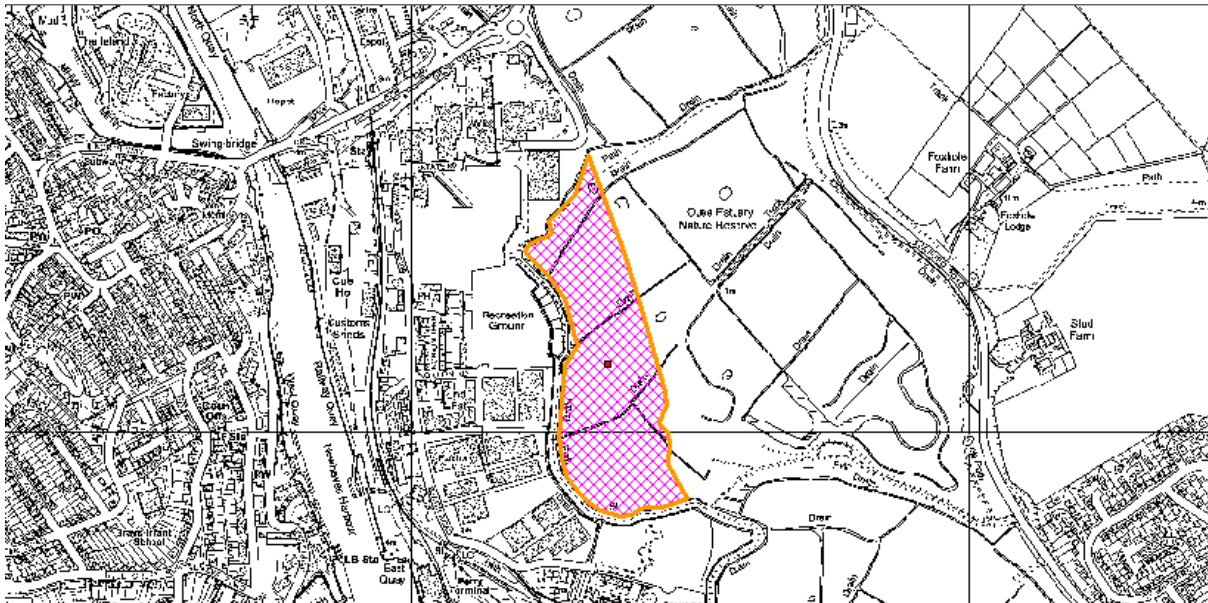


Report to: Planning Applications Committee
Date: 27 April 2022
Application No: LW/21/0422
Location: Land at Eastside, The Drove, Newhaven
Proposal: Hybrid planning application seeking (1) full planning permission for the erection of a warehouse (Use Class B8) with ancillary office, van storage, vehicle parking, ancillary structures, infrastructure, landscaping and associated works and (2) outline planning permission with all matters reserved except for access for the development of employment units (Use Classes B2, B8 and E(g)(iii)).
Ward: Newhaven South
Applicant: Lysander
Recommendation: Delegate to The Head of Planning to approve subject to confirmation that National Highways and the County Ecologist do not object, and subject to conditions listed in this report and a s106 agreement to secure highway works, ecology/biodiversity contributions and a local employment and training plan.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Map Location:



1. **Executive Summary**

- 1.1 The proposed scheme involves the delivery of employment uses (including outline approval for the development of the Eastside north Enterprise Zone) that would provide local jobs and support the regeneration of Eastside..
- 1.2 The proposed development has been designed to have minimal impact upon visual, residential and environmental amenity, informed by a comprehensive suite of reports and assessments that accompany the planning submission.
- 1.3 The operation of the B8 element of the development would generate a significant level of vehicle movements due to the nature of the use (distribution). Traffic would access the wider highway network from the recently completed port access road. Comments from ESCC Highways and National Highways are awaited and no approval would be issued unless and until both parties confirm they are satisfied with the development and associated highway mitigation/improvement measures.
- 1.4 Due to the size of the scheme and the undeveloped nature of the site it would not be possible to deliver on-site biodiversity net gain. However, there are ongoing discussions with the County ecologist to deliver biodiversity enhancements in the immediate area to offset this loss and to ensure there are mitigation measures to prevent adverse impact upon the neighbouring Ouse Estuary wildlife site.
- 1.5 There are extant permissions in place for the development of the site for residential and retail purposes. These permissions were granted over 8 years ago and are only extant due to minor access works, representing a technical start, being undertaken. There is not indication that these schemes would come forward and the application must be determined in its own merits, with the economic and social benefits of new jobs and the environmental benefit of site decontamination, off site biodiversity enhancement and introduction of sympathetic screening to the site and surrounding commercial uses being central to the determination.

2. **Relevant Planning Policies**

- 2.1 National Planning Policy Framework 2021
2. Achieving sustainable development
4. Decision making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and enhancing the natural environment

14. Conserving and enhancing the historic environment

2.2 Lewes Local Plan Part 1

CP4 – Encouraging Economic Development and Regeneration;

CP10 – Natural Environment and Landscape;

CP11 – Built and Historic Environment & Design

CP12 – Flood Risk, Coastal Erosion and Drainage

CP13 – Sustainable Travel

CP14 – Renewable and Low Carbon Energy

2.3 Lewes Local Plan Part 2

DM20 – Pollution Management

DM21 – Land Contamination

DM22 – Water Resources and Water Quality

DM23 – Noise

DM24 – Protection of Biodiversity and Geodiversity

DM25 – Design

DM27 – Landscape Design

DM33 – Heritage Assets

2.3 Newhaven Neighbourhood Plan

ES1 – The Regeneration of Eastside

ES2 – New development for Eastside and the Enterprise Zones

ES3 – Eastside's Natural Environment

T1 – Congestion mitigation and sustainable movement

NE1 – Biodiversity protection and enhancement

D1 – Promoting Good Design

D2 – Design and Climate Change

H1 – A Spatial Strategy for Newhaven

3. **Site Description**

3.1 The site is a broadly flat swathe of grass and scrubland that currently forms a buffer between predominantly commercial development on Eastside (to the west) and the recently completed port access road (McKinley Way). Part of the western site boundary flanks the Eastside recreation ground and allotments, both of which are bordered by a belt of mature trees and hedgerow. There are overgrown mounds of earth associated with access groundworks towards the southern end of the site. The site forms a plateau with a drainage ditch flanking the northern, western and southern boundaries and the eastern boundary marked by a vegetated bank that slopes down to the level of McKinley

Way. The site is a designated local wildlife site but is subject to extant planning permission for part residential part retail development.

- 3.2 Access onto McKinley way is present in the form of a fully surfaced and marked out twin carriageway junction which is positioned roughly halfway down the site. The works include tactile paving where the junction crosses the footway and a dedicated right hand turning bay formed on McKinley Way. Further access is provided by an exit formed on the roundabout positioned towards the southern end of the site. McKinley Way provided connectivity between the port to the south and the A259 to the north. The A259 in turn provides connectivity with the A27 trunk road to the north via the A26..
- 3.3 The opposite side of McKinley Way is flanked by the Ouse Estuary Nature Reserve and connectivity with the reserve is provided by a public footpath that traverses the site, loosely following the western site boundary, before crossing McKinley Way and continuing into the reserve. The reserve falls within the South Downs National Park.
- 3.4 Longer distance views to the north and east take in the escarpment of the South Downs, the hillside settlement at Denton and the low lying land at Ouse Estuary. The green space to the east provides a buffer between the settlements of Newhaven and Seaford. The harbour entrance, cliff tops and Fort Hill can be viewed to the west.
- 3.5 The majority of the site falls within Flood Zone 1, owing to its elevation, although the northern edge of the site and a small pocket of the central section fall within Flood Zones 2/3. However, the lower lying land immediately surrounding the site all falls within Flood Zones 2 and 3 and is therefore identified as being vulnerable to tidal/fluvial flooding. The majority of the site is identified as being at low risk of surface water flooding, save for some patches towards the centre and an overland flow towards the northern edge. Parts of Eastside Recreation Ground to the east are, however, identified as being at medium to high risk of surface water flooding. There is a sewage treatment works approx. 115 metres to the south of the site.
- 3.6 The southern end of the site falls within the Eastside (north) enterprise zone, the area of which is currently undeveloped. There is commercial development to the south within the adjacent Eastside (south) enterprise zone in the form of Eastside Business Park. There is a ESCC safeguarded waste and minerals site to the west of the application site on Beach Road and ESCC have been consulted for comments on any potential impact as per policy SP7 of the Waste and Minerals Sites Plan. The site and the wider surrounding developed area fall within the Eastside Regeneration Area identified within the Newhaven Neighbourhood Plan.
- 3.7 The site forms an area of archaeological interest due to the presence of complex geo-archaeological and palaeoenvironmental sediments (including former land surfaces at depth) dating back approximately 18,000 years.
- 3.8 There are no other specific planning designations or constraints attached to the site.

4. Proposed Development

- 4.1 The application has been submitted in hybrid form, with full permission being sought for the erection of a distribution centre on the northern part of the site and outline permission (access details only) sought for the creation of a business park on the southern part of the site (which falls within an Enterprise Zone).
- 4.2 The distribution centre would be based around a warehouse structure measuring approx. 91 metres in length by 63 metres in width. The warehouse would have a gently pitched gable roof, with eaves height at 11.1 metres and the ridge line at 13.9 metres. The walls and roof of the building would be clad in a mix of light and dark grey composite panels. Office space would be served by first floor level windows and the main entrance to the building would incorporate full height glazing. Other openings would be restricted to solid secondary and fire exit doors as well as loading bays.
- 4.3 The overall ground floor area would be 5,784 m² and, other than clusters of welfare rooms in each corner, the entire space would be used for storage/distribution purposes. First floor level offices would be situated on a mezzanine which would provide an additional 2,162 m² floor area. A plant deck of 1,183 m² would be provided within the roof space.
- 4.4 A canopy structure would be provided over the van loading area, adjacent to the western elevation of the warehouse. The structure would be open sided and the roof would be in the form of two tensile fabric domes. The canopy would measure approx. 91 metres in length by 23 metres in width, with a roof top height of approx. 5.3 metres and a height clearance of approx. 3 metres.
- 4.5 A staff parking area with a capacity of 124 car parking spaces including 6 disabled bays and a further 12 motorcycle bays, would be formed to north of the warehouse building. A covered cycle store for up to 20 bikes would also be installed within the parking area. An HGV service yard would be provided immediately to the south of the warehouse building, where a total of 6 x HGV delivery bays and 2 x van delivery bays would be provided. Further to the south of the building there would be a van parking/storage area providing 393 parking bays. To the west of the warehouse building, 40 van loading spaces would be provided beneath the canopy structure. A further 40 open air spaces would be provided for van waiting to access the loading area.
- 4.6 The two existing site entrances would be utilised. The junction access would lead directly to the HGV service yard whilst the roundabout access would lead to the van storage and loading areas, which would be connected by an internal road. A new access towards the northern end of the site would serve the staff car park.
- 4.7 A number of small ancillary buildings would be distributed across the site. A 21 m² welfare building and separate 28 m² covered store would be provided in the south-western corner of the site, in the van storage yard. Guard cabins of 2.25 m² would be positioned at the access to the

HGV yard and the van storage area, along with associated barriers and gates.

- 4.8 The HGV service yard would be enclosed by a 2.4 metre high green welded metal mesh fence (other than the barrier controlled access). A similar fence would be positioned on the eastern and southern edge of the van loading and storage area, with the enclosure completed through the use of a 3.5 metre high acoustic fence which would run along the western edge of the area and wrap around to the north. Access to this area would be controlled by gates and barriers which would be set back approx. 95 metres from the roundabout, beyond a bend in the road.
- 4.9 Other infrastructure includes 3 x electricity substations that would be housed within GRP cabinets measuring 3 metres square and 2.8 metres in height and 1 x GRP cabinet housing gas related equipment and measuring 2.4 metres in length by 1.8 metres in depth and height. All cabinets would be positioned towards the eastern site boundary, flanking McKinley Way.
- 4.10 A landscaped buffer would be provided on all site boundaries. The width of the buffer on the western boundary, which flanks the Eastside allotments and recreation ground, would vary between a minimum of approx. 20 metres and a maximum of approx. 30 metres in width.
- 4.11 The outline part of the scheme, which relates to land on the southern part of the site that falls within the Enterprise Zone, seeks approval of access arrangements only.
- 4.12 The proposal involves the use of a junction on the internal road serving the distribution centre to access the southern part of the site. This access would serve a business park incorporating 8,500 m² of B2 (general industrial), B8 (storage and distribution) and E(g)(iii) (industrial processes) uses. Although design and scale are reserved matters, the applicant has stated that maximum building height would be 12 metres.
- 4.13 An indicative layout of the development has been provided. The overall area of the southern site is 2.35 hectares and the indicative plans assume a developable area of 1.75 hectares.

5. Relevant Planning History

- 5.1 **LW/99/1471** - Outline application for redevelopment for B1 and B8 uses – Approved Conditionally 9th November 1999
- 5.2 **LW/2061/CC (ESCC application)** - Construction of a new road between A259 Drove Road roundabout and port area, south of Newhaven to Seaford Railway and creek, including environmental buffer and landscaping – Approved Conditionally 19th September 2002
- 5.3 **LW/11/0634** - Outline application for up to 190 dwellings, 1860 sqm of class B1 employment floorspace, supported by car parking and open space, with all matters reserved except access – Approved Conditionally 26th March 2013
- 5.4 **LW/11/0635** - Full application for port access road (first stage), other access roads, 6780 sqm retail foodstore, petrol filling station, parking

spaces, service area and associated landscaping – Approved Conditionally 26th March 2013

5.5 **LW/13/0630** - Approval of Reserved Matter LW/11/0634 for 190 dwellings (2, 2.5 & 3 storey) with associated roads and landscaping – Approved Conditionally 19th December 2013

6. Consultations

6.1 Consultations:

Newhaven Town Council

Objection. This application whilst providing much aspirational detail regarding modes of transport to the site under application, it fails to acknowledge;

1. the additional numbers of HGV and HGV journeys in and out of the Town delivering parcels to the proposed depot across an already capacity saturated road transport network,

the additional 393 vans and their journeys at least twice each day into and out of this depot across the same network and during both daily traffic 'rush hour' periods, and

the additional 124 (minimum) private car journeys to the proposed depot by its 240 employees at least twice each day in the same circumstances as above.

This proposed development will significantly add to an already 'over-capacity' road transport network which will exacerbate the daily issue of traffic congestion, particularly when the Swing Bridge is in operation, and notwithstanding the serious additional impacts surrounding air quality for the Town and its residents.

Under Policy T1 of the Newhaven Neighbourhood Plan, this planning application fails to improve sustainable movement throughout the plan area to reduce traffic impacts and improve air quality. As a new development, its intended mode of operation will not minimise traffic impacts. As such, additional expert opinion should be sought from East Sussex County Council Highways Officers.

2. Policy ES2 – of the Newhaven Neighbourhood Plan states that planning applications for development in Eastside will be supported where they provide:

- a variety of new and improved employment floorspace (Use Classes B1-B8), including the provision of small and medium sized, flexible floorspace, move-on space for growing businesses and start up business space.
- upgraded and refurbished office accommodation which is more resource efficient and safeguards or improves the environment and townscape.
- hotel facilities.
- leisure and recreation facilities where they do not negatively impact the operational uses of the Enterprise Zones.

- residential development in accordance with Policy H3; and/or
- residential development as part of mixed-used schemes outside the Enterprise Zones.

This planning application proposes a development contrary to the previously stated points of Policy ES2 of the Newhaven Neighbourhood Plan, and notably is for a location outside of the stated and agreed 'Enterprise Zone' for Eastside utilising land previously identified in the Neighbourhood Plan for 190 dwellings, and at a time when there is increasing pressure within the district for housing.

Environment Agency

No objection subject to conditions.

This application is for the redevelopment of a site on superficial Alluvium deposits overlying the Newhaven Chalk bedrock which is designated a Principal Aquifer. Past use of the site comprised infilling and stockpiling of materials which presents the potential for historical contamination to be present.

The previous infilling and stockpiling of materials on this site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal Aquifer.

The application's Preliminary Geo-Environmental Risk Assessment (dated April 2021) demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework ('NPPF').

Without this condition, we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

This site is located on a Principal Aquifer and in a location where groundwater is very shallow with drains mapped along its northern, western and southern boundaries and a number of ponds in close proximity. The previous use of the proposed development site for the infilling and stockpiling of materials on this site presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. As indicated previously, controlled waters are particularly sensitive in this location.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the above planning condition is included as part of any permission granted. Without this condition we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Lead Local Flood Authority (summarised)

No objection subject to conditions.

The drainage strategy for the full planning application relies on the use of underground cellular storage to provide the entire surface water attenuation for the site. British Geological Survey data that we hold indicates that groundwater levels are likely to be less than 3m below ground level beneath the site. BGS data also indicates that there is potential for groundwater flooding to occur to structures beneath the surface such as underground attenuation crates. The hydraulic capacity of the attenuation crates may be reduced as a result of elevated groundwater and floatation of the crates could occur.

Should underground attenuation be taken forward to the detailed design stage, we would require that groundwater monitoring is carried out between November and April using dataloggers to understand groundwater levels beneath the site. Mitigation measures should be implemented to prevent ingress of groundwater into the crates and to prevent floatation.

Consideration has been given to the potential for tide locking within the drainage system by using a 6-hour rainfall event and the outfall is located above the 1 in 5-year tidal flood level.

With regards to the outline planning application, there are no details relating to the management of surface water runoff from this area and a proving layout of this part of the site has not been submitted. We are therefore not able to comment on whether surface water runoff can be managed at this part of the site. We request that we are reconsulted on the drainage proposals at the reserved matters stage for this part of the development however, at this stage, we have no objection to the principle of development at this part of the site.

Southern Water

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.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The drainage layout shows a direct connection of foul rising main into public sewer which is not acceptable to Southern Water. A manhole and short

length of gravity pipe work will normally be required between the rising main and the public sewer.

ESCC Ecology

Formal comments awaited. There are ongoing discussions between the applicant and the County Ecologist regarding protection of existing wildlife and means to achieve a suitable level of biodiversity net gain.

ESCC Highways

Formal comments awaited. The applicant is in discussions with ESCC Highways and National Highways to establish a detailed understanding of potential highway impact and to identify suitable mitigation works.

Regeneration (summarised)

The southern Site falls within the Newhaven Enterprise Zone (NEZ) - specifically, in the area identified as Eastside North. As part of the NEZ's investment programme, this site has been identified as an opportunity for further employment-generating development as it is served by the new Port Access Road. As such, we are supportive of this element of the application in particular.

LDC Regeneration recognises that, from an economic development perspective, the proposed development has the potential to create significant employment and opportunities for our community. However, whilst we offer our cautious support for these proposals, it is contingent on further information being provided on the number and type of jobs being created as well as a commitment from the applicant towards local skills and training initiatives.

In line with the Local Employment and Training TGN, Regeneration requests that any grant of planning permission be subject to a Section 106 local labour agreement covering the construction and operational phases of development.

Secured by Design

Sussex Police have no objection from a crime prevention perspective to the proposed development as submitted from a crime prevention perspective subject to my observations being given due consideration.

A strong secure perimeter is essential for protection of the building and the assets within the external boundary, especially where there is more than one access point. There was an incident of arson attack in the near vicinity within the last 12 months that resulted in the Fire & Rescue Service being summoned.

I was very pleased to note the security measures mentioned within the planning statement submitted in support of this application, that are to be incorporated into the development. These include but not all; 2.4 m Paladin Security fencing, 3.5 metre high acoustic barrier sited adjacent to the van loading area, height restrictor to entrance, security gates to vulnerable areas, CCTV, detailed lighting proposal, all these have been considered and included in the design and layout.

7. Neighbour Representations

7.1 A total of 5 letters of objection have been received. A summary of their content is provided below:-

- Not comparable with low impact residential/retail schemes previously approved;
- Would have a negative impact upon the surrounding landscape;
- Would cause traffic congestion and pollution including detrimental impact upon the Newhaven Air Quality Management Area;
- No guarantee that employment created would be for local people;
- Electric vehicle charging facilities would only provide benefit if the entire fleet of delivery vehicles is electric;
- Air pollution would impact a local school and nursery. A recent legal case in London factored in air pollution as a main cause of a child's death;
- Noise and light emissions would harm residential amenity and compromise the surrounding rural landscape;
- Increased flood risk on neighbouring sites;
- Little detail provided as to how wildlife would be impacted/protected;
- Insufficient infrastructure in place;

8. Appraisal

8.1 Key Considerations

8.1.1 The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.

8.1.2 It is important to note that the application is for outline approval only, with full details of the main site access the only matter to be agreed at this stage. Indicative plans have been provided to demonstrate the capacity of the site as well as to indicate how the scheme can respond to specific requirements set out in policy BA02 of the Lewes District Local Plan Part 2. Full details of the layout, design, scale and landscaping of the development would be afforded full scrutiny as part of an application for approval of reserved matters, should the outline scheme be awarded permission.

8.1.3 All planning obligations need to be agreed at the outline stage as this represents the overall planning permission for any such development. As such, a Section 106 legal agreement has been drafted to secure affordable housing.

8.2 Principle

- 8.2.1 The site falls within the planning boundary where the general principle of residential development is acceptable as per policy DM1 of the Lewes Local Plan Part 2 (LLP2). The entire site falls within the Eastside Regeneration Area, as identified within the Newhaven Neighbourhood Plan, whilst the southern portion falls within the Eastside (north) Enterprise Zone.
- 8.2.2 The National Planning Policy Framework (NPPF) supports the approval of sustainable forms of development. The NPPF defines sustainable development as a 'three-legged stool' comprising economic, environmental and social objectives. (para. 8).
- 8.2.3 Para. 81 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.2.4 Policy SP1 of the Lewes Local Plan Part 1 (LLP1) sets out an objective to deliver 74,000 square metres of employment floorspace (B1, B2 and B8) within the district (including areas within the South Downs National Park), with 60,000 square metres of this floorspace provided as industrial space (B1c, B2 and B8). Since LLP1 was adopted, the use class order has been revised, with class E (g) (iii) being the equivalent of extinguished class B1c (an industrial use which can be carried out in any residential area without detriment to the amenity of that area).
- 8.2.5 One of the key strategic objectives set out in policy CP4 of LLP1 is to stimulate and maintain a buoyant and balanced local economy through regeneration of the coastal towns. Para. 7.41 of LLP1 refers to the Employment Land Review carried out in 2012 and states that 'future economic potential of the district is likely to be characterised by the continued movement away from traditional manufacturing to more service based activities, with some rationalisation of manufacturing accompanied by movement into higher value sectors.. This will be reliant on successfully encouraging local start-ups and the expansion of small indigenous firms by providing a range of suitable, small, flexibly managed units, which includes supplying move-on space for small businesses that wish to expand.'
- 8.2.6 Para. 7.40 notes that the relatively low quality of many existing employment sites in the district is a limiting factor to economic growth, whilst para. 2.5.1 of the Newhaven Employment Land Review observes 'much of the town's industrial stock is dated and of relatively poor quality. This partly reflects the legacy of former large-scale manufacturing firms which is often unsuited to modern needs. Due to unstable ground conditions in the area, new development typically involves abnormal costs associated with piling which negatively affects viability. Coupled with resolving flood risk and contamination issues, and uncertain demand, this has deterred new industrial development in the town over recent years, despite a

number of potential development / relocation opportunities that have failed to overcome the viability hurdle.

- 8.2.7 Para. 2.5.9 of the Newhaven Employment Land Review specifically mentions that viability issues have restricted realisable investment on the Eastside North Enterprise Zone site despite occupier interest.
- 8.2.8 Land at Eastside is identified in the Newhaven Neighbourhood Plan as being suitable for regeneration, with schemes that deliver a variety of new and improved employment floorspace (Use Classes B1-B8), including the provision of small and medium sized, flexible floorspace, move-on space for growing businesses and start up business space supported as per policy ES2.
- 8.2.9 It is therefore considered that the principle of the development is acceptable where it can be demonstrated that it accords with sustainable development objectives and satisfies relevant national and local planning criteria, particularly those relating to environmental, amenity and highway impact.

8.3 Planning Obligations

- 8.3.1 A Local Employment and Training Plan would be secured by way of a legal agreement as per the Local Employment and Training Technical Advice Note (2020). This would secure contributions that would support and benefit the local labour market and economy, enabling employment growth, raising skills and giving local people opportunities generated by the development. The plan would apply to the construction phase of the development as well as the operational phase and would include provisions to fund the monitoring of the plan by the Council in order to ensure that it is being adhered to and is effective.
- 8.3.2 Contributions towards highway infrastructure improvements, public right of way improvements and ecological enhancements will be secured based on the request of the County Council. The contributions have not been established at this point but will need to be agreed before any decision can be issued.
- 8.3.3 A green travel plan will also be secured as well as a mechanism for monitoring its performance and ensuring that it is implemented in full.

8.4 Planning History

- 8.4.1 Planning permission for 190 new dwellings was awarded for the northern part of the site under LW/11/0634 (outline) and LW/13/0630 (reserved matters) whilst full planning permission was granted for a new retail store on the southern part of the site under LW/11/0635. Although issued some time ago, these permissions are considered extant as a technical start was made on both developments in the form of groundworks for access.
- 8.4.2 Notwithstanding the above, there have been no further works carried out on the site and there are no indications that either development will be brought forward. It is possible for a site to benefit from multiple planning permissions, although only one can be implemented. As such, there is no issue with the validity of the current application.

8.4.3 Whilst the proposed scheme would remove the possibility of residential development of the site it is important to note that the site is not subject to any allocation for residential development and that there are allocated sites in Newhaven that will deliver a significant amount of housing, mitigating the loss of the 190 units committed. Furthermore, the section 106 agreement for the housing was modified by deed of variation under application LW/16/0574 to substantially reduce affordable housing provision to 10% and to reduce or omit various infrastructure contributions, indicating viability issues with the residential development.

8.4.4 Ultimately, the current planning application will be considered on its own merits and a recommendation made accordingly.

8.5 Employment Provision/Economic Impact

8.5.1 The proposed scheme incorporates a large distribution centre that would create employment in the form of warehouse operatives and associate office support as well as delivery drivers. Additional supply chain jobs would also likely to be created as well as additional footfall at local businesses, including those within the town centre. As such, whilst it is acknowledged that a distribution centre would be unlikely to provide as many jobs per m² as other forms of industrial/commercial development, it is considered that a good number of jobs would be created and supported and that the development is consistent with the trends identified in the Employment Land Review and LLP1, namely a movement away from traditional manufacturing to more service based activities.

8.5.2 Coupled to the advantages set out above, any permission would include outline approval for the development of the Eastside (north) enterprise zone, where modern, adaptable units would be provided to support smaller and specialist businesses. It is noted that the southern part of the site has been identified as an enterprise zone for a considerable time but that no development has come forward. The Newhaven Employment Land Review identifies viability issues as a potential reason for this situation. By providing shared access infrastructure as well as introducing drainage and utility infrastructure on the neighbouring site it is considered that the distribution centre development would facilitate the development of the enterprise zone by reducing costs and uncertainties that currently impact on the viability of the site.

8.5.3 As stated in section 8.3, any approval will include a legal agreement requiring a Local Employment and Training Plan to be implemented and monitored. The plan would include provisions for work experience placements for those unemployed, work experience for those aged 14-18 and in education, apprentice schemes, recruitment plans and curriculum, careers/employment support proposals. The plan would need to be agreed with and monitored by the Council's Regeneration Department.

8.5.4 It is therefore considered that the proposed development accords with LLP1 policy CP4, NNP policy ES2 (1) and para. 81 of the NPPF.

8.6 Design and Appearance

- 8.6.1 The proposed development would be positioned on land which is flanked by commercial development to the north, south and the majority of the western elevation. The entire eastern boundary is flanked by the recently completed port access road. As such, the land is considered to be contained by development and distinct from the more open countryside that extends to the east. It is noted that the site is omitted from the Ouse Valley Estuary area identified in the 2012 Landscape Capacity Study as being visually sensitive. It is also noted that the Landscape Capacity Study supports the provision of enhanced screening to commercial development on Eastside as a means to soften impact of development on the wider landscaping and it is considered that the proposed development presents an opportunity for the provision of sympathetic green screening that would have wider benefits.
- 8.6.2 The structure housing the proposed distribution centre and adjacent canopy would be comparable in design and scale to neighbouring commercial buildings such as Unit D McKinley Way (adjoining site to north), the retail park further to the north and on Norton Road and Beach Close to the west. It is therefore considered that the proposed building would effectively assimilate with these existing features when viewed from the both the immediate and wider surrounding area, including from within the South Downs National Park from Ouse Estuary Nature Reserve and the hills around Denton and from the cliffs to the west of the harbour.
- 8.6.3 The presence of existing mature landscaping (primarily willow trees), combined with the retention of a landscaped green buffer to the west of the proposed development would soften the visual impact of the building when viewed from Eastside recreation ground and houses on Eastbridge Road.
- 8.6.4 More immediate views of the site would be available from the public right of way network, principally from footpaths NW/4/1, NW/3/1, NW/3/2 and NW/3/3. These footpaths form part of the Bishopstone Walk, a circular route between Newhaven and Bishopstone that is promoted by East Sussex County Council.
- 8.6.5 The footpaths pass along the northern and western fringes of the site where additional landscaping would be planted to help screen the development, along with an acoustic fence. Whilst views of the development would be readily available there is an established context of commercial development around the identified footpaths given the established large scale commercial development to the north, east and south. It is also noted that a large proportion of the site would be allocated to vehicle parking and would not include any significant development above ground level, ensuring wider open views to the east remain possible from the footpaths.
- 8.6.6 The proposed hard surfaced parking areas would occupy a sizeable proportion of the site and result in the removal of a significant amount of grassland. Due to the presence of screening in the form of surrounding buildings, the tree belt on the western boundary and the

vegetated bank on the eastern boundary, the grassland is currently not visually prominent within the wider landscape and is largely unseen other than from the public footpath that crosses the site. Furthermore, the existing site topography is relatively flat, allowing the parking areas to be provided without the need for any significant reprofiling that may result in the site appearing discordant with the generally flat nature of the surrounding landscape.

- 8.6.7 The proposed ancillary buildings are modestly sized and are distributed around the site. All would be clearly contained within the site curtilage and none would occupy prominent or exposed positions where they may appear visually incongruous.
- 8.6.8 The site needs to be kept secure in order to function and as such, it would be fully enclosed, other than the staff car park at the northern end of the site. The means of enclosure would be primarily in the form of a 2.4 metre high green wire mesh fence although the western boundary would incorporate more robust treatment in the form of a 3.5 metre high timber acoustic fence. It is considered that the mesh fence would provide an effective security measure but its visual impact would be softened by its green finish, which would help it amalgamate with surrounding landscaping, and its mesh structure that would allow views to permeate through it. As such, it is not considered that the presence of the mesh fence would disrupt the generally open character of the site. Whilst more visually prominent, the proposed acoustic fence would be positioned close to the tree belt on the western boundary and run broadly parallel to it. It would therefore be largely screened by landscaping to the west and, when viewed from the east, would be seen in context with the backdrop of the tree line and would therefore not appear disruptive.
- 8.6.9 The development includes features such as guard cabins and barriers that have the potential to create a utilitarian and unwelcoming appearance within the wider landscape. To mitigate this, these security measures are set back within the site rather than immediately adjacent to the port access road and would be well screened by landscaping and not visually prominent.
- 8.6.10 With regards to the southern portion of the site, this part of the scheme is submitted in outline form only and details of landscaping, scale and appearance are not included with the application, although some indicative drawing have been provided.
- 8.6.11 It is considered that the indicative drawing demonstrate that the southern part of the site has the capacity to support the amount of development proposed whilst also retaining a suitable landscaped buffer to provide screening. There are small and medium sized commercial units directly to the south of the site that fall within the Eastside South Enterprise Zone and the general characteristics of the proposed development is considered to be consistent with the appearance of this established feature.
- 8.6.12 The applicant has suggested parameters for the scale of buildings to be provided in terms of height, with a 12 metre threshold being considered suitable to allow for required amounts of floorspace and

functionality. This building height would be consistent with that of buildings on the neighbouring site and, as such, it is considered that any development built in accordance with the suggested parameter would not appear overly prominent.

- 8.6.13 It is therefore considered that the proposed development would comply with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27, NNP policies ES1 (1) and (3) and D1 and para 130 and 174 of the NPPF.

8.7 Impact Upon the Amenities of Neighbouring Residents

- 8.7.1 Eastside is a mixed use area where there is an established precedent of dwellings within relatively close proximity to commercial/industrial uses. The dwellings closest to the proposed development are those on the eastern side of Eastbridge Road, the rear elevations of which face towards the site. A distance of some 200 metres would be maintained between the rear elevations of these dwellings and the developed part of the site.
- 8.7.2 The former Parker Pen site, which is close by to the north-west of the application site, is currently being developed. The development taking place is a residential scheme and a row of houses towards the eastern edge of the site would be within approx. 100 metres of the developed part of the application site. It is noted that the majority of these dwellings would back onto the existing distribution centre site at Unit D McKinley Way.
- 8.7.3 It is considered that the proposed development would be a sufficient distance from neighbouring dwellings to prevent it from appearing overbearing, causing undue levels of overshadowing and to prevent invasive views from office windows. As well as the separation distance, sympathetic screening of the development would be provided by existing mature landscaping, which is to be retained, as well as additional planting within the green buffer maintained around the development.
- 8.7.4 An acoustic fence would be installed on the western boundary of the site as a means to minimise noise transmission.
- 8.7.5 The application is accompanied by a noise assessment which addresses potential for noise disturbance generated by operations on the site, principally the loading and unloading of vans which would involve moving vehicles, idling engines, reverse warning beepers, movements of loading trolleys and opening and closing of doors. The anticipated noise generation levels are based on monitoring carried out at similar facilities and adopt a worst case scenario in terms of levels generated.
- 8.7.6 Noise impacts of HGV movements have also been modelled, again with a worst case scenario adopted in terms of frequency of movements (4 per hour during daytime and 10 per hour overnight).
- 8.7.7 Noise generated by the staff car park is modelled based on levels generated during a shift change, when movements would be most frequent.

- 8.7.8 Noise generated by roof mounted plant is also taken account of. The exact specifications of the plant to be installed are not known at this stage so estimations were use. A planning condition can be used to secure details of the full specification of any plant prior to it being installed in order to ensure it does not generate unacceptable noise levels and that affective mitigation would be in place.
- 8.7.9 The noise assessment examines the impact of activities on the dwellings identified in para. 8.6.1 and 8.6.2 as well as properties to the east on Seaford Road, approx. 600 metres from the site. Existing noise levels were monitored to establish baseline levels throughout the day and night for weekdays and weekends. The presence of noise generated by traffic on surrounding roads, dock activity, trains and commercial/industrial activity was noted. The assessment of noise levels experienced by from nearby dwellings is based on windows being open, partially open and closed (with an assumption that windows are single glazed).
- 8.7.10 The report concludes that maximum noise levels have been assessed for proposed building services plant which are predicted to result in a noise rating level which is at least 10 dB below the existing background noise level during the worst-case night-time period at the closest sensitive receptor locations. Accordingly, building services plant is expected to have no adverse impact at the closest sensitive receptors. Cumulative operational noise levels during the daytime and night-time periods are predicted to be below the guideline noise intrusion criteria at nearby properties assuming both a windows-open and a windows-closed scenario. Therefore, operational noise levels are considered to be below the No Observed Adverse Effect Level (BS4142).
- 8.7.11 The potential impact as a result of air and light emissions will be explored in the environmental impact section of this report.
- 8.7.12 The Sussex Police Secured by Design officer has praised the security measures incorporated into the development and it is therefore considered that the development would be unlikely to attract anti-social or criminal behaviour that would negatively impact upon the environment within the surrounding residential areas.
- 8.7.13 The outline site is further away from residential dwellings and would be surrounded by commercial uses. It is therefore considered that a wide range of operations could be carried out on site without resulting in conflict with residential amenities.
- 8.7.14 It is therefore considered that the proposed development complies with LLP1 policy CP11, LLP2 policies DM20 and DM23, NNP policies ES1 (2) and (7) and D1 and NPPF para. 130.

8.8 Highways Impact

- 8.8.1 The activity carried out at the proposed distribution centre would be based around 'last mile' distribution, which is the receipt of parcels transported by HGV and their distribution to local destinations by delivery van.

- 8.8.2 HGV deliveries would predominantly take place overnight, outside of peak traffic hours on the local road network. They would access the site via the existing junction and right-hand turning bay on McKinley Way.
- 8.8.3 Parcels would be loaded onto delivery vans each day and would then be distributed throughout the local area, with a focus on destinations within one hours drive of the site. Parking would be provided on-site for a fleet of 393 delivery vans. The vans would remain on site when not in use and drivers would therefore access the site by an alternative mode of transport.
- 8.8.4 Each van would carry out one delivery run per day. They would leave the site between 7am and noon and return between 4pm and 9pm. Vans would enter and leave the site via a barrier controlled service road that would be accessed via the existing roundabout towards the southern end of the site.
- 8.8.5 It is anticipated that the operation of the site would generate an additional 441 vehicle movements during the AM peak period (8am – 9pm) and additional 48 movements within the PM peak period (5pm – 6pm). The accompanying transport assessment predicts that additional traffic would be primarily on routes to the north on the A26 and B2109 (76% of total trips), followed by 20% of trips heading eastbound on the A259 and the remaining 4% of trips heading westbound on the A259 through Newhaven Town Centre.
- 8.8.6 The transport assessment models potential impact upon surrounding junction and roundabouts. These being the B2109 Drove Road / A26 New Road Roundabout, the B2109 Drove Road / A259 / The Drove/ Retail Park Roundabout, the B2109 Priority junction with the A26 New Road, the B2238 / A259 Avis Road Roundabout and the A259 North Way / The Drove junction. Minimal impact is expected on the capacity and functionality of all modelled features other than the B2109 priority junction with the A26. Queuing at this junction is already an issue and the proposed development has the potential to significantly exacerbate this.
- 8.8.7 In response, the applicant has put forward a scheme to mitigate the traffic impact through the delivery of a signalised junction with dedicated left and right turn lanes out from the B2109 onto the A26. Pedestrian crossing points would also be provided. It is anticipated this junction arrangement would result in average queue length being limited to 7-9 vehicles during peak hours. Such works would need to be approved by ESCC Highways and secured as part of the section 106 legal agreement.
- 8.8.8 Staff parking would be provided in the form of 124 car parking spaces including 6 disabled bays and 12 motorcycle bays. A covered cycle store for up to 20 bikes would be provided on the car parking area. Delivery vans would be stored on-site when not in use and drivers would access the site using alternative means of transport. The quantum of car parking provided is based on ESCC parking guidance for development of this kind. The staff car park would have dedicated access and the operation of deliveries and collections would not

interfere with access and egress to and from the car park. Goods traffic would also be kept away from the pedestrian areas around the car park.

- 8.8.9 There are a number of public transport connections nearby in the form of bus stops and the railway station. Pedestrian linkage is provided by a footway that flanks McKinley Way and would connect with an internal footway. The McKinley Way footway also acts as a cycle path which continues to the east and provides connectivity with Seaford.
- 8.8.10 Passive infrastructure will be provided to support the provision of electric vehicle charging points for 100% of the car and van parking spaces provided by the development. 2% of existing car parking bays would be required to have operational electric vehicle charging apparatus as per the electric vehicle charging points technical advice note. The applicant anticipates an expansion of an electric van fleet in the near future.
- 8.8.11 A travel plan would be secured as part of the section 106 legal agreement. The aim of the travel plan would be to encourage travel to and from the site by sustainable modes, with the primary objective being the development of a long-term strategy to facilitate and encourage modes of travel to the site other than by private car.
- 8.8.12 The applicant states that the travel plan would include a number of initiatives and measures including the provision of facilities such as safe and secure cycle parking, initiatives such as providing information on public transport services and promotion of car sharing.
- 8.8.13 It is recommended that shower facilities are provided within the building as a means to encourage people to cycle to work.

8.9 Environmental Impact

- 8.9.1 The potential for noise disturbance has been examined in section 8.7 of this report. The nature and scale of the proposed use also introduces potential for environmental impact as a result of noise and light pollution.
- 8.9.2 Due to the nature of the operation, external lighting would be required for security and safety purposes. There would also be light emissions from the headlights of vehicles moving around the site. An External Lighting Strategy report has been submitted as part of the application. The strategy demonstrates that the impact of lighting has been considered at the design level and that there has been an emphasis on providing an efficient lighting scheme that focusses only on areas where lighting is required and is uniform in terms of types of light sources and colour temperature.
- 8.9.3 The external lighting design embodies guidance and standards set out in a number of documents, including various guidance notes produced by the Institute of Lighting Professionals (ILP), the Building Research Establishment's Environmental Assessment Method (BREEAM) and British Standards. Measures to reduce glare and light spill include controlling the intensity and distribution of external

illumination, angle of illumination to ensure no upward light is emitted, use of backscreens on perimeter lighting to control spill onto neighbouring sites, lighting being mounted at a maximum height of 8 metres above ground level and no more than one light source to be installed on any individual mounting device.

- 8.9.4 Simulation shows that the intensity of lighting within the site would be within the parameters suggested for Environmental Zone E3 – Medium District Brightness (Well inhabited rural & urban settlements, small town centres of suburban locations) as defined by the Institute of Lighting Professionals. This is considered to be consistent with the commercial/residential landscape immediately to the north, east and south of the site. The simulation for the lighting is represented in a drawing submitted as part of the application, which shows any light spill dissipating suitably before it reaches neighbouring residential properties or the nature reserve and open countryside to the west.
- 8.9.5 The proposed development would generate air emissions, primarily in the form of traffic associated with the use. Land within and around the gyratory in Newhaven Town Centre has been identified as an Air Quality Management Area (AQMA). The site is approx. 550 metres from the eastern edge of the AQMA as the crow flies.
- 8.9.6 The Air Quality Assessment establishes a baseline for current air quality based on data provided by LDC operated passive diffusion tubes positioned around the development, including within the AQMA. The assessment provides a baseline for Annual Average Daily Traffic (AADT) and models anticipated increase in two scenarios, one based on projected impact as a result of 2022 cumulative development flows and one with the additional impact of the proposed development factored in. Modelling shows that the biggest increases in AADT would be on the A26 and B2109 rather than passing through the AQMA, with only 4% of traffic heading west on the A259.
- 8.9.7 The Air Quality Assessment identifies sensitive receptors on all immediate primary traffic routes out of the site these being heading west along the A259 towards Brighton, north along the A26 and B2109 towards Lewes and the A27 and south-east along the A259 towards Seaford. It then models predicted changes in nitrogen dioxide emissions and particulate matter in these locations.
- 8.9.8 The report, which is authored by associate members of the Institute of Environmental Management and Assessment (IEMA) the Institute of Air Quality Management (IAQM) and the Institute of Environmental Science (IEnvSc) concludes that 'the impact description of the effects of changes in traffic flow as a result of the proposed development, with respect to NO₂ (nitrogen dioxide), is determined to be 'negligible' at all modelled receptors. The impact description of the effects of changes in traffic flow as a result of the proposed development, with respect to PM₁₀ and PM_{2.5} (particulate matter) exposure, is determined to be 'negligible' at all existing receptors. The overall significance is determined by professional

judgment, it is considered that the overall scheme is still considered negligible.

- 8.9.9 The Air Quality Assessment also considers potential impacts of air and dust emissions during the construction phase and identifies a number of mitigation measures which can be incorporated into a Construction and Environmental Management Plan (CEMP) which would be secured by planning condition.
- 8.9.10 A similar air quality assessment would need to accompany any application for reserved matters relating to the southern part of the site.
- 8.9.11 The southern part of the site within approx. 115 metres of the Newhaven Main Wastewater Treatment Works. An odour assessment was requested by Southern Water to provide assurances that future users would not be exposed to unacceptable odour emissions from the works. A report has been provided that notes recent development closer to the wastewater site as well as the extant permission for a retail use on the site and concludes that potential of exposure of sensitive parts of the site to unacceptable odour levels is negligible due to distance, prevailing wind directions and the fact that the layout of the southern part of the site is not yet established and that, when reserved matters are provided, parts of the development least sensitive to odour such as parking and access can be concentrated towards the southern end of the site.
- 8.9.12 The Environment Agency have not objected to the development, subject to appropriate mitigation measures being in place to deal with any expected contaminants as well as unexpected contaminants.
- 8.9.13 It is therefore considered that the proposed development complies with LLP1 policy CP10, LLP2 policies DM20, DM21, DM22 and DM23, NNP policies ES1 (5) and (7) and para. 183 of the NPPF.

8.10 Flooding and Drainage

- 8.10.1 The proposed development would introduce a significant amount of hard surfacing on what is currently undeveloped grassland. The northern and western fringes of the site fall within Flood Zone 3 whilst there is a broadly central area that falls within Flood Zone 2. Most surrounding land, including access routes, falls within Flood Zone 2 or 3. A Flood Risk Assessment has been provided with the application, with potential for increased risk of fluvial, tidal, groundwater and surface water flooding within its scope.
- 8.10.2 The FRA notes that the site and surrounding area are protected by existing flood defences. Mitigation measures identified include ensuring the finished floor levels of all buildings are at a suitable level and that flood resilient materials and measures are incorporated into the buildings. The buildings would also be sited away from identified overland flows within the site.
- 8.10.3 The provision of effective surface water drainage, taking into account anticipated rainfall increase as a result of climate change, is of critical importance both in terms of addressing flood risk within the site but

also to prevent an exacerbation of surface water flood risk on neighbouring land which includes key transport links, homes, businesses and recreation facilities. The submitted surface water drainage strategy involves the use of attenuation tanks to store surface water and allow for discharge at an agreed rate into the existing watercourse running along the northern and western site boundary.

- 8.10.4 The Lead Local Flood Authority (LLFA) agree that such a drainage scheme would work in principle subject to further details being provided as a requirement of a planning condition. A maintenance and management plan for the drainage infrastructure would be required as a means to ensure that it would continue to function effectively throughout the lifetime of the development.
- 8.10.5 Drainage details for the southern part of the site which, for which outline approval only is being sought, are not included but the LLFA are satisfied that a suitable drainage scheme could be provided for the development as described. It is also possible that the southern part of the site may be able to utilise some of the drainage infrastructure that would serve the development on the northern part of the site.
- 8.10.6 The drainage scheme would utilise the existing watercourse to the west of the site and this would require its maintenance throughout the lifetime of the development. Development which supports the maintenance and improvement of existing drainage ditches is supported by NNP policy ES1 (6).
- 8.10.7 It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding within the development or on neighbouring land. The development is therefore considered to comply with LLP1 policy CP12, NNP policies ES1 (6) and D2 and para. 163 And 165 of the NPPF.

8.11 Landscape, Ecology & Biodiversity

8.11.1 TBC.

8.12 Sustainability

- 8.12.1 The application is accompanied by an Energy and Sustainability Statement which provides details of measures to be incorporated into the design to improve energy efficiency, reduce carbon emissions and generate renewable energy.
- 8.12.2 The cladding used for the external surfaces of the building would be insulated and would help prevent heat loss. Offices are distributed around the edge of the building, allowing for good access to natural light and, as a result, less reliance on artificial lighting. Placement of the windows has considered the impacts of solar gain, ensuring that the potential for rooms overheating, and therefore potentially requiring mechanical ventilation, is reduced. Low energy lighting would be used throughout the building. Lighting in the warehouse

space would be PIR operated and lights would therefore only be on when the part of the warehouse that they serve is in use.

- 8.12.3 Air source heat pumps would be used to heat and cool the office space within the building. A 120kWp photovoltaic system would be installed on the large roof area of the building. 2% of the car parking bays would need to be provided with an operational fast EV charging unit as per the Electric Vehicle Charging Points Technical Guidance. The applicant has also stated that passive charging facilities (the infrastructure required to install a charging point but not the charging point itself) would be provided throughout the staff car park and the van parking area (100% of spaces). This would allow for easy installation of charging apparatus, supporting the modal shift from fossil fuel vehicles to electric vehicles over the coming years.
- 8.12.4 Para. 4.11 of the Circular Economy Technical Advice Note notes that non-residential developments are likely to have a shorter lifespan than residential, and therefore it is especially important that non-residential developments are designed to be adaptable and flexible. Developers may consider how they will ensure the functional adaptability of their building. It is considered that the large internal space within the building, that would be predominantly open plan but would include ancillary office space, the provision of infrastructure such as loading bays and service yards, and the amount of space available within the site would allow for functional and flexible use and the capacity for adaptability to changing trends and requirements in the future.
- 8.12.5 The site is sustainably located, close to residential areas that would provide a potential source of employment and also close to local businesses that may benefit from increased footfall/custom as a result of the proposed development. Public transport access is available within close proximity with regular bus services providing connectivity throughout Newhaven as well as neighbouring towns and rail services provide connectivity with the wider region.
- 8.12.6 The use of a Local and Employment and Training Plan will help secure jobs and training for local people which would benefit the local economy in terms of providing employment as well as increased skills in the local workforce.
- 8.12.7 It is therefore considered that the proposed development complies with LLP1 policies CP13 and CP14, NNP policies ES1 (1) and D2 and para. 112 and 152 of the NPPF.

8.13 Archaeology

- 8.13.1 The site is within an area of archaeological interest principally associated with a complex landscape formed by a combination of climatic and natural process over many millennia. The landscape of the Ouse Estuary has been utilised from the Palaeolithic period through to modern day. Evidence for medieval utilisation of this area of the Ouse estuary for salt working in the 12th and 13th centuries is evident within the site and is also recorded in the 1086 Domesday Book.

- 8.13.2 In light of the potential for impacts to heritage assets with archaeological interest, the County Archaeologist has requested that the area affected by the proposals be the subject of a programme of geo-archaeological works that would enable any archaeological/geo-archaeological deposits and features that would be disturbed by the proposed works, to be adequately investigated, recorded and reported on.
- 8.13.3 These works would be secured by condition, with final details to be approved by the County Archaeologist.
- 8.13.4 It is therefore considered the proposed development complies with policy LLP1 policy CP11, LLP2 policy DM33 and section 16 of the NPPF.

9. **Human Rights Implications**

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

10. **Recommendation**

- 10.1 It is recommended that the decision is delegated to The Head of Planning to approve subject to confirmation that National Highways and the County Ecologist do not object, subject to the conditions listed below and a Section 106 Agreement securing highway works, ecology/biodiversity contributions and a local employment and training plan.
- 10.2 Further conditions will be attached relating to Highways and Ecology as advised by statutory consultees when their comments are received.
- 10.3 Please note, conditions 2 and 3 are subject to revision as the details requested have already been submitted to the Environment Agency for comment. The majority of conditions apply to the full planning permission only (unless identified otherwise).
- 10.4 Further conditions will be attached to any reserved matters approval for the southern part of the site based on the final details of the scheme submitted.

10.5 Conditions

FULL PLANNING PERMISSION:

- 1. The part of this development for which full planning has been granted shall be begun within a period of three years commencing on the date of this notice.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 - I. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - II. A site investigation scheme, based on (I) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - III. The results of the site investigation and the detailed risk assessment referred to in (II) 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.
 - IV. 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 (III) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with LLP2 policies DM20, DM21 and DM22 and para. 170, 184 and 185 of the NPPF.

3. Prior to any part of the permitted development being occupied, a verification report demonstrating the 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.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with LLP2 policies DM20, DM21 and DM22 and para. 170, 184 and 185 of the NPPF.

4. 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 a remediation strategy detailing how this contamination will be dealt

with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy shall be implemented as approved.

Reason: In order to ensure that the proposed redevelopment does not harm groundwater resources in accordance with LLP2 policy DM22 and para. 170 of the NPPF

5. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the proposed redevelopment does not harm groundwater resources in accordance with LLP2 policy DM22 and para. 170 of the NPPF

6. Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the proposed redevelopment does not harm groundwater resources in accordance with LLP2 policy DM22 and para. 170 of the NPPF

7. 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:

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 Eireng Consulting Engineers (Dwg No: 212037-C004-P5). Hydraulic calculations shall take into account the connectivity of the different surface water drainage features and consider a surcharged outfall.

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.

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

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 provide.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, NNP policy ES2 and para. 163 and 165 of the NPPF.

8. 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:

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

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 ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, NNP policy ES2 and para. 163 and 165 of the NPPF.

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

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, NNP policy ES2 and para. 163 and 165 of the NPPF.

10. The construction and operational phases of the development hereby awarded full planning permission shall be carried out in complete adherence with the mitigation measures as set out within the Air Quality Assessment by Tetra Tech (report ref: 784-B027475 – dated 28th April 2021).

Reason: In order to ensure air pollution is strictly managed in accordance with LLP1 policy CP11, LLP2 policy DM20, NNP policy ES2 and para. 186 of the NPPF.

11. Prior to the installation of any plant apparatus or machinery within the site that does not allowed under Schedule 2 Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), full specifications shall be provided for approval by the Local Planning Authority and the plant/apparatus shall thereafter be installed and maintained in accordance with those approved details throughout the lifetime of the development.

Reason: In the interest of environmental and residential amenity in accordance with LLP2 policy DM23, NNP policies ES2 and D1 and para. 174 and 185 of the NPPF.

12. Prior to first occupation of the development hereby permitted, full details of all external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall incorporate the mitigation measures and thresholds set out in the submitted External

Lighting Strategy (ref: PH/10376/ELR-02, dated March 2021). The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual, environmental and residential amenity in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM24 and DM27, NNP policies ES2 and D1 and para. 130 and 185 of the NPPF.

13. The development shall not be occupied until the acoustic fence has been installed in the location shown on the approved plans in accordance with a full specification which is to be submitted to and approved by the Local Planning Authority. The fencing shall thereafter be maintained in accordance with the approved details throughout the lifetime of the development.

Reason: In order to ensure noise transmission is controlled in accordance with LLP2 policy DM23, NNP policies ES2 and D1 and para. 174 and 185 of the NPPF.

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of paragraphs 194-205 of the National Planning Policy Framework 2021.

15. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.

Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of paragraphs 194-205 of the National Planning Policy Framework 2021

16. The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation

Reason: In the interest of visual amenity in accordance with LLP1 policies CP10 and CP11, LLP2 policy DM25, NNP policies ES2 and D1 and para. 130 of the NPPF.

17. No materials, goods, plant, equipment or any waste materials shall be stored externally within the yard areas adjacent to the building.

Reason: In the interest of visual and environmental amenity in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM23 and DM25, NNP policies ES2 and D1 and para. 130 of the NPPF.

18. The development shall be carried out in accordance with the approved energy and sustainability report. Full details and specifications for the air source heat pumps, roof mounted solar array and passive infrastructure for electric vehicle charging points shall be submitted to and approved by the local planning authority and all elements shall thereafter be installed and maintained in accordance with the approved details.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with section 14 of the NPPF, policies CP13 and CP14 of LLP1 and NNP policies ES1 and D2.

19. The offices and staff areas hereby approved shall be used as ancillary to the approved storage and distribution use only and shall not be used as a separate independent use at any time

Reason: In order to control the future use of the site in the interest of economic and environmental impact in accordance with LLP1 policy CP4 and NNP policies ES1 and ES2.

OUTLINE PERMISSION:

20. No development, apart from enabling works, earthworks and access works, shall commence on the outline element of the approval (edged in orange on the Proposed Site Plan) until detailed plans showing the layout, scale, design, and landscaping to be implemented (hereinafter referred to as "the Reserved Matters") have been submitted to and approved by the Local Planning Authority under an application for approval of reserved matters. The development shall thereafter only be carried out as per the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

21. The application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than three years from the date of this permission and the development shall be begun before the expiration of two years from the date of the final approval of the last of the Reserved Matters.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

22. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, the floor space provided by the development shall be solely occupied by operations falling within use Classes B2, B8 and E(g)(iii) only and for no other purpose.

Reason: To ensure that the floor space provided is consistent with the sites status as an enterprise zone and supports the local economy and regeneration of Eastside as per policy CP4 of LLP1, ES1 and ES2 of the NNP and para. 81 of the NPPF.

23. The height of the buildings within the development shall not exceed 12 metres.

Reason: to ensure that the scale of the buildings is sympathetic towards neighbouring development and the surrounding countryside in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27, NNP policies D1 and ES2 and para. 130 of the NPPF.

11. Background Papers

11.1 None.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Flood Risk Assessment	24 May 2021	SHF.393.008.HY.R.001.A - Flood Risk Assessment
Tree Statement/Survey	24 May 2021	19-2082.05 - Arboricultural Survey
Air Quality Assessment	24 May 2021	784-B027475 Rev 4 - Air Quality Assessment
Noise Detail	24 May 2021	784-B027475 Rev 2 - Noise Assessment
Lighting Detail	24 May 2021	PH/10376/ELR-02 - External Lighting Strategy Report
Technical Report	24 May 2021	GAW/10376/ENE-01 ISS 02 - Energy and Sustainability Statement
Lighting Detail	24 May 2021	10376-PL-100 Rev C - External Lighting Lux Level Plot
Design & Access Statement	24 May 2021	21016/REV.03 29.04.21 - Design and Access Statement
Other Plan(s)	24 May 2021	21016-ASA-VS-SI-DR-A-P09 S4 - P4 - Proposed Boundary Detail
Other Plan(s)	24 May 2021	21016-ASA-VS-SI-DR-A-PL10 S4 - P0 - Proposed Ancillary Structures (Sheet 1)
Other Plan(s)	24 May 2021	21016-ASA-VS-SI-DR-A-PL12 S4 - P0 - Proposed Ancillary Structures (Sheet 2)
Location Plan	24 May 2021	21016 - ASA - ZZ - SI - DR - A - PL01 (S4 - P2) - Location Plan

Proposed Block Plan	24 May 2021	21016-ASA-VS-SI-DR-A-PL03 S4 - P7 - Proposed Site Plan
Proposed Section(s)	24 May 2021	21016 - ASA - ZZ - SI - DR - A - PL20 (S4 - P3) - Proposed Site Sections
Proposed Floor Plan(s)	24 May 2021	21016 - ASA - ZZ - ZZ - DR - A - PL04 (S4 - P0) - Proposed Ground Floor Plan
Proposed Floor Plan(s)	24 May 2021	21016 - ASA - ZZ - ZZ - DR - A - PL05 (S4 - P0) - Proposed First Floor Plan
Proposed Roof Plan	24 May 2021	21016 - ASA - ZZ - ZZ - DR - A - PL06 (S4 - P0) - Proposed Roof Plan
Proposed Elevation(s)	24 May 2021	21016 - ASA - ZZ - ZZ - DR - A - PL07 - (S4 - P2) - Proposed Elevations
Planning Statement/Brief	24 May 2021	14411 - Planning Statement
Proposed Levels Plan	24 May 2021	212037 C002 Rev P4 - Proposed Levels
Technical Report	24 May 2021	212037 Rev PL05 - Sustainable Drainage Strategy
Technical Report	24 May 2021	19-2082.06 Issue No. 3 - Preliminary Geo-Environmental Risk Assessment
Landscaping	24 May 2021	KGA-016-02-Revision C - Soft Landscape Proposals
Technical Report	24 May 2021	KGA-016-04 - Soling Specification
Tree Statement/Survey	24 May 2021	KGA-016-07 - Treepit Detail
Other Plan(s)	24 May 2021	KGA-016-09 - Easements and Root Barrier Plan
Technical Report	25 June 2021	19-2082.07 Issue 3 - Foundation Works Risk Assessment
Land Contamination	25 June 2021	19-2082.07 Issue 2 - Remediation and Verification Strategy
Technical Report	25 June 2021	19-2082.07 Issue 3 - Geotechnical Assessment
Technical Report	25 June 2021	19-2082.07 Issue 3 - Geo-Environmental Assessment
Technical Report	25 October 2021	19-2082.12 Issue 1 - Qualitative Odour Assessment