APPLICATION NUMBER:	LW/16/0831	ITEM NUMBER:	6
APPLICANTS NAME(S):	KSD Group Ltd	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Planning Application for Mixed use development of 80 new dwellings (consisting of 1, 2 and 3 bedroom flats, a proportion of which will be affordable) and 600m ² of B1 floor space, associated vehicle parking and hard/soft landscaping		
SITE ADDRESS:	Reprodux House Norton Road Newhaven East Sussex BN9 0BZ		
GRID REF:	TQ45 01		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application relates to a large warehouse/industrial building measuring 49m x 76m, which is approximately two storeys in height and has a floor area of some 3729 square metres. The building is part of a site of some 13780 square metres, which includes a second warehouse having a floor area of 4130 square metres, and a narrow, four storey former office block that was formerly ancillary to the primary use of the site for industrial/warehouse purposes but which has since been converted to residential use via the Prior Approval procedure (ref. LW/15/0417). There are two access roads to the site: Beach Close, which is a predominantly industrial access road; and Norton Road, which bounds four rows of terraced housing to the north of the site. To the south and the west of the site there are industrial uses and to the east lies a large warehouse, beyond which is a drainage ditch which forms the boundary of the Tide Mills Site of Nature Conservation Interest (SNCI). This provides a habitat for protected species including the Great Crested Newt. Beyond the ditch is the "Eastside" site which has permission for housing and, formerly, for a retail superstore.

1.2 The application site is within the defined Planning Boundary and is located on the east side of Newhaven within an established industrial area off Beach Close and accessed via Beach Road. The buildings are not listed and the site is not in a Conservation Area. The planning history for the site indicates that the structures date from the late 1970s and were built for general industrial purposes (B2) for the manufacturing of furniture. Subsequently the site has been used for storage and distribution (B8) and in 2013 approval was granted for the use of the site for waste management (Sui Generis). The site is currently used for salt storage.

PROPOSAL

1.3 The application seeks full planning permission for a mixed use re-development of this industrial site with 80 new dwellings and 600m² of B1 floor space, associated vehicle parking and hard/soft landscaping. The north elevation of the building will front the Eastside Recreation Ground whereas the western side of the site is bounded by Bevan Funnell house, comprising 32 flat's; a bus depot to the south; and to the east public footpath 3c and a stream, beyond which lies the Eastside site benefiting for outline planning permission for 190 new houses (ref. LW/11/0634). The building would be five-storey, with the top floor set back from the elevations of the lower floors.

1.4 The residential element will comprise 27 x 1-bedroom flats, 47 x 2-bedroom flats and 6 x 3-bedroom flats, representing a 34%/59%/6% split. Of these 80 units, 32 are proposed to be affordable, which equates to 40%. The applicant proposes that all will be for social rented, but this will be negotiated by way of a S106 Agreement.

1.5 Car parking is to be provided on the ground level beneath the upper floors. 80 car parking spaces are proposed, of which 6 will be of a suitable size for disabled users, along with 6 motorcycle parking bays. 20 car parking spaces are proposed along the southern boundary of the site, for the commercial space proposed. Furthermore, secure parking for 44 bicycles is proposed together with cycle parking for 3 bicycles for the commercial and visitor use cycle parking.

1.6 In terms of design and layout the development will have an H-shaped footprint to the upper floors, with landscaped courtyards over the roofed areas above the ground level parking and servicing area.

1.7 The external walls are to be finished using local Sussex facing brick with blue brick detailing, and there will be inset sections to add visual interest using a Flemish bond using red/brown weathered multi-brick slips with blue/brown headers to the recessed panels.

1.8 The inner facing elevations around the courtyard gardens will be Sussex facing brick and white render.

1.9 The top floor will form a recessed attic storey set back from the floors below and having an external amenity terrace all the way around. The materials and finishes will be predominantly glazing and metal cladding in a light metallic bronze colour, to give a lighter appearance and, together with the recessed position, to reduce the visual bulk and massing of the top storey, and provide deep window reveals that will act as solar shading in the summer.

1.10 This application is a revised submission following the refusal of a previous planning application, LW/16/0461. The previous application sought planning permission for the proposed demolition of the existing industrial building and for the construction of a six storey building comprising 108 residential units, including 40% affordable housing, and 300 square metres of Class B1 Light Industrial/Office floor space. This application was refused for 5 reasons including loss of employment floor space within an established industrial area; the scale, proportions, bulk and massing of the development appearing incongruous and unduly dominant and out of character with the site context; insufficient information and details of mitigation measures in respect of Air Quality, noise, disturbance, fumes and smells that future residents may be susceptible to; insufficient information in respect of surface water runoff; and increased vehicular trips leading to congestion.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP1 – Provision of Housing and Employment Land

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP7 – Infrastructure

LDLP: – CP9 – Air Quality

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

3. PLANNING HISTORY

P/55/0070 - Use of land for industrial development. - **Refused**

P/59/0128 - Wholesale food distribution depot and store - **Approved**

P/60/0032 - Outline Application for erection of single storey depot buildings. - **Approved**

P/60/0037 - Outline Application for use of land for industrial development class X. - **Approved**

P/62/0142 - Warehouse and distribution centre and offices. - **Approved**

P/63/0025 - Construction of new warehouse and distribution centre and offices. - **Refused**

P/72/1090 - Application for proposed generator housing. - **Approved**

P/73/0191 - Proposed alterations to front porch. - **Approved**

P/74/0034 - Change of use to include Class 1 for Retail, Cash & Carry, Wholesale distribution of Fresh and non- food products. Parking provision for 270 cars. - **Not Proceeded With**

LW/75/0041 - Outline Application for extension to existing warehouse Restrictive Planning Condition No.1. - **Approved**

LW/76/1743 - Fuel Tank for heating oil - **Approved**

LW/77/0838 - Erection of factory for the manufacture of furniture. Decision by ESCC. Restrictive Planning Condition No. 6. *see also restrictive condition No 2 imposed by Industrial Development Certificate 3A/5/73/77 - **Referred to County**

LW/77/1538 - Illuminated sign - **Approved**

LW/78/0027 - Erection of cyclone dust extractor - **Approved**

LW/86/0635 - Non-Illuminated factory location sign - **Approved**

LW/90/0099 - Erection of two water storage tanks and associated generator/pump house - **Approved**

LW/93/0407 - Erection of first floor offices. - **Approved**

LW/93/1234 - Section 73(A) retrospective application for the retention of 18 x 30 diameter chimney flues for various extraction purposes and two replacement air units sited thro/on factory roof. - **Approved**

LW/97/0548 - Erection of six roof ventilators in Factory B - **Approved**

LW/08/0491 - Change of use of unit from B2 (general industrial) to class B8 (storage and distribution) - **Approved**

LW/12/0895 - Change of use of existing building (B2/B8) to a Materials Recycling Facility (MRF) - considered to be a waste management (sui generis) use - **Approved**

LW/15/0417 - Change of use from offices (B1a) to residential (C3) – **Prior Approval Given**

LW/15/0698/CD - Discharge of conditions 1 & 2 relating to planning approval LW/15/0417 - **Approved**

LW/16/0438 - Conversion of ground floor office space to eight residential units -

LW/16/0461 - Mixed use development of 108 new dwellings (consisting of 1, 2 and 3 bedroom flats 40% of which will be affordable) and 300 square metres of B1 floor space, associated vehicle parking and hard/soft landscaping - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Environmental Health – No objection

Noise/Odours

4.2 On balance we have concerns that the National Planning Policy statements regarding noise and in particular whether the development would prejudice the longer established local businesses if those businesses generate noise, which impacts on future residents of the block.

4.3 Should we receive complaints from future residents of noise, odour or diesel fumes; we will be obliged to investigate as required by the Environmental Protection Act 1990. Although we may find that a statutory nuisance exists we are unlikely to be able to seek resolution or further improvements to how the local businesses operate. Companies may argue that they are using Best Practicable Means defence.

4.4 It is possible that the interior environment can be hermetically sealed using appropriate technology, the details of which should be secured by conditions including: contaminated land; verification report; long-term monitoring; and unsuspected contamination, as well as noise, odour and fume protection measures.

Site Management

4.5 Conditions are recommended in order to secure a Construction Environmental Management Plan and a Wheel Cleaning Facility.

Air Quality

4.6 In terms of the impact of the development on air quality in and around Newhaven, this is difficult to assess and confirmed by the findings of the Phlorum report submitted with the application.

4.7 The purpose of the Sussex Air Quality guidance is to identify and ensure the integration of appropriate mitigation into development schemes at the earliest stage. Given that such developments are likely to give rise to a cumulative impact on air quality, we would expect that such development would be seeking to provide compensation for these air quality impacts through a Section 106 agreement.

4.8 A sum of money should be obtained through the Section 106 agreement to be used to offset the impact of the development on air quality in Newhaven. Such funds could be used to develop a Car Club in the east side of Newhaven. Consideration should be given to providing a suitable car parking space within the development where such a vehicle could be parked but accessed by others living in a working within Newhaven. The sum of money would enable car club vehicle be installed including the appropriate signage, publicity and operation for 2 years in order that the car club can become self-funding after that period.

Contaminated Land

4.9 The property in question is currently occupied by Reprodux House forming warehousing associated with a former furniture factory. The factory was previously located immediately to the east of the warehouse with administrative offices adjacent to the west. The furniture factory previously held an environmental permit for timber treatment. In addition, historic mapping indicates a grocery depot was noted on site in the 1970 map edition, later labelled as a warehouse in 1972 (see mapping below).

4.10 Due to the potentially contaminative historical uses of the site and immediate surrounding area, and as a result of the residential nature of the proposal, we recommend that the following conditions are attached to any planning permission: contaminated land; verification report; long-term monitoring; and unsuspected contamination.

4.11 ESCC Highways – No objection

4.12 Given the existing and potential use of the site, the proposed use for 80 dwellings and 600 square metres of B1 employment space will not generate a significant increase in traffic.

Access

4.13 The application indicates that the existing access onto Beach Close would be utilized and improved within the limits of the highway. The access arrangement is shown to be altered to provide an access which is of sufficient width to cater for a two way flow of traffic. Swept path tracking for a refuse vehicle of 11.2m has been provided which is acceptable in this instance. There will be a separate access point into the site to the right of the vehicle access for pedestrians. In order for pedestrians from this site to safely reach the local facilities [including schools, bus stops and railway station] the footways in Beach Close need to be provided/improved to ensure the site is sustainable. Therefore a 1.2 metres wide footway on the northern side of Beach Close and 2 metres wide footway on the southern side are required together with dropped kerbs/tactile paving across the western end of Beach Close.

Trip Generation

4.14 The applicant has assessed the trip rates for both the existing and proposed uses using the TRICS database. These conclude that this development would generate an increase of 15 vehicular trips during the AM peak and 5 in the PM peak. Given the existing and potential use of the site the proposed use would not generate a significant increase in traffic. This proposal would also take away some large vehicles from using the site overall which is welcomed. Therefore the overall trip generation to the site is acceptable.

Visibility

4.15 The site lies within the 30mph national speed limit whereby the visibility splay distances should be 2.4m x 43m which is the desirable distance recommended in Manual for Streets. The access is remaining in its existing position as a continuation of Beach Close the visibility is acceptable. The visibility at the junction of Beach Close with Beach Road is to recommended standards.

Parking/Turning Provision

4.16 20 car parking spaces would be provided for the B1 commercial use and are shown to be on the southern boundary of the site. The residential element would be provided with 80 unallocated car parking spaces. The applicant has also made provision for 6 disabled spaces and there are areas for motorcycles within the parking layout. The number and layout of these spaces [commercial and residential] are in accordance with East Sussex County Council's Parking Guidelines [October 2012].

4.17 Cycle parking is to be provided for both the residential and commercial element which are in accordance with ESCC's cycle parking guidelines and therefore acceptable as shown. The amended plans also now include showers within the commercial element which would enable [and encourage] employees who to cycle to work to refresh themselves.

Demolition/Construction

4.18 Given the location of the development a Construction Traffic Management Plan would need to be provided and agreed prior to commencement of development. This would need to include routing of vehicles, signage, timing of deliveries and management of workers vehicles to ensure no on-street parking occurs during construction. This should be included in a Section106 agreement or as a condition of any planning permission.

Travel Plan

4.19 Given the size of the development a full Travel Plan and Travel Plan Audit Fee of £6,500 is required to encourage non-car modes of transport. The travel plan submitted with the application is entitled "Interim Travel Plan" this is deemed to be a Preliminary Draft Travel Plan by ESCC and therefore incentives etc. will need to be agreed upon the production of the Draft Travel Plan which will be secured through the section 106 Agreement.

4.20 The off-site highway works would need to be secured through a section 106 agreement with the detailed design to be agreed through the S278 Highway Agreement procedure with East Sussex County Council. The section 106 Agreement would also need to include the Travel Plan, Travel Plan Audit Fee and Traffic Regulation Order Contribution in addition to the section 106 requirements.

4.21 Southern Gas Networks – No objection - standing advice

4.22 Housing Needs And Strategy Division – No objection

Number of affordable dwellings

4.23 32 affordable dwellings are proposed for the development. 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. 40 per cent of 80 dwellings equates to 32 affordable units (.4 x 80 = 32). Therefore, we are satisfied with the number of affordable units to be included in the overall development.

Dwelling mix

4.24 *'The proposed mix of the total amount of accommodation is 34% one bed apartments, 59% two bedroom apartments and 6% three bedroom apartments.'* We normally seek a relatively high proportion of 2 bedroom dwellings in line with the needs of the District. We are therefore generally happy with the proportion of 2 bedroom dwellings proposed overall for this site.

Tenure split

4.25 The guideline affordable housing tenure split is generally 75 per cent affordable rented and 25 per cent intermediate (shared ownership). However, all 32 affordable units are to be Social Rented Housing. Having said this, we are still awaiting Government guidance regarding Starter Homes, which may affect the tenure split going forward. Starter Homes are to be included in the definition of affordable housing. The Government is proposing a level of Starter Homes (yet to be specified) on all 'reasonably sized' developments. We may therefore require discussions concerning Starter Homes as well as the tenure split.

Size of dwellings

4.26 We are generally satisfied with the internal floor areas/dwelling sizes on the overall development.

4.27 Natural England – No objection

Protected species

4.28 Natural England has published Standing Advice on protected species.

4.29 Sussex Police – No objection

4.30 No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

4.31 Southern Water Plc – No objection

4.32 Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

4.33 The results of an initial desktop study indicate that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. A formal application for connection to the public sewerage system is required in order to service the development.

4.34 Informatives and conditions are recommended.

4.35 ESCC SUDS – No objection

4.36 The drainage proposals involve the discharge of surface water runoff into an existing outfall connecting to a tributary of the Newhaven Sewer, which is a designated main river. Based on the existing drainage information submitted, this outfall is one of four serving the site. There is no evidence that this outfall is in a condition, or has the capacity, to accept all the surface water runoff from the site.

4.37 The applicant should undertake additional investigations into the condition and capacity of the pipe to received surface water runoff from the development.

4.38 Conditions to ensure surface water runoff from the development is managed safely.

4.39 LDC Regeneration & Investment – No objection

4.40 The proposed development does have some fit with both LDC's Regeneration Strategy and the new Enterprise Zone status affecting the site. The level of new employment provision is, however, at a level lower than we originally envisaged.

4.41 Nevertheless, the applicant has discussed the application in detail with LDC's Regeneration & Investment team, providing commercially sensitive information and a robust independent assessment that highlights why no additional employment-generating commercial provision can be made. Having reviewed this information, we accept the assumptions made by the applicant and withdraw our previous objection.

4.42 In summary, LDC's Regeneration & Investment team has engaged in constructive dialogue with the applicant to ensure that employment-generating provision is maximised. Whilst we note the limited level of commercial floorspace proposed, we recognise that there will be net gains to the local economy as well as provision of some affordable housing to meet identified local needs. Accordingly, we withdraw our objection to this application, but retain our concerns over the limited level of commercial floorspace when set against the site's previous employment use.

4.43 Main Town Or Parish Council – Newhaven Town Council raised the following objections

4.44 There is an unacceptably high density in terms of number of dwellings and this will adversely affect the nature of this community.

4.45 The buildings overall height, bulk and mass is visually overbearing which will mean loss of privacy.

4.46 Proposed parking is insufficient, inadequate for the number of dwellings.

4.47 This will impact on the amount of traffic in the area and the roads will not be able to cope, congestion is a major issue on a daily basis.

4.48 There are concerns about the increase in pollution levels; this will impact on the costs of health in the local community.

4.49 A development of this size will impact on the local facilities, such as schools, local doctors, police and public transport.

4.50 There are also concerns about flood risk in terms of surface water management.

4.51 Coast to Capital LEP

4.52 Coast to Capital LEP are writing to support the referenced application for the 'Mixed use development of 80 new dwellings (consisting of 1, 2 and 3-bedroom flats, a proportion of which will be affordable) and 600m² of B1 floorspace, associated vehicle parking and hard / soft landscaping at Reprodex House, Norton Road, Newhaven, East Sussex'.

4.53 In partnership with Lewes District Council we successfully bid for an Enterprise Zone across eight sites in Newhaven. As part of this bid a vision for the development and regeneration of the town was set out, in which we see Newhaven as having the potential to be the fastest growing business location in the South East. Being within the boundaries of the Enterprise Zone the redevelopment of Reprodex House aligns with this strategy.

4.54 We believe that this application will help drive that development and regeneration in the town which will make it a more attractive proposition for business, workers, and residents. We welcome the mixed use of the site for employment space and housing, and in particular that a proportion of the housing will be affordable. Furthermore we support the assessment of the Lewes Regeneration and Investment team who have also written in support of the application and note the applicant's positivity and willingness to revise their plans based on discussions with the team.

5 REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Hon Maria Caulfield MP has submitted a representation in support of the application stating,

5.2 *"...The applicant has responded to the Council's concern about the height and massing of the development by removing a storey off the new building and introducing other amendments which has resulted in a reduction of 27 flats....the office element has increased to 600 square metres.*

5.3 *I would like to support this application as it brings forward further regeneration of the east side of Newhaven which is one of the key economic priorities and drivers for the District Council. New housing and improved employment opportunities are both urgently needed in the town and I note that the applicant has already converted the former adjacent office building (Reprodex House) to residential and recently completed the refurbishment of the nearby redundant port authority office building for accommodation for staff working on the Rampion off shore wind farm....*

5.4 *....I am encouraged by the positive steps being taken by investors in helping to regenerate Newhaven and also recognise the importance of the District Council in supporting well designed scheme such as the revised proposals for the Beach Close site."*

5.5 Cllr Bill Giles has submitted a representation objecting to the application for the following reasons:-

- Impact on community;
- Insufficient parking;

- Bulk, dominant and over-development;
- Loss of industry;
- Impact on the local roads including Norton Road and the A259;
- Impact on air quality;
- Sewage and drainage.

5.6 Copies of a pre-written letter of objection have been received from 33 (mainly local) households making the following comments:-

- Loss of employment land
- Insufficient parking
- Traffic impact
- Impact on A259
- Impact on local facilities including schools, doctors' surgeries and police
- Incongruous
- Harmful to nature of community

5.7 Individual representations have been received from four local households, objecting to the application for the following reasons:-

- Over development
- High density
- Incongruous design
- Out of character
- Height, bulk and mass
- Subsidence risk
- Contrary to policy
- Effect on wildlife
- Loss of open space
- Waste water, sewage and drains improvements
- Flooding and flood risk
- Lack of infrastructure
- Impact on local facilities
- Overbearing building/structure
- Noise from residents
- Smell/fumes
- Pollution levels
- Impact on air quality
- Overlooking, loss of privacy
- Anti-social behaviour
- Loss of employment space
- More affordable housing is needed
- Social housing
- Insufficient information
- Parking issues
- Traffic generation
- Traffic on A259

6 PLANNING CONSIDERATIONS

6.1 The principal considerations in the determination of the application include the principle of development; the appearance and visual impact; the impact on amenity; flooding, biodiversity and protected species; sustainability and accessibility.

Principle of development:

6.2 The proposed development will result in the loss of 3429 square metres of general industrial and warehouse floor space, which is a significant loss of employment land. However, the specific current use for the storage of salt does not provide for a high level of employment notwithstanding the size of the site. The application proposes 600 square metres of replacement Light Industrial/Office floor space, which is twice as much as proposed as part of the previous planning application, LW/16/0461.

6.3 Core Policy 4 of the Joint Core Strategy is applicable, and states that existing employment sites will be safeguarded unless there is demonstrable economic viability or environmental amenity reasons for not doing so.

6.4 The Regeneration and Investment team has been privy to a financial viability assessment submitted by the applicant, which contains commercially sensitive and confidential information. This marketing and viability data is sufficient to demonstrate that the provision of a greater amount of B1 floor space would render the whole scheme as being unviable. In this regard the Regeneration and Investment team accepts the information, and whilst feels disappointed with the proposed levels of employment space, accepts the situation and raises no objection. As such the proposed level of B1 employment space to be incorporated into the scheme is acceptable.

6.5 The application site is not allocated for housing in either the Local Plan Part One: Joint Core Strategy, or in any Site Allocation and Development Management Policies DPD, or Neighbourhood Plan. The site is located within a well-established industrial area and is bounded on three sides by commercial activities being undertaken in two and three storey scale industrial buildings. The site lies within the Planning Boundary and the adjoining four storey building, Bevan Funnell House, has been converted to flats previously. In consideration of the fact that an acceptable amount of employment space is to be retained as part of the development, the residential use proposed is also acceptable in principle, as part of a mixed use scheme. The site will help to meet housing supply demand in the district and, subject to necessary conditions to safeguard the future occupiers from adjoining industrial uses, will be acceptable.

Appearance and visual impact:

6.6 The proposed design detailing and the palette of external materials and finishes is considered acceptable and previous concerns in relation to the height and scale of the new building have been addressed by removing one storey from the development, which has led consequently to a reduction in the number of residential units proposed from 108 to 80.

6.7 The area is characterised by two to three storey industrial buildings and warehouses with a variety of pitched and flat roofs and the terraced housing north of Norton Road is two-storey, with some properties having converted attic spaces with dormer roof extensions. The converted former offices known as Reprodux House, which adjoin the application site, are four storeys in height and represent one of the taller structures in the locality, albeit a relatively narrow building.

6.8 The application site is not readily visible from the western side of the River Ouse and whilst the development will be partially visible from the east, from Tide Mills and the

Buckle By-Pass, these views will be filtered through trees and the new building will be far less prominent in long views now that a storey has been removed.

6.9 It is also recognised that there is medium-rise residential development on the opposite side of the River Ouse in the western part of Newhaven, such as at West Quay.

Amenity:

6.10 The layout of each of the proposed flats is acceptable and in terms of floor space, whilst the document is not adopted by the local planning authority, the flats generally meet or exceed the National Space Standards set out by the Government in March 2015.

6.11 There will be a gap of 20m between the rear elevation of Reprodex House (which is blank) and the westerly facing flats in the proposed development. This is sufficient to ensure future residents do not experience loss of light or an overbearing impact. There will also be a 45m gap between the north and south blocks of the new development and this will ensure there is no mutual overlooking within the new development itself.

6.12 Turning to the impact on neighbouring properties, the nearest residential homes are in Eastbridge Road, the back gardens and rear elevations of which are at least 31m and 38m from the application site respectively. This is sufficient distance to preclude significant overlooking and loss of light. The north elevation of the proposed development will have an outlook across the Eastside Recreation Ground.

6.13 Permitting noise sensitive development, such as housing, in such close proximity, may prejudice the continued viability and vitality of neighbouring industries, which have been operating without needing to moderate their activities. To do so would be contrary to the national planning policy contained in the NPPF. These matters together with the potential issue of odours emanating from nearby uses have been raised by Environmental Health and the applicant has provided technical reports, clarification and details of proposed mitigation measures.

6.14 The position of Environmental Health is that whilst the development can be safeguarded from potential noise using special glazing and means of mechanical ventilation, this needs to be subject to long-term maintenance to secure their continued functioning. The bus depot use opposite the application site is subject to planning conditions which control the amount of noise and studies submitted by the applicant in respect of fumes and odours appear to demonstrate that levels are low and will not adversely affect future occupiers' levels of amenity.

6.15 The site is not located within an Air Quality Management Area (AQMA) but the applicant has submitted an assessment of the impact of fumes and emissions resulting from the travel movements of future residents' vehicles because in order to travel to and from the site by car, residents will need to use the ring-road and the A259, which are within the Air Quality Management Area and hence will be impacted by additional traffic from the proposed development.

6.16 The applicant's submission has been influenced by the Sussex Air Quality guidance document, which also lists suitable mitigation measures. In this case the proposals seek to improve pedestrian connectivity of the site by upgrading the highway where the site joins Beach Close; provision of an appropriate level of secure cycle parking; and an agreement in principle to securing a Car Club parking space within the development. These measures, combined with the close proximity of the application site to Newhaven Harbour and Newhaven Town mainline railway stations and bus routes are considered sufficient to provide future residents with a choice as to how they travel, which

in turn should help to reduce additional emissions within the Air Quality Management Area resulting from the proposed development.

Flooding, biodiversity and protected species

6.17 The application site is near to a Site of Nature Conservation Interest where there are known to be Great Crested Newts inhabiting a nearby ditch, separated from the site by the warehouse/factory to the east of the application site, which is to remain. The Great Crested Newts are a protected species. Whilst Natural England raises no objection, the standing advice states that a survey should be carried out if there is a water body within 500 metres of the development and Great Crested Newts are recorded historically. However, the standing advice also states that areas may be excluded from survey if the newts are highly unlikely to be present, for example because the habitat is unsuitable or if the planned activity or development will not affect the newt population because, for example, the newts are separated from harmful activities by a barrier that the newts cannot cross.

6.18 In this instance the application site is not likely to have been inhabited by Great Crested Newts due to the nature of the industrial use for salt storage. In addition, there is a neighbouring warehouse/industrial unit between the application site and the ditch and it is unlikely that Great Crested Newts will have crossed this site. As such the impact of the proposed development on the nearby Great Crested Newt population is not likely to be significant.

6.19 Should this turn out not to be the case, the applicant will need to apply for a licence from Natural England regardless of the outcome of the current planning application.

6.20 In terms of flood risk it is noted that the application site is within a Flood Zone 2 which represents a medium risk of flooding. It is noted from that plans that the applicant is not proposing any residential units on the ground floor of the development as this will be allocated to parking. This will also help to safeguard life and property by putting the residential units at a higher level and meet the requirements of the Environment Agency. The Lead Local Flood Authority (ESCC) has raised concerns in respect of the capacity of existing infrastructure to handle surface runoff water. Further details of the existing provisions and, if necessary, enhancements to the capacity of the existing infrastructure, are required and these can be secured by imposing a condition. It should be noted that the existing site is predominantly hard surfaced and the proposed development will incorporate both landscaping and an up-to-date method for surface water runoff.

Sustainability and Accessibility:

6.21 The proposed development will attract a CIL liability which, in accordance with the Council's published 123 Regulations, will go towards general infrastructure improvements across the district, including schools and transport.

6.22 The application site is close to the centre of Newhaven and is in an accessible location.

6.23 There are frequent bus routes along the south coast within walking distance of the application site as well as access to the mainline railway network from Newhaven Town station. The highway authority has been consulted and states that the levels of car parking proposed within the site are acceptable and meet requirements.

6.24 The applicant has submitted details of refuse and recycling storage together with provision and tracking for access into the site by large refuse collection vehicles.

Heads of Terms/S106 Agreement

- 40% affordable housing
- Contributions towards highway works
- Provision of a car club parking space
- Funding to provide a car club space prior to the first occupation of the residential units, to be maintained and financed by the applicant for a minimum of 2 years following occupation of the last residential unit.

7 RECOMMENDATION

The planning permission is granted subject to conditions and completion of the S106 Agreement.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Existing Floor Plan(s)	19 October 2016	105
Existing Floor Plan(s)	19 October 2016	106
Existing Floor Plan(s)	19 October 2016	107
Existing Floor Plan(s)	19 October 2016	108
Biodiversity Checklist	29 September 2016	
Landscaping	29 September 2016	02-616-001 REV A
Landscaping	29 September 2016	02-616-002 REV A
Landscaping	29 September 2016	02-616-004 REV A
Location Plan	29 September 2016	101 REV C
Proposed Layout Plan	29 September 2016	102 REV C
Existing Block Plan	29 September 2016	103 REV C
Proposed Block Plan	29 September 2016	104 REV C
Proposed Floor Plan(s)	29 September 2016	110 REV E GF
Proposed Floor Plan(s)	29 September 2016	111 REV E 1F AND PODIUM
Proposed Floor Plan(s)	29 September 2016	112 REV E 2F
Proposed Floor Plan(s)	29 September 2016	113 REV C 4F
Proposed Roof Plan	29 September	117 REV C

	2016	
Proposed Floor Plan(s)	29 September 2016	118 REV A 3F
Existing Elevation(s)	29 September 2016	120 REV B NORTH AND WEST
Existing Elevation(s)	29 September 2016	121 REV B SOUTH AND EAST
Proposed Elevation(s)	29 September 2016	122 REV C NORTH AND SOUTH
Proposed Elevation(s)	29 September 2016	124 REV C NORTH
Existing Section(s)	29 September 2016	130 REV B A-A B-B
Illustration	29 September 2016	150 REV A
Proposed Elevation(s)	29 September 2016	160 REV A BAY DETAIL
Design & Access Statement	29 September 2016	2824 BEACH CLOSE REV A
Transport Assessment	29 September 2016	160503/KSNEWH
Flood Risk Assessment	29 September 2016	14602/02/FRA
Noise Detail	29 September 2016	2887_001R_3-0_JB