

Report to: Planning Applications Committee
Date: 11th October 2023
Application No: LW/23/0276
Location: Land at 1 South Coast Road, Peacehaven
Proposal: Scheme of 10 No. C3 residential dwellinghouses, and flexible C2/C3 supported housing accommodation, comprising of 22 No. residential flats, including 2 No. staff flats, plus ancillary facilities.

Applicant: JKC Management Ltd
Ward: Peacehaven East

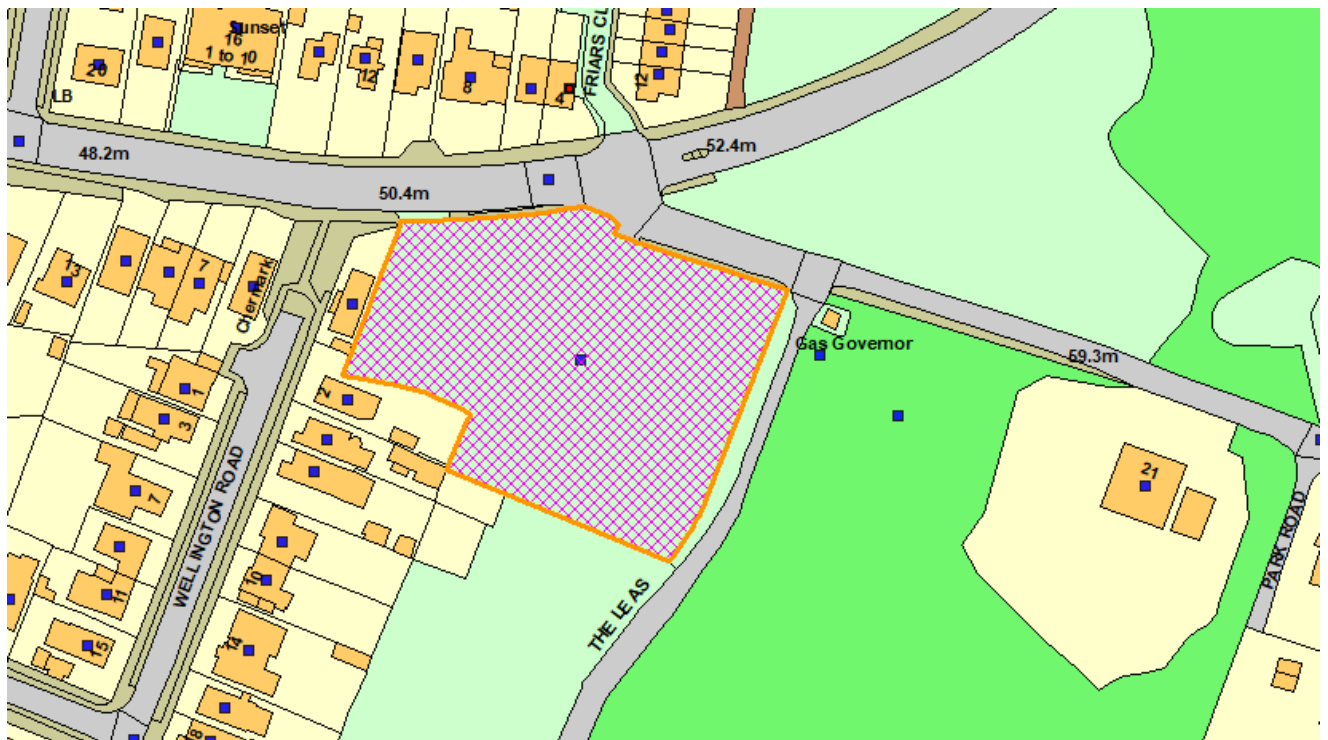
Recommendation:

1. Once the Applicant has demonstrated a method of drainage that is supported by ESCC SuDS team and that a policy compliant number of affordable units can be delivered then the application be delegated to Head of Planning to approve and issue the decision subject to section 106 legal agreement and conditions.
2. If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development.

Contact Officer: **Name:** James Smith
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IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan:



1.	Executive Summary
1.1	The proposed development represents the provision of much needed housing, accessible to a wide section of the community, on a brownfield site in a sustainable location. In addition, it presents an opportunity for remediation works to be carried out on what is currently a contaminated site which is in a sensitive location, overlying a secondary aquifer.
1.2	<p>Scheme proposes 32 units of accommodation.</p> <p>At least 10 would be C3 residential dwelling houses (two storey in height under a pitched roof) and 22 units (to be blended between C3 residential and C2 Care Home) being located in a single block with stepped elevations up to four storeys under a flat roof.</p> <ul style="list-style-type: none"> • 4 x 2 Bedroom units • 3 x 3 Bedroom units • 3 x 4 Bedroom units • 22 x 1 Bedroom units <p>It is considered that the proposed development would be carried out at an appropriate density and would integrate well with the surrounding built environment whilst not adversely impacting upon the adjoining rural areas or the setting of the nearby South Downs National Park.</p>
1.3	It is considered that the design and layout of the development would ensure that there are no unacceptable impacts upon the amenities of neighbouring residents.
1.4	There is adequate on-site parking, the proposed access arrangements are suitable, and the proposed development would not generate unacceptable levels of traffic, with this likely to be reduced when compared against traffic generated by the former use of the site.
1.5	Further information on drainage arrangements and affordable housing are required and these would be secured prior to any decision being issued if members are minded recommending approval.
1.6	<p><u>Social Benefits</u></p> <p>The proposal offers significant social benefits by providing much needed housing to serve a broad section of the community. A policy compliant affordable housing provision/contribution would be secured by legal agreement.</p> <p>This would carry <u>significant positive weight</u> in the planning balance.</p>
1.7	<p><u>Economic Benefits</u></p> <p>The proposed development would provide short-term economic benefits in the form of construction jobs with longer term benefits associated with on-site employment, jobs associated with ongoing maintenance of the site</p>

	<p>and increased local spend in the local economy as a result of the increase in population.</p> <p>This would carry <u>moderate positive weight</u> in the planning balance;</p>
1.8	<p><u>Design and Built Environment</u></p> <p>The proposal would introduce gateway buildings on the edge of Peacehaven, occupying a site that is currently vacant and becoming unsightly, thereby improving the setting of the town and</p> <p>This would carry <u>moderate positive weight</u> in the planning balance.</p>
1.9	<p><u>Remediation</u></p> <p>The proposed development would utilise a brownfield site and facilitate remediation works that would remove contaminants and thereby improve the surrounding environment and the security of controlled waters.</p> <p>This would carry <u>significant positive weight</u> in the planning balance.</p>
1.10	<p><u>Transport</u></p> <p>The proposal would maintain and enhance existing bus service infrastructure, deliver suitable access for vehicles and pedestrians, would support electric vehicle charging and provide cycle parking and would not impose undue stress on the surrounding highway networks.</p> <p>This would carry <u>moderate positive weight</u> in the planning balance.</p>
1.11	<p><u>Sustainability</u></p> <p>The proposal would incorporate a number of measures to deliver a sustainable and energy efficient form of development.</p> <p>This would carry <u>limited positive weight</u> in the planning balance.</p>
1.12	<p><u>Water issues</u></p> <p>The development would allow for the provision of a new and more effective drainage system, subject to approval by the LLFA and Environment Agency.</p> <p>This would carry <u>limited positive weight</u> in the planning balance.</p>
1.13	<p><u>Ecology and Biodiversity</u></p> <p>The development allows for the introduction of 10% biodiversity net gain on the site, through the provision of a suitable landscaping and ecological enhancement plan.</p>

	This would carry <u>neutral weight</u> in the planning balance.
1.14	<p><u>Landscape Impact</u></p> <p>The development would be positioned on the urban edge of Peacehaven and would be adjacent to open countryside and within the setting of the South Downs National Park. The SDNPA and the ESCC Landscape Officer both consider the development to be acceptable in this location, subject to a well landscaped edge being established.</p> <p>This would carry <u>neutral weight</u> in the planning balance.</p>
1.15	It is therefore recommended that the benefits of the development significantly outweigh any harm and that the application should therefore be approved subject to the conditions attached to this report and a Section 106 legal agreement to secure affordable housing and highway improvements/contributions.
2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of homes</p> <p>8. Promoting healthy and safe communities</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment</p>
2.2	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP1-Affordable Housing</p> <p>CP2-Housing Type, Mix and Density</p> <p>CP7-Infrastructure</p> <p>CP8-Green Infrastructure</p> <p>CP9-Air Quality</p> <p>CP10-Natural Environment and Landscape</p> <p>CP11-Built and Historic Environment & Design</p> <p>CP12-Flood Risk, Coastal Erosion & Drainage</p> <p>CP13-Sustainable Travel</p> <p>CP14-Renewable and Low Carbon Energy</p>

2.3	<u>Lewes Local Plan Part 2 (LLP2)</u> DM20-Pollution Management DM22-Water Resources and Water Quality DM23-Noise DM24-Protection of Biodiversity and Geodiversity DM25-Design DM27-Landscape Design
2.4	<u>Emerging Peacehaven Neighbourhood Plan</u> PT1 - High Quality Design PT2 - Innovation and Good Management PT3 - Landscaping PT5 - Sustainable Design PT6 - Housing design PT7 - Adaptable housing PT8 - Low-cost housing PT9 - Housing mix PT10 - Reusing the Existing PT11 - Promoting All-Inclusive Travel PT13 - Enhancing public transport in the Neighbourhood Plan Area PT17 - Protection of Biodiversity and Habitats PT18 - Biodiversity Net Gain PT19 - Urban Greening PT20 - Drainage Management PT21 - Renewables PT22 - Net Zero PT23 - Air Quality PT27 - Local Labour Agreement PT32 - Statement of Community Engagement PT36 - Design and placemaking principles

3.	Site Description
3.1	The site is brownfield land, the plot having previously been occupied by motel/café which was demolished in 2009. Up until the late 1990's the site also accommodated a petrol station. Since the clearance of the site, it has been enclosed by a mix of timber hoarding and metal palisade fencing and

	left undisturbed, despite two planning applications for redevelopment being submitted. As a result, the site has become overgrown in places. The levels of the site remain similar to when it was previously occupied, with a raised, flat area adjacent to South Coast Road, behind which there is a slope down to a larger, flat area of land towards the southern end of the site.
3.2	The site falls within the settlement boundary, with the eastern boundary representing the eastern edge of Peacehaven. The western side of the northern boundary flanks the A259 (South Coast Road) with the remainder being edged by The Highway, which is a narrow rural lane which is also a bridleway. The eastern boundary is flanked by a public footpath which connect The Highway with the public footpath that runs along the clifftops between Brighton to the west and Newhaven to the east, which will form part of the King Charles III England Coast Path.
3.3	To the north of the site, on the opposite side of South Coast Road, is mixed residential development which includes dwellings facing onto the road or set back on cul-de-sacs such as Friars Close and low-rise blocks of flats (two and three-storey). The western boundary, and part of the southern boundary flank rear gardens of bungalows on Wellington Road. To the east and south is grassland and scrub which forms part of the rural landscape adjacent to the cliffs to the south.
3.4	The site falls within an Archaeological Notification Area. Other than this, the site is not subject to any specific planning designations although it is noted that there are contaminants present as a result of the former petrol station use. It is also important to note the proximity to the edge of the South Downs National Park, approx. 500 metres to the north, and to the Brighton to Newhaven Cliffs SSSI which is approx. 200 metres to the south.

4.	Proposed Development
4.1	<p>The proposed development would comprise the following: -</p> <ul style="list-style-type: none"> • 10 x two-storey dwellings located on the western part of the site and positioned around the access road and parking area. 9 of the dwellings would be terraced with a single detached dwelling in the north-western corner of the site. The mix provided would be 4 x 2 bed dwellings, 3 x 3 bed dwellings and 3 x 4 bed dwellings; • A four-storey block of flats comprising a mix of C2 and C3 accommodation. There would be 20 flats for older people in total, with an additional 2 flats provided for staff accommodation. All flats would be 1 bedroom. The top floor of the flats would include a plant room and a solar battery room along with two of the flats A communal lounge and staff room would be provided at ground floor level; • Parking for 24 cars, including 2 disabled bays;

	<ul style="list-style-type: none"> • Formation of a gated communal garden for occupants of the flats (with each dwelling having its own private garden area); <p>The existing dropped kerb access from South Coast Road would be used to allow for vehicular and pedestrian access. Separate pedestrian access to the development would be provided directly from the footway on South Coast Road, where a new path would be formed running parallel with The Highway.</p>
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5.	Relevant Planning History:
	E/56/0016 - Proposed installation of two additional Petrol Pumps – Approved 30 th January 1956
	E/72/2023 - Alterations to Service Station and construction of Motel – Approved 5 th March 1973
	LW/77/0128 - Pump canopy over 3 new pumps, petrol interceptor and fire cabinet – Approved 12 th March 1977
	LW/78/0639 – Planning application for garage – Approved 25 th May 1978
	LW/96/1779 - Removal of service station facilities and erection of a single storey extension to shop – Approved 23 rd January 1997
	LW/04/0921 - Demolition of existing buildings and erection of 74 residential flats comprising of 62 one-bedroom flats and 12 two-bedroom flats, contained within three buildings, two of three storeys and one of four storeys, with a communal garden square at the centre – Refused 5 th July 2004
	LW/06/0142 - Outline application for the erection of 24 residential units comprising one x one bedroom flat, four x two-bedroom flats, 10 x two-bedroom terraced houses and nine x three-bedroom terraced houses (the units are two storeys with some rooms in the roof) – Approved 18 th May 2006
	LW/10/1452 - Erection of 28 self-contained flats and 4 terraced houses – Refused 4 th March 2011
	LW/12/0240 - Erection of twenty houses, five flats and associated parking and open space – Approved 2 nd May 2012
	LW/14/0103 - Erection of 26 dwellings with associated car parking and access - Withdrawn
	LW/15/0462 - Redevelopment of previous fuel service station and motel into 21 new 3 bed plus 5 new 2 bed houses along with 36 car parking spaces for social housing use – Resolution to approve but not proceeded with due to failure to sign section 106 legal agreement

6.	Consultations:
6.1	<p>Peacehaven Town Council</p> <p>There was a discussion about the application, the Committee expressed concerns over the location, lack of net biodiversity gain, lack of affordable housing, overdevelopment, height, effect on the road, construction vehicles, public transport provision, road safety, and drainage.</p>

	<p>It was proposed that the Committee object to the application on the basis that it goes against LDC policy DM25 and the policies and design guide of the emerging Neighbourhood Development Plan. The application does not demonstrate a net biodiversity gain and there are concerns over the access to South Coast Road.</p>
6.2	<p>South Downs National Park Authority</p> <p>No material harm to the National Park</p> <p>The development would be located over 500m from the National Park boundary to the south of existing intervening residential development and the A259 South Coast Road. Permission was previously granted for 26 dwellings on the site, which has since expired.</p> <p>Although the site may be visible from rights of way within the National Park including Footpath 9, it would be seen within the context of existing built form.</p> <p>OFFICER COMMENT: The SDNP comments contain an erroneous reference to buildings being only 3-storeys high. They have confirmed that this does not affect the advice provided.</p> <p>.</p>
6.3	<p>Lead Local Flood Authority</p> <p>The site is not at significant risk of flooding from external sources and a Flood Risk Assessment is not required.</p> <p>Based on the information in the ground investigation report, the site historically had nine below ground fuel tanks with the applicant removing five. The site is indicated to overlie a Secondary 'A' aquifer and Principal Aquifer and is not situated within a Source Protection Zone.</p> <p>There are some issues with the proposed drainage strategy which need to be addressed in order to remove our objection. These should be incorporated into a statement on the proposed Drainage Strategy in accordance with our guidance on planning submissions.</p> <p>OFFICER COMMENT: The applicant has submitted additional information. This has been forwarded to the LLFA and their comments are awaited. <u>If members are minded approving the application, then no decision will be issued until the LLFA remove their objection.</u></p>
6.4	<p>Southern Water</p> <p>Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.</p>
6.5	<p>ESCC Highways</p> <p>This development site is sustainable in transport terms and therefore I have no objection to the proposals, subject to the imposition of the conditions and obligations recommended below.</p> <p>This application does make reference to a stopping up order (SUO) with the intention being to claim a potentially redundant strip of highway in</p>

	<p>order to allow a degree of road widening/realignment at the site access. This SUO was not highlighted in the pre-application response, but we have no objection from a highway perspective.</p> <p>I understand that the SUO will need to be secured prior to planning consent being granted, under powers contained within the Town & Country Planning Act 1990.</p>
6.6	<p>ESCC Landscape Officer</p> <p>The site and immediate surroundings would not be considered valued landscape in the context of the NPPF paragraph 174 a). The site is not countryside however, it is on the edge of the clifftop downland, an open landscape between Peacehaven and Newhaven. Proposed development on the site would need to have a high-quality positive frontage onto the open space.</p> <p>The redevelopment of this site offers an opportunity to provide new gateway buildings on the edge of the settlement and on the approaches along the A259.</p> <p>It is recommended that the proposed development can be supported as it would provide an opportunity to enhance local landscape character and views. This would be subject to satisfactory detailed designs for hard and soft landscape materials by condition.</p>
6.7	<p>ESCC Archaeology</p> <p>This site has already been subject to archaeological investigation (trial - trench evaluation, open area excavation, post-excavation assessment) in association with previous application LW/15/0462.</p> <p>For this reason, I have no further archaeological recommendations to make in this instance.</p>
6.8	<p>LDC Contaminated Land Officer</p> <p>I note that the applicant has submitted two ground investigation reports dated Nov 2016 and Feb 2017 prepared by Geo-environmental Ltd. Some contaminations have been detected at the site including ground gases at the site, but no remediation strategy and verification plan has been submitted with the application. The submitted report is also predated the new LCRM guidance issued in 2020 and updated in 2021.</p> <p>If LPA is minded granting a planning permission, then considering the sensitive uses of the site, I recommend attaching conditions and an informative.</p>
6.9	<p>LDC Air Quality Officer</p> <p>Further to review of the Air Quality Assessment prepared by Phlorum and received in support of the above application, I am satisfied that the operational and construction phases have been assessed appropriately and that levels of pollutants will be below the relevant air quality standards. The level of air quality mitigation is appropriate for a scheme of this size in an area of good air quality, and I would therefore recommend approval of this application in terms of air quality only.</p>

	<p>There do not appear to be any mechanisms in place to ensure that the recommendations of the air quality assessment, regarding construction dust are followed. It is recommended that a condition requiring a CEMP is included should the application be approved. Additionally, the AQA states "Air source heat pumps and solar panels are proposed to all dwellings on the site, with no reliance on natural gas. Electric car charging points will be provided to all houses to encourage use of electric vehicles. " This too should be conditioned.</p>
6.10	<p>LDC Coastal Project Specialist</p> <p>Advise that ESCC as LLFA are consulted regarding the proposed SuDS (soakaway) and for applicant to consult ESCC tools on SuDS if they have not already. Suggest the applicant also considers other appropriate SuDS systems, such as smart water butts. (Subject to any other comments/conditions imposed relating to contaminated land and comments from the EA and LLFA).</p> <p>A full-scale soakage test to BRE Digest 365 has not yet been undertaken and should be undertaken to inform the drainage strategy. The LLFA (as well as the EA) should also be consulted prior to finalising the drainage strategy for the site.</p> <p>LDC will seek a contribution of funding via Section 106 monies, for the maintenance of the Peacehaven undercliff coastal defences. The SMP policy for short (2005-2025) and medium term (2025-2055) is to hold the cliff base at the location of coastal frontage in front of the proposed development. Funding contributions would be used to maintain the existing defence structures in the policy unit area 4d08: Peacehaven.</p> <p>OFFICER COMMENT: Contributions for flood defence contributions will be sought where it is established there is a planning policy-based justification for them.</p> <p>As the new Local Plan develops policies relating to specific financial contributions will be scoped/researched and if appropriate recommended for inclusion. At this moment in time Community Infrastructure Levy is the mechanism whereby financial monies can be sought and infrastructure providers can bid for monies to be allocated towards key infrastructure,</p>
6.11	<p>LDC Ecology</p> <p>Additional information is required in regard to.</p> <ul style="list-style-type: none"> • The potential impact on and protection of habitats and species in the local area, including the adjacent grassland / scrub and nearby Peacehaven Heights LWS. • How a minimum 10% BNG will be achieved. It is recommended that this is evidenced through the application of the most recent version of the Biodiversity Metric. <p>OFFICER COMMENT: It is considered these matters could be addressed by suitable planning conditions.</p>
6.12	<p>Natural England</p> <p>No objection.</p>

	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
6.13	<p>LDC Tree Officer</p> <p>Further documentation is required to ensure that trees on adjacent land, in particular those properties within Wellington Road that border the site, are given material consideration.</p> <p>OFFICER COMMENT: Additional reports have been submitted as requested and a response is awaited. If a response is not received, then a condition can be used to secure tree protection plans.</p>
6.14	<p>Environment Agency</p> <p>No objection subject to conditions.</p>
6.15	<p>Sussex Police (Secured by Design)</p> <p>Vehicle and pedestrian access are directly off South Coast Road (A259), leading to a central car park. The dwellings are located around the car park. There is good observation from the dwellings over the parking area.</p> <p>There is good demarcation to the front boundaries of the houses and the side and rear boundaries of the block of multiple dwellings. The communal garden is gate and I ask it is also controlled.</p> <p>OFFICER COMMENT: Various recommendations are made as to how security measures could be incorporated into the scheme. The provision of suitable measures would be captured by a Secured by Design condition which will be attached to any approval and is listed in the schedule of conditions at the end of this report.</p>

7.	Other Representations:
7.1	<p>20 letters of objection have been received and relevant content is summarised below.</p> <ul style="list-style-type: none"> • Will create a wind tunnel effect; • The buildings are too high and imposing; • Chalk cliff location not suitable for foundations and drainage; • Will result in an increase in traffic; • The flats are on an area of the site that was never built over; • Overdevelopment of the site; • Harmful impact upon surrounding countryside including article 4 area around The Highway; • Will be in breach of covenants attached to the site; • Lack of suitable infrastructure; • Lack of clarity on the use of the flats; • Development will cause disturbance to nearby home workers; • Loss of green space; • Would result in noise and air pollution; • The southern end of the site floods in heavy rain and a suitable drainage system is needed; • Harm to views/outlook;

- Insufficient parking facilities provided;
- The adjacent footpath is used by the emergency services and must be kept open;
- The site has been vacant for many years and is now home to wildlife, which would be harmed by the development;
- Affordable housing should be provided;
- Previous permissions on the site cannot be used to argue a precedent has been established;
- Insufficient details have been provided as to how biodiversity net gain would be achieved;

OFFICER COMMENT: The adjacent footpath would not be impacted by the development. A Construction Management Plan will be required to provide confirmation that it would remain accessible throughout construction works on the site. Any potential breach of covenant is a civil rather than planning matter.

7.2

A petition objecting to the scheme has been signed by 98 people and formally submitted. The wording for the petition is provided in verbatim below:-

At its proposed height of 4-stories the site will be over developed and negatively impact the adjacent neighbourhoods. With a number of properties becoming overlooked and losing their privacy from both a visual and audible perspective.

The local area consists predominately of bungalows. No bungalows are proposed on the site. Previous buildings were 1-2 stories high, with a substantial proportion of the site being of level ground.

The density of a similar sized area in adjacent roads i.e., Wellington Road and Cliff Avenue would amount to seven to ten dwellings. The site proposed is over developed at three to four times this, due to the number of houses and four-story block of flats being proposed.

There has never been any development on the land abutting the Highway, as not to visually impact the surrounding neighbourhood and Article 4 area. If awarded this would effectively allow a 4-story block of flats to be built on the Highway.

The flexible part of the building classification (C2/C3) opens up the development to other potential uses in future. Although the developer is proposing a small number of flats for disabled use – not one bungalow has been proposed. Bungalows being far more accessible for disabled persons. Hence questions should be raised as to the proposed motive of the development if planning was to be awarded. As such flexible (C2/C3) use will result in an increase in noise and disturbance from the development due to both its nature and density.

As Peacehaven is becoming increasingly populated there are no new amenities such as police stations (demolished for housing), fire stations, ambulance stations, doctors' surgeries etc.

	<p>Access to the A259 from local closes, avenues and the Highway is a problem and getting worse due to traffic. This could negatively impact highway safety.</p> <p>The amount of traffic (and air pollution) on the A259 coast road is also already too high, especially at peak times, and this development will add to the problem significantly.</p>
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8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard 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 sustainability of the development; • The delivery of new housing and the quality of accommodation provided; • Impact upon the character of the surrounding urban and rural environment; • Impact on residential amenity; • Impacts upon highway/pedestrian safety. • Flood risk, • 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 site falls within the settlement boundary and, therefore, the principle of its redevelopment for housing purposes is acceptable. As can be seen from the site history, a number of schemes for residential redevelopment of the site have been awarded planning permission in recent years although none have been implemented to date and all have now lapsed. It should also be noted that the site is included in the 2022 Interim Land Availability Assessment where it is considered, under reference 19PT, to</p>

be suitable for residential development although the availability of the site and achievability of development were unknown.

Para. 120 c) of the NPPF states that planning decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;' The proposed scheme responds well to this objective in two ways. Firstly, it is a brownfield site within an existing settlement, having previously accommodated a motel, café, and service station, with these buildings since being demolished. Secondly, as is evident in the response from the Environment Agency, the site suffers from contamination, primarily due to the former petrol station use, and the proposed development would provide an opportunity for remediation to be carried out which would be to the benefit of the site itself as well as the surrounding environment and water security.

There is an increased emphasis on using site efficiently and delivering new housing in the District as a result of the current lack of a 5-year supply of housing land. This is set out in para. 125 of the NPPF which states that 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.'

The approach to determining applications for housing development where there is a lack of 5-year housing supply is crystallised in para. 11 d) of the NPPF which instructs a Local Planning Authorities to approve development proposals unless they would have a clear harmful impact upon protected areas or assets or if the harm caused by the development would significantly outweigh the benefits.

The closest protected area/asset to the application site is the South Downs National Park, some 500 metres to the north, and the impact of the development upon the setting of the park will therefore be given careful consideration.

It is therefore considered that the principle of the redevelopment of the site is acceptable and is encouraged by the NPPF. The acceptability of the scheme is subject to consideration against relevant development plan and national planning policies, with a degree of weight afforded to the emerging Peacehaven and Telscombe Neighbourhood Plan.

8.3

Housing Delivery

Although the planning statement suggests that the development is not required to provide a contribution towards affordable housing this is not the case. All development of 10 or more C3 units require an affordable housing contribution as per para. 65 of the NPPF. The Council's affordable housing policy sets the starting point for contributions at 40% of the residential units. Any reduction to this would need to be justified by a viability assessment demonstrating the development would not be viable

with a 40% contribution, with this being subject to an independent assessment by specialists. If viability issues are accepted than the maximum feasible contribution would be required.

The C3 units within the flatted element of the development would also be included in the calculation for affordable units. As the application does not make clear how many of the units would be C3 this would need to be confirmed in the section 106 legal agreement.

Setting aside the need to include affordable housing, it is considered that the proposed development would provide a good mix of houses to serve a variety of household sizes, including 3 and 4 bed family units of which, unlike the general trend in the District, there is an identified shortage in Peacehaven (as identified in the 2021 Peacehaven and Telscombe Housing Needs Assessment). In addition, accommodation for older people would be provided, including specialist C2 units (where care would be provided by staff that live on-site). 6 of the units provided would be M4(3) wheelchair accessible units with the remainder being M4(2) wheelchair adaptable. It is therefore considered that the proposed development would serve a wide range of the community, including those with specific needs, as is encouraged by para. 92 of the NPPF and identified as a key component of the social objective of sustainable development set out in para, 8 b) of the NPPF.

8.4

Design and Visual Impact

With a site area of approx. 0.4 hectares, the density of the proposed development would equate to approx. 55 dwellings per hectare. This falls within the suggested 47-57 dwellings per hectare density for new development in towns set out in LLP1 policy CP2. It is considered that ample space would be available for associated road and footpath infrastructure, street scene landscaping and private and communal gardens and that this is demonstrated in the submitted site layout. It is therefore considered that the development would not appear unacceptably cramped.

The application site is in a prominent location on the eastern edge of Peacehaven, forming the gateway into the town when approaching from the east on the A259. The site has been derelict for over 10 years and its appearance is deteriorating. It is considered that the site, in its current condition, therefore appears as an unattractive and unwelcoming feature that is causing harm to the setting of Peacehaven.

The proposed development therefore represents an opportunity to improve the setting of the town, but careful consideration must be given to the appropriateness of the design and scale of the development, given the prominence of the site as well as proximity to the rural landscape and the South Downs National Park.

The proposed development would introduce a mix of 1.5, 2 and 3-storey buildings on the site. It is noted that there are numerous examples of buildings of these scale within both the immediate surrounding area and also within the linear development that follows the course of South Coast Road. This is recognised in the Peacehaven and Telscombe Design Code which identifies the 'coastal road' character area, which the site falls

within, as having the highest concentration of taller, 3-4 storey buildings within the town, with a mixture of residential and retail, giving the area a more urban character.' The design guide goes on to state, under CB2, that residential houses can be a maximum of 3 storeys.'

The residential dwellings would be built to a fairly traditional pitched roof design that is consistent with the appearance of a number of neighbouring dwellings. The orientation of the dwellings, with some facing out onto, and engaging well with South Coast Road and set back dwellings positioned either perpendicular to South Coast Road, lining the access road, or facing out towards the road/parking area is similar to the arrangement of development opposite the site on Friars Close.

The proposed block of flats would be incorporate a more contemporary flat roof design, with the top floor being recessed from the building edges and finished in contrasting materials. Whilst it is noted that the Peacehaven and Telscombe Design Code suggests a maximum height of residential houses of three-storeys, but this does not apply to flats, and it acknowledges there are four-storey buildings within the surrounding area. It is considered that the significant setback of the top floor of the building from the main elevations would provide suitable articulation to the building, preventing it from appearing overly bulky and from the elevation walls appearing as an unacceptably overbearing edifice. It is also important to note that the block of flats would be positioned on lower lying land and be set back from South Coast Road and The Highway, thereby reducing visual prominence in the street scene. The flat roof design itself is consistent with that of other blocks of flats nearby and it is noted that the Peacehaven and Telscombe Design Guide regards flat roofs as acceptable for use on taller buildings.

Overall, it is considered that the design and layout of the development is acceptable, that it would engage well with South Coast Road as well as the internal street scene, would integrate with the visual and spatial character of the surrounding built environment and provide an attractive and well-defined gateway to Peacehaven, significantly improving upon the current visual characteristics of the approach to the town from the east.

It is clear that the site would be visible from many positions in the surrounding rural environment, including highly visible from the footpath passing directly to the east of the site and heading towards the clifftops. However, when viewed from the surrounding rural environment, the development would be seen in context with the existing townscape which, as is set out above, it would assimilate effectively within.

It is considered that the gateway nature of the site lends itself use for a bolder form of development that establishes a sense of place and provides a clear definition to the urban/rural interface. The ESCC Landscape Officer and the South Downs National Park Authority have both been consulted and both consider that the proposed development is appropriate for its setting, with no unacceptable harm upon the surrounding rural environment, including the setting of the nearby South Downs National Park.

8.5

Impact upon residential amenities:

It should be noted that the principle of residential redevelopment of the site has previously been accepted, see history section above.

The dwellings that would be most immediately affected by the proposed development would be the bungalows at 2a, 2 and 4 Wellington Road which would have two-storey dwellings positioned within relatively close proximity to the west, on lower lying land.

It is noted that the eastern elevation of 2a Wellington Road (flank elevation) is positioned close to the eastern site boundary and includes a number of windows. Based on planning records these windows serve a living room, kitchen, wc and bedroom although it was noted from the site inspection that there has been some reconfiguration/replacement of windows. The dwellings at 2 and 4 Wellington Road are set further back from the site boundary, with the rear gardens backing onto the application site.

It is noted that the relationship between dwellings in the proposed development and properties on Wellington Road is similar to that shown on plans previously approved under LW/12/0240 and with a motion to approve under LW/15/0462.

Unit 1 of the proposed scheme would be positioned to the side of the garden area at 2a Wellington Road. There would be no upper floor windows and openings in the elevation facing towards the neighbouring property and, therefore, no potential for unacceptably intrusive views, with outlook from ground floor windows being interrupted by site boundary treatment.

Units 2-4 of the proposed scheme would have first floor windows facing towards east facing windows at 2a Wellington Road, with a separation distance of approx. 9.5 metres maintained. Whilst this distance is limited it is noted that site boundary treatment of up to 2 metres high could be placed on the shared boundary and that this would screen views towards neighbouring windows.

The windows in the flank of 2a Wellington Road are secondary, in the case of the living room windows, serve a kitchen area which also has access to light from other windows and is not a primary habitable room, serve a wc and a bedroom.

Whilst the proximity of dwellings to these windows may result in some additional overshadowing in early mornings this should be seen in context with the function of the windows affected, the accessibility to natural light provided by over windows in the dwelling that would not be impacted upon and the impact boundary screening would have, it is considered that the presence of these dwellings would not generate undue levels of additional overshadowing.

2 and 4 Wellington Road, the distance maintained between these dwellings and those proposed would be greater than at 2a due to the site backing onto rear gardens. It is noted that the rear garden of 4 Wellington Road includes an annexe, approved under LW/16/0704 but there would be no direct window to window views from the proposed development towards this annexe. There would also be no windows directly overlooking the garden or windows of 2 Wellington Road.

Units 8 to 10 of the proposed development would overlook the far end of the rear garden of 4 Wellington Road, but this would impact on a small part of it, the views would be at a typical distance for neighbouring garden views within an urban environment and there would be no direct window to window views towards the dwelling itself.

In regard to overshadowing, the southern elevation of unit 4 would be positioned close to the rear garden of 2 Wellington Road, which is on lower lying land, but this would be a narrow elevation and would also be to the north of the neighbouring dwelling and garden, thereby reducing potential for overshadowing. There would be dwellings to the east of 2 Wellington Gardens but, with a separation distance of some 20 metres maintained, it is considered that these dwellings would not introduce undue overshadowing of neighbouring windows. All development would be positioned to the north of 4 Wellington Road, with good separation distances maintained.

It is considered that the proposed dwellings are of modest scale, consistent with the surrounding built environment and due to this, their orientation and the separation distances maintained between neighbouring dwellings, it is considered that they would not appear overbearing towards neighbouring properties.

The block of flats is of a more substantial scale but is positioned towards the eastern edge of the site, well away from existing neighbouring dwellings. There would also be a good degree of separation from the proposed dwellings within the scheme and the closest parts of the block to neighbouring residential properties would be stepped down to two-storeys in height so as to soften amenity impact towards the occupants of those properties,

There would be no internal roads, turning or parking areas within the development positioned adjacent to neighbouring properties and, therefore, it is considered that there would not be potential for unacceptable disruption and disturbance caused by moving and vehicles. Site landscaping will further soften impact upon neighbouring residents.

The residential use of the site, and the intensity of the use, is considered to be entirely compatible with the character of neighbouring residential development.

It is therefore considered that there would be no unacceptable harm towards neighbour amenities as a result of the proposed development.

8.6

Living Conditions for Future Occupants

Para. 134 of the NPPF states that ‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Para. 126 of the National Design Guide (2019) states that ‘well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight, and ventilation.’

The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy. Floor plan drawings and measurements provided confirm that all dwellings and flats would have a GIA exceeding the minimum set out in the space standards.

Each dwelling and flat is considered to have a clear and easily navigable layout, with awkwardly sized rooms and overly large or long circulation areas being avoided. All primary habitable rooms would be served by clear glazed windows that would not have any immediate obstructions to outlook. These windows would allow for access to good levels of natural light as well as providing effective natural ventilation. All dwellings and flats would be multiple aspect, increasing the effectiveness of natural ventilation and also prolonging exposure and access to natural light throughout the course of the day. It is noted that the two top floor flats would be adjacent to plant rooms and, in order to protect the amenities of the occupants of these properties, a condition will be used to ensure there is suitable sound proofing in these rooms and incorporated into the design of any plant installed in the rooms.

6 of the proposed flats would be provided as M4(3) wheelchair user dwellings with the remainder as M4(2) accessible and adaptable units.

LLP2 policy DM25 states that developments of 10 or more dwellings should demonstrate how the ‘Building for Life 12’ criteria have been considered and would be delivered by the development. One of the recommendations made in Building for Life 12 is that rear gardens are at least equal to the ground floor footprint of the dwelling. The occupants of each dwelling would have direct access to a suitable sized private garden area. There is a modest shortfall at units 6 and 10 where the rear gardens would be approx. 87% of the building footprint and a more marked shortfall at unit 7 where the garden area would be approx. 75% of the footprint. However, it is considered this shortfall is acceptable in this instance as the gardens concerned are considered to still be of a good size, are not unacceptably narrow or short and the site is within easy access of additional amenity space provided within the surrounding countryside.

	<p>The occupants of the flats would have access to a communal garden as well as to communal lounge facilities within the building.</p> <p>It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2 and section 8 of the NPPF.</p>
8.7	<p><u>Impact on Landscape, Habitat and Ecology</u></p> <p>There are no significant trees or other landscape features within the site, noting that until fairly recently it was entirely covered by buildings or hard surfaced. However, it has become overgrown and does provide potential habitat. It is also noted that there are semi-mature bay and laurel trees adjacent to the site on the western boundary.</p> <p>The application is accompanied a Preliminary Ecological Appraisal (PEA). This included a phase 1 habitat survey carried out on the site. It notes the proximity of the site to the Brighton to Newhaven Cliffs SSSI (approx. 200 metres to the south) and the requirement to consult Natural England. This consultation has been carried out and no objection has been raised regarding potential impact upon the SSSI.</p> <p>The habitat survey identified potential habitat for nesting birds and reptiles in existing brush pile on site and has therefore recommended clearance works been not carried out in the bird nesting or reptile hibernating seasons. Full details of measures to protect wildlife would need to be incorporated into a Construction Environmental Management Plan (CEMP) that would be secured by condition.</p> <p>The PEA also recommends ecological mitigation and enhancement works including the installation of bat and bird boxes. 'bee bricks' and bee friendly habitat and planting of native hedgerow. Full details of such measures would be secured through a soft landscaping condition. These conditions would also require it to be demonstrated that a minimum 10% biodiversity net gain would be achieved.</p> <p>The LDC Ecologist has requested further information of how off-site ecological impact would be addressed and how 10% Biodiversity Net Gain could be achieved. It is considered that this could be dealt with by pre-commencement conditions, which are included in the schedule below.</p> <p>As stated earlier in this report, and by the ESCC Landscape Officer, there is an opportunity for sympathetic planting to enhance the appearance of the site as well as provide a defensible landscaped edge to the development, marking the transition to the rural environment to the east.</p>
8.8	<p><u>Transport Impact and Access Arrangements</u></p> <p>The vehicular access to the proposed development would be provided from South Coast Road, towards the western edge of the northern boundary, where there is an existing dropped kerb crossover in place. This existing crossover, which served the former petrol station/motel use, is</p>

wide and the proposed works would provide an opportunity to reduce its width and restore raised kerbing alongside the footway. A right-hand turning bay would be provided.

The internal access road would be flanked by a footway and there would be separate pedestrian only access from South Coast Road adjacent to The Highway, which would include step free access to the first-floor level of the flats. The footway to the front of the site would be increased in width to two metres and the dropped kerb crossover on South Coast Road, adjacent to the junction with The Highway, would be stopped up with a raised kerb restored.

The ESCC Highways Officer has raised no objections to the proposed development, noting that associated trip rates would be no greater than would have been associated with the previous use of the site and would be less than those generated by previously approved residential schemes for the site. The Highways Officer is also satisfied that the proposed junction has sufficient capacity to support the development without causing disruption on surrounding roads. The Highways Officer has noted that the site is in a sustainable location, close to bus stops and within approx. 1km walking distance of main shopping/service areas, with good quality footpaths in place and a generally level gradient.

The Highway Officer has confirmed that the quantum of parking provided marginally exceeds the anticipated parking demand for the development but that this is acceptable given the limited capacity for the surrounding highway network to accommodate overspill parking. Two disabled parking bays would be provided, and these would be positioned adjacent to the main entrance to the flats, ensuring minimal travel distance for disabled residents/visitors.

In order to encourage the use of more sustainable modes of transport, ESCC Highways have requested a contribution of £1,100 per dwelling towards bus services, improvements to bus infrastructure, distribution of a sustainable travel plan to all future occupants, secure and covered cycle parking, and footway improvements.

All of the residential houses would be provided with EV charging points with further potential explored for the Care Home element of the proposal.

8.9

Drainage and Wastewater

The site lies within Flood Zone 1 and is therefore not susceptible to flooding from tidal or fluvial sources. Flood Risk mapping shows surface water flood risk to be very low other than a very small area to the southern end of the site where it is low risk.

Given the site has historically been hard surfaced in its entirety, the proposed development would increase the permeable area of the site.

Para. 056 of the Planning Practice Guidance for Flood Risk and Coastal Change establishes a hierarchy of sustainable drainage methods. The most sustainable method identified is infiltration and the submitted

drainage strategy maintains that this form of drainage would be used to serve the development, with the design to provide suitable capacity for the anticipated 45% increase of severe rainfall events as a consequence of climate change. This would involve the use of an underground drainage system to channel surface water to soakaways.

The Lead Local Flood Authority (LLFA) have raised an objection to the scheme. The objection is not against the principle of the development of the site or of the proposed drainage strategy but is made due to insufficient technical details being provided to confirm measures in place to protect the controlled waters from contamination, the ability of surrounding geology to support infiltration and the capacity required for the soakaway. The applicant has since submitted further details to the LLFA and a response is currently awaited.

The Environment Agency have also stated that infiltration drainage would only be allowed where it is supported by the LLFA due to the previous use of the proposed development site as a petrol filling station presenting a high risk of contamination that could be mobilised by surface water infiltration which could pollute controlled waters which are particularly sensitive in this location as the site is located upon a secondary aquifer.

It is considered that a suitable drainage system would allow for more sustainable management of surface water generated by the site as well as incorporate measures to prevent discharge of pollutants into the surrounding water environment.

Foul water would be channelled to the southwestern corner of the site where it would connect with the existing sewer network on Wellington Road.

It is clear that for this scheme to be implemented then it needs to satisfy a range of criteria. One key element is drainage, both foul and surface water. It is important that the drainage of this site does not impact properties and plots near the site and/or the aquifer under the site.

In this regard no decision to approve will be issued until such time as the LLFA and EA have supported the schemes designed drainage solution.

8.10

Sustainability

The application is accompanied by a sustainability and energy report which identifies ways in which the sustainability and energy efficiency of the development would be optimised through a mix of construction methods, design, and provision of equipment.

It is stated that air source heat pumps would be used to provide hot water to the development. Electric heating would be installed. and emissions associated with this would reduce over time as the national grid decarbonises. Mechanical ventilation will be used to recycle height within buildings, reducing the need for additional heating. The buildings would be constructed using energy efficient materials and with a high level of air tightness, again reducing need for additional heating.

Solar panels would be installed on the roofing, providing a source of renewable energy, and the effectiveness of these panels would be enhanced through the provision of a large battery within the flat block,

	<p>which would store energy generated during sunny periods, allowing it to be used in hours of darkness where the solar panels themselves would no longer be generating power. Details of water efficiency measures are also included.</p> <p>Electric vehicle charging points and secure and covered cycle storage facilities would be provided, ensuring the use of more sustainable modes of transport is supported and encouraged. It is also noted that the site is within relatively close proximity of shops and services, reducing the need for car ownership among future occupants.</p> <p>The submitted statement includes a commitment to provide a site waste management plan for the construction phase, which would set out details of how waster would be reduced and, where unavoidable, there would be a priority to reuse or recycle it. A wider construction management plan would be used to identify measures to prevent noise, light and air pollution during the construction process. Both of these management plans can be secured by condition.</p>
8.11	<p><u>Environmental Impact</u></p> <p>The application site lies over a secondary aquifer and has known issues associated with contamination due to its former use as a petrol station and the presence of underground fuel tanks, some of which have already been removed.</p> <p>The proposed development presents an opportunity for remediation of the site, to the benefit of the surrounding environment and to water supply. As set out in para. 8.2 of this report, this form of development is specifically encouraged by the NPPF. A number of conditions will be used to ensure the development is carried out responsibly, allowing for contaminants to be appropriately managed. This approach is informed by comments provided by the Environment Agency and the LDC contamination officer, both of whom have raised no objection to the development.</p> <p>The application is accompanied by an Air Quality Assessment. This has been reviewed by the LDC Air Quality Officer, who is satisfied that the level of air quality mitigation provided within the development is appropriate to prevent harmful impact during the construction and operational phases of the proposed development.</p> <p>It is therefore considered that the proposed development offers the means to remediate contaminated land, providing an environmental improvement, and would not introduce any additional unacceptable pollution.</p>
8.12	<p><u>Planning Obligations</u></p> <p>Any approval granted would be subject to the following planning obligations: -</p>

	<ul style="list-style-type: none"> • Policy compliant affordable housing provision/contribution; • New access junction, right turn lane, new footway and ancillary works and bus stop infrastructure enhancement works at the ‘Seaview Road’ stops (secured by a s278 agreement); • Travel Plan including an audit fee of £4,500. • A payment of £1,100 per dwelling towards establishing new bus services in the Peacehaven area; • Undertaking for the new road to remain private in perpetuity. <p>Other than the highway works which would be secured by a s278 agreement, the remaining obligations would be written into a section 106 legal agreement.</p>
8.12	<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 furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
8.13	<p><u>Conclusion.</u></p> <p>It is considered that the proposed development would deliver significant social and economic enhancements through the comprehensive redevelopment of the site</p>

9.	Recommendations
9.1	<ol style="list-style-type: none"> 1. Once the applicant has demonstrated a method of drainage that is supported by ESCC SuDS team and that a policy compliant number of affordable units can be delivered then the application be delegated to Head of Planning to approve and issue the decision subject to section 106 legal agreement and conditions 2. If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development.

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</p>

	<p>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 any of the flats, specifications, operating arrangements and sound mitigation measures for all plant and apparatus to be installed within or on the building shall be submitted to and approved by the local planning authority.</p> <p>Any plant/apparatus approved shall thereafter be installed and maintained in accordance with the approved details.</p> <p>Reason: In the interest of 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	<p>ACCESS ARRANGEMENTS</p> <p>No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF</p>
10.4	<p>VISIBILITY SPLAYS</p> <p>The access shall not be used until visibility splays of 2.4m by 70m are provided in both directions and maintained thereafter.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF</p>
10.5	<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</p>

entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters: -

- The anticipated number, frequency and types of vehicles used during construction,
- The 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.
- Site Waste Management Plan

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.

10.6

CAR PARKING

The development shall not be occupied until the parking areas shown on the approved plans have been constructed, surfaced, and marked out in

	<p>accordance with the approved details, including the provision of disabled bays.</p> <p>The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF.</p>
10.7	<p>TURNING AND CIRCULATION SPACE</p> <p>The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF</p>
10.8	<p>CYCLE PARKING</p> <p>Prior to the commencement of development details of the proposed cycle parking shall be submitted to an approved by the Local Planning Authority in consultation with the Highway Authority and the approved cycle parking shall be provided prior to the re-development being brought into use.</p> <p>Reason: In order that the development site/use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF</p>
10.9	<p>ELECTRIC VEHICLE CHARGING POINTS</p> <p>Prior to the first occupation of any part of the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for each C3 dwelling as well as for 20% of all other spaces this will include the visitor parking bays and those used in connection with the C2 operation. These details shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority. The charging points shall thereafter be maintained in an operable condition throughout the lifetime of the development.</p> <p>Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with LLP policy CP13 and para. 112 of the NPPF</p>

10.10	<p>ECOLOGICAL METHOD STATEMENT</p> <p>No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for protected and notable species has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from works. <p>The works shall be carried out strictly in accordance with the approved details.</p> <p>Reason: In the interest of protecting and preserving biodiversity in accordance with LLP1 policy CP10, LLP2 policy DM24 and para. 174 of the NPPF.</p>
10.11	<p>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p>

	<ul style="list-style-type: none"> I. risk assessment of potentially damaging construction activities; II. identification of “biodiversity protection zones;” III. practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); IV. the location and timing of sensitive works to avoid harm to biodiversity features; V. the times during construction when specialist ecologists need to be present on site to oversee works; VI. responsible persons and lines of communication; VII. the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; VIII. use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.</p> <p>Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address LLP1 Policy CP10.</p>
10.12	<p>LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN</p> <p>A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> I. description and evaluation of features to be managed; II. ecological trends and constraints on site that might influence management; III. aims and objectives of management; IV. appropriate management options for achieving aims and objectives; V. prescriptions for management actions, together with a plan of management compartments; VI. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); VII. details of the body or organisation responsible for implementation of the plan; VIII. ongoing monitoring and remedial measures.

	<p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p> <p>Reason: To ensure the long-term management of habitats, species, and other biodiversity features in accordance with LLP1 policy CP10, LLP2 policy DM24 and section 15 of the NPPF and the Biodiversity Net Gain Technical Advice Note.</p>
10.13	<p>EXTERNAL LIGHTING</p> <p>No external lighting or floodlighting shall be installed on the buildings, or the road and parking areas hereby permitted without the prior written approval of the local planning authority and/or in accordance with an external lighting strategy to be submitted to and approved by the Local Planning Authority.</p> <p>Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of LLP1 policies DM20 and DM24 of LLP2 and paras. 170, 175 and 180 of the NPPF.</p>
10.14	<p>LANDSCAPING and BIODIVERSITY NET GAIN</p> <p>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: -</p> <ul style="list-style-type: none"> • Details of all boundary treatments (to include appropriate gaps beneath to allow for wildlife to move between sites); • Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees • Details of any trees to be removed as well as compensatory planting; • Measures to protect retained trees, including those off site, during construction and to safeguard their long-term health; • Ecological enhancements and Biodiversity Net Gain, achieving a minimum of 10% above an agreed baseline level; <p>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</p>

	<p>replaced in the next planting season with others of similar size and species.</p> <p>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.</p>
10.15	<p>SURFACE WATER DRAINAGE</p> <p>No development approved by this permission shall be commenced until full details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable and be devised by a chartered civil engineer, have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 163 and 165 of the NPPF.</p>
10.16	<p>DRAINAGE SYSTEM MAINTENANCE/MANAGEMENT</p> <p>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 considers design standards of those responsible for maintenance. The management plan shall cover the following:</p> <ul style="list-style-type: none"> • Details of who will be responsible for managing all aspects of the surface water drainage system. • Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development. <p>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.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 163 and 165 of the NPPF.</p>
10.17	<p>DRAINAGE INSTALLATION</p> <p>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.</p> <p>Reason: To ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 163 and 165 of the NPPF.</p>
10.18	<p>LAND CONTAMINATION</p> <p>No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the</p>

development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. 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.
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
4. 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 (3) 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: The previous use of the proposed development site as a petrol filling station presents a high 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 secondary aquifer.

The site investigation identified significantly elevated concentrations of hydrocarbons and benzo(a)pyrene. The sites hydrogeology needs to be fully characterised and deeper soil samples used to demonstrate how contamination varies vertically.

Remedial measures do not adequately address the risks to groundwater. The Ground Investigation Report (Table 4.1) states that the top of the chalk principal aquifer was encountered between 3.1m and 6.2 m below ground level, therefore there is the risk that construction works, and infiltration drainage could mobilise any contamination which could impact the Lambeth group and underlying chalk aquifer.

This condition is required to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework

10.19	<p>VERIFICATION</p> <p>Prior to each phase of development being occupied and/or brought into use, 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.</p> <p>Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF</p>
10.20	<p>UNEXPECTED CONTAMINATION</p> <p>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.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.</p>
10.21	<p>PILING</p> <p>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.</p> <p>Reason: Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers, and creating preferential pathways.</p> <p>The Ground Investigation Report states that piled foundation may be required in the vicinity of the former underground storage tanks. Therefore, this condition is required to ensure that the proposed redevelopment does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework.</p>
10.22	<p>SUSTAINABILITY</p> <p>Prior to the first occupation of any part of the development, full details of all sustainability measures to be provided as part of the development, following the principles set out in the submitted Sustainability and Energy Report and Air Quality Assessment, shall be submitted to, and approved</p>

	<p>by the Local Planning Authority and the development carried out and maintained in full accordance with the approved details.</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 and para. 152 of the NPPF.</p>
10.23	<p>HOURS OF OPERATION:</p> <p>Prior to the first occupation of each of the commercial units (including the superstore), details of intended hours of operation shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit. The commercial uses shall only be operated in accordance with the approved details.</p> <p>Reason: In the interest of environmental and residential amenity and of safety and security in accordance with LLP1 policy CP11, LLP2 policy DM23 and para. 92 and 07 of the NPPF.</p>
11.	Informatives:
11.1	<p>STOPPING UP ORDER:</p> <p>A Stopping Up Order is required to obtain the necessary land for the proposed development frontage. Please see https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways for more information.</p>
11.2	<p>WASTE ON-SITE</p> <p>The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:</p> <ul style="list-style-type: none"> • excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution. • treated materials can be transferred between sites as part of a hub and cluster project. • some naturally occurring clean material can be transferred directly between sites. <p>Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on-site operations are clear.</p> <p>If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.</p> <p>We recommend that developers should refer to:</p> <ul style="list-style-type: none"> • the position statement on the Definition of Waste: Development

	<p>Industry Code of Practice</p> <ul style="list-style-type: none"> The waste management page on GOV.UK
11.3	<p>WASTE TO BE TAKEN OFF-SITE</p> <p>Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:</p> <ul style="list-style-type: none"> Duty of Care Regulations 1991 Hazardous Waste (England and Wales) Regulations 2005 Environmental Permitting (England and Wales) Regulations 2016 The Waste (England and Wales) Regulations 2011 <p>Developers should ensure that all contaminated materials are adequately characterized both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear.</p> <p>If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.</p> <p>If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.</p>

12.	Plans:		
12.1	<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
	Transport Assessment	2 May 2023	SGR/SCR/050722 V4 - Transport Statement
	Other Plan(s)	2 May 2023	9440/D1 - Site Plan Showing Below Ground Drainage Layout
	Proposed Floor Plan(s)	2 May 2023	3782.PL.401 Rev B - Proposed Typical M4(3) Flat Floor Plan
	Proposed Floor Plan(s)	2 May 2023	3782.PL.400 Rev A - Proposed Typical M4(2) Flat Floor Plan
	Proposed Elevation(s)	2 May 2023	3782.PL.300 Rev B - Proposed Flats Elevations
	Proposed Section(s)	2 May 2023	3782.PL.202 - Proposed Flats Sections
	Proposed Section(s)	2 May 2023	3782.PL.201 Rev B - Proposed Site Sections

Proposed Section(s)	2 May 2023	3782.PL.200 Rev B - Proposed Site Sections
Other Plan(s)	2 May 2023	3782.PL.157 Rev A - Proposed 4bed House Ground Floor, First Floor, Second Floor, Elevations, Section
Other Plan(s)	2 May 2023	3782.PL.156 Rev A - Proposed 3bed House Ground Floor, First Floor, Second Floor, Elevations, Section
Other Plan(s)	2 May 2023	3782.PL.155 Rev B - Proposed 2Bed House Ground Floor, First Floor, Elevations, Section
Proposed Floor Plan(s)	2 May 2023	3782.PL.151 Rev C - Proposed 2nd and 3rd Floor - Flats
Proposed Floor Plan(s)	2 May 2023	3782.PL.150 Rev D - Proposed Ground and 1st Floor Plans - Flats
Proposed Layout Plan	2 May 2023	3782.PL.101 Rev C - Proposed Site Plan
Proposed Roof Plan	2 May 2023	3782.PL.100 Rev C - Proposed Roof, Site Plan and Location Plan
Proposed Block Plan	2 May 2023	3782.PL.100 Rev C - Proposed Roof, Site Plan and Location Plan
Location Plan	2 May 2023	3782.PL.100 Rev C - Proposed Roof, Site Plan and Location Plan
Sustainability Checklist/Energy Stmt	2 May 2023	22-E132-002 - Sustainability and Energy Report
Other Plan(s)	2 May 2023	22/255/100 Rev A - Topographical Survey
Justification / Heritage Statement	2 May 2023	11894.S v1 - Heritage Statement

13.	Appendices
13.1	None.

14.	Background Papers
14.1	None.