

## **Agenda Item 8 - LW/23/0757 - Land at Railway Road, Newhaven (Pages 9 - 40)**

### **Member Concerns – Highways**

Members requested more detail on the highway impacts of the development, particularly in relation to the suitability of the access points, traffic and road safety.

#### **OFFICER RESPONSE:**

The detailed comments below, (*ESSC Highways in italics*) show that trip rates associated with the development would be comparable, most likely lower than current trip rates and that the relocation of the northern most existing access would represent an improvement in highway safety terms. It should also be noted that the existing southern most access, opposite Estate Road, is currently regularly used by skip lorries and that the proposed access would see this access improved, with dropped kerb pedestrian crossing marked by textured paving and increased dimensions, and that the vehicles using it would be predominantly domestic, thereby requiring less turning space than the skip lorries using the existing access.

Members were concerned about “residential in an industrial area”. This site and area is allocated in District and Neighbourhood plans for regeneration to mixed use including new homes. There will inevitably be a transition period whilst regeneration happens. Conditions on noise, vibration, mitigating air quality matters will be dealt with at the reserved matters stage, when a better understanding of the design is proposed.

There is not new update on the “Port Access Road”. Officers advise that the progress of this infrastructure improvement does not impact on the decision of this proposed housing scheme.

The highway comments in the officer report were a summary only and so the comments are produced verbatim below, (*in italics*) to provide additional clarity.

ESSC Highways have no objection to the scheme.

### **Member Concerns - Flood Risk**

Members queried how the impact of flood risk had been assessed and what mitigation measures would be put in place.

#### **OFFICER RESPONSE:**

Attention is drawn to para. 10.13 of the OR which is a planning condition worded directly by the Environment Agency and requires all habitable rooms

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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.

The Environment Agency, who are a statutory consultee for works in Flood Zones 2 and 3, are satisfied that these measures would be appropriate and have no objection to the application.

**Member Concerns - Air Quality**

The Air Quality Officer has raised concerns that the application was not covered by an Air Quality Impact Assessment.

**OFFICER RESPONSE:**

Traffic generated by the development would likely be reduced as per the comments from ESCC Highways reproduced above. It should also be noted that the site does not fall within the Air Quality management Area.

In any case, the application is at the outline stage only and, if an air quality assessment was required, it could be requested and assessed at the reserved matters stage when the overall scale and layout of the development would be established, utilising the condition below which is commonly used for such application. The provision of electric vehicle charging points, sustainable travel plan and energy efficiency/carbon reduction measures and renewable energy generation could also be secured at the reserved matters stage.

It should also be noted that the site is allocated for residential development and potential air quality impact would have formed part of the strategic environmental assessment informing the site allocation process and part of the documentation examined by the Planning Inspector in making the plan.

**Condition:**

Prior to the commencement of development, an Air Quality Assessment (AQA), prepared in accordance with Institute of Air Quality Management (IAQM) best practice guidance and the Sussex-air guidance document <https://sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf> shall be submitted to and approved in writing by the local planning authority.

Reason: To manage air quality in accordance with LLP1 policy CP9 and para. 192 of the NPPF.

**Additional obligation in legal agreement:**

It is recommended that an additional obligation is included in the legal agreement to secure appropriate management and maintenance of play facilities delivered as part of the development, in accordance with LLP2 policies DM15 and DM16”.

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**ESCC Highway Full Comments**

**Proposal**

*This application is seeking approval for removal of all existing structures, relocation of vehicle entrances and construction of 33 self-contained flats, which are set over 3 blocks. All will have associated parking and cycle parking at the land on Railway Road in Newhaven [B2109]. This application seeks approval for the access only with all other matters reserved for subsequent approval.*

**Existing conditions**

*This site is adjacent to the B2109 which is in an urban area near Newhaven train station. There is good non-motorised user infrastructure in the immediate vicinity and there is also street lighting at this section of Railway Road. Police records indicate no reported crashes in the last 5 years along this section of Railway Road. The proposed development of 33 flats has a similar, if not slightly lower, trip rate to the used vehicle business currently at this location.*

**Access**

*The proposed accesses serving this development is on a section of the B2109 that has a speed limit of 30 mph. In accordance with Manual for Streets, the required sight lines on a road with a 30-mph speed limit is 43m in both directions with a setback point of 2.4 meters from the edge of the carriageway. Both proposed accesses serving this development provide the visibility splays required.*

*There are already currently 2 vehicle accesses serving this site, however, the proposed plans include keeping but relocating both. In the interest of highway safety, proliferation of access points is not recommended, however, the plans submitted show that the two access points do not provide an in-out drive. One access will serve two of the blocks and the other access will serve the smaller of the developments. The plans confirm that the vehicle access that is currently situated very close to the junction of The Drove, will be moved further away from the junction with the A259. This would help to prevent risk of a backlog spilling onto the A259 when a vehicle is waiting to enter the site.*

*Pre-application advice stated that both accesses would need to be a minimum of 5.5m wide for at least the first 10m, and a footway provision of a minimum of 1.5m in width at the access to support the increase in both vehicular and non-motorised activity. The plans supplied with this application state that both of the vehicle accesses exceed 5.5m in width and are therefore adequate to accommodate a free flow of two-way traffic. Dropped kerbs with tactile paving have also been included at both the vehicle access points to provide non-motorised users access to the site from the public footway adjacent to the site.*

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The applicant will be required to enter an S278 agreement with the local highway authority and will also be required to ensure that all works are completed by a recognised and compliant highway contractor.

**Traffic Impact**

The existing site measures approximately 0.2 hectares and is currently a used vehicle business, prior to this, the site was used to sell caravans. TRICS data included below shows the average trip generation associated with a business of this type and size.

TRIP RATE for Land Use 14 - CAR SHOW ROOMS/A - CAR SHOW ROOMS  
**TOTAL VEHICLES**  
Calculation factor: 1 hect  
Estimated TRIP rate value per 0.2 HECT shown in shaded columns  
BOLD print indicates peak (busiest) period

Time Range	ARRIVALS				DEPARTURES				TOTALS			
	No. Days	Ave. AREA	Trip Rate	Estimated Trip Rate	No. Days	Ave. AREA	Trip Rate	Estimated Trip Rate	No. Days	Ave. AREA	Trip Rate	Estimated Trip Rate
00:00 - 01:00												
01:00 - 02:00												
02:00 - 03:00												
03:00 - 04:00												
04:00 - 05:00												
05:00 - 06:00												
06:00 - 07:00												
07:00 - 08:00	6	0.63	20.690	4.138	6	0.63	2.122	0.424	6	0.63	22.812	4.562
08:00 - 09:00	9	0.50	<b>41.704</b>	<b>8.341</b>	9	0.50	13.004	2.601	9	0.50	<b>54.708</b>	<b>10.942</b>
09:00 - 10:00	9	0.50	24.215	4.843	9	0.50	20.179	4.036	9	0.50	44.394	8.879
10:00 - 11:00	9	0.50	23.318	4.664	9	0.50	18.386	3.677	9	0.50	41.704	8.341
11:00 - 12:00	9	0.50	17.937	3.587	9	0.50	19.955	3.991	9	0.50	37.892	7.578
12:00 - 13:00	9	0.50	20.179	4.036	9	0.50	19.507	3.901	9	0.50	39.686	7.937
13:00 - 14:00	9	0.50	22.646	4.529	9	0.50	19.507	3.901	9	0.50	42.153	8.430
14:00 - 15:00	9	0.50	16.368	3.274	9	0.50	18.834	3.767	9	0.50	35.202	7.041
15:00 - 16:00	9	0.50	13.677	2.735	9	0.50	17.713	3.543	9	0.50	31.390	6.278
16:00 - 17:00	9	0.50	19.731	3.946	9	0.50	27.578	5.516	9	0.50	47.309	9.462
17:00 - 18:00	9	0.50	10.538	2.108	9	0.50	<b>32.287</b>	<b>6.457</b>	9	0.50	42.825	8.565
18:00 - 19:00	8	0.55	2.500	0.500	8	0.55	22.500	4.500	8	0.55	25.000	5.000
19:00 - 20:00	1	0.49	0.000	0.000	1	0.49	4.082	0.816	1	0.49	4.082	0.816
20:00 - 21:00												
21:00 - 22:00												
22:00 - 23:00												
23:00 - 24:00												
Total Rates:			233.503	46.701			235.654	47.130			469.157	93.831

The proposed development of 33 x 2-bedroom flats consisting of a mix of 14 affordable and 19 private flats. The trip rates associated with this proposal are listed below.

Estimated trip rates associated with 14 affordable flats:

TRIP RATE for Land Use 03 - RESIDENTIAL/D - AFFORDABLE/LOCAL AUTHORITY FLATS  
**TOTAL VEHICLES**  
Calculation factor: 1 DWELLS  
Estimated TRIP rate value per 14 DWELLS shown in shaded columns  
BOLD print indicates peak (busiest) period

Time Range	ARRIVALS				DEPARTURES				TOTALS			
	No. Days	Ave. DWELLS	Trip Rate	Estimated Trip Rate	No. Days	Ave. DWELLS	Trip Rate	Estimated Trip Rate	No. Days	Ave. DWELLS	Trip Rate	Estimated Trip Rate
00:00 - 01:00												
01:00 - 02:00												
02:00 - 03:00												
03:00 - 04:00												
04:00 - 05:00												
05:00 - 06:00												
06:00 - 07:00												
07:00 - 08:00	3	27	0.037	0.512	3	27	0.061	0.854	3	27	0.098	1.366
08:00 - 09:00	3	27	0.073	1.024	3	27	0.110	1.537	3	27	0.183	2.561
09:00 - 10:00	3	27	0.073	1.024	3	27	0.098	1.366	3	27	0.171	2.390
10:00 - 11:00	3	27	0.049	0.683	3	27	0.061	0.854	3	27	0.110	1.537
11:00 - 12:00	3	27	0.061	0.854	3	27	0.037	0.512	3	27	0.098	1.366
12:00 - 13:00	3	27	0.012	0.171	3	27	0.073	1.024	3	27	0.085	1.195
13:00 - 14:00	3	27	0.073	1.024	3	27	0.049	0.683	3	27	0.122	1.707
14:00 - 15:00	3	27	0.098	1.366	3	27	0.098	1.366	3	27	0.196	2.732
15:00 - 16:00	3	27	0.098	1.366	3	27	<b>0.122</b>	<b>1.707</b>	3	27	0.220	3.073
16:00 - 17:00	3	27	0.134	1.878	3	27	0.085	1.195	3	27	0.219	3.073
17:00 - 18:00	3	27	<b>0.159</b>	<b>2.220</b>	3	27	0.098	1.366	3	27	<b>0.257</b>	<b>3.586</b>
18:00 - 19:00	3	27	0.049	0.683	3	27	0.049	0.683	3	27	0.098	1.366
19:00 - 20:00	1	38	0.079	1.105	1	38	0.105	1.474	1	38	0.184	2.579
20:00 - 21:00	1	38	0.026	0.368	1	38	0.026	0.368	1	38	0.052	0.736
21:00 - 22:00												
22:00 - 23:00												
23:00 - 24:00												
Total Rates:			1.021	14.278			1.072	14.989			2.093	29.267

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*Estimated trip rates associated with 19 private flats:*

TRIP RATE for Land Use 03 - RESIDENTIAL/C - FLATS PRIVATELY OWNED  
**TOTAL VEHICLES**  
**Calculation factor: 1 DWELLS**  
**Estimated TRIP rate value per 19 DWELLS shown in shaded columns**  
**BOLD print indicates peak (busiest) period**

Time Range	ARRIVALS				DEPARTURES				TOTALS			
	No. Days	Ave. DWELLS	Trip Rate	Estimated Trip Rate	No. Days	Ave. DWELLS	Trip Rate	Estimated Trip Rate	No. Days	Ave. DWELLS	Trip Rate	Estimated Trip Rate
00:00 - 01:00												
01:00 - 02:00												
02:00 - 03:00												
03:00 - 04:00												
04:00 - 05:00												
05:00 - 06:00												
06:00 - 07:00	1	22	0.000	0.000	1	22	0.000	0.000	1	22	0.000	0.000
07:00 - 08:00	16	28	0.036	0.676	16	28	0.158	2.998	16	28	0.194	3.674
08:00 - 09:00	16	28	0.087	1.647	<b>16</b>	<b>28</b>	<b>0.222</b>	<b>4.222</b>	<b>16</b>	<b>28</b>	<b>0.309</b>	<b>5.869</b>
09:00 - 10:00	16	28	0.131	2.491	16	28	0.111	2.111	16	28	0.242	4.602
10:00 - 11:00	16	28	0.098	1.858	16	28	0.144	2.744	16	28	0.242	4.602
11:00 - 12:00	16	28	0.111	2.111	16	28	0.100	1.900	16	28	0.211	4.011
12:00 - 13:00	16	28	0.100	1.900	16	28	0.111	2.111	16	28	0.211	4.011
13:00 - 14:00	16	28	0.091	1.731	16	28	0.096	1.816	16	28	0.187	3.547
14:00 - 15:00	16	28	0.080	1.520	16	28	0.131	2.491	16	28	0.211	4.011
15:00 - 16:00	16	28	0.149	2.829	16	28	0.087	1.647	16	28	0.236	4.476
16:00 - 17:00	16	28	0.147	2.787	16	28	0.096	1.816	16	28	0.243	4.603
17:00 - 18:00	<b>16</b>	<b>28</b>	<b>0.158</b>	<b>2.998</b>	16	28	0.082	1.562	16	28	0.240	4.560
18:00 - 19:00	16	28	0.133	2.533	16	28	0.073	1.393	16	28	0.206	3.926
19:00 - 20:00	6	28	0.114	2.175	6	28	0.078	1.488	6	28	0.192	3.663
20:00 - 21:00	6	28	0.060	1.145	6	28	0.042	0.801	6	28	0.102	1.946
21:00 - 22:00												
22:00 - 23:00												
23:00 - 24:00												
<b>Total Rates:</b>		1.495		28.401		1.531		29.100		3.026		57.501
<b>Total Rates:</b>		1.021		19.278		1.072		19.989		2.093		29.267

*I am satisfied that combining the trip rates of both the affordable and private flats for the proposed development (86.768) is likely to be lower than the current vehicle sales business (93.831).*

*Therefore, I feel that this development may result in a reduction in the traffic impact on the local highway network.*

**Parking provision**

**Cycle Parking**

*The level of cycle parking will need to meet the requirements of the East Sussex County Council standards which are 1 space per unit for one- & two-bedroom dwellings and 2 spaces per dwelling with three bedrooms or more. The Transport Statement to support this application states that there is expected to be 33 cycle parking spaces provided outside and undercroft. This would be an acceptable number of spaces provided. Cycle parking must be as accessible as vehicle parking. Residents should not have to squeeze past vehicles to access cycle parking. Vehicle parking spaces/driveways may need to be widened or footpaths provided alongside to reach cycle parking. Outside cycle parking areas should be covered, secure and in a conveniently accessible location for all users.*

*A condition to ensure adequate cycle should be attached to any grant of consent for approval.*

**Vehicle Parking**

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*In accordance with East Sussex County Council's (ESCC) standards all new dwellings should be provided with appropriate off-street parking. The number of spaces is dependent on the dwelling type and number of bedrooms within each dwelling.*

*This proposed site comprises of 14 x 2-bedroom affordable flats and 19 x 2-bedroom private flats.*

*The ESCC parking guidance states that for a development of this size there should be 44 vehicle parking spaces. This number would provide each flat with 1 allocated parking space and the remaining 11 would be a mix of unallocated parking and visitor parking.*

*The Transport Statement to support this application states that there is expected to be 32 parking spaces within these developments. Although this leaves a shortfall of 12 spaces, data from the 2021 census data confirms that 51% of residents living in this area of Newhaven do not own any type of vehicles. Taking this information into consideration, and the excellent transport links at this location I am satisfied that 32 vehicle parking spaces split between the 3 developments is adequate; however, a travel plan statement would be required as part of the formal planning applications to encourage/promote use of the alternative means of travel available for residents and reduce dependency on the private car. The ESCC Guidance states that minimum dimensions for parking spaces at new developments should be at least 5m x 2.5m. There is also a requirement for an additional 0.5m (minimum) to be added to either or both dimensions where the space is adjacent to a wall(s) or fence(s).*

*The East Sussex County Council encourages developers to include charging facilities for electric vehicles at all properties with off-street parking in accordance with current guidance as set out in the NPPF.*

**Accessibility**

*Further to my pre-application advice, dropped kerbs and tactile paving have been included at both of the access points to ensure non-motorised users access to the site from the public footway adjacent to the site. The footways at this location provide direct access to both the train station and bus stops in this area.*

*The Newhaven-Peacehaven bus corridor is an already very heavily traffic congested area and all new dwellings in this area are required to make appropriate contributions towards improved bus services and/or public transport infrastructure in the Newhaven area to encourage and promote the use of sustainable travel modes rather than private car. A contribution of £1,350 per dwelling would be appropriate towards improved bus services and/or public transport infrastructure in the Newhaven area.*

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*In addition, the site Travel Plan should provide new residents with free bus or rail travel for a period of 1 month followed by at least 3 months discounted travel.*

*As well as the above contribution this specific site is approximately 350m away from the 'Railway Service Interchange' bus stops and Newhaven Town train station, both provide services to Seaford, Lewes and Brighton. There is a footway along the site frontage that provides a safe passage to both of these facilities, however, there is no tactile paving or dropped crossing points included within the plans at either of the accesses. This will need to be implemented to further encourage and support the use of sustainable transport methods at this location.*

*These will need to be shown in any formal plans that are submitted to the Highway Authority to support an application for a development at this location.*

## **Agenda Item 9 - LW/23/0645 - Kings Court, East Grinstead Road, North Chailey, BN8 4DH (Pages 41 - 56)**

### **1) Legal Advice on Proposed Unilateral Undertaking.**

Legal advice has been sought on the proposed S.106 unilateral undertaking offered by the applicant.

Reg 122 of the Community Infrastructure Levy Regulations 2010 provides:-

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The offer to bind the land so that the flats are marketed only to those under 35 (for 6 months) goes beyond both national and local development plan policies and although there may be a need for affordable first homes for local people, the proposed obligation does not directly address this issue. Accordingly, it is not considered necessary to make the development acceptable in planning terms.

The committee is advised that taking into account the proposed planning obligation is likely to be contrary to regulation 122 of the CIL Regulations 2010 and as such the committee should not give the proposed obligation any weight when making its decision.

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OFFICER RESONSE:

In light of the legal advice above, the recommendation should read - "The application is recommended for approval subject to conditions listed in this report."

The Ward is stated to be Plumpton. This should be Chailey.

Under Representations, as of 12/02 there have been 19 Objections from 14 addresses.

**2) Members concerns about the sustainability of the scheme and sufficient parking.**

Members raised queries regarding connecting bus services and connectivity to the larger settlements and parking standards.

OFFICER RESPONSE:

Bus Services

There is a bus stop on the A275 within 2 mins walking distance to the SW of the site, which offers connectivity to the 121 (Mon – Sun) and 150 (Mon – Fri) bus services between Lewes – Chailey – Newick and South Chailey – Withyham respectively.

Additionally, there is a bus stop within 2 mins walking distance to the NE of the site, which offers connectivity to the 31, 31A and 31B (Mon – Sat) bus services between Uckfield – Newick – N Chailey – Haywards Heath – Cuckfield.

The site is approx 1.4 miles from the village of Newick, which equates to around 30 mins walking time. The route is along the A272, which features a pavement along the south side of the road, with little street lighting.

Sustainable Location

The site is in the middle of an existing recognised settlement. Housing policies support development inside settlement boundaries.

Parking

There is parking provision for the proposed development. ESCC Highways have no objections.

**3) Additional Representation received from Chailey Parish Council.**



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On 09/02 the below representation, (in italics) was received from Chailey Parish Council. Members of which are unable to attend the Committee Meeting on 14/02.

They have requested that this is made available for members of the Committee in summing up the Parish Council's position:

*“Whilst Chailey Parish Council do not object to the principle of this application, and we recognise the benefits that this will bring to local people, we do object to the design and would appeal to the Planning Committee that they strongly consider changing the style of the complex.*

*Not only is the proposed extension large and domineering, but the modernist style does not blend well with the existing buildings nearby. Many liken the proposed building to an office block, which may be suitable in an urban area, but it is not appropriate in a rural village such as Chailey. We very much feel that the style is completely out of keeping and nor does it comply with the Neighbourhood Plan.*

*This is all the more important in view of the very prominent location of the building, sitting as it does on the major intersection of the A-272 and the A-275. In view of this, the design should reflect a style which is redolent of rural Chailey as a village, and not that of an urban townscape.*

*Our concern is that if this design is accepted, it will then serve as a reference for all future proposals in Chailey. Developers will argue that what is acceptable at the King's Court must also be acceptable in other locations in Chailey. It would not be long before Chailey started to resemble a suburb of a large town.*

*We firmly believe that people in the village would be more supportive of the application if the design was more sympathetic to its environment. We also maintain that there is not adequate parking space for 12 cars on the site, and we are afraid that, as a result, cars will be parked on the verges and side roads. This will inevitably cause problems for traffic and will upset nearby residents.*

*We therefore ask that the Planning Committee seriously consider the points that we have made and work with the developers in a design that is visually pleasing and fits in well with the milieu”.*

**OFFICER RESPONSE:**

The proposed development would see a stark, blank wall in the centre of the village, improved with a modern extension that respected the host property.

The proposed extension would appropriate articulation to a blank and bland flank wall. The proposed extension would respect the height of the host property. The extension proposes materials found in the surrounding area.

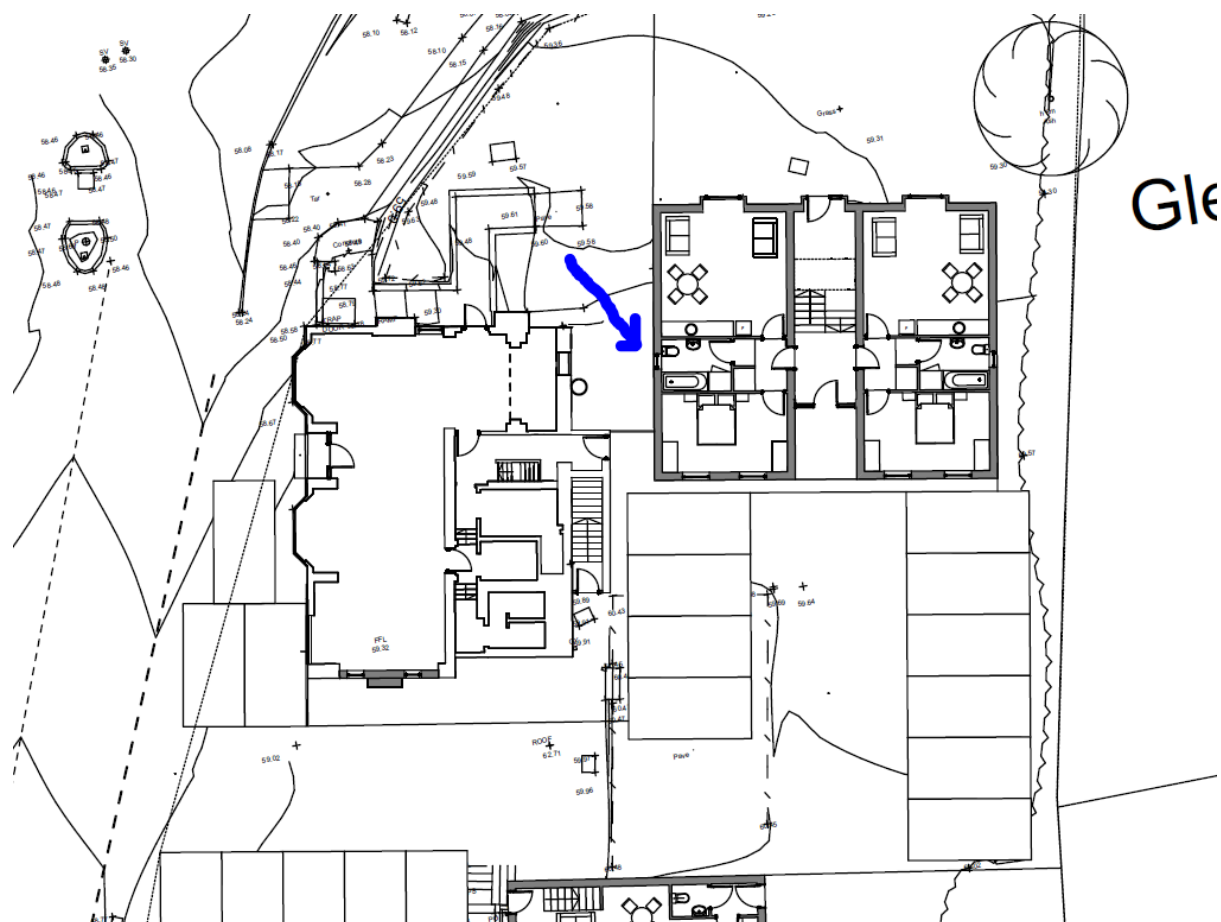
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Officers support the proposal also because it provides new architectural interest in the centre of the village, but one that respects and maintains the host building. The officer design conclusion is the scheme proposes a good design that is in character; respects the site and setting and is of visual interest.

**4) Members brought up the use of the side facing windows adjacent to the development.**

**OFFICER RESPONSE:**

These side facing windows (indicated by the blue arrow) serve bathrooms (which are not habitable rooms) as shown below.



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GROUND FLOOR



FIRST FLOOR