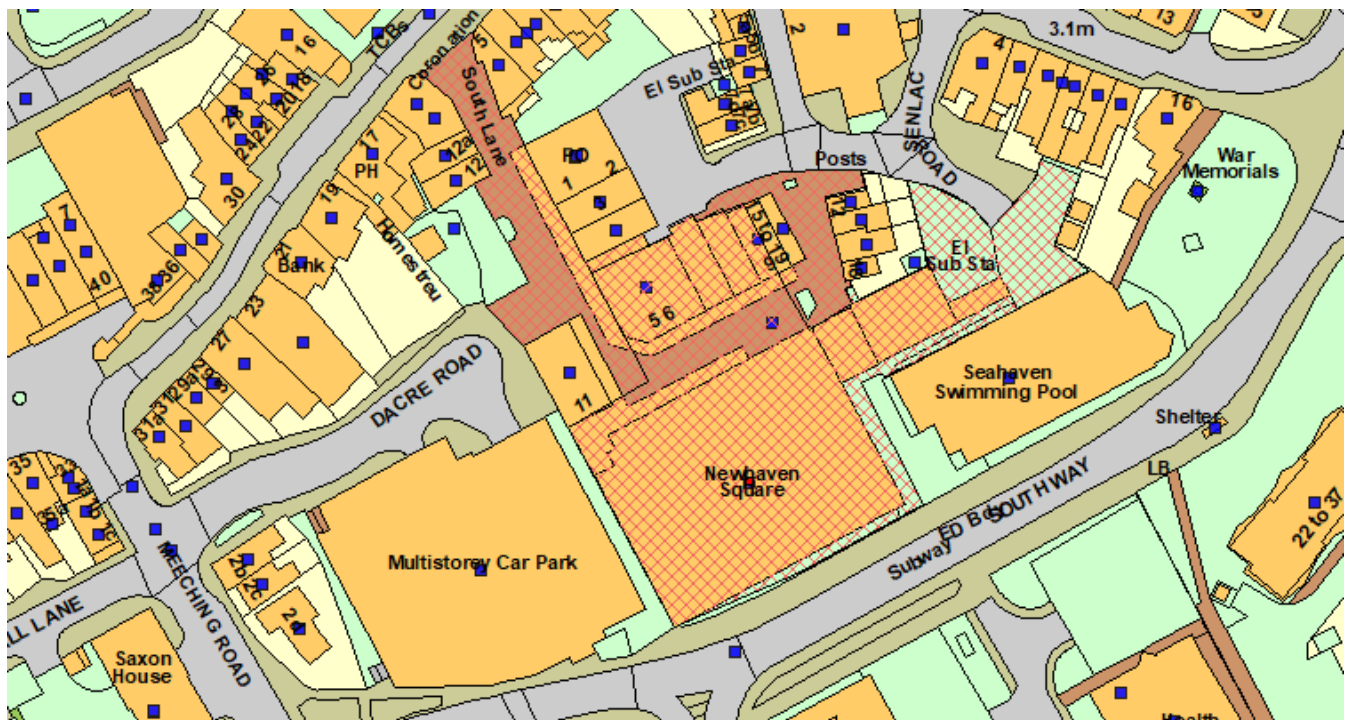


Report to: Planning Applications Committee
Date: 7 June 2023
Application No: LW/23/0018
Location: 5-8 and 10 Newhaven Square, Newhaven, BN9 9QP
Proposal: Alterations and extensions to existing Co-operative and Peacocks buildings and external works to facilitate creation of a health, wellbeing and cultural hub to accommodate Quayside GP Practice and Wave Leisure Centre.

Applicant: Lewes District Council and Eastbourne Borough Council
Ward: Newhaven South
Recommendation: Approve subject to conditions subject to no additional material matters being introduced through public representations prior to the expiry of the statutory consultation period on 16th June.

Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Site Location Plan:



1.	Executive Summary
1.1	The application has been brought to committee as the applicant is Lewes District Council, in line with the Council's scheme of delegation.
1.2	The proposed development would facilitate the adaption of the buildings to allow it to accommodate an appropriate and valuable town centre/community use in a sustainable location and with sustainability enhancements.
1.3	The quality of the internal environment would be improved in both buildings as would the way in which they engage with the street scene and the wider surrounding area, to the benefit of the overall viability and vitality of the town centre.
1.4	It is considered that the proposed development would not prejudice any future mixed use residential redevelopment of the site and, instead, is likely to remove barriers to such development by way of improving the sustainability of the existing buildings , in particular access no natural light which is currently a significant constraint.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2. Achieving sustainable development 4. Decision making 7. Ensuring the vitality of town centres 8. Promoting healthy and safe communities 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding, and coastal change
2.2	<u>Lewes Local Plan Part 1 (LLP1)</u> CP4-Economic Development & Regeneration CP6-Retail and Town Centres CP7-Infrastructure CP9-Air Quality CP11-Built and Historic Environment & Design CP12-Flood Risk, Coastal Erosion & Drainage CP13-Sustainable Travel CP14-Renewable and Low Carbon Energy
2.3	<u>Lewes Local Plan Part 2 (LLP2)</u>

	DM20-Pollution Management DM23-Noise DM25-Design
2.5	<u>Newhaven Neighbourhood Plan</u> D1 – Promoting Good Design D2 – Design and Climate Change T1 – Congestion Mitigation and Sustainable Movement TC1 – Regeneration of the Town Centre H5 – Housing Sites in the Town Centre

3.	Site Description
3.1	The application site incorporates 5-8 Newhaven Square (former Peacocks), part of a two-storey L-shaped building accommodating a parade of shops at ground floor level with office space above. The units had previously accommodated a clothes store but are currently vacant the building faces out on to a pedestrianised precinct. Unit 10 (former Co-op) is opposite units 5-8, to the south, and is a large 2.5-storey building which was previously occupied by a supermarket but is currently vacant and surrounded by scaffolding. The unit includes a two-storey eastern extension which includes a raised section below which the pedestrianised Chapel Street crosses.
3.2	The buildings fall within Newhaven Town Centre and forms part of the primary retail frontage. Unit 10 backs on to the elevated gyratory road which forms part of the route of the A259 and encapsulates the town centre. It is also connected to the neighbouring building to the east, which houses the Seahaven Swim and Fitness Centre. To the east is the Dacre Road multi-storey parking facility.
3.3	Unit 10, together with Seahaven Swim and Fitness Centre and the Dacre Road and Lower Place car parks combine to form housing site H5 in the Newhaven Neighbourhood Plan, which identifies the potential for mixed use development to deliver a minimum of 110 dwellings. The wider town centre is identified on the Neighbourhood Plan as an area for regeneration under policy TC1.
3.4	The site falls within an Air Quality Management Area. The site is located in Flood Zone 1 and is therefore not identified as being susceptible to tidal or fluvial flooding. However, flood zone 3 extends up towards the edge of the site to the south and east. The area to the east of the site is also identified as being susceptible to surface water flooding.
3.5	There are no other specific planning designations or constraints attached to the site or the immediate surrounding area.

4.	Proposed Development
4.1	<p>The proposed development involves a package of external works comprising the following: -</p> <p>Unit 10</p> <ul style="list-style-type: none"> • Removal of sections of the central gable roof to allow for open courtyard areas to be formed and accessed from the building; • Upward extension above the existing two-storey extension attached to the east of the building to allow for the formation of a plant room to serve the new use of the building and provision of an external staircase to provide access; • Installation of new windows and doors at ground floor level on the northern elevation of the building; • Installation of new windows at ground floor level on the eastern elevation; • Installation of solar panels on the south facing roof slope as well as new windows on the southern elevation of the section of building which is raised above Chapel Street; • Installation of new windows and doors at ground floor level on the western elevation; • Landscape planting flanking the eastern and southern elevations including climbing plants on the southern elevation; <p>Units 5-8</p> <ul style="list-style-type: none"> • Reconfiguration of roof lights and additional ground floor windows on north elevation; • Infill of 3 x first floor windows and revisions to shopfront glazing at ground floor level on south elevation; • New shopfront window and revisions to existing shopfront glazing on south elevation; <p>The proposed works are being applied for to allow the conversion of the buildings for use as a health, wellbeing and cultural hub. This does not represent a change of use in planning terms owing to the incorporation of a number of distinct ‘town centre’ use classes into one category, use class E, as per the Town and Country Planning (Use Classes)(Amendment) (England) Regulations (2020). The proposed uses would fall under sub-categories E (d) and E (e)</p>
5.	Relevant Planning History:
5.1	<p><u>Both Sites</u></p> <p>LW/78/0308 - Outline for redevelopment for shops, offices, community facilities, public conveniences, car park, access roads and pedestrian</p>

<p>areas. Former Jolly Sailor to be retained – Approved Conditionally 28th March 1978</p> <p>LW/78/0792 - Construction of roads and footpaths to serve shops, offices, and car park development – Approved Conditionally 28th June 1978</p> <p>LW/78/1324 - Approval of Reserved Matters (LW/78/0308) Construction of shops, offices, car park, public conveniences – Approved 27th September 1978 (amendment approved under LW/79/0673)</p> <p><u>10 Newhaven Square</u></p> <p>LW/80/0914 – Shopfront – Approved 16th June 1980</p> <p>LW/95/1510 - Installation of new containerised plantroom – Approved 8th March 1996</p> <p><u>5-8 Newhaven Square</u></p> <p>LW/99/1928 - New Shopfront, erection of air conditioning units and internal alterations – Approved 26th January 2000</p>
--

6.	Consultations:
6.1	None received at the time of drafting and if any received by the time of Planning Applications Committee, they will be reported via the addendum report.

7.	Other Representations:
7.1	None received at the time of drafting and if any received by the time of Planning Applications Committee, they will be reported via the addendum report.

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The main considerations relate to</p>

	<ul style="list-style-type: none"> • The principle of the development. • The visual impact of the proposed works; • The quality of the environment provided within the building; • Impact upon residential and environmental amenity; • The overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development.
8.2	<p><u>Principle of Development</u></p> <p>The proposed works to the building would be made to support their conversion to use as a health, wellbeing, and cultural hub. The use itself does not require planning permission, for the reasons set out in para. 4.1. The particulars being assessed therefore relate only to the external works that are to be made to the buildings.</p> <p>Para. 86 a) of the National Planning Policy Framework (NPPF) states that planning policies should allow town centres to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses and reflects their distinctive characters.</p> <p>LLP1 policy CP6 notes that encouraging a diverse range of appropriate uses in all town centres, and in Newhaven in particular, would help support the vitality and viability of the town centre. This is echoed in NNP policy TC1 which also highlights a need to create an outward looking town centre environment by having visible active ground floor frontages and to improve the public realm.</p> <p>The importance of good design in terms of functionality, adaptability and quality is set out in LLP1 policy CP11, LLP2 policy DM25, para. 130 of the NPPF and NNP policy D1 and these considerations will be central in the determination of this application.</p>
8.3	<p><u>Visual Impact and Design</u></p> <p>The most significant alterations included within the proposal would be made to unit 10 which is a large, deep, and imposing former supermarket building that includes large sections of relatively featureless and unengaging facades and has poor internal access to natural light due to the width and depth of the building as well as a lack of windows and openings.</p> <p>The proposed works would introduce new windows and openings on all elevations, making the building a significantly more welcoming presence when seen within the town centre street scene and providing improved natural surveillance of the town centre, which would act as a deterrent to crime and anti-social behaviour. It is considered that these benefits would</p>

combine to encourage members of the public to use this part of the town centre more frequently and to spend more time there.

The proposed upward plant room extension would increase the height of a small part of the building by approx. 2.8 metres. This is not considered significant in terms of the overall proportions and bulk of the building and, for this reason, it is considered that the plant room extension would appear overbearing or overly dominant. The creation of a plant room would allow for unsightly plant and other apparatus to be enclosed and screened from view and would also provide a degree of sound insulation. It is therefore considered to provide a useful function in terms of the quality of the overall street scene.

There is currently no meaningful landscaping around most parts of the site, which is dominated by built form. Although it not be practicable to incorporate landscaping along the building frontages due to the way that the interact with the pedestrian area, the proposed development does include planting along the eastern side of 10 Newhaven Square, where it would flank the pedestrian route on Chapel Street as well as the planting of climbing plants adjacent to the southern boundary, facing towards the A259, with this planting supplementing existing street trees.

10 Newhaven Square is a large structure with a significant amount of floor space but with poor access to natural light due to its depth, lack of windows and proximity to neighbouring buildings. The proposed development would introduce new ground floor windows on all aspects. In addition, sections of the central roof gable would be removed to create a series of open courtyards that would be accessible from the building interior. It is considered that these measures would enable a large increase in natural light permeability and, in the case of the courtyards, also provide pleasant, landscaped outdoor amenity areas, thereby significantly improving the quality of the environment within the building.

8.4

Sustainability:

The proposed works would facilitate the delivery of new uses for 5-8 and 10 Newhaven Square, both of which are vacant, with 10 Newhaven Square being out of use for a sustained period of time.

Para. 152 of the NPPF identifies the reuse of existing resources, including the conversion of existing buildings as a means to support a transition to a low carbon future and reuse of buildings is also the favoured approach to redevelopment of a site as set out in para. 3.7 of the LDC Technical Advice Note (TAN) on Sustainability in Development.

In order to encourage buildings to be retained and reused in the long term it is important that 'future proofing' is incorporated into the design. The modifications that are proposed for the buildings would not only benefit the intended use as a health, arts and culture hub but would also open up the buildings to natural light, provide useful pockets of amenity space and improve the way in which they appear within the street scene and how they are interact with the surrounding environment. It is therefore

	<p>considered that the works would have a long term benefit in making the building more adaptable for use in a broad range of town centre uses in the future, including the potential for mixed residential use as per the objectives of the Newhaven Neighbourhood Plan.</p> <p>As well as improving access to natural light, which would result in a significant reduction in reliance on artificial lighting within the building, the proposed development also includes the installation of a large array of solar panels on the south facing roof slopes of 10 Newhaven Square. These panels would be capable of generating a high volume of renewable energy for use within the building. Roof mounted air source heat pumps are also proposed to assist with the heating of the building.</p> <p>Whilst the change of use of the building does not require permission in its own right, for the reasons set out in para. 4.1, the proposed works would facilitate the delivery of a new use within the buildings that would benefit the local community by providing healthcare, wellbeing and cultural facilities. These facilities would be in a sustainable location which can easily be accessed on foot or cycle from most parts of the town as well as by public transport, with the site being within close proximity to bus stops on major routes as well as Newhaven Town train station. Whilst the necessity of car use is considered to be reduced as a result of the attributes set out above, there are parking facilities adjacent that would provide ample space to meet parking demand generated by the development.</p> <p>The proposed landscaping provides the opportunity to introduce appropriate native species that would enhance biodiversity on the site and provide habitat. Planting would also allow for a degree of natural cooling around the building and adjacent streets and paths.</p>
8.4	<p><u>Housing Allocation</u></p> <p>As stated in para. 3.3, the site is identified as part of a housing allocation for 110 dwellings (in a mixed used format) within the Newhaven Neighbourhood Plan.</p> <p>It is considered that the proposed development would not impede the future redevelopment of the site for such purposes. Indeed, it is likely to offer some benefit in the form of improving the sustainability of the existing building, particularly through increased access to natural light, thereby reducing barriers that may be partially responsible for the lack of a residential scheme coming forward to date.</p>
8.5	<p><u>Human Rights Implications:</u></p> <p>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 considered fully in balancing the planning issues; and</p>

	furthermore, the proposals will not result in any breach of the Equalities Act 2010.
8.6	<p><u>Conclusion.</u></p> <p>It is considered that the proposed works would facilitate the occupation of the buildings by a sustainable and valuable town centre use that would be of benefit to the wider community. It is considered that further benefits would be delivered in the form of the improvement of the appearance of the buildings, enhanced adaptability and creation of a better quality internal environment. It is also considered that the proposed works would not prejudice the future redevelopment of the site in the form of a mixed use residential scheme.</p>

9.	Recommendations
9.1	It is recommended that the application is approved subject to the conditions listed below.

10.	Conditions
10.1	<p>EXTERNAL MATERIALS:</p> <p>No external materials or finishes shall be applied until a schedule of materials has been submitted to an approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of visual amenity and sustainability in accordance with LLP1 policy CP11, LLP2 policy DM25, para. 130 of the NPPF.</p>
10.2	<p>PLANT AND MACHINERY</p> <p>Prior to the first occupation of the buildings, details of any associated extraction/flue/filtration/ventilation systems to be installed or any other plant including siting, appearance and specifications shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit:</p> <p>Any apparatus approved shall thereafter be installed and maintained in accordance with the approved details.</p> <p>Reason: In the interest of visual, environmental, and residential amenity in accordance with LLP1 policy CP11, LLP2 policies DM23 and DM25 and para. 174 and 185 of the NPPF.</p>

10.3

LANDSCAPING

Prior to the occupation of the development hereby approved, a scheme for landscaping shall be submitted to and approved by the Local Planning Authority. The scheme shall include: -

- a) details of all hard surfacing;
- b) details of all boundary treatments;
- c) details of all proposed planting, including quantity, species, and size
- d) details of biodiversity enhancements

All soft landscaping shall be carried out, at the latest, during the first planting season following the first occupation of the building. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of comparable size and species.

Reason: In the interest of visual amenity and biodiversity in accordance with LLP1 policies CP10 and CP11, LLP2 policy DM24 and DM27 and para. 130 of the NPPF.

10.4	<p>CONSTRUCTION MANAGEMENT PLAN</p> <p>No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters: -</p> <ul style="list-style-type: none"> • The anticipated number, frequency and types of vehicles used during construction, • The method of access and egress and routeing of vehicles during construction, • The parking of vehicles by site operatives and visitors, • The loading and unloading of plant, materials, and waste, • The storage of plant and materials used in construction of the development, • The erection and maintenance of security hoarding, • Other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • Details of public engagement both prior to and during construction works. • Details of measures to prevent surface water flooding during construction works. • Site waste management plan • Hours of working • Demonstration that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities. • Details of the use of protective fences, exclusion barriers and warning signs. • Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel. • Details of any external lighting. <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM22 and DM23 and para. 110 and 112 of the NPPF.</p>
10.5	<p>ASBESTOS SURVEY</p> <p>Prior to any demolition works, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.</p> <p>Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers,</p>

	neighbours, and other offsite receptors in accordance with LLP2 policy DM20 and para. 174 of the NPPF.
10.6	<p>SUSTAINABILITY</p> <p>Prior to the first occupation of each building, a sustainability checklist, in accordance with the LDC Sustainability in Development Technical Advice Note, shall be provided to identify all measures to be taken to enhance the sustainability of the unit concerned. The buildings shall thereafter be maintained in accordance with the approved details throughout its use.</p> <p>Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with LLP1 policy CP14, LLP2 policy DM20, para. 152 of the NPPF and NNP policy D2.</p>

11.	Plans:		
11.1	This decision relates solely to the following plans: -		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Location Plan	15/5/23	A-0900 Rev 2
	Proposed Site Plan	15/5/23	A-1023 - Rev 2
	Proposed Lower Ground Floor Plan	15/5/23	A-1024 - Rev 4
	Proposed Ground Floor Plan	15/5/23	A-1025- Rev 4
	Proposed Elevations	15/5/23	A-1200
	Proposed Sections AA, BB & CC	15/5/23	A-1300 - Rev 1
	Proposed Sections CC & DD	15/5/23	A-1301
	Landscape Proposals	15/5/23	
	Proposed Ground Floor Plan	15/5/23	A-1021
	Proposed First Floor Plan	15/5/23	A-1022
	Proposed Site Plan	15/5/23	A-1020
	Proposed Roof Plan	24/12/21	A-1023 Rev 3
13.	Appendices		
13.1	None.		

14.	Background Papers		
14.1	None.		