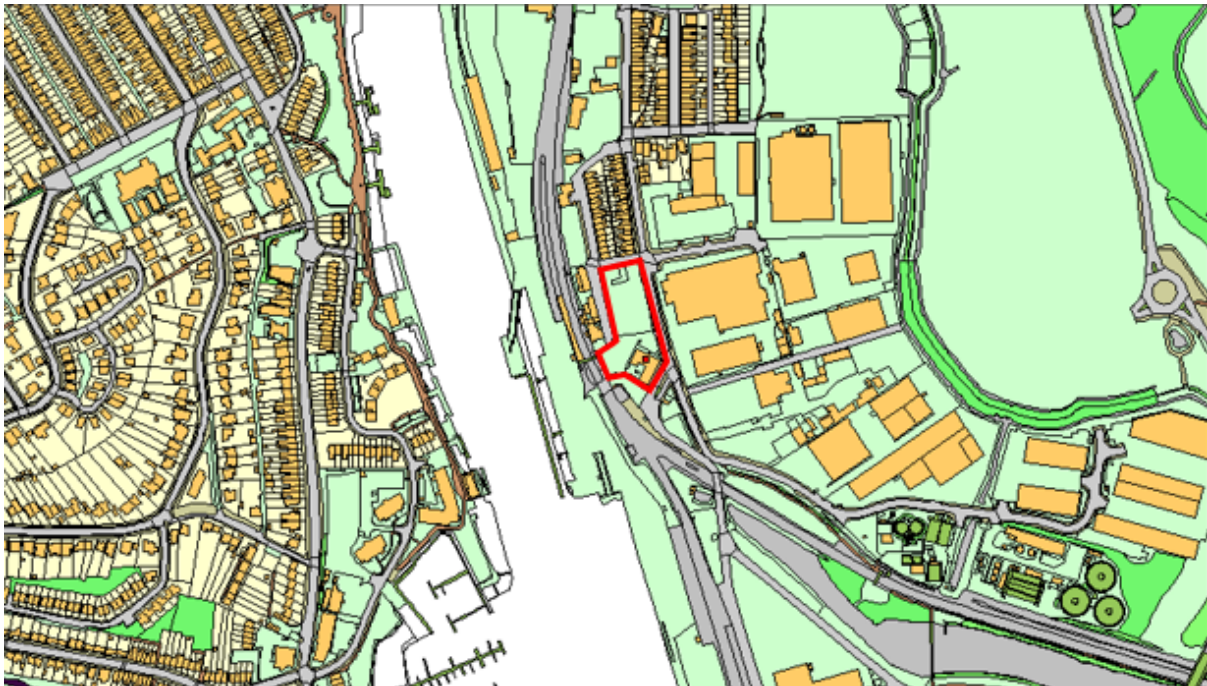


Report to: Planning Applications Committee
Date: 6 November 2024
Application No: LW/23/0304
Location: Land between Beach Road and Transit Road, Newhaven
Proposal: Demolition of existing former Port Office building and the erection of 126 dwellings including 18 storey building with Class E commercial uses (154m²) at ground floor level, associated ground level parking, landscaping and access arrangements.
Applicant: KSD Support Services Ltd
Ward: Newhaven South
Recommendation: 1. Approve subject to section 106 legal agreement and the conditions listed in this report and subject to the Council's Environmental Officers providing confirming appropriate noise mitigation measures can be achieved by condition/planning obligation.
2. If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

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



1. Executive Summary

1.1 The proposed development, including an 18 storey tower, follows the previously approved mixed use scheme including a 13-storey tower element under LW/17/0205.

1.2 It is considered that the proposed development:

- Is high quality in terms of design, layout and landscaping
- would contribute to the regeneration of the Eastside area,
- would define a key gateway area and provide good quality housing, with particular emphasis on the delivery of small units needed across the district as well as in Newhaven,
- is a bold design and yet would not significantly negatively impact upon the setting of the Listed Newhaven Fort, nor the surrounding countryside, including the South Downs National Park.

1.3 It is considered that the development would preserve, and in some cases enhance residential and environmental amenity, with a number of assessments and surveys submitted to provide assurances in this regard.

1.4 The proposed development is in a sustainable location where reliance on the use of private motor vehicles would be mitigated by access to local shops and services, employment and public transport hubs. Measures have been taken to encourage the use of sustainable modes of transport and ensure that the building is energy efficient, with a good deal of the energy it would consume being generated by renewables or low emission technology.

1.5 It is considered that the proposed development, through regeneration of the area, uplift in population and local spend and provision of commercial space would contribute to an uplift in the local economy.

1.6 Social Benefits

The proposal offers significant social benefits by providing much needed housing units in a sustainable location, including smaller units for which there is an identified need in the district as well as specifically in Newhaven.

This would carry significant positive weight in the planning balance.

1.7 Economic Benefits

The proposed development would provide short-term economic benefits in the form of construction jobs with longer term benefits from 7-10 full time equivalent jobs supported by the proposed commercial space, jobs associated with ongoing maintenance of the site, increased local spend in the local economy and the regeneration of the area attracting further inward investment.

This would carry moderate positive weight in the planning balance;

1.8 Design and Built Environment

The proposal would redevelop and unsightly, partially derelict site and deliver buildings of high design quality and an improved level of access and permeability, including to Newhaven Harbour Train Station.

This would carry moderate positive weight in the planning balance.

1.9 Impact on Heritage Assets

The proposed development would result in a less than substantial harm towards the setting of Newhaven Fort, a Scheduled Ancient Monument as the presence of the development would challenge the prominence and commanding appearance of the fort in some views from the east.

This would carry moderate negative weight in the planning balance.

1.10 Transport

The proposal would deliver suitable access for vehicles and pedestrians, would support electric vehicle charging and provide cycle parking, improved permeability, facilitate improvements to Newhaven Harbour Train Station and would not impose undue stress on the surrounding highway networks.

This would carry moderate positive weight in the planning balance.

1.11 Sustainability

The proposal would incorporate a number of measures to deliver a sustainable and energy efficient form of development. It would also introduce a more effective drainage system with better control of discharge rates and the ability to filter out contaminants.

This would carry moderate positive weight in the planning balance.

1.12 Water issues

The development incorporate suitable flood resilience measures to ensure future occupants are not subjected to unacceptable levels of flood risk.

This would carry neutral weight in the planning balance.

1.13 Ecology and Biodiversity

The development allows for the introduction of a significant degree of biodiversity net gain on the site, through the provision of landscaping.

This would carry limited positive weight in the planning balance.

1.14 Landscape and South Downs Impact

The development would become a focal point within the town, fulfilling the role of a gateway site. This is balanced against the disruption experienced in views towards, and from, the South Downs National Park.

Overall, it is considered this should carry moderate negative weight in the planning balance.

- 1.15 It is therefore recommended that the benefits of the development significantly outweigh any harm and that the application should therefore be approved subject to the conditions attached to this report and a Section 106 legal agreement to secure highway improvements/contributions, improvements to Newhaven Harbour train station, a Local Employment Agreement and either the provision of an on-site Local Equipped Area of Play (LEAP) or contributions to improve nearby LEAP facilities. Provision will also be made for a review of the viability of the development, informed by sales figures, to ascertain whether there would be headroom to provide on-site affordable housing or a contribution.

2. Relevant Planning Policies

2.1 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed and beautiful places
- 14. Meeting the challenge of climate change, flooding, and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

2.2 Lewes Local Plan Part 1 (LLP1)

- CP1-Affordable Housing
- CP2-Housing Type, Mix and Density
- CP4-Economic Development and Regeneration
- CP7-Infrastructure
- CP8-Green Infrastructure
- CP9-Air Quality
- CP10-Natural Environment and Landscape
- CP11-Built and Historic Environment & Design

- CP12-Flood Risk, Coastal Erosion & Drainage
- CP13-Sustainable Travel
- CP14-Renewable and Low Carbon Energy
- 2.3 Lewes Local Plan Part 2 (LLP2)
 - DM14-Multi-functional Green Infrastructure
 - DM15-Provision for Outdoor Playing Space
 - DM16-Children’s Play Space in New Housing Development
 - DM20-Pollution Management
 - DM22-Water Resources and Water Quality
 - DM23-Noise
 - DM24-Protection of Biodiversity and Geodiversity
 - DM25-Design
 - DM27-Landscape Design
- 2.4 Newhaven Neighbourhood Plan (NNP)
 - ES3 – Eastside's Natural Environment
 - T1 – Congestion mitigation and sustainable movement
 - NE1 – Biodiversity protection and enhancement
 - D1 – Promoting Good Design
 - D2 – Design and Climate Change
 - H1 – A Spatial Strategy for Newhaven
- 2.5 The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)
 - SP-O/A – Area of Opportunity for Waste Development

3. Site Description

- 3.1 The application site has an area totalling 0.45 ha. It is located between Newhaven Harbour train station and Beach Road. The site is adjacent to the entrance to Newhaven Port, off Beach Road, and the main port area is to the south. To the north are terraced houses fronting Beach Road and Transit Road. There is a two-storey flat roof building towards the southern end of the site which originally accommodated the Port admin offices and has since been in use as a temporary office facility. A single-storey flat roof former warehouse building positioned in the north-eastern corner of the site was demolished in 2017/2018 and this part of the site has been cleared, enclosed by hoarding and is currently being used for outdoor storage purposes. The site is hard surfaced in its entirety although parts have become overgrown since it fell into disuse.

- 3.2 The site falls within the settlement boundary, adjacent to, but not inside the Eastside Regeneration Area as designated in the Newhaven Neighbourhood Plan. Recent residential developments to the north have occupied a number of former commercial sites, although commercial development continues to be the dominant form to the east and south. This includes industry that generates significant noise levels, including a scrap metal processing area. There is also significant infrastructure development nearby in the form of the wastewater treatment plant approx. 250 metres to the south west.
- 3.3 Newhaven Harbour is nearby to the west, including the Marina on the western side, where planning permission has recently been awarded for high rise residential development under LW/19/0926. The harbour mouth is approx. 850 metres to the south of the site.
- 3.4 There are designated assets nearby in the form of Newhaven Fort, occupying raised ground on the opposite side of the river approx. 675 metres to the south west of the site. Low lying land at the Ouse Estuary Local Nature Reserve, approx. 700 metres to the east of the site, marks the edge of the South Downs National Park, with the topography rising around the Denton area further to the east. The park wraps around Newhaven, incorporating a green buffer maintained between it and Peacehaven, the edge of this buffer being approx. 1.9km to the west of the site.

4. Proposed Development

- 4.1 The proposed development involves the demolition of the existing building, clearance of the entire site and its redevelopment for residential purposes, with an element of commercial floorspace provided.

Although the application description refers to an 18-storey building, this height would not extend across the whole development, with this element, referred to as Block A, being restricted to a tower element towards the southern end of the site, occupying a footprint broadly similar to that of the existing office building and its fenced amenity area. The tower, along with an attached 5-storey element (Block B) extending to the west, would form a free standing building which would be separated from the remainder of the development to the north by a newly formed station approach linking Beach Road to the entrance to Newhaven Harbour Station. This would be accessible to vehicles, with a separate pedestrian permissive path running in parallel. The ground floor of the building would include an undercroft parking area accessed from the new station approach.

On the opposite side of the station approach would be two parallel rows of buildings, one providing frontage development onto Beach Road (Blocks C and D) and the other facing out onto Transit Road (Blocks E and F). A covered car parking area would be provided at ground floor level in the space between the two buildings, as well as beneath the flats, with the roof over it being utilised to provide a landscaped podium garden area for communal use.

The flats in the buildings facing onto Transit Road would be in two blocks, distributed over three and four storeys respectively. The blocks facing onto Beach Road would be taller, at 5 storeys, and the southernmost block would include a rooftop garden area. Accommodation would largely be restricted to first floor level and above, with the exception of 4 x 'duplex' include ground floor rooms in the Transit Road frontage buildings and 6 x duplex buildings within the Beach Road frontage buildings.

In total, 126 new residential units would be provided, with the mix being as follows:-

- 4 x studio flats;
- 37 x 1 bed 2 person flats;
- 49 x 2 bed 3 person flats;
- 5 x 2 bed 3 person duplexes;
- 17 x 2 bed 4 person flats
- 1 x 2 bed 4 person duplex;
- 4 x 3 bed 4 person flats;
- 5 x 3 bed 5 person flats;
- 4 x 3 bed 5 person duplexes

The commercial space would be split into two units at ground floor level in the tower building, the larger of which would face towards Beach Road and the entrance onto the new station approach and have a floor area of 109.2 m² whilst the smaller would face onto Station Approach at the Transit Road end and have a floor area of 44.4 m².

77 x car parking spaces, including 2 car club spaces, would be provided to serve the development, with 63 of these being in the undercroft area beneath the buildings and the remainder being provided in parking bays either side of the station approach and Transit Road. The 2 Car Club parking bays would be positioned on the eastern side of Beach Road in a layby. The footway on the western side of Beach Road to the front of the development would be widened to two metres with a tree lined verge providing a buffer between it and the carriageway.

The submitted documents maintain that it would not be financially viable to deliver any affordable housing component within the development. This is supported by a Financial Viability Assessment which has been independently reviewed and the conclusions have been supported.

5. Relevant Planning History:

- 5.1 **LW/17/0205** – Full planning application for the development of an 80 bedroom hotel, 25 flats, 14 houses and B1 commercial uses (144sqm) with a multi storey car park, other associated ground level parking, landscaping and access arrangements (including 13-storey tower) – Approved subject to conditions and section 106 agreement – 2nd April 2019

- 5.2 **LW/21/0998/CD** – Discharge of Conditions 8 (Soundproofing Scheme), 9 (CEMP), 12 (Asbestos Survey) and 34 (Drainage System Maintenance and Management Plan) in relation to approval LW/17/0205 – Part Discharged 31st March 2022
- 5.3 **LW/22/0076/CD** – Discharge of Conditions 3 (Details of External Materials), 4 (Details of Hard and Soft Landscape Works), 21 (Temporary Access and Turning Arrangements) and 24 (Footway Details) in relation to approval LW/17/0205 – Discharged 31st March 2022
- 5.4 **LW/22/0114/CD** – Approval of Conditions 10 (remediation measures for lead, PAHs and asbestos contaminated soil) and 22 (Construction Management Plan) relating to application LW/17/0205 – Discharged 4th April 2022

6. Consultations:

6.1 Newhaven Town Council

The committee were not against this development in this area and liked its quality, design and overall 'vision'. Similarly, they welcomed the provision of Biodiversity and Sustainability it would bring.

They did however express their concern regarding the impact the development would have on the existing residents and particularly the height of the 'beacon' (block of flats) feature.

6.2 South Downs National Park Authority

The SDNPA makes no comment on the principle of development, however the development has clear potential to impact on the setting of the National Park given its height. Whilst it is understood that the applicant has increased the height of the building following pre-application advice provided by the Council, the building would be some 16 storeys higher than the surrounding built form, and potentially very prominent. It would be helpful if the LVIA could provide visuals of the building rather than just views of the site as it is unclear how any of the views from publicly accessible locations within the National Park would be affected.

Careful consideration should also be given to the International Dark Night Skies Reserve and dark night skies, which are a special quality of the National Park. Paragraph 185(c) of the NPPF 2021 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation. The SDNPA would therefore encourage a sensitive approach to both external and internal lighting which conforms the Institute of Lighting Professionals for lighting in environmental zones, and tries to achieve zero upwards light spill in all respects. It does not appear that the amended proposals have given this any consideration.

Any lighting should also take into account the biodiversity sensitivities of the site and not disturb or harm wildlife. The Council's biodiversity officer should be able to advise further on this. Further information/advice on sensitive lighting can be found in the SDNPA's Dark Skies Technical Advice Note.

6.3 **Historic England:**

The positioning of a tall building in this location, in particular when taken cumulatively with other consented development in the Marina area, has the potential to impact on the significance of Newhaven Fort through development within its setting. We note the landmark building proposed is taller than the previously consented scheme for this site (LW/17/0205).

Significance

Newhaven Military Fort and Lunette Battery is a nationally important scheduled monument (National Heritage List no 1002242). The Fort illustrates the ingenuity of the nation's military defences at key moments in history, with developments here from the 16th century, with changes in design and armaments through the 17th, 18th and 19th century.

The dominant location of the Fort on castle hill and its integration into the landscape, bring a dramatic sense of isolation and power. The historic function of the Fort can only be understood in relation to its strategic location and defensive purpose. Crucially the Fort was positioned on high ground to provide strategic defence for the harbour and river. Clear lines of sight and lines of fire are therefore critical to understanding the function of the fort, and its relationship with the harbour, the River Ouse, and broader landscape, demonstrate how the wider setting of the monument contributes greatly to its significance.

Impact

The applicant has submitted an archaeological desk based assessment (DBA) that does not consider that the proposal site lies within the setting of the scheduled monument. We disagree with this approach, because we think the introduction of a tall building here has an impact on the significance of the fort, and this is demonstrated through the visualisations provided in the design and access statement and LVIA.

We think that tall buildings that challenge the dominance of Newhaven Fort, interrupt its defensive function, and its connection with the landscape and River for which it was designed to defend, are harmful to its significance.

We note that the proposed landmark building is taller than the previously consented scheme, making it more dominant and visible from afar, and we think this proposal is therefore more harmful to the heritage significance of the Fort.

We also raised concerns regarding the significant scale and height of development of the Marina area proposals (LW/19/0926), and think the cumulative impact of development in Newhaven and along the River is increasingly harmful to the significance of the Fort. With these consented and proposed schemes realised, the Fort would lose some of its clear lines of sight, connection with the River and landscape, and its dominant, isolated, and defensive position challenged.

Policy

The National Planning Policy Framework (NPPF) is the key relevant document that guides decision making on this application, but others of relevance have been identified in the applicants supporting documentation and by other consultees.

The relevant paras of the NPPF in relation to this application and heritage are discussed below:

Para 195 notes that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations; we note that scheduled monuments are of the highest level of heritage significance and the conservation of Newhaven Fort should therefore be a priority.

Para 200 says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance; we note that scheduled monuments are of the highest level of importance. We think the failure of the Archaeological DBA to recognise and consider the impacts here, mean that this requirement has not been fulfilled.

Para 201 says that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. We think the impact of the development on Newhaven Fort has not been considered sufficiently, because the height of the proposed landmark building does not seek to minimise harm.

Para 205 notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be); we note again that scheduled monuments are of the highest level of importance.

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 206 says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. We are not convinced that the proposed height of the landmark building is clearly and convincingly justified in relation to its impact on Newhaven Fort.

Para 208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Position

We think that the proposals for construction of a tall landmark building on this site are harmful to the heritage significance of Newhaven Fort, which is a nationally important heritage asset.

We think this harm comes from impacts within the setting of the monument, where the Forts dominance, lines of sight and fire, and relationship with the surrounding landscape which it was designed to protect, are challenged and disrupted by the proposed tall building. This harm is greater than the previous consented scheme on this site, and increases when considered cumulatively with other consented development schemes, particularly that at the Marina.

We think the level of harm is less than substantial, but that cumulative harm of development here and in the Marina would be higher than the harm created from this individual site.

Given the lack of consideration within the applicants archaeological DBA of Newhaven Fort, the lack of analysis of heritage impact from the LVIA, the potential impact from development within the Forts setting, and that fact that the application does not appear to avoid or minimise harm to a nationally important heritage asset, we think the application is not compliant with the NPPF in its current form.

6.4 Newhaven Port and Properties Ltd (NPP)

Newhaven Port will be directly impacted by these proposals as access to the Port lies in close proximity to the development site. The Port also own the land directly to the south and adjoining the Application Site boundary. In addition to the above, we note that the Port own a small piece of land within the Application Site which comprises the location of a former electricity sub-station. Whilst we have not had the opportunity to review the Application Form, as this does not appear to have been provided on your public access page, we question whether Certificate B has been signed, with appropriate notice given to Newhaven Port? If not, it is considered that this needs to be rectified with the appropriate notice given.

With regards to land ownership, it is noted that the proposed Site Plan indicates two fire escapes to the rear of the building which would exit onto land owned by NPP. It is the position of NPP that no such rights exist for the Applicant to access into or cross this land. Consequently, NPP have written to the Applicant informing them of this and asking that they amend their application or if they disagree, to explain what rights they consider they have. NPP reserve the right to develop this part of their land and have long standing intention to relocate the existing fencing to their boundary. This intention has been communicated to the Applicant prior to submission of the current proposals.

Whilst private landowner rights are not typically a material consideration for the purpose of determining Planning Applications, it is considered that access rights over this land is fundamental to the fire strategy in relation to the proposed 18-storey building. As set out above, it is the position of NPP that the Applicant holds no rights over this land and in due course NPP may decide to develop it. Consequently, it is considered that the proposals

need alteration in order for them to be acceptable for the purposes of fire safety.

Further to the above we are also objecting for the following reasons:

- The height, scale and design of the building
- Noise and the Agent of Change principle
- Highways and parking
- Space standards and amenity of future residents

OFFICER COMMENT: The matters raised in relation to the positioning of fire escapes is a civil matter, notwithstanding it will be taken into account at the Building Regulations stage and by the Building Safety Regulator.

6.5 **Additional comments from NPP and Brett Aggregates regarding impact upon existing industry**

I am writing to set out Brett/NPPs position in respect of the submitted noise assessment technical work. We believe it is in everyone's interest to ensure that the development is acceptable from an acoustic perspective in order that the Council, Port and other industrial users do not find themselves in a situation where a significant number of noise complaints are generated by new residents. Our concern is that if the noise impact assessment and subsequent proposed mitigation measures are deficient (which we say they are) this will lead to enforcement and environmental health issues. We note that the NPPF makes it clear that where new residential uses are proposed near to noisy uses the Applicant should be required to provide suitable mitigation before the development has been completed and that no new restrictions should be placed on existing uses. However, this does not protect the Port and other industrial uses from statutory or private nuisance complaints, and it is the responsibility of the Council to ensure that the likelihood of these is mitigated in accordance with the NPPF.

Our main concern is the failure to consider noise from the Brett/Day Group site but also other industrial occupiers in the vicinity. The Applicant's most recent response increases this concern because they do not appear to know where the Brett/Day Group site is located.

Whilst complaints may arise from one very noisy process / event, they can also arise from a complex mix of factors that accumulate over time. It could be the combination of a noisy external amenity space, the fact that the noise is still audible inside with windows open / closed (no escape from the noise), plus the activity that the noise disturbs (i.e. time of day of the noise with out of hours / weekend work more likely to cause complaints). However, complaints could also arise if there is a noisy ship unloading during one hot evening when everyone has their windows open or are using outdoor amenity space including balconies. In this respect we note that Newhaven Port is a 24/7 port which can and does accept freight during weekends, evenings and early mornings.

The current noise impact assessment doesn't provide enough information to consider all the factors raised above. However, what it does indicate is that commercial / industrial activity from the port could without mitigation

have significant impacts on occupiers of the new buildings (including indoor and outdoor space), which causes us serious concern with regards to the potential for significant adverse noise impact and complaints.

In summary we consider that the WBM Technical Note needs to be addressed in full, but we are particularly concerned with:

- A lack of proper consideration of the full extent of operations at the wider Newhaven Port site, including aggregate unloading operations and other activities which can occur at any time and the potential impact on internal and external amenity areas at the proposed development.
- A lack of suitable mitigation measures proposed to protect existing commercial and industrial operations at Newhaven Port (in accordance with the 'Agent of Change' principle).
- A lack of suitably worded noise conditions to protect existing commercial and industrial operations at Newhaven Port (in accordance with the 'Agent of Change' principle).

OFFICER COMMENT: Further commentary on this matter is provided in section 8.8 of this report. In addition, further advice has been sought from the Council's Environmental Health Officers and no decision would be issued until they have confirmed that appropriate noise mitigation measures can be secured by condition/planning obligation (including of-site works if required). If this is not the case then amendments to the scheme would be required and the application would need to be brought back to committee for discussion.

6.5 Design South East Panel (Response to pre-app submission with 14-storey tower)

The applicant is commended for the thorough analysis and understanding of Newhaven, demonstrated in conjunction with the presentation of the proposal for Bevan Funnell.

There is a need for a masterplan for Eastside to ensure that this and neighbouring forthcoming proposals relate to each other well and to ensure the quality of spaces and buildings in between and strong easy west connectivity.

Increased height of the tallest building in this proposal would be an opportunity for a distinctive, high quality and elegant tower which could act as a marker for Newhaven and for international visitors, as well as balancing the residential west and formerly industrial east sides of the town. However, it is important that ground level conditions are carefully considered, in particular spaces around Station Approach and Beach Road as these will serve as key strategic routes in Eastside and important amenity spaces.

6.6 Lead Local Flood Authority (initial comments)

The development is within flood risk zone 3 for rivers and seas and we note that the Environment Agency has returned a 'No objection subject to conditions' consultee reply.

There is no significant risk to the site from surface water. Ground water is shallow in this location but the risk of surface flooding due to high ground water is acceptable.

The existing site discharges to public combined sewer and the drainage strategy is to reuse these connections. We would agree that in this location there is no opportunity to discharge to ground or to a watercourse and therefore the point of discharge is appropriate.

The proposed restriction is the equivalent to the existing unrestricted discharge based upon an approximated 2 year return period storm. This does not comply with current planning policy. The NPPF, paragraph 169, states that Major Developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate and that where possible these should provide multifunctional benefits.

The Non-statutory Technical Standards (S3) state that runoff should be restricted as close as reasonably practicable to greenfield runoff rates.

In this case the proposed development is a major scheme and there is ample opportunity to provide a comprehensive and high quality sustainable drainage scheme which restricts runoff to greenfield rates. There are missed opportunities to design a multifunctional sustainable drainage system, for example combining the podium landscaping with flow control and attenuation. The proposed type and location of the attenuation storage being below ground cellular storage raises risk of ground water ingress and/or floatation risks which need to be designed out but we would recommend the strategy is revised to utilise roof and podiums levels to avoid these risks.

An Ownership, Management and Maintenance Plan should also be provided at Planning Stage.

Further comments following submission of additional plans and documents by the applicant:

The revised design attenuates surface water on the podium level as well as below ground and achieves a peak runoff rate close to greenfield runoff.

We are satisfied with the revised design and calculations for the planning stage drainage strategy and have no further objection to the proposal.

6.7 Southern Water

In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 300 metres from the Newhaven Main Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response. Please contact Southern Water to discuss and agree the Scope of the odour assessment.

Due to the potential odour nuisance from a Waste Water Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour.

The applicant proposes to utilise existing connections to the public sewers with a reduced surface water flow being discharged to the public network which would be satisfactory to Southern Water.

The existing public foul sewer would need to be protected and with an undeveloped buffer maintained around it.

OFFICER COMMENT: An odour assessment has been provided and been reviewed by Southern Water. Some queries have been raised about some of the data provided in the assessment and, as such, the odour assessment is currently being revised. Should the members resolve to approve the application then, with their permission, authority would be delegated back to officers to approve only if the revised assessment has been provided and approved by Southern Water.

6.8 **ESCC Highways**

These comments are issued in response to amended plans/additional information received direct from the agent on 6th August 2024, 13th August 2024 and 15th August 2024. These are:-

Plan No. GAPLAN revision P11 received on 15th August 2024
Plan No. MBTK240808-2 revision P3 received on 13th August 2024
Plan No. MBTK240808-1 revision P3 received on 13th August 2024
Additional information re trip generation/cumulative development impact received on 6th August 2024.

These amendments follow extensive discussions with the applicant since May 2024. The applicant has confirmed that the roads within the site [including Station Approach] will remain private and has addressed all the highway issues previously raised within these amendments. The amendments now include:-

- Removal of proposed parking bays on Transit Road and Beach Road.
- Alterations to provide new 4.8m wide access point on Beach Road.
- Alterations to provide new 3.0m wide [In only] access onto Transit Road.
- Alterations to car parking to provide total of 77 spaces.
- Clarification that the internal roads are to remain private.
- Acceptable vehicle tracking details
- Access to cycle storage
- Permissive pedestrian access through the site via Station Approach together with permissive public access to car club bays.

- Additional information of traffic impact of the development on adjacent highway network including cumulative impact of developments approved since extant hotel permission given.

(It should be noted that Transit Road would remain in its current form as unadopted public highway).

The highway authority objection dated 24th July 2023 is removed subject to s106 mitigation measures and conditions which can be found at the end of this report.

6.9 **Environment Agency**

We have no objection to the proposed development as submitted, provided that conditions be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

6.10 **ESCC Archaeology**

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.

6.11 **LDC Contaminated Land Officer**

The applicant has submitted a Ground contamination risk assessment report prepared by Ashdown Site Investigation Ltd (Report ref: R 15455 dated 2nd Nov 2022) at site at Beech Road, Newhaven. The report concluded that remedial measures will be necessary in all areas of soft landscaping to be provided at ground level in order to sever the identified pollutant linkage.

I am aware that some demolition activities will be involved at the site and hence not all ground area has been investigated for the proposed development so if minded to grant a planning permission, then I recommend conditions and an informative:

6.12 **LDC Air Quality Officer**

No comments received.

6.13 **LDC Regeneration**

The proposed development will create short term construction employment and tendering opportunities for local business. During construction it is likely there will be increased spend in the supply chain which will benefit the local economy.

In addition to 126 new dwellings the proposal includes employment floorspace for a small/start up business with the potential for 7 - 10 permanent, full times jobs.

In July 2020, Lewes District Council adopted a Local Employment and Training Technical Guidance Note (TGN) to maximise local employment and training benefits arising from development in Newhaven. This applies

to all qualifying developments in both wards in Newhaven. In accordance with page 8 of the TGN the proposed development qualifies for a local labour agreement as it meets the threshold for a residential development.

In the event of the application gaining approval Regeneration requests the inclusion of a S106 local labour agreement and would encourage the applicant to engage with Regeneration at the earliest opportunity.

6.14 **Marine Management Organisation**

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to.

OFFICER COMMENT: The site is above the Mean High Water Level.

6.15 **NatureSpace**

We are satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.

However, the application site lies within a red impact zone as per the modelled district licence impact map, and is located 300m from Tide Mills LWS which indicates that there is highly suitable habitat for great crested newts within the area surrounding the application site. Therefore, I recommend the use of an informative.

6.16 **Network Rail**

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

Following an internal consultation, which included the train operating company GTR, it has been identified that there will be a need of station improvement due to the impact of the proposed development. Therefore, we are requesting a contribution towards station improvements.

The requested contribution will be used for providing additional benches at the station. This will improve passenger experience and create a more attractive station environment for future residents of the development.

6.17 LDC Tree Officer

No objection from an arboricultural perspective. Young self seeded trees appearing throughout the site due to disuse/lack of management.

6.18 Health and Safety Executive (HSE)

The proposed development does not lie within the Consultation Zone of any of the major hazard sites or major accident hazard pipelines considered by HSE. Therefore, based on the information provided there is no need to consult HSE's Land Use Planning advice team on this application, and we have no comments to make.

6.19 Building Safety Regulator (HSE Planning Gateway One)

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. However, HSE has identified some matters as supplementary information that the applicant should try to address in advance of later regulatory stages.

OFFICER COMMENT: An informative will be used to draw the attention of the applicant to the supplementary information (which is included in the main response) so that they are able to consider this as the Building Regulations stage.

6.20 East Sussex Fire and Rescue Service (ESFRS)

If this application receives approval the Developer is required to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main. Early consultation with East Sussex Fire & Rescue Service is recommended to ensure that all needs are met.

6.21 Sussex Police (Secured by Design)

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to observations, concerns and recommendations having been given due consideration.

OFFICER COMMENT: The Secured by Design Officer made a number of recommendations in relation to security arrangements that can be addressed through the use of a condition, given that the implementation of these measures would not impact materially upon the overall character and scale of the development.

7. Other Representations:

7.1 197 letters of objection have been received. Material planning matters raised therein are summarised below.

- Not enough infrastructure to support development of this size;
- Out of keeping with surrounding area;
- Will appear overbearing;
- Neighbouring houses will be overlooked;
- Increased traffic;
- Would impact negatively on surrounding commercial activities;
- Insufficient parking provided;
- Would result in light pollution;
- Would harm views towards the Downs;
- Increased air pollution in an area where air quality is already poor;
- Will cause overshadowing;
- Ground is not suitable for foundations required;
- Not enough commercial space provided;
- Local Fire Brigade do not have appropriate equipment to deal with a fire in a building as high as the one proposed;
- The submitted wind report identifies issues with increased in wind intensity;
- Construction works will cause disruption to residents;
- May destabilise the harbour side;
- Views to/from the South Downs will be permanently harmed;
- Detrimental to historic character of the surroundings;
- Will be at risk of flooding;
- No affordable housing provided;
- Retail use not appropriate for the area;
- Character of Eastside area changing due to large developments as well as continued disruption caused by construction works

7.2 14 letters of support have been received. Material planning matters raised therein are summarised below.

- In favour of new investment in Newhaven;
- Will bring in homes and businesses;
- Would improve the appearance of the site;
- Use of a brownfield site;
- Newhaven needs a landmark building;

7.3 7 letters making neutral comments have been received, questioning parking arrangements and provision of affordable housing.

7.4 A petition objecting to the scheme has been signed by 187 individuals The wording for the petition is provided in verbatim below:-

Newhaven Liberal Democrats are concerned by the news of a proposed 18-storey apartment block on Beach Road Newhaven. While we welcome the development of brownfield sites, they must be in keeping with the rest of Newhaven, and meet the town's needs. The 18-storey high tower will be higher than Nelson's column, and will completely change not just the local

street scene but the whole of Newhaven. If you share our concerns, sign our petition <https://www.leweslibdems.org.uk/beachroadtower>
We want to see Newhaven flourishing. The previous plans would have delivered a fantastic opportunity, but these plans offer nothing. There is no affordable housing offered in this development, there is not sufficient parking and there will be a major issue with over-development and shadowing.

It would be fantastic if KSD would work with East Side residents and find a development that works for the community. We accept this is a brownfield site, and we accept it should be used for housing but we don't accept a tower that offers no affordable housing and will change the look of Newhaven's skyline.

We would also like to see that Mackinley Way is joined up with Beach Road, which should have been done when Mackinley Way was built. So we want to see:

- That this application is rejected
- That Mackinley Way is connected to Beach Road if the application is approved
- That KSD works with the community to find a viable development that works for everyone and offers 40% affordable housing.

8. Appraisal:

8.1 Key Considerations:

Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The NPPF also advises that there is a presumption in favour of sustainable development.

The main considerations relate to

- The principle of the development;
- The sustainability of the development;
- Economic Impact;
- The delivery of new housing and the quality of accommodation provided;
- Impact upon the character of the surrounding environment;
- Impact on residential amenity;

- Impacts upon highway/pedestrian safety;
- Flood resilience;
- The overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development;

8.2 Principle of Development

The site falls within the settlement boundary and, therefore, the principle of its redevelopment for housing purposes is acceptable. As can be seen from the site history, a number of schemes for residential redevelopment of the site have been awarded planning permission in recent years although none have been implemented to date and all have now lapsed. It should also be noted that the site is included in the 2022 Interim Land Availability Assessment where it is considered, under reference 19PT, to be suitable for residential development although the availability of the site and achievability of development were unknown.

Para. 120 c) of the NPPF states that planning decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;' The application site is within an existing settlement and previously accommodated the port office, warehouse and yard area, with these uses having now ceased. It is therefore considered to represent the sort underused brownfield site that the NPPF encourages to be brought forward for redevelopment.

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

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

The site is located in the Eastside area of Newhaven and, although it is not included within the boundary of the Eastside Regeneration Area as defined in the Newhaven Neighbourhood Plan, the consented hotel scheme for the site is referred to in the supporting text for the regeneration policy. The proposed development would include the provision of additional commercial floorspace which would contribute to the local economy.

The closest protected area/assets to the application site is the South Downs National Park, some 700 metres to the east and Newhaven Fort, which is a Scheduled Ancient Monument, approx. 675 metres to the south west and the Grade II Listed Marine Workshops approx. 500 metres to the north west. The impact of the development upon these assets will therefore be given careful consideration.

It is therefore considered that the principle of the redevelopment of the site is acceptable and is encouraged by the NPPF. The acceptability of the scheme is subject to consideration against relevant development plan and national planning policies.

8.3 Housing Delivery

The proposed development would deliver a significant amount of new housing at a time when there is an identified shortage of housing in the district. These dwellings would be delivered in a sustainable location within the built up area, with good levels of accessibility to shops, services, employment sources and public transport links.

The housing mix, as set out in section 4.1 of this report, focuses primarily on 1 and 2 bed flats, responding well to the housing needs of the district with the local plan emphasising a need for small units across the district and the Newhaven Neighbourhood Plan, in its evidence base, establishing that a shortage of small units is a challenge facing the town, particularly on account of the proportion of relatively young residents making up its population.

All development of 10 or more C3 units require an affordable housing contribution as per para. 65 of the NPPF. The Council's affordable housing policy sets the starting point for contributions at 40% of the residential units.

LLP1 CP1 Affordable Housing at policy CP1.2 explains 40% at 10+ units will be required unless a Viability Assessment shows that this is not possible. The Viability Assessment should then be independently assessed by the LPA. This has been done and the independent assessment agrees that AH cannot be delivered by this scheme. Therefore, the non-provision of AH is in effect, policy compliant.

The primary reasons behind the reduced viability of the scheme are the abnormal build costs associated with the site constraints and the need to incorporate appropriate parking and sustainability/biodiversity measures combined with a falling rate in the market value of dwellings. A slide setting out the abnormal build costs is included in the committee presentation. With appropriate adjustment made due to inflation the abnormal costs associated with the development amount to £4,119,942, which represents approx. 13% of the overall build costs. These figures have been verified by independent assessors including an expert in abnormal building costs.

8.4 Design and Visual Impact

The design of the proposed development includes a striking high rise element which, whilst not entirely without precedent within the wider surrounding area, is taller than any existing, or recently approved buildings nearby and would be of significant visual prominence. It is important to note that the consented hotel scheme on the site included a tower element in the form of a 13-storey hotel building. It is also important to note that the site is in what is considered to be a 'gateway' position overlooking Newhaven Harbour. The concept of providing architecturally bold, prominent 'marker' buildings in gateway locations is well recognised as an effective form of placemaking. The Newhaven Neighbourhood Plan recognises the role of the town as a gateway to the region, the National Park and to Europe. It also considers the town to currently be lacking in strong gateway features and the 'quick wins' section in the supporting text for policy D2 includes an objective to improve the character of the Port as the gateway to and from Europe.

The design evolution of the tower element was directly informed by discussions with the Design South East Panel, carried out at pre-application stage. A 14-storey tower was originally presented, broadly consistent in height with the approved hotel building. However, the panel concluded that, at this height, the tower would appear somewhat 'inelegant and plump', not as readily distinguishable from neighbouring parts of the development and, therefore, would fail in its objective to form a marker feature.

It is considered that the tower element of the proposed scheme presents an elegant and slender feature which would provide a focal point that is of high quality design, that presents a bold and innovative presence at the entrance to the town from the continent, reminiscent of the tower form of a lighthouse, and would provide a distraction from the lower quality industrial buildings to the south and east. The tower is well articulated, with each storey clearly defined and a recessed top floor. It would incorporate arrays of windows in each façade, ensuring it engages well with the port, Newhaven Harbour train station and the street scene on Beach Road and Transit Road. A good degree of set back from the street would be maintained ensuring that the strong level of engagement does not become overwhelming when experienced from the surrounding environment.

In the wider built environment, it is considered that the recently approved high rise development at Newhaven Marina, on the opposite bank of the Ouse, would provide a degree of context for the proposed building and would also emphasise the sense of a gateway at the harbour entrance.

As noted earlier in this report, the tower building is only a component of the overall development. Either side of the tower would be 5-storey elements that would extend to the east and west towards Beach Road and Transit Road respectively. At Beach Road the building would be splayed with a curved, single-storey glazed element, which incorporates commercial floor space, facing out towards the street and providing an inviting quality which would draw people towards the entrance of the newly formed station approach. The approach, the location of which would also be clearly identified by the marker tower, would open up the space around the train station as well as provide a wide, landscaped and well overlooked

route to the station which is currently surrounded by what is a rather oppressive environment, facing towards the currently vacant site, with poor footway provision and with minimal natural surveillance. As well as increasing pedestrian permeability to the station, as encouraged by LLP2 policy DM25, the presence of a new road would increase points at which the development interacts with the surrounding built environment. Furthermore, any approval would be subject to a section 106 agreement which would include a contribution to make improvements to the train station buildings, which are currently in a dilapidated condition.

To the north of the new station approach, the proposed development would introduce blocks of flats that would provide a new built frontage on Beach Road and Transit Road broadly aligning with the existing terraces of dwellings on both roads to the north. These blocks of flats would vary from 3 to 5-storeys in height and therefore be taller than the neighbouring dwellings but it is not considered that there would be an unacceptably jarring transition between the existing and proposed built form, with the height increasing in increments away from the existing terraces, the Transit Road frontage including gable roofing reflective of the roof forms seen on neighbouring buildings and the flat roof structures on Beach Road including recessed top floors to provide articulation and prevent an overly blocky appearance. As with the tower block, these buildings would use well defined levels and window arrangements to engage well with the street scene. Suitably sized visual gaps would be provided between individual blocks within the new development and between existing development to ensure views from the street would continue to permeate towards surrounding downland, the harbour and Newhaven Fort, ensuring those living within the development and in neighbouring streets, as well as those experiencing the street scene continuing to feel a strong sense of connection with the town and its cultural and physical characteristics.

The pedestrian environment around the development would be enhanced through the delivery of widened, tree lined footways on Beach Road, the new station approach and greater natural surveillance. Within the development, the predominant use of undercroft parking, with podium landscaping above would help prevent parked cars from being a visually dominant feature within the development.

Overall, it is considered that the proposed development is of a high quality design in terms of design and layout, would provide a valuable function in marking a focal point at the entrance to Newhaven from the continent whilst also integrating and engaging well with the surrounding built environment.

8.5 Landscape and South Downs Impact

The proposed development would take place in an urban setting but, owing to its scale, it would be visible from the surrounding rural environment, which includes the South Downs National Park, the closest part of which is the low lying land in the Ouse Estuary Local Nature Reserve. Views from more elevated areas of downland, both within and outside of the National Park, would be readily available, including from the hills around Denton and Bishopstone to the east, around South Heighton to the north and around Peacehaven to the west. The town of Newhaven

is already a prominent, established feature in these viewpoints, including tall structures such as chimneys at the waste incinerator; elevated road ways and bridges as well as taller buildings that are already beginning to cluster around the harbour area, including the Newhaven Marina scheme.

The application is accompanied by a Landscape and Visual Appraisal which identifies key viewpoints from which the proposed development would be visible. Photographs taken from these viewpoints are included in the appraisal and in the Design and Access Statement where rendered imaging showing the proposed development in the view from each point is provided.

The setting of Newhaven at the end of the Ouse valley, flanked by downland, is of great importance to both its visual and cultural characteristics. The visual appraisal demonstrates that the bulk of the development would nestle within the urban form of the town and would not be out of keeping from existing development around the harbour or on the rising ground either side of the harbour area. The exception to this would be the tower which, by its nature as a gateway building, would be a highly visible feature. However it is not considered that its presence would be disruptive in the townscape, noting the backdrop of existing and consented high rise buildings around the marina.

In terms of the wider landscape setting, the top of the tower would not protrude significantly above the ridge of the downland behind it, either to the east or west of the site, and due to its narrow footprint, would not provide a significant obstruction to downland views. The rolling form of the downland surrounding the town would therefore be largely uninterrupted and it is considered that there would be no unacceptable harm to the setting of the surrounding hilly landscape, including the South Downs National Park.

The South Downs National Park is designated as a dark sky reserve and, as such, it is important that no development does not compromise this status. Newhaven itself, particularly the harbour area, is an established source of external light generated by buildings, street lighting, infrastructure, harbour lighting and maritime lighting including the lighthouse. It is considered that external lighting associated with the development would be consistent with the level associated with existing residential and commercial development in and around the Eastside area. In views towards and from the South Downs National Park, internal lighting within the tower block would be readily visible and, due to its height, would introduce lighting to some parts of the skyline where it is not currently present, although it is noted that development on higher ground around Denton, South Heighton and the edge of the Harbour Heights area means that lighting associated with this existing development would be visible behind the tower in these views. Due to the residential use of the tower, it is also considered unlikely that internal lighting would remain visible throughout of the night and that curtains or blinds would likely minimise its impact on the wider landscape.

8.6 Impact upon heritage assets:

Newhaven Fort, which is a Scheduled Ancient Monument, lies approx. 650 metres to the south west of the site, situated on the cliff top overlooking the entrance to the harbour.

Historic England maintain that the proposed development would harm the setting of the fort, principally due to its height resulting in it being interpreted as a more dominant feature of the fort, thereby diminishing its historic context.

In response, the applicant has submitted a Heritage Impact Assessment that was undertaken by a specialist. It is important to note that, whilst Newhaven Fort is currently closer for renovation works, the author of the report was allowed access whilst making her assessment.

The submitted assessment recognises that the proposed tower element would be conspicuous, and would arguably pose a level of detracting in views towards the fort as it will become the highest element in the view.

However, they go on to argue that it is also clear that it will not obstruct outward views from the fort itself, and will not therefore alter the range or scope of its vistas, which are considered of most importance within its setting. Instead, the proposals will introduce a further built form into views across the River Ouse.

The assessment maintains that 'considering the proposals in isolation, the effects on the fort will be relatively minor, and solely visual. They will lead to the additional built form within views across the River Ouse as noted above, and will appear in shared views towards the fort. In the case of shared views it is also noted that the fort itself while prominent because of its topography, was not intended to be widely visible, but was instead intentionally built into the contours of the land and largely concealed from view.'

The assessment then evaluates the harm upon the significance of the fort both in isolation and in combination with the recently approved marina redevelopment on the opposite side of the harbour. The conclusions are as follows:-

In isolation, 'while there will be a noticeable change within the assets setting, it will not denude its significance to such an extent that it amounts to any more than less than substantial harm.'

When considered alongside the consented scheme at the marina cumulatively, it is concluded that there will again be a level of less than substantial harm. The proposals therefore engage paragraph 208 of the NPPF, whereby any harm should be weighed against the public benefits of the proposal.

Officers agree that the harm caused would be less than substantial and would be towards the lower end of the scale given the tower would be set back from the harbour entrance (with the fort occupying a commanding position at the entrance), set on lower lying ground (noting the defensive quality the cliff top location of the fort provides) and would be angled away from the fort.

The proposed tower form is relatively narrow and, therefore, whilst tall, it is not considered that it would overwhelm the substantial form of the fort. It

may also act as a feature that draws more attention towards the fort, encouraging views from the east that may result in an increased awareness and appreciation of its presence, thereby providing a benefit in this regard.

As an asset of importance (as per footnote 7 of the NPPF), if there is conflict with policies in the NPPF relating to heritage assets that would provide a clear reason for refusing a development then the application should be refused, without the tilted balance being engaged. Officers consider that the harm to the significance of Newhaven Fort would be less than substantial and, therefore any harm to the significance of the designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use as per para. 208 of the NPPF. In this instance the degree of harm is not considered to be high whilst the public benefits to housing supply, the economy and environmental and placemaking improvements, in officers views, would be.

8.7 Impact upon residential amenities:

The nearest neighbouring dwellings to the proposed development are the terraces of two-storey dwellings facing on to Transit Road and Beach Road to the north of the site. At the closest point, the northern edge of the proposed development would be within approx. 8.5 metres of these neighbouring dwellings. The relationship would be side on, with Transit Road providing a buffer between the existing and proposed development.

The part of the development closest to neighbouring dwellings is stepped down in height, although taller than the neighbouring dwellings. The side on relationship between the existing and proposed development means that elevation walls facing towards neighbouring property are narrow, broadly consistent with the width of the windowless flank walls of the neighbouring dwellings themselves. As a result of this side on relationship, it is considered that the Beach Road and Transit Road frontage element of the proposed development would not appear unacceptably overbearing and oppressive in its relationship towards neighbouring properties. Whilst the buildings would be visible from the rear gardens of the neighbouring properties, it is considered separation distances are sufficient to prevent an oppressive environment being created.

The tower building would be set approx. 88 metres to the south of the sides of the nearest neighbouring dwelling and would not be in the direct line of site of any primary window. It would be seen from rear garden areas but, with the amount of separation provided and with the tower rotated in such a way that its elevation walls angle away from the neighbouring dwellings, it is considered that it would not represent an unduly overbearing or inescapable visual presence experienced by the occupants of the neighbouring dwelling.

The narrowness of the flank elevations of the proposed frontage development and the retention of a good sized gap between the two rows

would help minimise overshadowing both within neighbouring dwellings as well as in their garden areas. The application is accompanied by a comprehensive daylight and sunlight survey which confirms that neighbouring dwellings would continue to have access to appropriate levels of natural light and sky visibility in at all windows and that there would be no unacceptable increase in overshadowing of garden areas. It is noted that the study includes the now demolished warehouse building in the north of the site in the calculations but this is considered acceptable as the structure was only demolished to facilitate the redevelopment of the site.

As stated earlier, the proposed development would have a side on relationship with neighbouring dwellings and there would be no windows in any part of the development that would provide a direct outlook towards windows of neighbouring properties or their garden areas. The window arrangements of the Beach Road and Transit Road frontage development would be consistent with the back to back arrangement of windows on existing dwellings and any views from them towards neighbouring gardens would be angled and similar to those already experienced by the occupants of that site from existing development. Whilst the presence of high level accommodation would allow for the occupants of upper storey units to have access to wider ranging views than those typical of existing properties, where those views extend over neighbouring property it is considered that they would be at a sufficient distance to prevent them from being invasive.

A single-storey perforated brick wall, associated with the undercroft parking, would also run between the two Beach Road and Transit Road frontage development, above which the podium communal gardens would be positioned. As these gardens would be raised it is important that suitable screening is provided to prevent overlooking from the communal gardens towards neighbouring gardens. Details of screening can be secured by condition, with the applicant required to identify screening that would not appear monotonous or oppressive in the street scene and would not generate unacceptable levels of overshadowing.

8.8 Living Conditions for Future Occupants

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

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

The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy. Floor plan drawings and

measurements provided confirm that all units would have a GIA exceeding the minimum set out in the space standards.

Each flat is considered to have a clear and easily navigable layout, with awkwardly sized rooms and overly large or long circulation areas being avoided. 5% of the units would be provided as accessible adaptable

All primary habitable rooms would be served by clear glazed windows that would not have any immediate obstructions to outlook. These windows would allow for access to generally good levels of natural light. A submitted report shows that there would be 7 rooms across the development where daylight levels are reduced in places but this represents 2% of rooms across the whole development and all of the rooms affected are contained within units where other rooms have good levels of access to natural light. As well as providing access to natural light, windows on lower level accommodation will also provide natural ventilation.

All occupants would have access to the landscaped communal podium gardens. In addition, all flats would have access to private balcony areas or patio space on the podium level in the case of some of the first storey flats. The provision of this level of amenity space is considered appropriate for the size of the units being provided. The submitted landscaping plans show a good amount of planting within the communal areas as well as the provision of seating areas, play space, viewpoints, green walling/screening and the creation of separate zones and focal points.

It is considered that the environment immediately surrounding the development would also be of high quality, with new street planting in place, the formation of the new station approach with a landscaped seating area at the junction with Beach Road and main entrance points that are clearly identifiable, engage well with the street and not in secluded areas where people using them may feel vulnerable to crime and anti-social behaviour.

Para. 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It goes on to include an objective to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life as one of the means to achieve this aim.

Para. 193 states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation

of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The site is located in an area which is exposed to noise from a number of different sources including activities emanating from surrounding commercial/industrial buildings, the cross channel ferry berth, the passing railway line, neighbouring roads and other port activity including the scrap metal yard to the south which exports metal my boat, fishing and leisure craft and boats associated with the maintenance of the offshore Rampion wind farm.

The application is accompanied by a noise assessment which includes to results of noise surveys undertaken on and around the site area as well as recommendations for measures to be taken to prevent future occupants being exposed to unacceptable levels of noise. The report provides a summary of these surveys as follows:

Observations during various site visits indicated that, in the absence of port activity, noise levels around the development site are relatively low for the majority of the day and night, dominated by train movements in and out of Newhaven Harbour as well as vehicle and bus pass-bys on Beach Road. Noise breakout from the adjacent light commercial uses was observed to be negligible.

During busy periods of port activity noise levels were dominated by Ferry operations in the Transmanche berth, with main sources being the ferry engine, reverse alarm and the unloading of lorries. Beyond the Transmanche berth, scrap ship loading at Ripleys was audible at times but by no means dominant.

The report goes on to state that, without suitable mitigation measures being incorporated into the scheme, there would likely be a significant adverse impact on future occupants particularly those with windows or balconies with a line of sight to the ferry berth.

Recommended mitigation measures include the installation of mechanical ventilation with cooling to all flats in Block B, such that opening windows during the summer months for thermal comfort is not a necessity and the installation of high performing double or secondary glazing to habitable rooms. Full specifications of sound insulating materials and ventilation arrangements could be secured by condition. These details would be reviewed by Environmental Health Officers to ensure the noise levels experienced by future occupants are compliant with the recommendations of BS 8233 and WHO for habitable room.

The noise assessment states that some of the external balcony areas in the line of sight of the ferry berth may experience higher than recommended levels of noise during loading and offloading of ferries. However, the exceedance is stated as being marginal and the report advocates that this should be assessed against the benefits of the

provision of the amenity space, with BS 8233 allowing for this consideration to be made.

A Technical Note, produced by an Acoustic and Noise Consultancy, has been submitted by Brett and Day Group and has raised concerns that the noise assessment provided by the applicant has not properly taken the impacts of the operation of the port into account. Particular concerns are raised about the efficacy of planning conditions, the need to impose more stringent restriction in regard to low level noise, the level of noise occupants would be subject to when using some of the private balconies and the provision of openable windows resulting in the loss of their sound insulation qualities when in an open position. The Technical Note therefore raises a concern that future occupants of the development will make complaints against noise generating operations at the port and that this would compromise its viability.

The Technical Note maintains external amenity spaces subject to risk of excessive noise should be removed, that no noise sensitive rooms (living rooms, bedrooms) with opening windows should face the port and that overall noise limits within rooms should be lower than the guideline values recommended in BS 8233 or by having a standalone noise limit for low frequency noise, for example not exceeding 50dB in the 63Hz single octave band inside any habitable room.

The acoustic consultant acting for the applicant has responded to these concerns. With regard to outdoor amenity spaces they state that the benefits of providing these amenity spaces justifies their presence and that, where some of the spaces are subject to uncomfortable noise levels there are other external amenity spaces, including the communal podium gardens, available in less noisy areas that can respond to the amenity needs of residents.

In regards to fixing windows shut in primary habitable rooms facing towards the port, the consultant maintains that the design of the development ensures that occupants can control noise impact by closing windows with mechanical ventilation able to manage the temperature to a comfortable level that allows rest and sleep whilst windows are closed and noise levels controlled.

The consultant states that a 7db penalty has been applied to calculations in their assessment to account for low frequency noise and that the conditions recommended in the officer report would capture this.

It is noted that the operation of the aggregates facility, which was granted planning permission by ESCC under LW/799/CM(EIA), includes a number of conditions to provide noise control and mitigation measures. This includes a requirement that the noise rating level from the site shall at all times not exceed the measured background noise level at the nearest noise sensitive receptors at The Hope Inn, Newhaven Marina and Marine Drive, as shown at Appendix B in the Noise Assessment Report (ref. 4598), dated 12 October 2017, by WBM Acoustic Consultants, as

measured in accordance with BS 4142:2014. It is also noted that Newhaven Marina and The Hope Inn are both closer to the aggregates site than the proposed development is.

It is also noted that the previously approved hotel/residential development on the site included apartments with opening windows/doors and balconies on the southern edge of the site and that these arrangements were considered acceptable by the Council's Environmental Health Officers, subject to the use of a condition of similar wording to that provided at para. 10.27 of this report.

Given the observations above, the Local Planning Authority is confident that suitable noise mitigation measures to satisfy the agent of change principle can be incorporated within the fabric of the building and the site and that, provided the nearby aggregates site continues to operate within the terms of its planning permission, the presence of the development would not be likely to generate complaints that would result in unreasonable restrictions placed on other commercial operations in the surrounding area.

Prior to any decision being issued, further comments will be sought from the Council's Environmental Health Officers to ensure that the conditions applied to the scheme are suitable robust and that the viability of surrounding commerce is protected.

The site is located relatively close to a waste treatment plant, approx. 250 metres to the south west Southern Water have requested that an odour assessment is carried out to determine if future occupants would be impacted upon by odour generated by the plant. Although it is unlikely there would be odour nuisance, given the proximity of the plant to existing residential dwellings, the applicant has commissioned an odour assessment to confirm this and, if necessary, identify any mitigation measures that would be required. Southern Water have reviewed the odour assessment but are seeking clarification in regards to some of the data provided. Committee members are asked to delegate to officers to resolve this matter prior to issuing any decision.

It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2 and section 8 of the NPPF.

8.9 Impact on Landscape, Habitat and Ecology

There are no significant trees or other landscape features within the site, noting that until fairly recently it was entirely covered by buildings or hard surfaced. However, it has become overgrown in places and, therefore, may provide habitat for some species. There are also buildings on site that offer roosting potential for bats.

The application is accompanied by a Preliminary Ecological Appraisal (PEA) which assesses the entire site for potential habitat for protected species. In most instances the need for further survey works are scoped out due to the limited habitat available or due to results of earlier surveys

such as bat roost assessments and emergence surveys carried out in 2017. Notwithstanding this, the LDC Ecologist has suggested new bat surveys be undertaken due to the time that has elapsed since the previous surveys were carried out. It is considered this can be addressed as part of an ecological method statement that would be secured by condition, with the developer also reminded of their legal duties to protect wildlife and habitat under the Countryside and Wildlife Act 1981 (as amended).

The LDC Ecologist has requested further information on potential for the development to increase recreational pressure on nearby nature reserves and other sensitive sites, including Tide Mills, Ouse Estuary, Castle Hill and the Newhaven Cliffs SSSI. It is noted that the development does not fall within a risk impact zone associated with the SSSI that would require consultation with Natural England. This is noted but, as stated above, the development is outside of the risk impact zone for the SSSI and it is not considered the development would result in significant increase in use of local nature reserves given the small household sizes, availability of alternative public recreation space nearby at Eastside Recreation Ground and around the Riverside and the lack of a reliance on a private car to access these facilities.

As birds may use roof tops and the patches of scrub within the site for nesting, the PEA recommends that clearance be undertaken outside of breeding bird season (March to August (inclusive) or following a nesting bird check by a suitably qualified ecologist. This is another matter that could be secured as part of an Ecological Design Strategy.

The site lies within a red impact zone in respect of great crested newt habitat, and is located 300m from Tide Mills Local Wildlife Site which indicates that there is highly suitable habitat for great crested newts within the area surrounding the application site. Notwithstanding this, NatureSpace are satisfied that the development would unlikely to cause an impact on great crested newts and/or their habitat, noting the condition of the site itself which is dominated by hardstanding and buildings.

The proposed development incorporates a significant amount of landscaping within communal amenity areas but also within the street scene. This is welcomed as a means to improve visual amenity as well as biodiversity. However, the site is in a sensitive location close to the sea and it is therefore important that appropriate species are used in planting schemes in order for the landscaping to function effectively in the long term. A condition can be used to secure these details. The PEA recommends additional enhancement measures in the form of bird nesting boxes, including specialised boxes for swifts, swallows and house martin along with a sympathetic lighting scheme to minimise light spill into surrounding dark sky environments.

It is therefore considered that, through the provision of a suitable landscaping scheme, a precautionary approach to clearance works and the delivery of other ecological enhancements, the biodiversity value of the site can be enhanced and these enhancements preserved in the longer

term. The Biodiversity Net Gain Report accompanying the application maintains that, albeit measured against a low baseline level based on the current condition of the site, a highly significant biodiversity net gain of 801.26% can be facilitated by the development.

8.10 Transport Impact and Access Arrangements

The site is considered to be in a highly sustainable location, with a range of shops and services in Newhaven Town Centre within walking distance as well as public transport links to local, district and regional destinations and amenity facilities. The development would facilitate enhancements to the pedestrian environment and accessibility to public transport by delivery improved footways on Beach Road and a new vehicular and segregated pedestrian link to Newhaven Harbour train station. It is also noted that the development would incorporate commercial space that would potentially be occupied by shops that could provide for the day to day needs of residents of the development as well as the growing population in the Eastside area.

It is anticipated that the development would generate up to 32 two way vehicular movements in the peak hours of 8am to 9am and 34 movements in the peak PM hours of 17:00 to 18:00. It is considered that this frequency of peak time movement would not result in a disruptive influence on the local road network, particular noting the amount of journeys that would be generated by the extant hotel redevelopment scheme.

The access arrangements would utilise the existing road network. The undercroft parking for the northern part of the development would be reached via a new junction onto Transit Road. Following concerns relating to visibility the ability of Transit Road to accommodate two way vehicular movements, a one way system would be utilised with the undercroft also served by an access/egress point on Station Approach and the Transit Road arrangements being access only. The undercroft parking serving the southern portion of the development would be also be accessed from Station Approach.

Submitted layout plans and swept path analysis shows that suitable visibility splays can be provided at all new junctions, to ensure a safe environment for pedestrians and motorists, and that servicing vehicles can negotiate the revised road layout.

In order to minimise the impact of motor vehicles within the development and the wider street scene, the bulk of the 89 car parking spaces would be provided in undercroft areas beneath the proposed buildings. The parking complement would include disable bays positioned in close proximity to main access points to the buildings, two car club parking bays, electric vehicle charging points (the quantum of which will be secured by condition), visitor spaces and designated spaces associated with the commercial element of the development. The overall quantum of parking provided is considered sufficient to serve the development, noting that car ownership would be expected to be lower given the sustainable location of the site and that the development would be providing small units.

Occupants of the development would be provided with a Travel Plan pack upon moving into the development. This would include information on local

public transport services and promotion of the use of more sustainable modes of transport as a means to discourage the use of the private motor car. Secure and covered cycle parking facilities would also be provided to ensure that the occupants of all units are able to store bikes and are encouraged to use them.

A glint and glare assessment has been submitted as part of the application. This assessment has been carried out to establish whether the proposed development would generate levels of glint and glare which would impede on the vision of motorists and train drivers. The assessment found that whilst there would be a degree of glint and glare on Transit Road and the area to the south-west of the site, this would not be to a degree that would present a hazard.

It is therefore considered that the proposed development would not result in any unacceptable traffic impact on the wider highway network in terms of additional traffic, obstruction due to additional on street parking or loss of on street parking capacity that serves existing residents and businesses on the locality or upon highway safety. In addition, there are appropriate measures in place to encourage a modal shift towards the use of more sustainable means of transport. Furthermore, the development would deliver improvements to highway infrastructure and permeability.

8.11 Drainage and Wastewater

The site falls within a sensitive water environment lying in Flood Zone 3, and therefore being susceptible to tidal/fluvial flooding, and also being positioned over a primary aquifer, within close proximity of the river Ouse.

The residential development of a site within Flood Zone 3 requires justification in terms of the developer following a sequential approach in identifying the site and meeting an exception test for the use of the site. The applicant submits that as the site is in an area of Newhaven identified for regeneration and is also brownfield the sequential test is met. In terms of providing an exceptional case for the development, the applicant maintains that the sustainability benefits of the scheme through the regeneration of a partially derelict site and provision of new homes in a sustainable location means that the exception test is met. The Environment Agency have assessed the application and have raised no objection to the principle of the development.

Due to the risk of flooding, the proposed development does not include any sleeping accommodation at ground floor level. All units that include ground floor living space are in a 'duplex' configuration, with the bedrooms provided at first floor level. As a result, all occupants would have a place of refuge in the incidence of a flood and would not be vulnerable to being caught out by a flood event whilst sleeping. Occupants would also be signed up to the Environment Agency Flood Warning Scheme. This approach is supported by the Environment Agency. The submitted Flood Risk Assessment also notes that recent improvements to the flood defences completed in 2019 as part of the Newhaven Flood Alleviation Scheme will provide a standard of protection for a 1 in 200 year return period event for the next 55 years, significantly reducing the risk of flooding to residential and commercial properties.

The Lead Local Flood Authority (LLFA) have confirmed that the site is not susceptible to surface water flooding and that, despite high groundwater levels, the risk of flooding as a result is acceptable. The site is currently almost entirely impermeable and the proposed development would increase permeability.

Para. 056 of the Planning Practice Guidance for Flood Risk and Coastal Change establishes a hierarchy of sustainable drainage methods. In this instance, the intention is for surface and foul water to be discharged into the existing sewer system. Whilst this is lower down the hierarchy, the LLFA have confirmed that methods such as infiltration or discharge into watercourses are not practicable for the site. The proposed drainage system includes attenuation and flow control measures to restrict discharge into the sewers at an appropriate rate, taking into account a 45% increase in intensive rainfall predicted as a result of climate change. Southern Water have raised no objection to the use of the sewer system for surface and foul water disposal, subject to further details of such of the drainage system being approved at the condition stage.

The LLFA have raised no objection but have asked the applicant to identify methods to further reduce discharge rates given that a new system presents an opportunity to do so. This is likely to involve further attenuation storage utilising the podium landscaping, where it would be secure from potential inundation from groundwater. A management and maintenance system for the drainage system is also requested to ensure that the drainage system would continue to function effectively for the lifetime of the development. The applicant is updating the scheme to account for this and the outcome will be reported to committee in the supplementary report. Notwithstanding this, the arrangements requested by the LLFA can be secured as part of a drainage condition.

The Environment Agency have raised no objection to the drainage solutions and have made asked for additional conditions to ensure that precautions are in place to prevent discharge of contaminants into controlled waters both during construction and after completion of the development. The presence of such measures are considered to represent a betterment on the existing situation where there are no such precautions in place.

8.12 Sustainability

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

The energy statement sets out a number of efficiency measures that would be incorporated into the development. These include:-

1. Use of energy efficient materials and air tightness in construction;
2. Installation of roof mounted solar photovoltaic panels;
3. Installation of Waste Water Heat Recovery Apparatus. This involves the recovery of heat and energy from waste water generated by the

- operation of showers and its reuse within the building, with a facility in place to export excess energy to the national grid;
4. Use of communal air source heat pumps to serve domestic space as well as to provide hot water;

The statement concludes that the use of these measures would enable the development to achieve a 66.33% improvement in CO2 emissions compared to a 2021 Building Regulations compliant scheme. Full details of specifications of the materials and apparatus to be installed would be secured by condition as well as a requirement that they are maintained in place for the lifetime of the development.

In addition to these measures, the site is recognised as being in a sustainable location, its redevelopment would represent the regeneration of a partially derelict brownfield site, would deliver benefits to the local economy, improved road and pedestrian connectivity and better access to public transport, improved drainage to incorporate measures to prevent release of contaminants into controlled waters and enhanced green infrastructure.

8.13 Environmental Impact

As discussed in the drainage section of this report, the application site lies over a primary aquifer and its therefore critical that measures are in place to prevent discharge of contaminants into the water. The Environment Agency have raised no objection to the development subject to details of how controlled waters will be protected from contaminants during the construction and operational stages being secured by condition.

An Air Quality Assessment has been provided, noting that the application site lies within approx. 525 metres of an Air Quality Management Area, around Newhaven Town Centre. The report concludes that due to the distribution of traffic generated by the development and through mitigation measures such as the implementation of a Construction Environmental Management Plan during construction works, provision of electric car charging infrastructure, use of air source heat pumps and other sustainable energy solutions and promotion of walking, cycling and the use of public transport, the proposed development would have an insignificant impact on local air quality.

The assessment also considers the living conditions of future occupants given potential exposure to fumes and other sources of air pollution. Shipping operations and diesel freight train workings are identified as potential concerns but further investigation shows that the frequency of these operations is not intensive enough to result in harmful impact upon occupants.

Analysis on the potential microclimatic impact of the proposed development has been submitted. This analysis notes that the site is in a coastal location that is, by its nature, prone to high winds. The analysis establishes that the microclimatic impact upon the development upon the wider surrounding area would be negligible and that, within the development, the use of landscaping, other boundary treatments and, where required, semi-porous balustrading on balconies would ensure that

future occupants of the development are not vulnerable to exposure to unsafe levels of wind.

8.14 Economic Impact

The site is occupied by a former office building that is surplus to its original requirements. The hard surfaced yard area is used for outdoor storage, a use that does not generate a significant amount of employment per square metre.

The proposed development would incorporate a provision of commercial space which the Economic Statement accompanying the application stating that this provision would support 7 to 10 full time equivalent jobs. Temporary jobs would also be provided during the construction phase and the section 106 agreement will be used to secure a local employment scheme to ensure jobs and training are provided for local people during the development of the site.

The proposed development would regenerate a largely derelict site and, as a result, is likely to attract further investment and regeneration to the Eastside area and Newhaven as a whole. It would also improve connections to public transport infrastructure.

The occupants of the proposed development would introduce additional spending in the local economy to the benefit of local businesses and services and would also provide a source of labour for surrounding employers.

The potential impact of the development upon existing commercial operations in the surrounding area is discussed in detail in section 8.8 of this report.

It is therefore considered that the proposed development would have a beneficial economic impact and would significantly assist in the regeneration of Eastside.

8.15 Planning Obligations

Any approval granted would be subject to the following planning obligations: -

- Bus service contribution of £1,100 per residential unit;
- £6,000 Traffic Regulation Order contribution;
- Travel plan and travel plan audit fee of £6,000.
- Contribution for improvements to Newhaven Harbour Station;
- 5. Local Employment Agreement;
- Provision of a permissive path through the site (Station Approach);
- 6. On site LEAP or off site contributions
- 7. A viability review mechanism to take account of sales revenue and, if this exceeds that predicted in the Financial Viability Assessment,

explore the viability of adding a requirement for affordable housing provision either on site or in the form of a monetary contribution.

Any additional highway works required may be secured by a separate section 278 agreement between the developer and East Sussex County Council.

8.16 Human Rights Implications:

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.

8.17 Conclusion.

It is considered that the proposed development would deliver significant social, environmental and economic benefit through the delivery of much needed smaller housing units, high quality buildings along with landscaping and biodiversity enhancements, commercial floorspace, improved pedestrian permeability and the regeneration of what is currently a somewhat oppressive environment.

9. Recommendations

9.1 1. Once confirmation is received that there are no highway objections and the odour assessment results and fire safety arrangements have been accepted then the application be delegated to Head of Planning to approve and issue the decision subject to section 106 legal agreement and conditions.

2. If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development.

10. Conditions

10.1 EXTERNAL MATERIALS:

No external materials or finishes shall be applied until a schedule of materials has been submitted to and approved by the Local Planning Authority.

Materials used shall incorporate mitigation measures set out in Microclimate Analysis submitted as part of the application and be in compliance with the submitted Sustainability and Energy Statements.

The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and sustainability in accordance with LLP1 policy CP11, LLP2 policy DM25, para. 130 of the NPPF.

10.2 PLANT AND MACHINERY

Prior to the first occupation of any of the units of accommodation, specifications, operating arrangements and sound mitigation measures for all plant and apparatus to be installed within or on the building shall be submitted to and approved by the local planning authority.

The rating noise level emitted from the proposed external plant and machinery at the proposed development, as assessed under BS4142: 2014, shall be controlled to level that is at least 5 dB below the existing background noise level, as measured at the nearest noise sensitive facades, during the relevant periods of operation.

Any plant/apparatus approved shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interest of environmental, and residential amenity in accordance with LLP1 policy CP11, LLP2 policies DM23 and DM25 and para. 174 and 185 of the NPPF.

10.3 ACCESS ARRANGEMENTS

No part of the development shall be occupied until the vehicular access serving the relevant part of the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF

10.4 **VISIBILITY SPLAYS**

No part of the development shall be first occupied until visibility splays 2.4 metres x 70 metres have been provided at the proposed new main site vehicular access onto Beach Road [UC5294] in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF

10.5 **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

No development shall take place, including any ground works or works of demolition, until a Construction Environmental 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:-

- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and egress and routeing of vehicles during construction,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials, and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- Other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works.
- Details of measures to prevent surface water flooding during construction works.
- Site waste management plan
- Hours of working
- Demonstration that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities.
- Details of the use of protective fences, exclusion barriers and warning signs.
- Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel.
- Details of any external lighting.

- Site Waste Management Plan

Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM22 and DM23 and para. 110 and 112 of the NPPF.

10.6 **CAR PARKING**

The development shall not be occupied until the parking areas shown on the approved plans have been constructed, surfaced, and marked out in accordance with the approved details, including the provision of disabled bays. Each parking space shall measure at least 2.5m by 5m (with an extra 50cm where spaces abut walls or fences).

The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF.

10.7 **TURNING AND CIRCULATION SPACE**

The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF

10.8 **CYCLE PARKING**

Prior to the commencement of development details of the proposed cycle parking shall be submitted to an approved by the Local Planning Authority in consultation with the Highway Authority and the approved cycle parking shall be provided prior to the re-development being brought into use.

Reason: In order that the development site/use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF

10.9 **ELECTRIC VEHICLE CHARGING POINTS**

Prior to the first occupation of any part of the development hereby permitted, a minimum of 20% of the parking spaces provided shall be served by a functioning electric vehicle charging point, with passive

infrastructure in place to enable further charging points to be installed to serve other parking spaces. These details shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority. The charging points shall thereafter be maintained in an operable condition throughout the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with LLP policy CP13 and para. 112 of the NPPF

10.10 CLOSING OFF OF HIGHWAY

No part of the development shall be occupied until such time as the redundant sections of the existing vehicular access onto Beach Road (U5294) has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF

10.11 NEW FOOTWAY

No part of the development shall commence until such time as details of the new verge and/or footway on the northern boundary of the site along the southern side of Transit Road has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of pedestrian access in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 112 of the NPPF

10.12 ROAD CONSTRUCTION

No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 112 of the NPPF

10.13 ROAD SURVEY

No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning

Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 112 of the NPPF

10.14 **ECOLOGICAL METHOD STATEMENT**

No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for protected and notable species has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details.

Reason: In the interest of protecting and preserving biodiversity in accordance with LLP1 policy CP10, LLP2 policy DM24 and para. 174 of the NPPF.

10.15 **ARTIFICIAL LIGHTING**

No external lighting or floodlighting shall be installed on the buildings, or the road and parking areas hereby permitted without the prior written approval of the local planning authority and/or in accordance with an external lighting strategy to be submitted to and approved by the Local Planning Authority.

Details of how lightspill from internal lighting can be minimised shall also be included.

Reason: To protect the amenity and character of the nearby countryside, including the South Downs National Park and to prevent disturbance of nocturnal species having regard to Policy CP10 of LLP1 policies DM20 and DM24 of LLP2 and paras. 170, 175 and 180 of the NPPF.

10.16 **LANDSCAPING and BIODIVERSITY NET GAIN**

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: -

1. Details of all boundary treatments (to include appropriate gaps beneath to allow for wildlife to move between sites);
2. Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees
3. Details of any trees to be removed as well as compensatory planting;
4. Measures to protect retained trees, including those off site, during construction and to safeguard their long-term health;
5. Ecological enhancements and Biodiversity Net Gain, achieving a minimum of 10% above an agreed baseline level;
6. Incorporation of mitigation measures set out in Microclimate Analysis submitted as part of the application;

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.

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

10.17 **SURFACE WATER DRAINAGE**

No development approved by this permission shall be commenced until full details of surface water drainage have been submitted to and approved by the Local Planning Authority. The details must respond to the following points:-

1. Surface water discharge rates should not exceed 2.6 l/s for all rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
2. Details of the outfall of the proposed attenuation features and how they connect into the sewer. This should include cross sections and invert levels.

3. Details of the condition of the sewer which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made.
4. Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
5. Design of the below ground attenuation features should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

The development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 163 and 165 of the NPPF.

10.18 DRAINAGE SYSTEM MAINTENANCE/MANAGEMENT

A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system considers design standards of those responsible for maintenance. The management plan shall cover the following:

- Details of who will be responsible for managing all aspects of the surface water drainage system.
- Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 163 and 165 of the NPPF.

10.19 **DRAINAGE INSTALLATION**

Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 163 and 165 of the NPPF.

10.20 **FLOOD RISK ASSESSMENT IMPLEMENTATION**

The development shall be carried out in accordance with the submitted flood risk assessment (ref 14924/04/HOP/RPT/01, dated December 2022) and the following mitigation measures it details:

- Bedrooms to be restricted to first floor and above, with non-sleeping accommodation only on the ground floor, as per Section 4 (4.2 & 4.3) of the FRA.
- Finished first floor levels shall be set no lower than 6.5 metres above Ordnance Datum (AOD) as per Proposed First Floor Plan (Drg No 2001-P-011)
- The owners/occupants are to sign up to the Environment Agency's free Flood Warning Service (Section 8.11 of FRA)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In order to ensure future occupants are not subjected to unacceptable hazard as a result of flooding in accordance with LLP1 policy CP12 and para. 173 of the NPPF.

10.21 **LAND CONTAMINATION**

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

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses.
 - a conceptual model of the site indicating sources, pathways, and receptors.
 - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The previous use of the proposed development site as a petrol filling station presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer.

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

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

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

10.22 **VERIFICATION**

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

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF

10.23 **UNEXPECTED CONTAMINATION**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

10.24 **PILING**

Piling and using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers, and creating preferential pathways.

10.25 **SUSTAINABILITY**

Prior to the first occupation of any part of the development, full details of all sustainability measures to be provided as part of the development, following the principles set out in the submitted Sustainability and Energy Statements and Air Quality Assessment, 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.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with LLP1 policy CP14, LLP2 policy DM20 and para. 152 of the NPPF.

10.26 **HOURS OF OPERATION:**

Prior to the first occupation of each of the commercial units (including the superstore), details of intended hours of operation shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit. The commercial uses shall only be operated in accordance with the approved details.

Reason: In the interest of environmental and residential amenity and of safety and security in accordance with LLP1 policy CP11, LLP2 policy DM23 and para. 92 and 07 of the NPPF.

10.27 **NOISE MITIGATION**

Prior to the construction of the residential development, a scheme of glazing and ventilation shall be submitted to and approved in writing by the Local Planning Authority, to achieve internal noise levels recommended in

BS 8233 and WHO for habitable rooms. The development shall be implemented in accordance with the approved details. The proposed residential units shall not be occupied until a validation report has been provided by a suitably qualified acoustic consultant to demonstrate that the required internal noise levels requirements have been achieved.

Living Room 35 dB LAeq,16hr.
Bedrooms 30 dB LAeq,8hr and 42 dB LAF,max

Reason: In the interest of environmental, and residential amenity in accordance with LLP1 policy CP11, LLP2 policies DM23 and DM25 and para.174 and 185 of the NPPF.

10.28 **SOUNDPROOFING**

No development shall take place until a scheme for the soundproofing of the building between commercial units and residential units has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: In the interest of visual, environmental, and residential amenity in accordance with LLP1 policy CP11, LLP2 policies DM23 and DM25 and para. 174 and 185 of the NPPF.

10.29 **DELIVERY AND SERVICE MANAGEMENT PLAN**

Prior to the first occupation of any part of the development, details of all measures to enhance site and building accessibility, including wayfinding signage, shall be submitted to and approved by the Local Planning Authority and such measures shall thereafter be provided and maintained in place throughout the lifetime of the development.

Reason: To ensure that the development meets the needs of the community in accordance with LLP1 policies CP6 and CP11, LLP2 policy DM25 and para. 92 and 93 of the NPPF.

10.30 **COMMERCIAL USE OPERATING HOURS**

Prior to the first occupation of each of the commercial units, details of intended hours of operation shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit. The commercial uses shall only be operated in accordance with the approved details.

Reason: In the interest of environmental and residential amenity and of safety and security in accordance with LLP1 policy CP11, LLP2 policy DM23 and para. 92 and 130 of the NPPF.

10.31 **SECURED BY DESIGN**

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.

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. 130 of the NPPF

10.32 **WRITTEN SCHEME OF INVESTIGATION**

No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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 194-205 of the NPPF.

10.33 **REPORTING ARCHAEOLOGICAL WORKS**

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 approved written scheme of investigation.

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 194-205 of the NPPF.

10.34 **ODOUR MITIGATION**

Prior to the commencement of development an odour contour plan and any relevant mitigation measures, based upon updated modelling to be agreed with Southern Water shall be submitted to and approved by the Local Planning Authority and the development thereafter carried out and maintained in accordance with the approved details.

Reason: To ensure future occupants are not subjected to unacceptable odour nuisance in accordance with para. 180 and 191 of the NPPF, LLP1 policy CP11 and LLP2 policy DM20.

11. Informatives:

11.1 BUILDING SAFETY REGULATOR

Attention is drawn to the supplementary information provided by Building Safety Regulator and it is strongly advised this is used to inform technical details at the Building Regulations and Discharge of Conditions stage. The comments are available on the application documents under ref: pgo-5053 (dated 30/4/24)

11.2 WASTE ON-SITE

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- treated materials can be transferred between sites as part of a hub and cluster project.
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on-site operations are clear.

If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

11.3 WASTE TO BE TAKEN OFF-SITE

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterized both chemically and physically in line with British Standard

BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear.

If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

11.4 **FLOOD WARNINGS:**

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

- For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.
- To get help during a flood, visit <https://www.gov.uk/help-during-flood>.
- For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

11.5 **GROUNDWATER PROTECTION**

Please refer to Environment Agency groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Land contamination
- Drainage

11.6 **GREAT CRESTED NEWTS**

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a

development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

12. Plans*

12.1 PLAN TYPE DATE RECEIVED REFERENCE

*Please refer to the website below. The full list of plans will also be provided in the *Officer Update* to be published prior to the start of the meeting.

https://padocs.lewes-eastbourne.gov.uk/planning/planning-documents?ref_no=LW/23/0304

13. Appendices

13.1 None.

14. Background Papers

14.1 None.