

Report to: Planning Applications Committee
Date: 23rd July 2024
Application No: LW/24/0051
Location: West Beach, Fort Road, Newhaven
Proposal: Demolition of existing structures and erection of a single storey restaurant, together with splash pads, outdoor gym, children's play areas, toilet and changing facilities, further informal open space and associated landscaping.

Applicant: Lewes District Council
Ward: Newhaven South
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** James Smith
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IMPORTANT NOTE: This scheme is CIL Liable.
Site Location Plan: (Below)



1	Executive Summary
1.1	This application is being taken to committee as the applicant is Lewes District Council and, therefore, a committee decision is required as per the LDC Scheme of Delegation.
1.2	The Local Planning Authority is satisfied that the site has the capacity to support the proposed development, that it represents a sustainable form of development, that it would be sympathetic to surrounding sensitive built and natural environment and that it would not have any unacceptable adverse impact upon environmental, residential or visual amenities.
1.3	<p><u>Economic Benefits</u></p> <p>The proposed development would create a number of full time jobs as well as support further jobs in the supply chain. It is likely that it would result in increased visits to the area to the benefit of surrounding businesses and the wider economy.</p> <p>This would carry moderate positive weight in the planning balance.</p>
1.4	<p><u>Placemaking and impact upon surrounding environment</u></p> <p>The proposed development is considered to be sensitively designed and cohesive in appearance and would therefore provide a marked improvement on the existing site which appears cluttered and dilapidated.</p> <p>This should carry moderate positive weight in the planning balance.</p>
1.5	<p><u>Biodiversity Net Gain</u></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. These enhancements would include long term management and maintenance.</p> <p>This would carry limited positive weight in the planning balance.</p>
1.6	<p><u>Highways</u></p> <p>The proposed development would allow for the construction of a new section of footway on Fort Road, improving accessibility to the area on foot.</p> <p>It is considered that this should be attributed limited positive weight.</p>
1.7	<p><u>Water Issues</u></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 neutral weight in the planning balance.</p>

1.8	<p><u>Environmental Impact</u></p> <p>The proposed development has the potential to generate noise, light and air pollution. However, the application includes details of how such potential impacts would be managed so as to prevent unacceptable environmental impact</p> <p>It is therefore considered neutral weight should be applied in the planning balance.</p>
1.9	<p><u>Historic Environment</u></p> <p>Historic England are satisfied that the proposed development would not detract from the setting of Newhaven Fort and it would offer some positives in raising awareness of the presence of the fort (including less well known features such as the caponier and lunette battery).</p> <p>It is therefore considered that limited positive weight should be applied in the planning balance.</p>

2.	<p>Relevant Planning Policies</p>
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed and beautiful places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p>
2.2	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP4 – Encouraging Economic Development and Regeneration;</p> <p>CP5 – The Visitor Economy</p> <p>CP6 – Retail and Town Centres</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>DM10 – Employment Development in the Countryside</p>

	<p>DM11 – Existing Employment Sites in the Countryside</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> <p>DM26 – Refuse and Recycling</p> <p>DM33 – Heritage Assets</p>
2.4	<p><u>Newhaven Neighbourhood Plan (NNP)</u></p> <p>E3 – The Visitor Economy</p> <p>R1 – Recreation, Leisure and Local Green Spaces</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>
3.	<p>Site Description</p>
3.1	<p>The site, which is approx. 0.96 hectares in area, comprises a flat area of land at the base of cliffs to the north marking the edge of Castle Hill, on which Newhaven Fort, a Scheduled Ancient Monument is located. Also at the base of the cliff, close to the site, is the derelict caponier and remains of the lunette battery which formed an extension to the fort operations and are included in the Scheduled Ancient Monument designation. The site falls within an Archaeological Notification Area.</p>
3.2	<p>The site is accessed via Fort Road which extends, via South Road, to the A259 approx. 1.5km to the north. The part of the road closest to the site runs alongside the port which is to the east whilst there are sporadic groups of buildings on the western side, including dwellings and a public house.</p>
3.3	<p>Ground coverage is a mix of grass and low growing vegetation, with overgrowth in places, along with areas of hardstanding. There is a somewhat dilapidated hut positioned towards the eastern side of the site. This hut has previously been occupied by a café with an outdoor seating area provided adjacent to it.</p>
3.4	<p>To the immediate south is a hard surfaced parking area and access route which ultimately continues along the harbour breakwater until it reaches the West Pier Lighthouse. This hard surfaced area is on raised ground on top of the concrete sea wall, below which is west beach itself, sloping down to the sea. At high tide, the sea reaches the sea wall, submerging the beach. Although within close proximity of the sea, the positioning of the site above the harbour wall results in it falling within Flood Zone 1 and,</p>

	therefore, not being identified as being at any pronounced risk of flooding from tidal/fluvial sources.
3.5	The cliffs immediately to the rear of the site form fall within the Brighton to Newhaven Cliffs SSSI, which extends away to the west towards Brighton. The inshore area at the base of the cliffs to the west falls within the Beachy Head West Marine Conservation Zone. The Castle Hill area which extends along the cliff tops and inland is largely designated as a local wildlife site/local nature reserve.
3.6	Other than the matters listed above, there are no other specific planning designations or constraints attached to the site

4.	Proposed Development
4.1	<p>The proposed development comprises a number of elements:-</p> <ul style="list-style-type: none"> a) A single-storey flat roof building accommodating a 296 m² Gross Internal Area (GIA) restaurant/café building and associated storage and serving space, the overall internal area of the building being 378 m². The building would be positioned towards the north-eastern corner of the site, at the base of the cliffs. <p>The restaurant building would be irregular in footprint, with an extended south-western point narrowing to the rear (north). It would have a mono pitched roofline, sloping upwards towards a large front overhang. It would incorporate some 80 tables inside along with 25 outside on a raised terrace, with a further 50 seats available on a lower decked area. It would have a biodiverse roof and solar panels above, with rooflights providing natural lighting.</p> <ul style="list-style-type: none"> b) A separate single-storey flat roof building, with a GIA of 45 m², accommodating public conveniences, including 2 and separate facilities provided to changing places standards. This building would be positioned to the west of the proposed restaurant building, at the base of the cliffs; c) Formal outdoor amenity space including an outdoor gym, splash play area, sand play area and lawn space for flexible use including as performance space; d) Informal landscape areas included portions of vegetated shingle along with soft planting and a vegetated earth bank which would be formed in the south-eastern corner of the site, adjacent to the point where Fort Road reaches the entrance to the car parking area; e) A reptile exclusion area and other biodiversity enhancements; f) A total of 55 parking bays allocated to the development. This provision would include 3 x accessible parking bays. 11 of the parking bays would be allocated for use by staff. The majority of the parking bays would be provided within the existing car parking area to the south of the site. Two staff parking bays would be provided in the gated serving and delivery area adjacent to the proposed

	<p>restaurant building. Users of the allocated parking bays would not incur any parking charges.</p> <p>g) An internal footway providing pedestrian links between the various elements of the development.</p> <p>All existing buildings and hardstanding would be removed from the site.</p>
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5.	Relevant Planning History:
5.1	<p>LW/77/1089 – Outline application for use of part of existing park for overnight caravan parking and the erection of a toilet block – Refused 21st September 1977</p> <p>LW/83/0497 – Use of land for open market – Refused 3rd May 1983.</p> <p>LW/92/0273 – Demolition of two timber structures at present used for amusements and replacement by one single storey steel framed building for continued use for amusements – Approved October 1992.</p>

6.	Consultations:
6.1	<p>Newhaven Town Council</p> <p>No objection.</p>
6.2	<p>ESCC Highways</p> <p>This application originally attracted highway objection due to insufficient information regarding on site parking arrangements, refuse vehicle tracking and the access arrangement. The Transport Note has provided a response to the queries raised by the Highway Authority. It has been clarified that the parking kiosk would remain as existing with parking available for staff and visitors free of charge. As shown on plan 2208-P-006A, 55 parking spaces will be marked out including 3 disabled spaces and 11 staff spaces which accords with East Sussex Guidance and is considered acceptable. Additional parking is also available within the site with minimal risk of overspill onto the highway. Spaces must have minimum dimensions of 2.5m X 5m. Disabled spaces 3.6m X 5m. 12 cycle storage spaces are shown on plans which is considered acceptable. The service access should be secured by a suitably worded planning condition as this does not fall on highway land.</p> <p>The applicant has also agreed to implement the required footway works shown on plan 237467/PD04 which is required to provide a safe pedestrian route from the town centre to the site should they not be in place prior to the opening of the café. These can be secured via condition/legal agreement.</p> <p>Regarding refuse collection, the applicant has stated a private refuse collector would undertake waste collection and that once it is confirmed a final tracking drawing will be provided. The LDC waste team should be consulted for their view on this.</p>

	<p>OFFICER COMMENT: A private refuse collector would be used. As they would use smaller vehicles than the largest 12 metre long collection vehicle used by the public waste collection services, tracking diagrams were not provided for vehicles of this length.</p>
6.3	<p>Historic England</p> <p>Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 201 and 105.</p> <p>We think that the proposal responds well to the significance of the Newhaven Fort scheduled monument and that the design limits the harm which could be caused by the introduction of development within its setting. Should you be minded to grant planning permission, we would recommend that a condition be included for the provision of interpretation signage related to the lunette batteries which would both enhance the heritage benefits of the proposals and reduce the risk of physical harm to these features.</p>
6.4	<p>Marine Management Organisation</p> <p>Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.</p> <p>Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.</p> <p>Applicants should be directed to the MMO's online portal to register for an application for marine licence</p> <p>OFFICER COMMENT: The proposed works will be carried out on land above the high water mark.</p>
6.5	<p>Southern Water</p> <p>Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development (At manhole reference TQ44009301). Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.</p>
6.6	<p>ESCC Archaeology</p> <p>The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.</p>
6.7	<p>LDC Contaminated Land Officer</p> <p>The applicant has submitted a land contamination desktop study, detailed site investigation and risk assessment report prepared by Southern Testing (report ref: J15471 dated 21 December 2023). The report has</p>

	<p>identified some land contamination at the site. I also note that there are some demolition activity at the site. The site is also lying on a radon affected area, where basic radon protective measure is required. I advise to seek further comment from the Building control section regarding radon issue.</p> <p>If LPA is minded to grant a planning permission, then considering the sensitive uses of the site, I recommend the following conditions and informatives.</p> <p>OFFICER COMMENT: Matters relating to radon protection would be addressed at the building regulations stage. An informative identifying the need for radon protection measures will be attached as per the Officer's request. A condition to secure an asbestos survey was requested but, due to the nature of buildings occupying the site, it is considered the handling of asbestos can be addressed through an informative rather than a requirement for an extensive survey.</p>
6.8	<p>County Ecologist</p> <p>Provided suitable compensation, mitigation and enhancement measures are implemented, the proposals can be supported from an ecological perspective.</p>

7.	Other Representations:
7.1	A letter of support has been received from Councillor Lesley Boniface, who opines that the development would be a fantastic facility for local residents and visitors
7.2	<p>One letter of objection has been received. A summary of the material planning matters raised is provided below:</p> <ul style="list-style-type: none"> • Not sustainable as not enough visitors; • Won't open up the west beach;

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

	<ul style="list-style-type: none"> • the principle of the development. • the impact upon the character and appearance of the area • impact upon the natural environment including the nearby SSSI and local nature reserve/wildlife site, • impacts upon the setting of the Scheduled Ancient Monument at Newhaven Fort. • potential noise, light and air emissions; • impact upon the functioning of Newhaven Port; • flood risk, • economic impact/tourism, • 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 outside of the settlement where development is subject to strict controls as set out in LLP2 policy DM1 which states that, outside of the planning boundaries, the distinctive character and quality of the countryside will be protected and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.</p> <p>In this instance, there is a specific development plan policy relating to the type of development proposed, with LLP2 policy DM10 supporting employment development in principle where it (a) involves the conversion or re-use of an existing agricultural or other rural building, or (b) it comprises the demolition and replacement of an existing agricultural or other rural building where this would result in a more sustainable development than could be achieved through converting the building. The site has historically played host to a number of shed type buildings (some of which have now been removed) which would clearly not be suitable for conversion and, therefore, new buildings are considered acceptable in principle, noting the requirement to enhance sustainability.</p> <p>LLP1 policy CP4 sets out a flexible approach to support growth in the economy, with regeneration of coastal towns specifically referenced. Part of this flexible approach involves promoting the development of sustainable tourism, including recreation, leisure, cultural and creative sectors, and having particular regard to the opportunities provided by the South Downs National Park, both within and outside the National Park boundary.</p> <p>LLP1 policy CP5 states that ‘opportunities for the sustainable development of the visitor economy will be supported where they are of a scale, type and appearance appropriate to the locality and provide local employment.’ The policy includes a specific objective to encourage local crafts, food and produce and appropriate tourism development that supports rural business and farm diversification.</p>

Para. 88 of the NPPF instructs that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings and sustainable rural tourism and leisure developments which respect the character of the countryside.

The site itself is specifically reference in the Newhaven Neighbourhood Plan at para. 7.24 which states that 'leisure facilities by the sea are no longer available on land north of West Beach Car Park and reinstating café facilities and low-key entertainments in this location would draw people to this beautiful part of the town.' This para. Is provided as justification for policy E3 which maintains that planning applications will be supported for the implementation of schemes that encourage tourism activity within Newhaven including, amongst other uses, café facilities.

It is noted that tourism and restaurant uses are regarded as main town centre uses as per annex 2 of the NPPF. Para. 91 instructs Local Planning Authorities to apply a sequential test when assessing applications for main town centre uses outside of any designated town centre. However, the policy confirms that the test should only be applied when the development is not in accordance with an up-to-date plan. The emphasis is to focus such development on town centres or edge of centre locations where possible. As the proposed development is in accordance with an up-to-date plan in terms of LLP2 policy DM10, LLP1 policies CP4 and CP4 and para. 88 of the NPPF it is considered that the need for a sequential test is disengaged. In any case, para. 93 states that the test should not be applied to small-scale rural development and the proposed scheme, which does not qualify as major development, is considered to represent small-scale rural development.

It is therefore considered that the principle of the development is acceptable and is encouraged by the local and national policies relating to the rural economy and tourism. The acceptability of the scheme is subject to consideration against relevant development plan and national planning policies with particular emphasis on the impact upon landscape character, sensitive neighbouring land including the Scheduled Ancient Monument at Newhaven Fort and the SSSI and Local Nature Reserve/Wildlife Site, environmental amenities, sustainability and the safe operation of the transport network.

8.3 Impact on the Character of the Area

The proposed development would be undertaken on land that is currently somewhat unsympathetic in appearance due to the piecemeal nature of earlier development, including the erection of various huts and patches of hardstanding. The area is partially overgrown and the overall impression it gives is considered to amount to a sense of dilapidation, creating an atmosphere that likely discourages local residents and tourists from visiting the beach and enjoying the natural capital it provides.

The proposed development would allow for the remaining buildings and hard surfacing to be removed from the site. These would be replaced by two new buildings which, due to their engaging and thoughtful design, are considered to represent the well-designed, beautiful new buildings that

para. 88 of the NPPF encourages as a means to support a prosperous rural economy.

It is considered that the relatively simple and low profile flat roof form of the restaurant and wc buildings would prevent them from appearing overly intrusive or incongruous or from challenging the cliffs that form the backdrop for visual dominance. It is considered that the use of dark cladding on the buildings would provide a pleasing juxtaposition with the white cliffs which would act to emphasise the prominence of the cliffs and draw attention to them.

The angular forms of the buildings and their siting close to the base of the cliff takes cues from the nearby flat roof caponier structure. Pushing the buildings back towards the cliff also ensures an open, welcoming vista across to the beach, with views opening out across the sea and along the coastline, particularly eastward towards Seaford Head.

It is considered that further mitigation is provided through the use of green roofing which, when viewed from above, would amalgamate with the grass and vegetated shingle areas adjacent to the building, retaining the character of a natural setting at the base of the cliff. The connectivity of the development with the surrounding natural environment would also be likely to encourage access and better engagement with and understanding of the natural environment, and this is supported by para. 124 a) of the NPPF which states that planning decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside. The proposed development would attract more visitors to the beach to the west and raise awareness of the countryside around Newhaven, promoting enjoyment of this natural capital.

Plant, machinery and bins associated with the restaurant would be positioned to the rear of the building in a covered area, with louvred screens. It is therefore considered that these elements, which have the potential to create an unsympathetic appearance, would be appropriately screened and would not appear as unacceptable clutter.

The outdoor leisure areas to the south of the buildings would be set within a wider landscaped area including neutral grassland and vegetated shingle that would maintain the rural coastal setting and amalgamate well with existing vegetation at the base of the cliff extending to the west. The outdoor facilities themselves do not involve any significant structures, would be well distributed and would be integrated within the landscaping masterplan for the site, ensuring they appear visually cohesive rather than an unacceptable source of clutter.

It is considered that the level of activity associated with the proposed development would not be excessive and would not detract from the rural tranquillity of the wider countryside, particularly noting there is an established history of leisure use on the site itself and the immediate surrounding area. A noise assessment accompanying the application confirms negligible changes in noise levels during the most intensive use of the site compared to current baseline levels during the operation of the development and minor impacts during the construction phase. This has

included an assessment of the noise impact generated by additional traffic on Fort Road during the construction and operational phase. Mitigation measures identified in the noise assessment, including a Construction Management Plan, housing for plant and machinery and a noise management plan for the operation of the development will be secured by condition.

An appropriate external lighting strategy can be secured by condition, with precautions taken to ensure external lighting is low level and contained within the site, with dark habitat corridors adjacent to the site being maintained. Internal light spill from the building would be partially controlled by glazing, balustrading and louvres and it would be expected for interior lights to be switched off soon after the restaurant shuts at 11pm, and that roller shutter doors are shut when possible during any preparatory or clean up works being carried out when the restaurant is closed.

Turning to the impact upon Newhaven Fort and Lunette Battery, it is noted that Historic England consider that the design responds adequately to the scheduled monument in terms of scale, massing and materiality so as to limit the harm which could be caused through development within the setting of the monument. They have also appreciated the benefits that increased public footfall in the area would provide through allowing for a wider engagement with the scheduled monument. A request has been made that the development incorporates information signage that explains the history of the fort, particularly the lunette batteries and caponier which are in close proximity to the development.

8.4

Economic Impact

It is anticipated that the proposed development would create 8 full time and 4 part time jobs. The operation of the development would also support jobs in the supply chain and the construction phase would also support construction and supply jobs.

Aside from job creation, it is expected that by regenerating the area and bringing increased footfall, the proposed development would be likely to discourage anti-social behaviour such as vandalism which requires costly repair work and deters people from visiting the area. Although some distance from the town centre, the increased visits to the site may also translate to increased footfall and spend in the town centre. The increased awareness of Newhaven Fort that Historic England have noted may also result in additional visitors to the fort, bringing in more funds for maintenance and repairs.

By providing an attractive facility that serves food and provides leisure facilities, it is likely that the development will encourage increased use of the beach to the west of the harbour arm, making Newhaven as a whole a more appealing destination for tourists, encouraging increased use of nearby tourist accommodation, local businesses and visits to local attractions.

	<p>There is an existing public house, The Hope Inn, close to the site on Fort Road. The public house includes a relatively large restaurant area and a decked seating offering views over the harbour. It is considered that the proposed development would complement this facility by adding footfall in the area, enhancing the environment around the beach and also by providing leisure facilities that could also be enjoyed by visitors to the public house.</p> <p>LLP1 policy CP4 highlights the importance of maintaining the viability and functionality of Newhaven Port. It is noted that the port authority have raised no objections and also that the provision of minor facilities for leisure and recreation at West Beach is included as an objective in the Newhaven Port Masterplan (2012).</p>
8.5	<p><u>Impact upon Residential Amenity</u></p> <p>The proposed use itself is approx. 100 metres from the nearest residential buildings, which are to the east on Fort Road. As stated earlier in this report, the noise assessment submitted with the application concludes that there would be a negligible increase in noise levels over existing background as a result of the operation of the proposed development and a minor increase during the construction stage. This includes an assessment on the impact of additional traffic on Fort Road. Mitigation measures to control noise are recommended and these would be secured by condition.</p> <p>Lighting and odour management plans would also be required although it is considered that the distance between the proposed development and the neighbouring dwellings inherently reduces risk of any unacceptable exposure to pollution from these sources.</p> <p>The removal of disused buildings and increase in footfall brought about by the development may reduce the risk of anti-social/criminal behaviour occurring within the vicinity of the dwellings on Fort Road.</p> <p>It is therefore considered that the proposed works would not result in any unacceptable impact upon the amenities of neighbouring residents.</p>
8.6	<p><u>Highway Impact and Accessibility</u></p> <p>The proposed development would utilise the existing site access from Fort Road, via the car parking area at west beach. This is the only practical way to reach the site either by vehicle/cycle or on foot. There is pavement along most of the length of Fort Road although it terminates approx. 100 metres north of the car park access. There is also a stretch off road to the north between the flats at Fort Gate and Mariners Wharf where there is no pavement. The nearest public transport connection is a bus stop on approx. 725 metres to the north, although service to this stop is limited. There are bus stopes on the main 'Coaster' route in the Town Centre, as well as a mainline train station, with these connections being within an approx. 20 minute walk.</p> <p>ESCC Highways are satisfied that the increase in vehicular trips as a result of the development would not be significant, particularly when</p>

allowing for trips associated with the existing use (or discontinued uses that could be restored). It is also noted that trips associated with the development are more likely to be outside of peak traffic hours in the morning and evening, although there will be a minor increase in trips in peak hours. ESCC Highways are satisfied that the amount of trips generated by the development can be absorbed by the existing highway network without resulting in unacceptable traffic or pressure at existing junctions.

Due to the road layout in Newhaven, the majority of vehicles accessing the site would need to pass through the air quality management area (AQMA) in the centre of the town. As stated above, it is anticipated that the increase in trips would be relatively modest. However, it is important that mitigation measures are incorporated into the scheme to help offset any increase in emissions in the AQMA. Examples could be provision of renewable and electric vehicle charging points. This can be secured by planning condition.

A total of 55 car parking bays would be allocated for use by visitors to the development as well as staff/ There would be no parking charge for the use of these bays. 11 of the parking bays would be reserved for use by staff and 3 accessible parking bays would be included in the overall quantum. ESCC Highways consider the amount of parking provided to be of an appropriate capacity to meet the parking demands generated by the proposed development.

Access on foot would be primarily by local residents and those using public transport. There is a large number of dwellings within good walking distance of the site and main public transport hubs in the form of bus stops and the mainline train station which are respectively within approx. 1.5km and 2km walking distance from the site.

As noted above, there is a lack of pedestrian footway at the southern end of Fort Road and there is also a section of road with no footway to the north, between Fort Gate and Mariners Wharf. The proposed development includes works to form a footway in this location, connecting to the existing footway to the north and south and therefore providing safer and more appealing pedestrian access to the site. Due to ownership issues it is not possible to extend the existing footway southward but, at this point, the road is relatively straight, with good visibility, and vehicles are likely to be moving slowly as the approach and leave the car park. It is noted that the new path would result in the loss of a section of layby parking which has capacity for 4 to 5 cars but this is considered acceptable given the neighbouring flats and public house have good levels of allocating parking and there are is a large amount of additional parking available at the west beach car park.

It is considered that the proposed footway works would provide a safer pedestrian route to the site. It is also noted that an additional pedestrian access would be provided to the eastern side of the development, thereby allowing for pedestrians to access the site without having to negotiate the

car park area. This access would also be used by delivery and servicing vehicles but bollards would be in place to prevent any other vehicular access that may present a safety hazard to pedestrians.

National Cycle Network Route 2 runs along Gibbon Road, which meets Fort Road approx. 725 metres north of the site. Parking facilities for 12 bicycles would be provided on hard surfacing between the restaurant and wc buildings. A condition would be used to ensure this facility is provided and retained and also to ensure that the storage is covered so as to protect stored cycles against the elements.

All parts of the development, including both seating levels of the restaurant, can be accessed step free. The internal footways are considered to be wide and, clear and easily navigable. The accessible parking bays would be positioned immediately adjacent to the main pedestrian access to the site, ensuring those using them would be as close to their destination as possible.

A delivery and servicing plan has been submitted as part of the application. The plan explains the arrangements that would be put in place to allow for deliveries to be made to the site and support servicing such as waste collection. The delivery and serving areas would be gated and the access to them would be segregated from the main access to the site, ensuring delivery and servicing vehicles are less likely to come into contact with cars and pedestrians in the main parking area. The service access would be controlled by bollards that would prevent it being used by other vehicles. As this entrance would also provide a secondary pedestrian access it is important that these controls remain in place in the interest of pedestrian safety and a condition would be attached to any approval given to ensure this is the case.

8.7 Ecology and Biodiversity

Although parts of the site have been developed in the past, it also incorporates green areas, including coastal vegetated shingle which is a UK Biodiversity Action Plan Priority Habitat.

The application is accompanied by an Ecological Assessment (EA) which includes a survey carried out in a walkover where existing habitats and land uses were recorded. A total of eight primary habitat types were identified, namely modified grassland, dense scrub, sparsely vegetated land, coastal vegetated shingle, developed sealed surface, buildings, artificial unvegetated, unsealed surface and built linear features.

The EA concludes that the existing vegetated shingle is in poor condition due to being regularly disturbed by human interference and dog fouling. The majority of this habitat will be lost to the development, with a small area retained to the centre of the application site and incorporated into the final design. Additional areas of vegetated shingle would be created towards the west of the site away from the main developed area to compensate for the loss of the existing shingle.

No evidence of roosting bats was found within the site boundary and no suitable bat roosting features were identified in the existing onsite buildings. A dark corridor would be retained to the rear of the development to support and encourage foraging bats.

The survey work confirmed the presence of slow worms and common lizards on the site. This is of local importance given both species are relatively widespread in Sussex. An undisturbed receptor area will be provided to allow for any reptiles found in the construction area to be relocated to an appropriate habitat. Hibernacula would also be provided in the green corridor maintained to the rear of the site as well as on the green roof of the restaurant building. Reptile exclusion fencing will be installed around the receptor area to prevent reptiles moving back to the site during the construction phase. The receptor area will continue to be managed and monitored as part of an ecological management plan that will be secured by condition.

Nesting birds were recorded on the cliff face to the rear of the site, including fulmar, house sparrow, jackdaw, stock dove and wood pigeon. The cliffs which form part of the Brighton to Newhaven Cliffs SSSI support locally important colonies of breeding seabirds. The section of cliff to the west of the application site historically supported the only breeding colony of kittiwake although the colony has moved to Seaford since the designation as a SSSI. Clearance of scrub and existing buildings would also be carried out outside of the nesting season in order to prevent disturbance.

The Noise Impact Assessment accompanying the application predicts the long-term noise impacts during the operation of the development would be non-significant to nesting birds. This would also be the case for general construction activities although it is stated that peak activities may cause disturbance and, therefore, recommends that high noise works are not carried out during the bird nesting season. The EA endorses the recommendations made in the noise assessment.

The maintenance and reinforcement of the existing chain link fence along the northern boundary of the site will retain a buffer between the new development and the cliff base to reduce potential disturbance to nesting birds and other species present.

Due to the likelihood of badgers and hedgehogs commuting and foraging around the site, precautionary measures are required during construction to avoid trapping them in trenches or holes. This involves covering any steep sided holes or trenches or leaving a sturdy ramp or plank within to provide an escape route.

Ecological enhancements undertaken to achieve a 10.19% biodiversity net gain against the current baseline level include the creation of the new coastal vegetated shingle and grassland areas, the green roof area over the restaurant, maintenance of green corridors and installation of bird boxes including swift bricks, bee bricks, hibernacula and water features.

	<p>The County Ecologist has assessed the information provided and raised no objections to the development subject to conditions securing the appropriate mitigation measures and the long term management of ecology and biodiversity within the site.</p> <p>Natural England have yet to provide a response. Due to the proximity to the SSSI it is recommended that members delegate back to officers to await these comments prior to issuing a decision. If an objection is raised then this would need to be addressed before any decision is issued.</p>
8.8	<p><u>Drainage and Wastewater</u></p> <p>As the site falls within Flood Zone 1 and is therefore not identified as being at any pronounced risk of flooding from tidal or fluvial sources, noting it is positioned above the sea wall flood defence. The submitted drainage strategy states that testing has indicated there are good soakage rates on the land around the site and that infiltration drainage can therefore be utilised. This form of drainage is identified as the most sustainable method in the Planning Practice Guidance for Flood Risk and Coastal Change (para. 056), and is therefore encouraged. Hard surfacing will be permeable where possible but soakaways would be used to serve impermeable areas such as those covered by buildings.</p> <p>The green roof over the restaurant would provide a degree of surface water attenuation and would also filter water before it goes into the soakaway. Silt traps would also be provided to prevent sediment being carried away from the site. A condition will be used to ensure drainage is installed in accordance with a detailed scheme devised by a suitably qualified engineer and supported by appropriate supporting evidence. A management plan for the drainage system will also be required in order to ensure that it will operate effectively for the lifetime of the development.</p> <p>It is stated that foul drainage would be discharged into the public sewer via a pumping station. A condition will be used to ensure appropriate connection agreements and agreed discharge rates are in place with the statutory undertaker prior to the first use of the development.</p>
8.9	<p><u>Sustainability</u></p> <p>It is considered that, by installing permanent building constructed in energy efficient materials and incorporating air source heat pumps, solar panels and green roofing, the proposed buildings would be more sustainable in social, economic and environmental terms than the existing buildings on the site, as required by LLP2 policy DM10.</p> <p>The restaurant building includes large areas of glazing on the eastern and western elevation that will allow exposure to good levels of natural light, with opening parts providing natural ventilation. The roof overhang will also help provide shading to the decked areas and windows so as to prevent overheating. Low emissivity glazing will also be used to control overheating.</p> <p>Mechanical Ventilation with Heat Recovery (MVHR) will remove warm, damp air from kitchen and bathroom spaces and pass this over a heat</p>

	<p>exchanger before directing it the restaurant seating areas as heating. This will supplement the heating provided by the air source heat pump, which will also be used to provide hot water.</p> <p>The measures listed above are all set out in the Energy and Sustainability Statement accompanying the application. This statement provides a framework. A condition will be used to obtain full specifications of all sustainability measures incorporated, following the principles set out in the statement, and requiring them to be maintained in place for the lifetime of the development.</p>
8.10	<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>
8.11	<p><u>Conclusion.</u></p> <p>The proposed development represents a sustainable scheme that is appropriate in terms of environmental, residential and visual impact, would deliver highway improvements and not give rise to highway hazard, would respect the setting of the nearby Newhaven Fort and the SSSI and would provide significant benefit in supporting the local economy, tourism and the regeneration of an under-appreciated art of Newhaven.</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 to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.</p> <p>Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>External Materials</p> <p>Prior to their application, details and photographs of all external materials, including paving and any screening shall have been submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to the National Planning Policy Framework.</p>

10.3	<p>Surface Water Drainage</p> <p>Prior to the commencement of any construction works suitable arrangements shall be put into place to prevent the discharge of surface water from the site onto neighbouring land, including the public highway, with these arrangement maintained in place throughout the construction phase.</p> <p>Prior to the first occupation of the development hereby approved, full details of surface water drainage infrastructure, which shall follow the principles of sustainable drainage as far as practicable and be devised by a chartered civil engineer, shall be provided along with evidence in the form of photographs and documentation to confirm the drainage infrastructure has been installed in accordance with those details. The surface water drainage system shall be retained as approved thereafter.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, and para. 173 of the NPPF.</p>
10.4	<p>Foul Drainage</p> <p>Prior to the first occupation of any part of the development foul drainage arrangements shall be in place and confirmation of a connection agreement for access to the public sewer system, issued by Southern Water, shall be provided to the Local Planning Authority.</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>
10.5	<p>Parking Spaces</p> <p>Prior to the first use of the development hereby approved, the parking areas shown on the approved plans shall be surfaced and marked out. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls or fences). Disabled spaces must have minimum dimensions of 3.6m X 5m.</p> <p>These parking spaces shall thereafter be retained in that use for the lifetime of the development.</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>
10.6	<p>Cycle Parking</p> <p>The development shall not be occupied until covered facilities for cycle parking area have been provided in accordance with plans which have been submitted to and approved in writing by the Planning and these 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</p>

	accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.
10.7	<p>New Footway</p> <p>No development shall be occupied until such time as a technically accepted footway scheme including details incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved highway scheme shall be completed prior to first occupation of the development hereby permitted.</p> <p>Reason: In the interests of road and pedestrian safety in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.8	<p>Service Access</p> <p>Prior to the first use of the development, retractable bollards shall be installed at the servicing access as per the approved plans and shall thereafter be maintained in place for the lifetime of the development.</p> <p>Reason: In the interests of road and pedestrian safety in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para.114 and 116 of the NPPF.</p>
10.9	<p>Biodiversity Net Gain</p> <p>All ecological measures and/or works regarding a precautionary approach in relation to badgers and hedgehogs shall be carried out in accordance with the details contained in the EA (Bakerwell, December 2023, Ref: ES560) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.</p> <p>Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, as required by paragraphs 180 and 186 of the National Planning Policy Framework 2023, Section 40 of the Natural Environment and Rural Communities Act 2006 and LLP1 policy CP10.</p>
10.10	<p>Biodiversity Method Statement</p> <p>No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for breeding seabirds, bats and reptiles has been submitted to and approved</p>

	<p>in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives; c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from the works. <p>The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.</p> <p>Reason: To protect species from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended.</p>
10.11	<p>Lighting Design Strategy</p> <p>Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ul style="list-style-type: none"> a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.</p> <p>Reason: Many species active at night (e.g. bats) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.</p>
10.12	<p>Ecological Design Strategy</p> <p>No development shall take place until an ecological design strategy (EDS) addressing compensation, mitigation and enhancement measures has</p>

	<p>been submitted to and approved in writing by the local planning authority. The EDS shall include the following:</p> <ul style="list-style-type: none"> a) purpose and conservation objectives for the proposed works; b) review of site potential and constraints; c) detailed design(s) and/or working method(s) to achieve stated objectives including confirmation of saturated loading capacity of the biodiverse green roof structure; d) extent and location /area of proposed works on appropriate scale maps and plans; e) type and source of materials to be used where appropriate, e.g. native species of local provenance; f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; g) persons responsible for implementing the works; h) details of initial aftercare and long-term maintenance; i) details for monitoring and remedial measures; j) details for disposal of any wastes arising from works. <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p>Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the National Planning Policy Framework and LLP1 policy CP10</p>
10.13	<p>Information Signage</p> <p>Prior to the first occupation of the development hereby approved, information signage to promote awareness of the historic environment surrounding the site shall be erected in accordance with details to be submitted to and approved by the Local Planning Authority and shall thereafter be retained in place for the lifetime of the development.</p> <p>Reason: In order to promote understanding of surrounding heritage assets in accordance with LLP1 policy CP11, LLP2 policy DM33 and para. 196, 203 and 212 of the NPPF.</p>
10.14	<p>Contamination Remediation Strategy</p> <p>No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:</p> <ul style="list-style-type: none"> h) Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a

	<p>detailed assessment of the risk to all receptors that may be affected , including those off site.</p> <p>i) The results of the site investigation and the detailed risk assessment referred to in (a) 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.</p> <p>j) 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 (b) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170, 174, 178 and 179].</p>
10.15	<p>Contamination Verification Plan</p> <p>No occupation of any part of the permitted development shall take place until a verification report demonstrating 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. It shall include any plan (a 'long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure that any remediation, if deemed necessary, is satisfactorily completed</p>
10.16	<p>Previously Unidentified 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that any contamination identified during the construction works is fully characterised and assessed.</p>
10.17	<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>
10.18	<p>Archaeological Works Reporting</p> <p>No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition</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>
10.19	<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, • 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),

	<ul style="list-style-type: none"> • 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 Policy CP11, LLP2 policies DM20 and DM23, the LDC Circular Economy Technical Advice Note and para. 114, 116 and 180 and 191 of the NPPF.</p>
10.20	<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. 180 and 191 of the NPPF.</p>
10.21	<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 <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. 135 of the NPPF.</p>
10.22	<p>Noise Mitigation</p> <p>The mitigation measures set out in the submitted Noise Impact Assessment (J3763 Rev. P01) shall be adhered to at all times during the construction and operational phases of the development.</p> <p>Reason: In the interest of environmental, and residential amenity in accordance with LLP1 policy CP11, LLP2 policies DM23 and DM25 and para.180 and 191 of the NPPF.</p>

10.23	<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>
10.24	<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. 157 of the NPPF.</p>
10.25	<p>Waste Management Plan</p> <p>Prior to the first use of the development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall demonstrate how the procurement of materials for the development would promote sustainability. It shall also show how waste associated with the development will be reused or recycled wherever practicable and measures taken to minimise and manage waste generated during the operation of the development.</p> <p>Reason: In the interest of achieving sustainable development in accordance with LLP1 policies CP13 and CP14 and the LDC Sustainability in Development Technical Advice Note.</p>
10.26	<p>Accessibility:</p> <p>Prior to the first use of the development, the accessible/changing places wc facilities shall be installed and operational. These facilities shall thereafter be maintained in place for the lifetime of the development. Suitable wayfinding signage directing to the facilities and other parts of the development shall also be in place.</p> <p>Reason: To ensure that the building is accessible to all members of the public in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 135 of the NPPF.</p>

11.	Informatives
11.1	<p>Section 278 works (footway)</p> <p>The requirements for a new footway associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.</p>
11.2	<p>Breeding Birds</p> <p>The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.</p>
11.3	<p>Asbestos</p> <p>The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information, please visit the HSE website: Asbestos - HSE.</p>
11.4	<p>Radon</p> <p>Given that the site is within a radon affected area where about 3-5% of properties are above the action level appropriate radon gas protection measure must be included in any future built structures to mitigate the ingress of radon gas into the building.</p>
11.5	<p>Waste Management</p> <p>All waste material arising from any site clearance, demolition, preparation and construction activities should be stored, removed from the site and disposed of in an appropriate manner.</p>

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	23.01.2024	2208-P-001A
	Proposed Block Plan	13.06.2024	2208-P-006A

	Proposed Site Context Plan	13.06.2024	2208-P-010A
	Proposed Site Plan 1 of 2	13.06.2024	2208-P-011A
	Proposed Site Plan 2 of 2	13.06.2024	2208-P-012A
	Proposed Site Layout Plan - Roof	13.06.2024	2208-P-013 A
	Proposed Ground Floor Plan - Restaurant	23.01.2024	2208-P-020
	Proposed Roof Plan - Restaurant	23.01.2024	2208-P-021
	Proposed South Elevation	23.01.2024	2208-P-030
	Proposed East Elevation	23.01.2024	2208-P-031
	Proposed West Elevation	23.01.2024	2208-P-032
	Proposed North Elevation	23.01.2024	2208-P-033
	Proposed South Elevation – Facade Alignment	23.01.2024	2208-P-034
	Proposed Section A-A	23.01.2024	2208-P-040
	Proposed Section B-B	23.01.2024	2208-P-041
	Proposed Ground Floor, Roof Plan and Elevations - Changing Places	23.01.2024	2208-P-045

13.	Appendices
13.1	None.

14.	Background Papers
14.1	None.