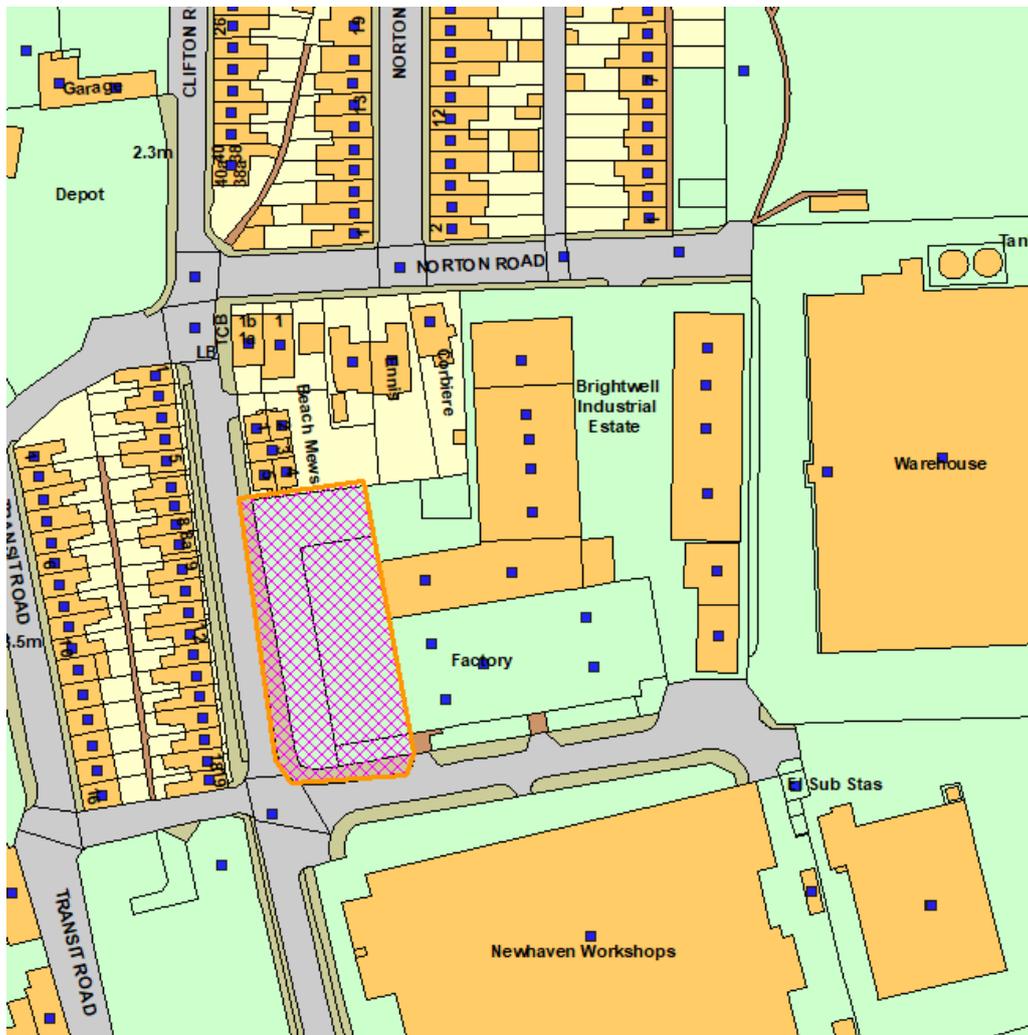


**Report to:** Planning Applications Committee  
**Date:** 6 April 2022  
**Application No:** LW/20/0885  
**Location:** Land adjacent to Norton Road Business Park, Norton Road, Newhaven, East Sussex, BN9 0JF  
**Proposal:** Erection of 10 x affordable dwellings.  
**Applicant:** J. Pybus  
**Ward:** Newhaven South  
**Recommendation:** Grant planning permission subject to S106 Agreement.  
**Contact Officer:** **Name:** Julie Cattell  
**E-mail:** [julie.cattell@lewes-eastbourne.gov.uk](mailto:julie.cattell@lewes-eastbourne.gov.uk)

**IMPORTANT NOTE: This scheme is CIL Liable.**

**Map Location:**



## 1. **Executive Summary**

- 1.1 The proposal to provide 10 affordable homes on what is currently an open parking area, ancillary to the Norton Road Business Park, is considered to outweigh the loss of employment land and to justify a departure from LP policies that seek to protect it.
- 1.2 Approval is recommended, subject to a s106 agreement to secure affordable homes, entry into a Local Training Scheme, a contribution to recycling, off-site highways works, and appropriate conditions.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well designed places
- Meeting the challenge of climate change, flooding and coastal change

### 2.2 Lewes District Local Plan

- LDLP: – SP2 – Distribution of Housing
- LDLP: – CP1 – Affordable Housing
- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: – CP9 – Air Quality
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
- LDLP: – CP13 – Sustainable Travel
- LDLP: – CP14 – Renewable and Low Carbon
- LDLP: – DM1 – Planning Boundary
- LDLP: - DM21 - Land Contamination
- LDLP: - DM24 - Protection of Biodiversity and Geodiversity
- LDLP:- DM25 – Design
- LDLP:- DM27 - Landscape Design
- Planning Technical Advice Note – Sustainable Development
- Planning Technical Advice Note – Newhaven Local Employment and Training
- Planning Technical Advice Note – Biodiversity Net Gain

### 2.3 Newhaven Neighbourhood Plan

- ES1: - The Regeneration of Eastside

ES2: - New Development for Eastside

T1: - Congestion Mitigation and Sustainable Movement

D1: - Promoting Good Design

D2: - Design for Climate Change

H1: - Spatial Strategy for Newhaven

H3: - Housing Sites on Eastside

### **3. Site Description**

- 3.1 The application site is located on the east side of Beach Road, Newhaven and was formerly part of the Norton Road Business Park. This extends to the east of the site and to the north, fronting Norton Road. The site is currently vacant, enclosed by a metal fence, and is laid out as parking ancillary to the Business Park. There are gated access points at the north-west corner (onto Beach Road) and at the southern end (onto Beach Close). Rectangular in shape, the site measures 58m wide and x 24.5m deep, with a site area of 1433m<sup>2</sup>/0.14ha.
- 3.2 Although this area of Newhaven is predominately industrial, there are significant pockets of housing to the north and west. Opposite the application site is a terrace of 2 storey houses dating from the early 20<sup>th</sup> century, to the north is Beach Mews, a small development of 2 storey houses from the 1980s, and to the north of Norton Road, several streets of terraced houses. Eastside Park is located to the north east of the site, accessed from Norton Road.
- 3.3 The site falls within the planning boundary and the Eastside are of Newhaven, although not in an Enterprise Zone. There are two EZ's in close proximity to the site to the south and east.

### **4. Proposed Development**

- 4.1 The application seeks full planning permission to build a terrace of 10 x 3 bedroom/4 person houses. The houses are laid out over ground floor, with downstairs W.C., open plan kitchen, dining room and lounge with folding doors opening onto a rear garden, first floor with 1 x double and 1 x single bedrooms and bathroom, and attic room with 1 x single bedroom and storage. The attic room is lit by a flat roof dormer window. The overall floor area of each unit is 96m<sup>2</sup>. The density of the development would be 70dph.
- 4.2 The terrace is set back from the back edge of pavement by 1 metre, with space for a bin store. Each house has a rear garden of approximately 8.5m length.
- 4.3 The houses will be finished with facing brick slips to the ground floor and horizontal fibre cement cladding system on the upper floor. The roof covering will be zinc standing seam, as will the dormer windows.
- 4.4 Eleven car parking spaces are proposed – nine of which are already laid out along the northern boundary of the site – and two new spaces at the southern end of the site, parallel to Beach Close. Ten of the spaces will be provided with electric car charge points and allocated to a specific dwelling.

4.5 The application under consideration has been amended to incorporate amendments requested by the planning officer and other consultees.

## 5. **Relevant Planning History**

### Wider site to the east, including application site

5.1 LW/18/0467 - Construction of a B1, B2 & B8 extension, amendment to working hours to 24 working, change of estate building colours to units A,B,C & E – Under consideration.

5.2 LW/18/0818 - Construction of B2/B8 extension to unit construction of new replacement B2/B8 Unit D, amendment to working hours to provide 24 hour working, change of estate building cladding colour to units A, B, C, D & E. – Approved 14 February 2019 – expired and no pre-commencement conditions applied for.

5.3 LW/19/0689 - Development of the existing industrial estate to include the demolition of existing Unit D and erection of seven industrial/storage and distribution units (Class B2/B8) to provide 24 hour working – approved 21 April 2020.

5.4 LW/21/0291 - Formation of a new access (off Norton Road) – approved 17 November 202.

### Other relevant applications – EZ site to the east

5.5 LW/16/0831 - Mixed use development of 80 new dwellings (consisting of 1, 2 and 3 bedroom flats, a proportion of which will be affordable) and 600m<sup>2</sup> of B1 floor space, associated vehicle parking and hard/soft landscaping – approved in principle 26<sup>th</sup> April 2017, subject to s106, which is awaiting final engrossment.

## 6. **Consultations**

6.1 The application was initially advertised for consultations in February 2021. The comments below are in response to the initial consultations and follow-up amendments as requested.

6.2 As the proposal is a departure from the Local Plan in that it would result in partial loss of an existing employment site, it was re-advertised in October 2021 under the Departure Procedure. No objections were received in relation to this specific issue, however Newhaven Town Council did respond but regarding other matters.

### 6.3 Environmental Health

#### Air Quality

##### Initial comments

6.3.1 Cannot approve the AQA report for the following reasons:

6.3.2 The AQA references 2020 as the baseline year against which modelled data is verified. Due to the impact of Covid, 2020 is not an appropriate year to use Sussex-air guidance (attached) has not been consulted; this guidance details requirements for AQAs including the

requirement for an emissions mitigation assessment which has not been included in the submitted document.

- 6.3.3 At 4.2.4, for example, reference is made to the LAEI; surely transport data from the NAEI would be more appropriate for a non-London location?
- 6.3.4 A 4.4, the surface roughness has been detailed as 1.5; Newhaven, by any stretch of the imagination cannot be described as a large urban area.
- 6.3.5 A waste water treatment works is situated some 400m to the south east of the proposed development; an odour assessment is required to be submitted in writing and approved by the LPA prior to determining the planning application. This has not been referred to in any form within the submitted AQA.
- 6.3.6 I would advise for reference, that the transport assessment on which some of the AQA data may be based, also does not refer to the cumulative development in Newhaven and has not taken the expected increase in traffic movements both of HDV and LDV into account.
- 6.3.7 Whilst the transport assessment at 3.11 refers to EV charge points for each dwelling in the proposed scheme; I would strongly recommend that this is conditioned into the decision notice should the application be approved to ensure these are not costed out of the proposals.

Updated comments following revised AQA submitted in November 2021

- 6.3.8 I am still not confident in the methodology used in this air quality assessment however as the air quality objectives are not likely to be breached at the proposed site due to the development, I can accept this aspect of the assessment .
- 6.3.9 Unfortunately, the emissions mitigation statement is incorrect. I have clearly asked the consultants to follow the methodology as stated in the Sussex Air guidance (i.e. using the Defra Emission Factor Toolkit) but this has not been done (I acknowledge the link in the guidance document was incorrect but any AQ consultant should be aware of the requirements for an EMS in any case).
- 6.3.10 There are no tables showing the calculations and the total sum required for emissions mitigation (Note: this is over and above the recommendations for EV infrastructure in the ESCC policy documents). Without this, I am concerned that any mitigation may effectively be costed out by the developer whereas an EMS can be conditioned into the decision notice if the development is approved.

Updated comments following revised AQAs submitted in February and March 2022

- 6.3.11 Following review of the odour assessment referenced 11095A.S submitted by Phlorum Consultants (February 2022) in support of the above planning application, I would recommend approval of the

application for site suitability in respect of odour. I accept the conclusions that the proposed development is not likely to suffer nuisance from odour from the nearby Waste Water Treatment Works but note that Southern Water as the lead consultee for water will need to agree with my determination and recommend that discharge for this document is held back until a response is received from SW.

6.3.12 Further to receipt and review of the latest version of the air quality assessment (February 2022) submitted by NRG Consulting, in respect of air quality only I would recommend this application for approval. I must record the fact that this remains a very poorly written 'detailed' air quality assessment containing very many errors. The only reason I can overlook these is due to the fact that the air quality in the vicinity of the proposed development is not close to the national AQ standards and consequently, the development itself (based on currently available information) is not likely to bring future occupiers into an area of poor air quality. I would recommend that the following conditions are applied to the decision notice should the application be approved:

6.3.13 1. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing, by the local planning authority. The CEMP shall be written in accordance with the latest Institute of Air Quality Management guidance documents, BS 5228 Parts 1 & 2 and shall include mitigation measures as detailed at Section Six of the air quality assessment (February 2022) submitted by NRG Consultants. The development shall be undertaken in accordance with the approved plan

Reason: In the interests of the living conditions of occupiers of nearby properties and to manage air quality and noise in accordance with NPPF 181 and 211.

2. In addition to the requirement for eV infrastructure provision as detailed at Condition (4), the development shall include air quality mitigation to the sum of £2,309.00 as costed at Appendix One of the Air Quality Assessment submitted by NRG Consultants (February 2022). These measures shall be agreed in writing with the LPA prior to commencement of building works and once agreed, no further air quality damage costs shall be required.

Reason: In the interests of the living conditions of future occupiers of the site and to manage air quality in accordance with NPPF 181.

3. Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NO<sub>x</sub> boilers with maximum NO<sub>x</sub> emissions less than 40 mg/kWh (*or a zero emission energy source*). The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 181

4. Electric vehicle charge points shall be supplied at each property and must comply with the latest BS7671. Each charge point shall be 'active' and capable of charging electric vehicles without the need for further works.

Reason: To protect and exploit opportunities for the use of sustainable transport modes and to manage air quality in accordance with NPPF 35 and 181.

#### Contamination

6.3.14 The applicant has submitted a phase 1 geo environmental assessment report prepared by Land Science (dated 22 Dec 2020, report ref: LS 5435). The report para 8.2 has highlighted the need for further intrusive investigation at the site. So, if LPA is minded to grant a planning permission, then following land contamination conditions and other general planning conditions are pertinent:

6.3.15 1. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

a. Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

6.3.16 2. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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 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. The long term monitoring and maintenance plan shall be implemented as approved.

- 6.3.17 3. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 6.3.18 4. Hours of work at the site shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturday. No working is permitted at any time on Sunday or Bank Holidays.
- 6.3.19 5. No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

#### 6.4 ESCC SuDS

##### Initial comments

- 6.4.1 The development site and nearby adjacent sites are currently drained via a number of private lateral connections to the public sewer, one of which will be diverted into an existing lateral connection to the south of the site. It is not clear whether this private sewer has capacity to receive runoff from the entire development and surrounding areas.
- 6.4.2 We require that the entire system is modelled to demonstrate that directing all rainfall from the site to the lateral connection in the south of the site will not result in an increase in flood risk to the surrounding area and to the proposed units. The system should be modelled and include flows from the adjacent sites which drain through the site.
- 6.4.3 We require this to be carried out at outline stage as it may impact on the proposed layout of the development if the surface water sewers cannot be diverted without increasing flood risk. If further attenuation is required, then this may impact on the proposed layout of the development.
- 6.4.4 A capacity check should be carried out by Southern Water to demonstrate that there is capacity within the system to receive runoff from the development and the adjacent units at the proposed location.
- 6.4.5 We note the Environment Agency objection to the proposals dated the 26 February 2021. We require that the comments made by the EA are dealt with before we are able to remove our objection.

Consideration should also be given to how land raising will affect the drainage proposals and exceedance flows from the site.

Updated comments following receipt of additional information

- 6.4.6 The applicant is proposing to redevelop the existing brownfield site to provide ten affordable dwellings. It is proposed to attenuate surface water runoff from the development in an attenuation tank and permeable paving to limit runoff rates to 10 L/s for all rainfall events up to and including the 1 in 100 year plus climate change event. This provides a betterment on existing runoff rates from the site.
- 6.4.7 The applicant is proposing to discharge surface water runoff to the nearby combined sewer and Southern Water has confirmed that this is acceptable. It is proposed to reuse the existing connection to the combined sewer and a CCTV survey has been undertaken to confirm that this is in an acceptable condition.
- 6.4.8 The applicant is proposing to discharge surface water runoff to the nearby combined sewer and Southern Water has confirmed that this is acceptable. It is proposed to reuse the existing connection to the combined sewer and a CCTV survey has been undertaken to confirm that this is in an acceptable condition.
- 6.4.9 If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

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

- a. Detailed drawings and hydraulic calculations. The detailed design of the drainage system should be based on the details set out in the outline design by Ryall Structural Engineers (Dwg No: RS-024-T-100 Rev 4, April 2021). Hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 10 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- b. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
- c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d. The detailed design of the surface water drainage features (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest

recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

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

- a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

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

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

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

## 6.5 Planning Policy

- 6.5.1 From 11 May 2021 (five years after the adoption of the LPP1), the district's housing land supply will be assessed against a provisional local housing need figure of 782 dwellings per annum, rather than the 345 dwellings per annum currently set out in the adopted Local Plan. The district's housing land supply and delivery position will be reviewed at that time, but it is unlikely that Council will be able to demonstrate a five year supply of deliverable housing sites sufficient to meet the need for 782 dwellings per annum, as required by the Government. As a consequence, decisions on planning applications involving the provision of housing will be tilted in favour of sustainable development, in accordance with Paragraph 11 of the NPPF. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.5.2 The presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making. Due weight should be given to policies of the adopted Lewes District Local Part 1: Joint Core Strategy (LPP1) 2016, Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) 2020 and the adopted Newhaven

Neighbourhood Plan (NNP) 'made' 2019 according to their degree of consistency with the policies of the Framework.

- 6.5.3 The proposal is to provide 10 residential dwellings on land at Ferryfield Industrial Estate. Policy CP4 of LPP1 states that in order to stimulate and maintain a buoyant and balanced local economy through, amongst others, regeneration of the coastal towns, the LPA will safeguard existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so.
- 6.5.4 The location of the dwellings would result in the loss of part of an employment site contrary to Core Policy 4. It does not appear that any evidence has been submitted to justify that loss as set out in CP4.
- 6.5.5 The site is situated within the planning boundary of Newhaven, and is a sustainable location given its close proximity of the amenities of Newhaven Town Centre and the public transport benefits.
- 6.5.6 Eastside has been the focus of a number of strategies, policies and growth plans over a number of years and includes 4 Enterprise Zones. The site does not fall within the EZ but is immediately adjacent the site at Bevan Funnell. The NNP strongly supports the overall regeneration of Eastside to provide a sustainable mix of uses that complement each other and for employment and residential to be at the heart of any scheme.
- 6.5.7 Policy ES2 of the NNP supports schemes which would provide a variety of new and improved employment floorspace, and residential development as part of mixed use schemes outside the Enterprise Zones.
- 6.5.8 The neighbourhood plan seeks to improve the local environment of Eastside and Policy ES1 sets out a list of considerations for planning applications which should be considered by the case officer.
- 6.5.9 The application does not address LPP1 Core Policy 9, Air Quality. The Newhaven Air quality Management Area covers the town centre and ring road, and the proposal has the potential through traffic generation/movements to impact on the AQMA and the application should address the requirements of Core Policy 9.
- 6.5.10 Therefore the proposal is in conflict with Core Policy 4 in that it involves the loss of part of an employment site, however weight should be given to the fact the site is a brownfield site in a sustainable location. The proposal also fails to address Core Policy 9.
- 6.5.11 It is noted that the application is for 'affordable' units, but no indication of how this will be secured is given. In accordance with LPP1 CP1, a policy compliant scheme of 40% on site affordable units should be secured through a S106 Agreement.

## 6.6 Regeneration Team

- 6.6.1 The Lewes District Corporate Plan (2020-2024) sets out our priorities and key projects over the next few years. The Plan has been informed and developed in consultation with our residents, partners and other stakeholders. A particular focus for the Plan is on 'building community wealth' – ensuring a sustainable economy that creates a fairer place to live and work. This includes maximising the local job opportunities from development and developing local skills in partnership with education providers, such as the East Sussex College Group. The district is an outstanding location for business and enterprise with a diverse community of over 4,800 businesses employing more than 35,000 people.
- 6.6.2 The Newhaven Enterprise Zone covers eight key sites, with the aim of increasing investment and regeneration to create new employment floorspace, jobs and homes. Over a 25-year lifespan from April 2017, the Enterprise Zone is forecast to create and sustain around 2,000 jobs, create 55,000m<sup>2</sup> of new commercial floorspace and refurbish a further 15,000m<sup>2</sup> of commercial floorspace.
- 6.6.3 The intensification of higher value economic uses on the eight designated sites is a key ambition for the Enterprise Zone and vital in creating new opportunities for local residents. Working closely with partners, including local land-owners, we plan to redevelop the sites beyond their current uses, as has already happened at Eastside South with plans rapidly progressing on Railway Quay, Avis Way and the Town Centre.
- 6.6.4 This application site does not lie within the Enterprise Zone but sits adjacent to the Bevan Funnell site. This would be a small scale build enabling sub-contracting to local SMEs, particularly micro-contractors as well as trade sales to local suppliers.
- 6.6.5 In July 2020, Lewes District Council adopted a Technical Guidance Note to maximise the local employment and training benefits arising from development in Newhaven. This applies to all qualifying developments in both wards in Newhaven. The TGN is focused on helping to achieve the Council's objective to build community wealth and ensure more employment opportunities are made available to local residents. Equally, Newhaven has a lower than average skills profile and training opportunities on site will help to address this issue.
- 6.6.6 The site has previously been used for commercial purposes, but it is acknowledged that the site has been unused for some time. We recognise that the commercial viability of different uses has been impacted by ground conditions and that the residential permission sought will enable the retention of adjacent employment space.
- 6.6.7 In accordance with page 8 of the Newhaven Local Employment and Training TGN, the proposed development qualifies for a local labour agreement as it meets the threshold for a residential development.

## 6.7 ESCC Highways

### Initial comments

- 6.7.1 It is unclear what parking will be retained for the commercial unit and if there will be adequate turning provided for the size of vehicles that require access. The planning statement indicates unit E is B2/B8. Using the parking standards and depending on any office provision with the site then between 5 and 10 spaces are required including an area for loading unloading. It will need to be demonstrated that adequate parking is retained.

It would be preferable to provide 1 allocated space per unit given the parking restrictions along Beach Road.

### Updated comments following revisions to layout

- 6.7.2 Vehicular and pedestrian access to the site is achieved via the existing access off Beach Road and a revised access off Beach Close. Both of these accesses are suitable in terms of width to accommodate two-way flows. There is an existing one-way arrangement through the site, with access from Beach Road and egress onto Beach Close. Although two access points will be retained it has been suggested that the internal route will be gated to encourage residents to use the northern access to enter and exit. As these changes will be located off the highway this is not a significant concern; however, the gates will need to be placed to maintain adequate space to the rear of each parking space and also allow suitable turning for vehicles using the adjacent commercial unit. The southern access off Beach Close will be moved to further east, as this is further from the junction this is considered a safety improvement. Any signage to inform drivers of this change will need to be positioned within the site boundary with details provided to ensure signage is adequate. The existing Beach Road access is substandard in terms of construction and as such requires reconstruction.
- 6.7.3 As part of a committed redevelopment at Reprodex House (planning reference: LW/16/0831), enhancements to the footway along Beach Close have been secured. Due to the proposed access alterations for this site these footway enhancements will need to be revised. It is recommended to encourage occupiers of this development to use public transport that dropped kerbs and tactile paving be provided across Beach Road fronting the site.
- 6.7.4 All the off site highway works would need to be secured through a s106 and detailed design agreed through a S171/S278 Agreement with ESCC.
- 6.7.5 It should be noted that all works within the highway required to connect the new estate road with the existing carriageway will need to be carried out in accordance with ESCC specification, under the appropriate license and by an approved contractor.
- 6.7.6 The site is currently vacant as such in order to estimate the level of traffic likely to be generated by the proposed development in

comparison to approved schemes for the site the TRICS database has been interrogated. The TRICS land use category, light industrial unit has been used to suggest the number of movements that could be associated with the site; however, these could vary significantly. Although the potential trip rate should be assessed, considering the existing consents associated with the site it is accepted that the site is likely to generate a similar level of vehicle movements. The data suggests that the existing use had the potential to generate approximately 43 two way daily vehicle movements. The proposed development is likely to generate approximately 46 vehicle movements with 5 movements in the AM peak, 6 in the PM peak. These figures are similar to those obtained from my own interrogation and given the previous and potential use of the site the proposals are unlikely to result in a significant increase in vehicle movements and as such is considered acceptable.

- 6.7.7 The application states that a total of 21 car parking spaces will be provided to serve the 10 residential units, this figure has since been altered with the removal of the flexible parking spaces within the gardens. The parking provided now comprises of 9 spaces alongside the northern boundary and 2 adjacent to unit 10. Using the East Sussex Parking Calculator, a development consisting of 10 No.3 bed affordable houses should be provided with 16 spaces if 1 space is allocated per unit. Although the Transport Report indicates that 10 spaces are acceptable, this is on the basis that all spaces remain unallocated. Electric charging points are proposed but shown within the garden spaces which have now been removed. Although charging points are welcomed, these would need to be provided at each space and the spaces would need to remain unallocated with a shared charging system. Each space would need to be 2.5m x 5m with an additional 0.5m where the space abuts a wall or fence. It is therefore recommended that the accessible space be removed to allow greater flexibility.
- 6.7.8 Cycle parking has also been provided within the rear gardens, although this is conveniently located a gate to the rear should be provided to ensure that access to the cycle storage is available.
- 6.7.9 The closest bus stops to the site are located on Drove Road (A259). This bus stop is approximately 600m to the north of the site and provides a frequent service to Brighton and Eastbourne. The nearest train station to the site is Newhaven Harbour railway station, which is located within 250m of the site via Transit Road. Newhaven Town station is located 700m of the centre of the site to the north-west. These stations link the site to Seaford, Lewes and Brighton.
- 6.7.10 Taking the above observations into account I have no major concerns regarding the development from an accessibility perspective; however, in the interest of encouraging the use of public transport it is recommended that dropped kerbs/ tactile paving be provided across Beach Road to link to the footway improvements secured with planning application LW/17/0205. This will enhance connectivity from the site to Newhaven Harbour Railway Station.

### Conditions

- 6.7.11 The development shall not be occupied until details of the new and existing access and the specification for the construction of the access have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not be occupied until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

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

- 6.7.12 The development shall not be occupied until the existing access off Beach Close shown on the submitted plan (Drawing No 0373 P010) have been stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

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

- 6.7.13 The development shall not be occupied until parking areas have been provided in accordance with the details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

- 6.7.14 The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority] and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development

- 6.7.15 The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used for any other purpose.

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

### Informatives

- 6.7.16 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. This includes the construction of the

new access, reconstruction of the existing Beach Road access, closure of the existing and dropped kerbs and tactile paving across Beach close. 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.

- 6.7.17 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).

## 6.8 Sussex Police

- 6.8.1 I have concerns regarding the proposed mixed use flexible commercial residential application.
- 6.8.2 Access and Movement- Large delivery lorries moving around and through the development.
- 6.8.3 Structure- The business park's daily business impacting upon the development through noise and movements.
- 6.8.4 Surveillance – Unobserved parking court to the north of development, inadequate observation over rear garden gates.
- 6.8.5 Physical Security – Vulnerable front windows & inadequate rear garden vehicle gates making rear of property vulnerable to unobserved attack.
- 6.8.6 Activity - Continual presence of large delivery vehicles accessing development off Beach Road and vehicle movements from Beach Close. Constant activity in and around the immediate business park.
- 6.8.7 I have concerns that the above will impact upon the amenity of the residents within the proposed development between the proposed usage and any existing usage already present in the area. The presence of the adjacent industrial estate creates conflict due to the fact that the residential main vehicle access is the same as that of the Business Industrial Estate, which is used by large delivery vehicles. I have concerns for the resident's safety when accessing their vehicles parked here or when accessing their gardens from the rear. The shared access also raises concerns for the amenity of the residents due to the noise, smells and pollution created by the adjacent Business Park delivery vehicles. The extent of the impact will be determined by the rate of vehicles per hour, per day and whether they occur in the early morning or late in the evening.

- 6.8.8 The DAS mentions that the houses will be set back by one metre from the street so as to provide defensible space. I recommend low topped railings are incorporated into the fronts of the terraced block. This will clearly define the difference between public and private space and will provide further protection to the vulnerable ground floor windows here.
- 6.8.9 The development's parking court to the north of the site off Beach Road, shares its access with the adjacent business park. It has no observation over it from any active rooms of the development. Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms.
- 6.8.10 From a crime prevention perspective, the rear gardens are shown as having double gates so as to accommodate an electric vehicle. In order to maintain security of the rear garden and remove unobserved access to the rear of the dwelling I highly recommend these gates are adequate and fit for purpose. SBD Homes 2019 V2 para 13.1 states; Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. Therefore I recommend the proposed vehicle gates to the gardens conform to the recommendations within para 10.6.8. -10.6.10 of SBD Homes 2019 V2. It is extremely important these rear vehicle gates are adequate and fit for purposes as all the rear gardens can be accessed unobserved from both of the development's two vehicle access points, Beach Road and Beach Close.
- 6.8.11 There is no mention of secure cycle storage within the DAS. Should this become a reality, I direct the applicant to SBD Homes 2019 V2 para 56 where cycle security advice can be found.
- 6.8.12 Finally, I see no mention of lighting within the application. In the interests of safety and security, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.
- 6.8.13 At present from a crime prevention perspective Sussex Police would not support this application, however Sussex Police would support the application from a crime prevention perspective subject to my above concerns and recommendations being satisfactorily addressed.

## 6.9 Southern Water

- 6.9.1 In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of

the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 350metres from the Newhaven Main Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response.

6.9.2 Due to the potential odour nuisance from a Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour. Please contact Southern Water to discuss and agree the Scope of the odour assessment.

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

#### 6.10 Environment Agency

##### Initial comments

6.10.1 Object on the following grounds.

6.10.2 The submitted FRA states that the current flood alleviation scheme provides a 1 in 200 year standard of protection to 2055, which is less than the expected lifetime of the development. In addition, the FRA states that proposed floor levels should be set accordingly, and consideration be given to raising levels. The submitted plans and cross sections of the proposed development indicate that floor levels have been set at existing ground levels. Therefore, there is a risk to life to the future occupants of the development.

6.10.3 The objection can be overcome by raising the finished ground floor level 600mm above existing ground level and this should be reflected in a revised FRA and plans.

##### Updated comments following receipt of additional information

6.10.4 Having received further information regarding the ground floor levels, EA is satisfied that the previous objection can be removed, provided that the following condition can be attached to any planning application granted and that the details in relation to the condition be submitted and approved by the LPA:

1. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Beach Road, Newhaven. Flood Risk and Drainage Assessment, dated January 2021, ref: 15192/06/HOP/RPT/01, by HOP Consulting Limited) and the following mitigation measures it details:

All sleeping accommodation to be located on the first floor and above

Flood resilience and resistance measures are to be incorporated as described in section 6

Owners/occupants are to sign up to the Environment Agency's Flood Warning Service, and a flood action evacuation plan is to be developed for the site (to be agreed by Local Authority Emergency Planners). Owners/occupants are also to be made aware of this plan and its contents

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, to maximise the safety of occupants of the building by providing safe refuge and providing arrangements for evacuation in an extreme event and to maximise the building's safety and resilience to floodwater.

#### 6.11 Newhaven Town Council

##### Initial comments

- 6.11.1 The committee broadly supported this application and its density, but had the following concerns:
- 6.11.2 It seems there was little or no publicity and/or consultation regarding the application.
- 6.11.3 Flooding remains a concern, it is suggested that the housing would benefit from being raised above existing ground level.
- 6.11.4 The development makes good provision for parking; however, this will result in higher traffic volumes in this area, and which will be exacerbated by the incomplete Port Access Road.
- 6.11.5 The continued development of this and other brownfield sites for residential use will reduce the number of business premises available in this area and the Town generally.

##### Comments following re-advertisement of departure

- 6.11.6 Object for following reasons:
- 6.11.7 Parking layout did not appear to provide sufficient access for vehicles and for EV charging.
- 6.11.8 The issue of drainage and flooding remains.

#### 7. **Neighbour Representations**

##### 7.1 Two representations objecting:

Inadequate parking

Too much development in the area

Too many commercial lorries using and damaging road

Insufficient infrastructure

- 7.2 Two representations of support:  
Newhaven needs more affordable housing.

## 8. Appraisal

### 8.1 Principle

- 8.1.1 The site is within the development boundary so the proposal would not conflict with policy DM1. The proposed density, 70dph, is higher than the suggested range of 47-57 set out in policy CP2. However, the surrounding residential development displays densities of between 88 and 135 dph. The proposed density is considered to be appropriate in this location.
- 8.1.2 As noted above, the application site is laid out for parking ancillary to the Norton Road Business Park, despite being currently underused. As such, the site is considered to be employment land and benefits from two extant planning permissions for new commercial floorspace. However, it should be noted that neither of the approved applications has been progressed and one has lapsed.
- 8.1.3 An alternative use for the site would be in conflict with policies CP4 and the potential to provide employment opportunities for local people is a key consideration in the determination of this application.
- 8.1.4 On the other hand, the site is located within the planning boundary and the application would deliver 10 new, 3 bed/5 person affordable homes on a brownfield site, supported by policies DM1, CP1 and CP2.
- 8.1.5 The proposal is also supported by the Regeneration Team, stating that the application site has *"..previously been used for commercial purposes, but it is acknowledged that the site has been unused for some time. We recognise that the commercial viability of the different uses has been impacted by ground conditions and that the residential permission sought will enable the retention of adjacent employment space"*.
- 8.1.6 At present, the council is unable to demonstrate a five year supply of deliverable housing sites sufficient to meet the need for 782 dwellings per annum, as required by the Government. As a consequence, decisions on planning applications involving the provision of housing will be tilted in favour of sustainable development, in accordance with para.11 of the NPPF. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 8.1.7 As well as being in a highly sustainable urban location, a major benefit of the scheme is that it will deliver 100% affordable housing.
- 8.1.8 Therefore, on balance it is considered that the disbenefit of loss of potential employment floorspace, currently used for parking, is outweighed by the proposal to build ten affordable homes for local people.

## 8.2 Design

- 8.2.1 The design of the new houses is attractive and the palette of materials, particularly the metal roof, reflects the industrial buildings in the Business Park.
- 8.2.2 The overall layout and appearance of the houses is similar to the terrace on the opposite side of the road and in roads in the wider area. It is considered that the proposal meets the design criteria of policies CP11, DM25 and D1.

## 8.3 Boundary treatment and biodiversity enhancement

- 8.3.1 The applicant has agreed that the access road to the rear will have security gates at both ends and secured by an electronic system that can only be utilised by operatives carrying out occasional maintenance work to the adjacent site in the applicant's ownership. Details of the gates and security system will be secured by condition.
- 8.3.2 Details of the front and rear boundary treatment to the dwellings will also be requested.
- 8.3.3 The site has little if any biodiversity value. The introduction of domestic gardens and planting will bring about immediate enhancement. Bat and bird boxes will be secured by condition to add further enhancements.
- 8.3.4 Policies DM24 and DM27 are considered to be addressed relation to the proposal.

## 8.4 Amenity and Security

- 8.4.1 The overall floor area of the houses (96m<sup>2</sup>) exceeds the Nationally Described Space Standards for 3 bedroom/4 person houses. The bedrooms are shown as 1 x double at 13m<sup>2</sup>, 1 x single at 8m<sup>2</sup> and 1 x single in the attic at 13m<sup>2</sup>. Although this room meets the standard for a double bedroom, the space available, being within the roof space, only lends itself to a single bedroom.
- 8.4.2 The houses will have direct access to a private rear garden of approximately 8.5m in depth and a small area to the front.
- 8.4.3 The nearest residential properties, on the opposite side of the road, are 16m away in a standard front-to-front urban layout. Therefore it is considered that the proposal will not result in any loss of amenity for nearby residents by way of overlooking or overshadowing.
- 8.4.4 In terms of security, most of the concerns raised by Sussex Police have been addressed. The proposal is not for a mixed commercial and residential use, so there will be no conflict with large vehicle movements. The access road to the rear will now have restricted use, reducing security risks to the rear of the properties. Direct surveillance of the car park is not possible from every dwelling, although indirect views of the car park can be achieved from the first floor rear windows of plots 1 and 2. Details of lighting is to be secured by condition.
- 8.4.5 The proposal meets the amenity aspects of policies CP11 and DM25.

## 8.5 Transport and parking

- 8.5.1 The site is in a very sustainable location, within 600m of bus and train links and 700m to the town centre.
- 8.5.2 The application as originally submitted indicated off-street parking spaces within the rear gardens, as well as on the northern part of the site, which would be accessed via a road at the rear. This would have resulted in limited garden area, noise and disturbance and security issues. The width of this road has been reduced and will be restricted by condition for occasional use only for maintenance of the building to the immediate east of the application site and will have secure gates at each end for this use only.
- 8.5.3 The number of parking spaces has been reduced from 21 to 11, which would be acceptable to ESCC Highways if the spaces were unallocated. This would conflict with the applicant's preference to allocate the spaces so that the future occupants can have a dedicated EV charge point. Although, it is possible to have 'on-demand' EV points, with the power provided by a third party company, it is understood that the cost per kwh is 50p, whereas domestic suppliers can offer deals of 5p per kwh.
- 8.5.4 If the spaces were unallocated, 16 off-street spaces would be required. The choice therefore is between encouraging the use of electric vehicles against a shortfall of 5 on-street parking spaces.
- 8.5.5 There are some parking restrictions along Beach Road, but not in streets to the north of the site, where there does appear to be some capacity for on-street parking.
- 8.5.6 On balance, it is considered that the opportunity for residents to have access to cheaper electric car charging outweighs any harm arising from the shortfall in off-street parking.
- 8.5.7 The Highways comments about the access road to the rear of the site are noted. However, this road is not intended for general use by future residents or for operational purposes connected to the adjacent industrial estate. As stated above, the applicant requires occasional use only for maintenance of the buildings adjoining the site boundary to the east and access will be strictly controlled.
- 8.5.8 Planning permission for a new access to the industrial estate was approved in 2021 (see paragraph 5.4 above), which will accommodate all large operational traffic away from the application site. The access off Beach Road will be for residents of the proposed housing as well as staff working at the industrial estate.
- 8.5.9 Cycle parking will be provided in the rear gardens. Although rear access as suggested by Highways would be ideal, this would be in conflict with the restricted use of the road. The ground floor of the houses is open plan with a relatively straightforward route through to the gardens, which are accessed via sliding doors. This is considered to be an acceptable arrangement given the site restrictions.
- 8.5.10 It is considered that the proposal complies with policy CP13.

## 8.6 Air Quality and contamination

- 8.6.1 The revised Air Quality Assessment, received in February 2022, covers in some detail the issue of potential odours from the Waste Water Treatment Works. The AQA concludes that the '*..overall odour exposure across the site was judged to be Negligible with reference to the IAQM guidance.*'
- 8.6.2 The AQ Officer comment regarding re-consultation with SW are noted. However, in this case, the report provided by the applicant is considered to be sufficiently robust in its own right to cover the issue raised.
- 8.6.3 The application was accompanied by a phase 1 geo environmental assessment report, which EH found to be satisfactory, subject to conditions.
- 8.6.4 It is considered that the proposal complies with policies CP9 and DM21.

## 8.7 Sustainability

- 8.7.1 The plans indicate photovoltaic panels on the rear roof slopes and space in the attic floor for the necessary plant. Taken together with the EV charging points, these measures, to be secured by condition, indicate compliance with policy CP14.

## 8.8 Comments on objections

- 8.8.1 Newhaven Town Council's recent objections are noted. However, the EA objection has been addressed and ESCC SuDS Team is now content with the proposal, subject to conditions. EV charging points are to be provided and will be secured by condition.

## 8.9 Conclusion

- 8.9.1 The development of this site for residential use would result in the loss of approximately 620m<sup>2</sup> of potential B2/B8 floorspace (as proposed in LW/19/0689).
- 8.9.2 Taking into consideration the council's lack of a five year housing supply, a shortfall in the provision of affordable housing, taken together with the Regeneration Team's support for the proposal, it is considered, on balance that the development of this site to provide 10 affordable homes on this brownfield site is considered to outweigh the harm of the loss of B2/B8 floorspace.
- 8.9.3 Approval is recommended, subject to s106 and conditions.

## 9. **Human Rights Implications**

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

## 10. Recommendation

10.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions, and the completion of a S106 agreement to secure 40% affordable housing, local labour and training obligations, and a S268 agreement relation to the highway works.

### 10.2 Conditions

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

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Location Plan	18 November 2021	0373-S001 Location plan
Proposed Layout Plan	18 November 2021	0373- P010C Proposed block plan
Street Scene	18 December 2020	0373-P011A Proposed street scene elevations
Proposed Floor Plan(s)	18 December 2020	0373 - P012 - Proposed ground and 1st floor plans
Proposed Floor Plan(s)	18 December 2020	0372-P013 Proposed attic and roof plan
Proposed Elevation(s)	18 November 2021	P011A Proposed elevations
Proposed Elevation(s)	18 December 2020	0373-P014 Proposed front and rear elevations
Proposed Elevation(s)	7 June 2021	0373-P018A Proposed end elevations and sections
Technical Report	16 June 2021	Foul & Surface Water Drainage Report
Technical Report	1 February 2021	Geotechnical and Geo-environmental Assessment
Technical Report	1 February 2021	Flood Risk and Drainage Assessment
Technical Report	1 February 2021	Noise Impact Statement
Technical Report	11 February 2022	Odour Report
Technical Report	25 February 2022	Air Quality Assessment

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

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

- the anticipated number frequency and types of vehicles used during construction;
- the anticipated number frequency and types of vehicles used during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding
- details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders;
- public engagement both prior to and during construction works to include details of engagement with the occupiers of all properties (residential and commercial) within 50m of the boundary of the site, and to include details of points of contact with site manager (phone and email) and to include details of how regular updates on progress and key activities in the implementation will be communicated;
- temporary lighting for construction and security;
- means of safeguarding public rights of way or providing temporary diversions;
- details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974
- details of off-site monitoring of the CEMP; and
- assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

The approved CEMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.

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

3. No development shall commence, including any ground works until a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

a) Detailed drawings and hydraulic calculations. The detailed design of the drainage system should be based on the details set out in the outline design by Ryall Structural Engineers (Dwg No: RS-024-T-100 Rev 4, April 2021). Hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 10 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

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

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

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

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

4. No development shall commence until a maintenance and management plan for the entire drainage system has been submitted to the planning authority to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

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

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

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

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

5. No development shall take commencement until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

a. Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

b. The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

c. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In order to ensure that risks from any 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 having regard to policy DM21 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. No development shall commence above ground floor slab level of any part of the development hereby permitted until details/samples of all external materials have been 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 policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

7. No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in

detail the estimated sizing of each of the contributing technologies to the overall percentage. The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.

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

8. No part of the development shall be occupied/brought into use until a verification report demonstrating completion of 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 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. The long term monitoring and maintenance plan shall be implemented as approved.

Reason: In order to ensure that risks from any 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 having regard to policy DM21 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. No part of the development shall be occupied into use until details for the provision of electric car charging points have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

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

10. No part of the development shall be occupied into use until details of the new and existing access and the specification for the construction of the access have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not be occupied until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

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

11. No part of the development shall be occupied until the existing access off Beach Close shown on the submitted plan (Drawing No 0373 P010) have been stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

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

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

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

13. No part of the development shall be occupied until a turning space for vehicles has been provided and constructed in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used for any other purpose.

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

14. No part of the development shall be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority] and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

15. No part of the development shall be occupied until details of the security gates at either end of the access road at the rear, and of the electronic system to restrict entry to the road have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To ensure that access is restricted to the road in the interest of security in accordance with policies CP11, DM25 and DM27 of the Lewes District Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

16. No part of the development shall be occupied until details of the front and rear boundary treatments to the new dwellings and of security lighting to the car park have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: In the interest of security and visual amenity in accordance with policies CP11, DM25 and DM27 of the Lewes District Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

17. No part of the development shall be occupied until details of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: In the interest of enhancing the biodiversity of the site in accordance with policies DM24 of the Lewes District Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

18. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.

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

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

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

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having

regard to policies CP11, DM25 and DM34 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

10.3 Informatives:

1. 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. This includes the construction of the new access, reconstruction of the existing Beach Road access, closure of the existing and dropped kerbs and tactile paving across Beach close. 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.
2. 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. **Background Papers**

11.1 None.