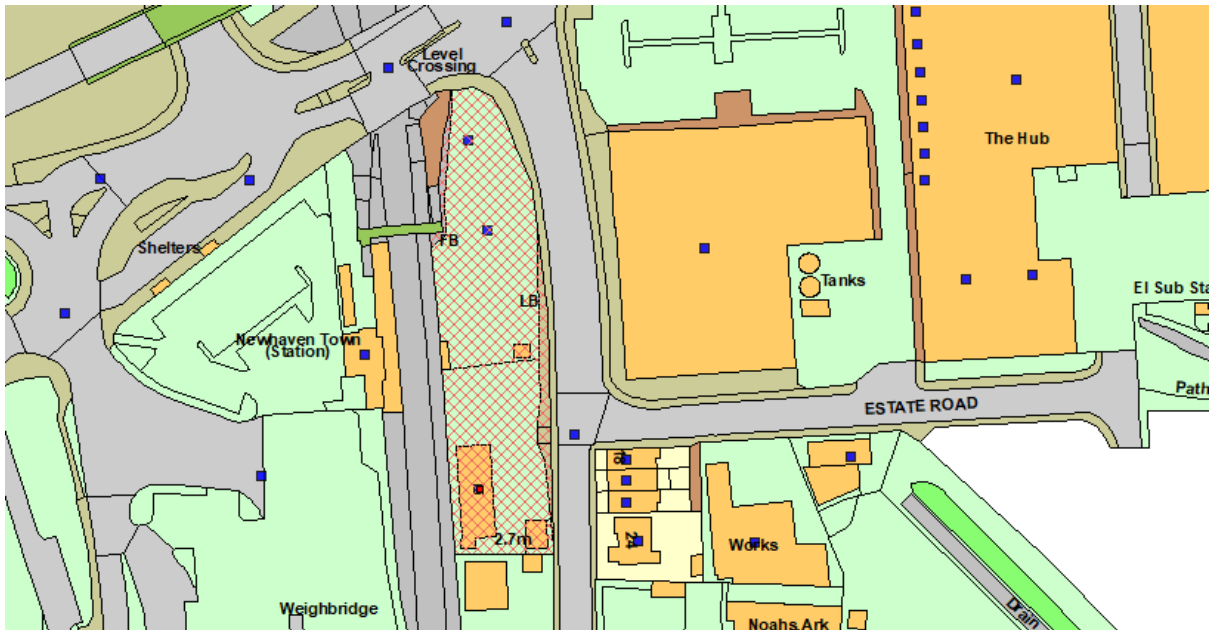


Report to: Planning Applications Committee
Date: 14th February 2024
Application No: LW/23/0757
Location: Land at Railway Road, Newhaven
Proposal: Outline planning application with all matters reserved except access; removal of all existing structures, relocation of vehicle entrances and construction of 33 self-contained flats with associated parking and cycle parking.

Applicant: Sussex Aggregate Ltd
Ward: Newhaven South
Recommendation: Approve subject to conditions and Section 106 agreement.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.
Site Location Plan: (Below)



1	Executive Summary
1.1	<p>The application seeks outline approval for a development of 33 new flats on the site, which is allocated for residential development in the Newhaven Neighbourhood Plan. The application has been submitted in outline form, with all matters other than access arrangements being reserved. As such, the matters under consideration relate only to the suitability of the access arrangements and the general principle of the development, with decision making aided by indicative plans that provide a framework of how the development may be accommodated within the site.</p>
1.2	<p>The Local Planning Authority is satisfied that the site has the capacity to support a development as described, subject to details of an appropriate layout, design, scale and landscaping scheme for the development being provided. Based on the indicative plans and the application of parameters in regards to maximum height of the development, by way of planning condition, it is considered that the development, as described, could be accommodated without unacceptable harm towards visual, environmental or residential amenity, to highway safety or to the economy.</p>
1.3	<p>Housing Delivery</p> <p>The proposed development would deliver 33 new small residential units, including 14 affordable units, in a sustainable location on a brownfield site. This would carry significant positive weight in the planning balance.</p>
1.4	<p>Economic Benefits</p> <p>The proposed development would result in the loss of employment uses but it is considered the economic impact would be offset by the increased spend in the local economy that would be expected as a result of the increase in population facilitated by the proposed development. Provided appropriate sound proofing is installed, the development would not unacceptably impede upon the ongoing operation of surrounding residential uses.</p> <p>This would carry neutral weight in the planning balance.</p>
1.5	<p>Placemaking and impact upon surrounding environment</p> <p>The proposed development would present the opportunity for a gateway building of high architectural quality to be introduced in a prominent location adjacent to Newhaven Town train station and at the junction between two busy roads that would represent a marked visual improvement compared to the clutter of the existing uses and the somewhat oppressive nature of the boundary palisade and barbed wire fencing.</p> <p>This should carry moderate positive weight in the planning balance.</p>

1.6	<p>Biodiversity Net Gain</p> <p>The proposed development would allow for the introduction of native planting and habitat enhancements on a site which is currently of limited wildlife value, thereby providing biodiversity net gain.</p> <p>This would carry moderate positive weight in the planning balance.</p>
1.7	<p>Highways</p> <p>The proposed development would allow for the stopping up of the existing access which is positioned close to the junction between Railway Road and Drove Road, and the formation of two suitable access points that are more appropriately positioned as well as separate site access for pedestrians.</p> <p>It is considered that this should be attributed limited positive weight.</p>
1.8	<p>Water Issues</p> <p>The proposed development would incorporate drainage arrangements that would control surface water discharge into the public sewer to more manageable rates compared to the current conditions.</p> <p>This should be given moderate positive weight in the planning balance.</p>
1.9	<p>Environmental Impact</p> <p>The proposed development provides an opportunity to remove existing contaminants from the site and install measures to intercept contaminants in the surface water drainage system.</p> <p>It is therefore considered limited positive weight should be given to the harm to agricultural land supply.</p>
2.	<p>Relevant Planning Policies</p>
2.1	<p><u>National Planning Policy Framework</u></p> <ul style="list-style-type: none"> 2. Achieving sustainable development 4. Decision making 5. Delivering a sufficient supply of homes 6. Building a strong, competitive economy 8. Promoting healthy and safe communities 9. Promoting sustainable transport 11. Making effective use of land 12. Achieving well-designed and beautiful places 14. Meeting the challenge of climate change, flooding, and coastal change
2.2	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <ul style="list-style-type: none"> CP1 – Affordable Housing CP2 – Housing Type, Mix and Density.

	<p>CP4 – Encouraging Economic Development and Regeneration;</p> <p>CP11 – Built and Historic Environment & Design</p> <p>CP12 – Flood Risk, Coastal Erosion and Drainage</p> <p>CP13 – Sustainable Travel</p> <p>CP14 – Renewable and Low Carbon Energy</p>
2.3	<p><u>Lewes Local Plan Part 2 (LLP2)</u></p> <p>DM1 – Planning Boundary</p> <p>DM14 – Multi-functional Green Infrastructure</p> <p>DM15 – Provision for Outdoor Playing Space</p> <p>DM16 – Children’s Play Space in New Housing Development</p> <p>DM20 – Pollution Management</p> <p>DM22 – Water Resources and Water Quality</p> <p>DM23 – Noise</p> <p>DM24 – Protection of Biodiversity and Geodiversity</p> <p>DM25 – Design</p>
2.4	<p><u>Newhaven Neighbourhood Plan (NNP)</u></p> <p>ES1 – The Regeneration of Eastside</p> <p>ES2 – New development for Eastside and the Enterprise Zones</p> <p>ES3 – Eastside's Natural Environment</p> <p>T1 – Congestion mitigation and sustainable movement</p> <p>NE1 – Biodiversity protection and enhancement</p> <p>D1 – Promoting Good Design</p> <p>D2 – Design and Climate Change</p> <p>H1 – A Spatial Strategy for Newhaven</p> <p>H3 – Housing Sites on Eastside (Site A)</p>

3.	Site Description
3.1	<p>The site, which is approx. 0.22 hectares in area, comprises an hard surfaced lozenge shaped area that is split into two enclosures. The northern end of the site is occupied by a used car dealer, which has its office accommodated in a portacabin type structure. The southern site is occupied by a skip hire firm and there are also temporary building here use for office and welfare purposes. Then site is enclosed by a mix of metal palisade fencing and timber close boarded fencing with courses of barbed wire above.</p>
3.2	<p>The site is located adjacent to the junction between Railway Road and Drove Road (B2109). The majority of the western edge of the site is flanked by platform 2 of Newhaven Town train station, with the remainder</p>

	flanked by the pedestrian path leading to the footbridge over the railway line, which is also within close proximity of the site. The railway line crosses Drove Road just past the northern edge of the site, facilitated by a level crossing with automatic barriers.
3.3	There is a retail park on the opposite side of Railway Road to the northern part of the site. Further to the south, the opposite side of the road is flanked by a row of two-storey dwellings and a dingle chalet type dwelling which are positioned with a minimal set back from the highway. Both sides of Railway Road include a raised kerb footway. There is an additional narrow strip of grass verge along between the footway and the eastern edge of the site. There is further residential development to the south on Railway Road, with commercial/industrial development further to the south. To the north of the site is the flyover carrying the A259 across the railway line and the A26 beyond which are heavy industrial/minerals uses on the eastern bank of the Ouse. Newhaven Town Centre, which is designated an Air Quality Management Area, is within approx. 300 metres walking distance to the west.
3.4	The site is allocated for residential development in the Newhaven Neighbourhood Plan, where it is referred to as Seahaven Caravans, under policy H3 (Site A). The allocation stipulates development should account for a minimum of 22 dwellings and, unlike other housing sites on Eastside, there is no requirement for commercial space to be retained or reprovided.
	The majority of the site falls within Flood Zone 3, with the remainder being within Flood Zone 2. Other than this, and the designations identified above, there are no specific planning designations or constraints attached to the site.

4.	Proposed Development
4.1	<p>The application seeks outline approval for the residential development of the site. All matters other than access arrangements are reserved.</p> <p>The development would comprise a total of 33 x 2 bed flats with indicative plans suggesting these would be distributed across 3 new 4-storey blocks. The ground floor of each block would be used for parking and storage only, taking into account the position of the site in Flood Zone 3.</p> <p>Vehicular access would be obtained from two points. A new access formed on Railway Road approx. 40 metres south of the junction with Drove Road and a widened and approved access further to the south in roughly the same position as the existing access to the skip site, opposite the junction between Railway Road and Estate Road. Separate entrances to each of the three blocks would be formed for pedestrians.</p> <p>Indicative layouts have been submitted with the application to demonstrate how the flats could be accommodated within the site, showing building footprint, 32 parking bays and associated circulation space, cycle parking and bin storage facilities.</p>

	The proposed development would include 14 affordable units, representing approx. 42% of the overall housing provision, in compliance with the Council's starting position of a minimum 40% affordable housing to be delivered by major residential developments.
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5.	Relevant Planning History:
5.1	<p>LW/83/0804 – Use of land for car parking and siting of portable office building in connection with taxi business, with associated landscaping – Approved Conditionally 13th July 1983</p> <p>LW/97/1768 – Section 73A Retrospective application for the retention of extended sales/parking area to north of existing site for the sale and display of caravans and retention of fence – Approve Conditionally 10th April 1998</p> <p>LW/12/0836 – Section 73A retrospective application for change of use of part of site previously used for sale of caravans to use as car sales outlet – Approved Conditionally 7th December 2012</p>

6.	Consultations:
6.1	<p>Newhaven Town Council</p> <p>Following discussion, the Committee resolved that whilst they had no objection to this application in principle, they felt that;</p> <ul style="list-style-type: none"> • Greater detail regarding height of elevations is required, • Consideration of the potential for 'over-crowding' of existing residences, and • The objections made to date via the LDC Planning Portal are pertinent. <p>OFFICER COMMENT: Building height and the way in which the development interacts with neighbouring buildings would be assessed in detail at the reserved matters stage, should the application be approved.</p>
6.2	<p>ESCC Highways</p> <p>No objection subject to conditions and a legal agreement to secure improvements to bus services/public transport infrastructure and highway works in the form of construction of access points on Railway Road.</p>
6.3	<p>Lead Local Flood Authority</p> <p>The site is within flood zone 3 for rivers and seas and the Environment Agency will comment on flood risk from these sources, the setting of flood levels and safe access. There is no significant risk to the site from other sources including surface water and groundwater.</p> <p>The drainage strategy is for a restricted discharge to greenfield runoff rates to the existing combined sewer beneath Railway Road with</p>

	<p>attenuation storage provided in a combination of blue roof and below ground storage tanks. We accept the principles of the strategy and that discharge to ground via infiltration is not feasible in this location.</p> <p>Calculations are provided and we are satisfied the drainage strategy is feasible and meets our planning stage requirements. The detailed design can be controlled via planning condition.</p> <p>Please also consult us on the Reserved Matters application if there is any change to the proposed site layout.</p>
6.4	<p>Network Rail</p> <p>Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.</p>
6.5	<p>Environment Agency</p> <p>We have no objection to the proposed development as submitted, provided that conditions be attached to any planning permission granted, and that the details in relation to these conditions be submitted and approved by the Local Planning Authority.</p>
6.6	<p>ESCC Archaeology</p> <p>Objection. The proposed major development is of heritage interest due to its location both within the post-medieval east quay area of Newhaven and the area of the former prehistoric and medieval river channel. The Newhaven Extensive Urban Survey maps the course of the medieval River Ouse as running east-west directly through the site and would have discharged into the sea at Seaford at that time. Around the middle of the 16th century the old mouth of the Ouse became blocked and a fresh mouth was opened, possibly by the action of storms, near the Bishopstone Tidemills, forming the 'New Haven' first mentioned in 1566.</p> <p>The precise location of the Saxon and medieval settlement of Meeching and it's proximity to the later settlement of Newhaven is not known but is understood to have been located on the banks of the Ouse below Castle Hill. The Historic Environment Record notes the presence of a World War 1 depot / transit camp, as well as the location of a series of World War 2 air raid shelters in close proximity. The site was formerly crossed by a routeway to Tide Mills and subsequently occupied by dwellings broadly contemporary with the construction of Newhaven Station and Railway Road.</p> <p>The applicant has not submitted a heritage statement, or a mitigation strategy relating the archaeological heritage assets contrary to Local Validation List requirements and NPPF 200. It is therefore not currently possible for me to make informed recommendations on this application.</p>

	<p>In the light of the potential archaeological interest of this site outlined above, it is my opinion, that it is important to follow the requirements set out within NPPF (the Government’s planning policies for England) and ask the developer to undertake a desk-based heritage impact assessment to clarify the archaeological significance of the site. This assessment should be undertaken before the application for planning permission is decided, so that archaeological issues can be fully considered when the planning decision is made.</p> <p>OFFICER COMMENT: As the application is for outline permission only it is considered reasonable to accept a more detailed heritage assessment at the reserved matter stage, in combination with a written scheme of investigation to be secured by condition.</p>
6.7	<p>LDC Contaminated Land Officer</p> <p>If LPA is minded to grant a planning permission, then considering the sensitive use of the site and historic uses, I recommend conditions and an informative.</p> <p>OFFICER COMMENT: The recommended conditions effectively duplicate those suggested by the Environment Agency and they have therefore been amalgamated.</p>
6.8	<p>Southern Water</p> <p>The submitted drainage strategy indicates utilization of existing connections to the public surface water sewers with a reduced flow being discharged to the surface water network. This discharge can be permitted, if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. The applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flow will be no greater than the existing contributing flows.</p> <p>OFFICER COMMENT: Sewer mapping provided by Southern Water and the applicant also shows that a 150mm diameter combined sewer crosses the northern part of the site. As such, the developer would need suitable permissions to build over the sewer, or to divert it, if any development is to be within 3 metres of the sewer line (which is the case for the scheme shown on the indicative plans).</p>
7.	<p>Other Representations:</p>
7.1	<p>Four letters of objection have been submitted, the material planning contents of which are summarised below:-</p> <ul style="list-style-type: none"> • Increase in traffic; • Impact on road safety; • Lack of infrastructure (school spaces/GP availability/dentists); • Lack of parking on Eastside; • The area has been overdeveloped over recent years;

	<p>OFFICER COMMENT: Plans for the Newhaven Health Hub are currently progressing and this development will provide enhanced primary care and community health facilities in the town. The development will contribute Community Infrastructure Levy payments which could be used to improve community infrastructure. As the flats are all two bedroom it is considered likely that the amount of children living in them will be relatively low andm therefore, the development would not generate a significant increase in demand for school spaces.</p>
7.2	<p>Two letters of support have been submitted, the material planning contents of which are summarised below:-</p> <ul style="list-style-type: none"> • Newhaven needs as many flats as it can get;

8.	<p>Appraisal:</p>
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 impact upon the character and appearance of the area • neighbour amenities, • impacts upon highway/pedestrian safety. • flood risk, • the quality of the accommodation to be provided. • the degree to which it meets identified housing needs. • 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. Furthermore, the site is allocated for residential development in the Newhaven Neighbourhood Plan.</p> <p>Para. 124 c) of the NPPF states that planning decisions should 'give substantial weight to the value of using suitable brownfield land within</p>

	<p>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 given the site is brownfield and is within a sustainable location.</p> <p>It is noted that the Newhaven Neighbourhood Plan suggests the site should accommodate a minimum of 22 dwellings. This figure is clearly not intended as a cap. 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. 129 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.’</p> <p>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.</p> <p>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.</p>
8.3	<p><u>Residential Mix</u></p> <p>The proposed development would comprise solely 2 bedroom flats. Given the type of accommodation provided, as well as its location, it is considered that a broader mix is not a requirement in this instance, particularly given the identified need for smaller residential units in Newhaven specifically as well as in the district as a whole as identified in LLP1 policy CP2 and the Newhaven Neighbourhood Plan.</p> <p>The scheme would incorporate 14 x affordable units, according with the 40% starting point for affordable housing provision set out in LLP1 policy CP1.</p> <p>It is therefore considered that the mix of unit type provided is appropriate and would assist in the delivery of additional affordable housing within the district.</p>
8.4	<p><u>Impact on Built Environment and Landscape Character</u></p> <p>The indicative layout plan accompanying the application shows three blocks of flats, two with a footprint of approx. 350 m² and a single block on the narrower northern end of the site with a footprint of approx. 280 m². Based on the Technical housing standards – nationally described space standard, which identifies minimum Gross Internal Area (GIA) for different house types, the proposed quantum of housing could be accommodated within these buildings if they are four-storeys in height, allowing for the ground floor to be sacrificed for parking and storage use only. This would</p>

be distributed as 4 units per floor in the two larger blocks and 3 units per floor in the smaller block.

In terms of scale, it is considered that four-storey flat roof development would be appropriate given the setting of the site and the character of the surrounding area. The site is in a prominent location, at the junction between Railway Road and Drove Road and, therefore, represents a gateway location. Development on such sites would be expected to be bold and to have a strong street scene presence. Furthermore, the buildings would be seen in context with the recently built 4-storey blocks of flats on the former Parker Pen site (Parker Drive) and the Marine Workshops building, appearing to compliment these existing well provided an appropriate design is provided at the reserved matters stage.

Whilst a four-storey building would be greater in height than the dwellings that would be positioned opposite the southernmost block of flats (18-24 Railway Road) it is considered the difference in height would not be unacceptably disruptive, nor would the buildings visually overpower the neighbouring dwellings provided a low profile flat roof design is utilised.

Based on the indicative plan, the proposed flats would occupy approx. 45% of the overall site area. The use of the area below the flats to provide some of the parking capacity would allow for a good proportion of this land to be retained for amenity and landscaping use, providing an opportunity to enhance the environment of the street scene through planting, retain gaps between buildings to allow views to permeate towards the town and important cultural features that define Newhaven, such as the surrounding downland, development around the harbour and Newhaven Fort, maintaining a strong sense of place. The space maintained between buildings would also allow all flats to have good access to natural light and ventilation, provided windows and openings are appropriately positioned.

It is therefore considered that the submitted plans have sufficiently demonstrated that a development of the number of residential units proposed could be accommodated within the site without causing unacceptable harm to the character and setting of the surrounding area, subject to full details of the design, scale, layout and landscaping arrangements of the scheme being provided and assessed at the reserved matters stage.

8.5

Access Arrangements

Vehicular access to the proposed development would be obtained via two crossovers formed on Railway Road one of which would be achieved through modifications to the existing access to the skip site and the other being newly formed further to the north. The existing access to the used car dealership would be closed off, with the new crossover being positioned further to the south, approx. 40 metres from the junction between Railway Road and Drove Road. There are double yellow lines in place either side of the proposed site access points, meaning that visibility splays would not be blocked by parked cars and, therefore, allowing for

	<p>motorists leaving the site to have clear views of oncoming vehicles and pedestrians.</p> <p>Separate pedestrian access would be provided to each block of flats direct from the existing footway on Railway Road.</p> <p>The indicative layout plans submitted with the application show that there is adequate room for a suitable amount of parking spaces as well as appropriate circulation space to allow vehicles to manoeuvre into parking spaces and to turn within the site so that they are able to enter and leave in forward gear. The indicative plans also show that bin storage areas can be provided within close proximity of the highway, allowing for easy access for refuse collection crews and preventing the risk of bins being positioned on the street where they may cause obstruction to pedestrian movements or in open areas within the site where they would appear unsightly and may impede movement.</p>
8.6	<p><u>Residential Amenity</u></p> <p>The only existing dwellings within relatively close proximity of the proposed development are at 18-24 Railway Road, with these being positioned roughly opposite the southernmost block of flats, as shown on the indicative plans. Development on this part of the site would be approx. 14.5 metres away from the front of the existing dwellings. Whilst the proposed block of flats would be taller, at four-storeys, it is considered that it would not appear unacceptably overbearing if the layout incorporates a good amount of space between individual blocks and wide frontages are avoided, as shown on the indicative plans.</p> <p>Window to window views would be available from any front facing windows in the development towards windows to the front of the neighbouring dwelling but at a distance which is considered typical of window to window relationships on between frontages on residential streets, as is seen further to the south on Beach Road, and would not be overly intrusive. The same would apply to views from any balconies, provided appropriate balustrading is installed. This would also be on the understanding that the balconies are not excessive in size as large gatherings on them could result in disturbance to neighbouring residents.</p> <p>The proposed access points would not be positioned directly opposite neighbouring dwellings where vehicle movements may cause a nuisance. Undercroft parking areas, some of which may be opposite the existing dwellings, could be appropriately screened to prevent parked cars dominating outlook from the neighbouring dwellings, softening noise emissions and preventing headlights shining into neighbouring windows.</p>
8.7	<p><u>Living Conditions for Occupants</u></p> <p>Based on the footprint of the buildings shown on the indicative plans, the buildings would provide adequate floor space to accommodate the number of units proposed, based on the requirements set out in the Technical housing standards – nationally described space standard. Furthermore, it is considered that the use of a group of three buildings would present an opportunity to make all flats dual aspect, with a good level of outlook</p>

provided by all windows and, therefore, ensuring the proposed flats have good levels of access to natural light and ventilation. Based on the position of the northernmost block of flats as shown on the indicative plans, it is likely that rear facing windows and balconies would need to be avoided due to the proximity to the footbridge over the railway line and the security and safety concerns that would be associated with this relationship. It is also noted that Network Rail require a separation distance of a minimum of 2 metres between all buildings and the boundary with network rail land in order to allow for continued maintenance access for the railway network. It is essential that this is taken into account at the reserved matters stage. It is noted that the indicative plans show all buildings more than 2 metres from the boundary, other than a balcony on the central building.

The indicative plans show a suggested arrangement where all flats would have access to private balcony space. Furthermore, the plans show a good amount of space being available around the buildings to provide communal amenity space, including a play area. The site is not secluded and it is therefore considered these amenity spaces as well as the main access to the site could be provided with a good level of natural surveillance, ensuring that residents do not suffer from an unacceptable sense of isolation or of being vulnerable to anti-social behaviour. It is likely that some form of fencing/screening would need to be provided in order to keep the site secure. This would need to be sympathetically designed and positioned so as not to detract from the quality of the street scene.

There are a number of sources of noise present in the environment surrounding the site, including main roads, a railway line and station, port activities and commercial uses. As a result, there is the potential for future occupants of the development to be subject to unacceptable levels of noise and, also, for the continued viability of surrounding noise generating uses being jeopardised by potential complaints from future occupants of the scheme. The application is accompanied by a noise assessment that identifies noise from the railway (including the level crossing alarm) and road as the dominant source of noise within the site.

The assessment concludes that mitigation in the form of noise reducing glazing would be required on properties overlooking the railway line. As the effectiveness of this arrangement would require windows to remain shut, these units would require access to mechanical ventilation, although the option to open windows as an alternative would remain. Noise levels in amenity areas around the buildings was assessed as being within acceptable parameters.

It is critical that any reserved matters application is accompanied by comprehensive details of necessary sound insulation to the building and around the site. These details would also need to identify potential impacts upon surrounding noise generating use, paying regard to the agent of change principle set out in para. 193 of the NPPF.

	<p>The potential impact of vibration, caused by road and rail movements, was also assessed and it was concluded that no mitigation would be required, provided an appropriate foundation design is used.</p> <p>The application is accompanied by a Flood Risk Assessment which sets out measures to ensure the development would be resilient to the impacts of flooding, providing a safe environment for future occupants. The efficacy of the mitigation measures proposed will be assessed in more detail in section 8.8 of this report.</p>
8.8	<p><u>Drainage and Wastewater</u></p> <p>As the site falls within Flood Zone 3, the proposed development needs to pass an exception test as set out in para. 163 and 164 of the NPPF. In this instance, the site has already been subject to such a test as a result of its inclusion in the Neighbourhood Plan (as part of the Strategic Environmental Assessment provided in the evidence base). The Flood Risk Assessment accompanying the application also applies an exception test and similar conclusions are reached, these being that the development of the site provides wider sustainability benefits to the community that outweigh the flood risk, these being the delivery of housing in an area where there is currently an identified shortfall, and the use of a site in a highly sustainable location.</p> <p>Due to the risk of flooding on the site, there would be no living space provided at ground floor level and all habitable rooms and sleeping accommodation would be raised to a minimum of 5.89mAOD in order to be above the potential flood level of 5.38mAOD from the 1 in 200 year defended tidal event. This arrangement has been accepted by the Environment Agency as appropriate to ensure future occupants are not subject to unacceptable danger as a result of flooding.</p> <p>The site is currently hard surfaced almost in its entirety, the only exceptions being narrow strips of vegetation on the site fringes. The proposed development would introduce permeable surfacing in the form of a landscaping scheme.</p> <p>The drainage strategy accompanying the application identifies the use of the existing stormwater drainage provided on the site as the most practical means of drainage given there is no realistic mechanism for providing an outflow to the river. Measures to reduce the rate of surface water run off have also been included, as per current guidance on sustainable drainage. These measures include the use of below ground geocellular tanking and blue roofing to provide attenuation, allowing for a controlled release of surface water. The blue roofing would also utilise stored water as irrigation for roof top planting.</p> <p>The drainage plans show a 150mm combined sewer pipe passing across the northern part of the site. Indicative plans show the northernmost block of flats as being within 3 metres of the sewer and, therefore, any permission to develop to this extent would require a build over agreement from Southern Water or for the sewer to be diverted. Southern Water have confirmed that this would be the case. It is imperative that any reserved matters scheme that includes buildings within 3 metres of the sewer are</p>

	<p>accompanied by details of discussions with Southern Water to demonstrate suitable arrangements would be put in place for the sewer.</p>
8.9	<p><u>Landscaping and Ecology</u></p> <p>The site is largely devoid of vegetation save for some areas of overgrowth and vegetated fringes, including the grass verge flanking the eastern edge of the site. The application is accompanied by a Preliminary Ecological Appraisal (PEA) which concludes that the site is not of any significant value to wildlife although noting that the buildings and surfacing currently present on site provide habitat that may support breeding birds.</p> <p>The illustrative plans provided with the application show a good amount of space as being available for landscaping. The PEA provides a schedule of recommended native planting that would provide a biodiversity enhancement by providing habitat and a source of food. Further enhancements in the form of bat and bird boxes are recommended.</p> <p>The overall landscaping scheme would be identified at the reserved matters stage. A condition can be used to ensure that the minimum 10% Biodiversity Net Gain (BNG) required by the LDC Biodiversity Technical Advice Note (TAN) is achieved, with the maximum viable level of gain.</p>
8.10	<p><u>Sustainability</u></p> <p>The application is accompanied by a sustainability and energy report which identifies ways in which the sustainability and energy efficiency of the development could be optimised through a mix of construction methods, design, and provision of apparatus such as solar photovoltaic panels, air source heat pumps, mechanical heat recovery systems and electric vehicle charging points.</p> <p>The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. Any application for approval of reserved matters would need to include a sustainability statement that confirms compliance with the aims and objectives of the recently adopted TANs for Circular Economy, Sustainability in Development and Biodiversity Net Gain. This would include, but not be limited to, details on how water consumption would be kept to 100-110 litres per person per day, renewable energy, and carbon reduction measures, building layouts that maximise access to natural light, support for sustainable modes of transport, provision of electric vehicle charging points and facilities to support working from home.</p> <p>The site itself is considered to be in a sustainable location where there would be a reduced need for car ownership due to accessibility to public transport with local and regional connections, the proximity to Newhaven Town Centre and its associated shops and services, the proximity to employment sites and to public amenity areas.</p>
8.11	<p><u>Environmental Impact</u></p> <p>The groundwater below and around the site is particularly sensitive to contamination due to it being located upon a principal aquifer. As such, it is critical that protocols are in place to prevent contaminants being released into controlled waters during or post construction. The Environment Agency have requested particular care be taken if</p>

	<p>construction works involve piling due to the disturbance to the ground it would cause and, if this method is to be used, additional information about how it would be executed would need to be approved by the Environment Agency.</p> <p>The former uses of the site mean there is potential for contaminants to be present and, therefore, procedures will also need to be in place to ensure any contaminants are identified and suitable remediation works are carried out. The surface water drainage system would need to incorporate measures to intercept contaminants before they are released into the sewer system. It is considered that the proposed works offer a benefit in terms of facilitating the removal of contaminants from the site and the improvement of the surface water drainage system to include additional measures to prevent the release of contaminants.</p>
8.12	<p><u>Economic Impact</u></p> <p>The proposed development would result in the loss of two employment uses, a used car dealership on the northern part of the site and a skip hire firm on the southern part. It is noted that, unlike the other sites on Eastside allocated for residential development in the Newhaven Neighbourhood Plan, there is no requirement for employment uses to be retained or reprovided as part of the development of the application site as per NNP policy H3 (2).</p> <p>It is stated on the application form that the existing employment uses support 3 full time equivalent posts at present and it is noted that the car dealership use in particular would not be likely to support a significant level of employment in terms of posts per square metre. As a sui generis use there is also little inherent flexibility for the car dealership site to be used for alternative purposes.</p> <p>Whilst the loss of these employment would result in modest economic harm this needs to be weighed against the significant benefit of the provision of new housing, including a policy compliant affordable provision. Future occupants would also be likely to provide additional custom for local businesses and services, improving their viability as well as a potential source of labour.</p> <p>A Local Employment and Training Plan is required as per the Local Employment and Training Technical Advice Note (2020). This would secure contributions that would support and benefit the local labour market and economy, enabling employment growth, raising skills and giving local people opportunities generated by the development. The plan would apply to the construction phase of the development as well as the operational phase and would include provisions to fund the monitoring of the plan by the Council in order to ensure that it is being adhered to and is effective. The plan would be secured as part of the section 106 agreement.</p>
8.13	<p><u>Planning Obligations:</u></p> <p>Any outline approval granted would be subject to the following planning obligations: -</p> <ul style="list-style-type: none"> • 40% affordable housing provision;

	<ul style="list-style-type: none"> • Contribution of £44,550 towards improved bus services and/or public transport infrastructure in the Newhaven area. • Travel plan and monitoring fee; • Local employment and training scheme and monitoring fee; <p>These would be secured by section 106 agreements.</p> <p>A section 278 agreement would be sued to secure the works required to form the site access points including the provision of dropped kerbs and tactile paving at crossing points.</p>
8.14	<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>
8.15	<p><u>Conclusion.</u></p> <p>The proposed development represent an efficient and effective use of a brownfield site in a sustainable location that is allocated for residential development in the Newhaven Neighbourhood Plan.</p> <p>It is considered that the illustrative plans demonstrate that a quantum of 33 2 bedroom flats could be delivered in a scheme that would be sympathetic to the character of the surrounding area, would protect neighbour amenities, improve environmental conditions and deliver biodiversity enhancements whilst also providing good quality living conditions for future occupants.</p>

9.	Recommendations
9.1	Approve subject to the conditions listed below and a section 106 agreement to secure the obligations set out in section 8.12 of this report.

10.	Conditions:
10.1	<p>Time Limit</p> <p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the</p>

	<p>Reserved Matters, as defined in condition 2; to be approved, whichever is the later.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>Reserved Matters</p> <p>No development shall commence until details of the:</p> <ul style="list-style-type: none"> a) Layout (including site levels) b) scale c) appearance d) landscaping <p>(Hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.3	<p>Surface Water Drainage</p> <p>Prior to the commencement of any development a detailed surface water drainage plan shall be submitted to and approved by the Local Planning Authority in conjunction with the Lead Local Flood Authority. The plan must respond to the following requirements:-</p> <ol style="list-style-type: none"> 1. Surface water discharge rates not exceeding 1.2l/s for all rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features. 2. The details of the outfall of the proposed attenuation and how it connects into the sewer should be provided as part of the detailed design together with an offsite sewer or diversion works which are necessary. 3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. 4. The detailed design of the below ground attenuation should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the storage the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided including calculations for potential floatation due to high groundwater. For this site we could also

	<p>accept a robust approximation of high ground water level with reference to the adjacent river.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
10.4	<p>Site Access</p> <p>The access shall not be used until visibility splays of 2.4m by 43m 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 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.5	<p>Car Parking</p> <p>The development shall not be occupied until the parking area has been provided in accordance with plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area 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 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.6	<p>Parking Dimensions</p> <p>Parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).</p> <p>Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.7	<p>Turning Space</p> <p>The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with 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 obstructed.</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 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.8	<p>Cycle Parking</p> <p>The development shall not be occupied until a cycle parking area has been provided in accordance with plans which have been submitted to and approved in writing by the Planning Authority in consultation with the</p>

	<p>Highway Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles</p> <p>Reason: In order that the development site is accessible by non- car modes and to meet the objectives of sustainable development in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.9	<p>Drainage Management and Maintenance Plan</p> <p>Prior to the commencement of any development, a maintenance and management plan for the entire drainage system should be submitted to and approved by the local planning authority in conjunction with the Lead Local Flood Authority in order to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:</p> <ul style="list-style-type: none"> a) Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. b) Provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority. <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
10.10	<p>Proof of Drainage Implementation</p> <p>Before the development proceeds past dampproof course level, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
10.11	<p>Foul Drainage</p> <p>Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.</p> <p>Reason: In order to ensure drainage is managed correctly and surrounding water bodies are protected from pollution in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163, 165 and 174 of the NPPF.</p>
10.12	<p>Building Height</p> <p>No buildings or structures within the development shall exceed four storeys in height.</p> <p>Reason: In order to control the scale of the development in the interest of visual amenity and landscape impact in accordance with LLP1 policy</p>

	CP11, LLP2 policy DM25 para. 135 of the NPPF and NNP policies D1 and H3.
10.13	<p>Implementation of Flood Risk Assessment</p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref - Flood Risk Assessment & Surface Water Drainage Strategy 082023/MC0304 Railway Road FRA SWDS) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> All habitable rooms and sleeping accommodation will be raised to a minimum of 5.89mAOD to be above the 1 in 200 year defended tidal event level of 5.38mAOD. <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To reduce the risk of flooding to the proposed development and maximise the safety of future occupants</p> <p>The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.</p>
10.14	<p>Piling</p> <p>Piling 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>Groundwater is particularly sensitive in this location because the proposed development site is located upon principal aquifer.</p> <p>In light of the above, the proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.</p> <p>Piling 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: To ensure that the proposed construction does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement A4 of the 'The Environment Agency's approach to groundwater protection'.</p>
10.15	Remediation Strategy

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

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: 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

10.16 **Verification Report**

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

	<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 National Planning Policy Framework.</p>
10.17	<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>
10.18	<p>Construction Environmental 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, • Measures to control noise, dust, and light emissions during works. • Measures to prevent discharge of dirt/mud onto the public highway • Measures to prevent flood risk both on and off-site during construction works. • Site waste management plan • Parking arrangements for site operatives and visitors • The loading and unloading of plant, materials, and waste, • 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. • The erection and maintenance of security hoarding,

	<ul style="list-style-type: none"> • The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • Precautionary measures to protect wildlife in compliance with the recommendations of the submitted Preliminary Ecological Appraisal. • Details of public engagement both prior to and during construction works. <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP1 policies CP10 and CP12, LLP2 policies DM20, DM22, DM23 and DM25 and paras. 108, 109, 110 and 174 of the National Planning Policy Framework (NPPF).</p>
10.19	<p>Construction Hours</p> <p>Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.</p> <p>Reason: In the interests of the residential amenities of the neighbours having regard to LLP1 policy CP11, LLP2 policies DM20 and DM23 and para. 174 of the NPPF.</p>
10.20	<p>Hard and Soft Landscaping</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"> 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, achieving a minimum of 10% biodiversity net gain. <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 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>
10.21	<p>Noise Mitigation</p> <p>Prior to the construction of the residential development, a scheme of glazing and ventilation shall be submitted to and approved in writing by the</p>

	<p>Local Planning Authority, to achieve internal noise levels recommended in BS 8233 and WHO for habitable rooms. The development shall be implemented in accordance with the approved details. The proposed residential units shall not be occupied until a validation report has been provided by a suitably qualified acoustic consultant to demonstrate that the required internal noise levels requirements have been achieved.</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>
10.22	<p>Secured by Design</p> <p>Prior to the first occupation of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Sussex Police Designing Out Crime Officers. Once approved, the development shall be carried out in accordance with the agreed details.</p> <p>Reason: In order to ensure existing and future occupants live in a safe environment in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 135 of the NPPF</p>
10.23	<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 Energy and Sustainability Strategy, shall be submitted to, and approved 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>
10.24	<p>Asbestos Survey</p> <p>The building to be demolished may contain asbestos. Accordingly, prior to demolition, a demolition asbestos survey should be undertaken by a competent person in accordance with the current guidance and practice. 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, neighbours and other offsite receptors having regard to policy DM21 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.25	<p>Written Scheme of Investigation</p> <p>No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance</p>

	<p>with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with LLP1 policy CP11 coupled with the requirements of paragraphs 200-211 of the NPPF.</p>
10.26	<p>Archaeological Report</p> <p>No part of the development hereby permitted shall be occupied until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the approved written scheme of investigation.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with LLP1 policy CP11 coupled with the requirements of paragraphs 200-211 of the NPPF.</p>
11.	Informatives
11.1	<p>Land contamination: risk management and good practice</p> <p>We recommend that developers should:</p> <ul style="list-style-type: none"> • Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination • Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health • Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed • Refer to the contaminated land pages on gov.uk for more information
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 or not 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"> • <i>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</i> • <i>treated materials can be transferred between sites as part of a hub and cluster project</i>

	<ul style="list-style-type: none"> • <i>some naturally occurring clean material can be transferred directly between sites</i> <p>Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. 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 Industry Code of Practice • 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 characterised 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. 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>
11.4	<p>Highway Works</p> <p>The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.</p>
11.5	<p>Southern Water</p> <ul style="list-style-type: none"> • The combined sewer requires a clearance of 3 metres on either side of the combined sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public combined sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

11.6

Network Rail

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Future maintenance

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can

undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway should be made aware to the future occupiers of the site. It must also be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information.

The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains. The appropriate building materials should be used to reduce any potential noise disturbance from the railway.

Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail’s boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail’s Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

Existing Rights

Whilst not a planning matter, we would like to remind the applicant of the need to identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

Property Rights

Notwithstanding the above, if any property rights are required from Network Rail in order to deliver the development, Network Rail’s Property team will need to be contacted at AssetProtectionLondonSouthEast@NetworkRail.co.uk

12.	Plans:
12.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	SITE LOCATION PLAN ONLY	05.12.2023	768 PP01 Rev B
	GROUND FLOOR VEHICULAR AND PEDESTRIAN PLAN (ACCESS ARRANGEMENTS ONLY)	05.12.2023	768 PP03 Rev B

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13.	Appendices
13.1	None.

14.	Background Papers
14.1	None.