

Report to	Planning Committee
Date	12 September
By	Head of Planning
Local Authority	Lewes District Council
Applications	LW/11/0634 and LW/11/0635
Application	Outline application for up to 190 dwellings, 929 sqm of class B1 employment floor space, supported by car parking and open space, with all matters reserved except access (LW/11/0634) and Full application for port access road (first stage), other access roads, 6780 sqm retail foodstore, petrol filling station, parking spaces, service area and associated landscaping (LW/11/0635)
Address	Site 2 Newhaven Eastside The Drove Newhaven East Sussex
Purpose of Report	The South Downs National Park Authority has been consulted as a neighbouring authority therefore the purpose of this report is for Members to consider comments to be submitted to Lewes District Council, the determining Planning Authority. The application will be not be considered before the October meeting of Lewes District Council Planning Committee.

Recommendation: The Committee is recommended to advise Lewes District Council that the South Downs National Park Authority raises no objection for the reasons set out in section 6 of this report

1. Introduction

- 1.1 An outline planning application for residential development and a full application for a food store on the eastern edge of Newhaven are currently under consideration by Lewes District Council, the planning authority for the area in which most of the site is located. The South Downs National Park Authority has been consulted as the adjoining planning authority. However part of the site lies within the South Downs National Park (coloured green on the location plan at **Appendix 1**).

2. The Site and Proposal

- 2.1 The site is a bow shaped area of undeveloped land of approximately 14.1 hectares in the Eastside area of Newhaven on the east side of the Ouse/Newhaven estuary. The character of Eastside is predominantly industrial and it is where the port and associated infrastructure is sited as well as the two railway stations serving Newhaven.
- 2.2 To the north are employment and retail buildings including Drove Retail Park accessed along the A27. This connects with further employment and residential areas following the alignment of Railway Road and Beach Road to the west of the Site and along the eastern boundary of Newhaven Harbour.
- 2.3 The western boundary of the site adjoins a public right of way (PROWs 3b and 3c) alongside allotments and a recreation ground which extends westward towards residential development on Eastbridge Road.

- 2.4 To the east lies the Ouse Estuary Nature Reserve which has recently been laid out as open space providing for recreation, nature conservation and land drainage. It includes pockets of woodland planting extending along its western and eastern boundaries and open areas of pasture. There are further PROW links extending from the northern and southern areas of the application site into this nature reserve and beyond into the wider SDNP. The A259 forms the eastern boundary of this nature reserve and follows the bottom of the scarp of the chalk ridge within the SDNPA to the north east. On the slopes of this ridge are the residential developments of Mount Pleasant and Rookery Hill which face out over nature reserve with views towards the application site.
- 2.5 The application is in hybrid form and comprises an outline application for 190 dwellings next to the recreation ground and 929 sq metres of B1 (light industrial/office) floor space at the southern end of the site adjacent to a proposed retail food store (6,780 sq metres) which is the subject of the detailed part of the application together with associated parking (352 spaces), a petrol station, and the first phase of an access road to the Port of Newhaven running down the eastern edge of the application site to serve the food retail store, the B1 uses and the residential development.
- 2.6 It is proposed that the design and layout of the external lighting system will comply with 'dark skies' criteria by limiting the upward lighting component and that all areas of external lighting will be automatically timed.
- 2.7 Landscape proposals include ornamental shrub and tree planting to the site entrance and pedestrian routes along to the store boundaries that will allow the long views out into the surrounding countryside. The overall strategy for the site is to create a 'tidy and functional landscape' with trees along the boundaries for vertical structure and shelter from the winds with ornamental textured plants edged with clipped hedges below for a 'tidy appearance'. However more natural planting is proposed along the edges of the eastern boundary adjacent to the Ouse Estuary Nature Reserve in keeping with the existing vegetation and with the aim of increasing biodiversity.

3. Relevant Policy Context

- 3.1 National planning policy set out in PPS1 and PPS7 seeks to protect and enhance the quality, character and amenity value of the countryside. PPS9 requires local planning authorities to promote biodiversity.
- 3.2 When the boundary of the South Downs National Park was established the alignment with the Sussex Downs AONB boundary was changed to include the Ouse Estuary Nature Reserve in the light of the Inspector's conclusion that because of publicly accessible wildlife habitats created in this area it would satisfy the natural beauty criteria. It was also seen as a filter to screen the industrial development at Newhaven Harbour and the land allocated for new business development promoted under Policies NH10 and NH20 of the Lewes Local Plan referred to below in para. 3.5 of this report.
- 3.3 A small part of the application site is within the SDNP boundary. The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas; and
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the communities within South Downs National Park in pursuit of these purposes. Government policy relating to National Parks set out in PPS7: Sustainable Development in Rural Areas and Circular 20/10 is that they have the highest status of protection in relation to landscape and scenic beauty. Conservation of the natural beauty of the landscape and countryside must, therefore, be given great weight in development control decisions.

- 3.4 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area in the South East Plan and the Lewes Local Plan.
- 3.5 The South East Plan was adopted by the Secretary of State on 6th May 2009. The Coalition Government's revocation of the Plan in July 2010 has been found to be unlawful so the document remains part of the development plan at this time but the intention to revoke it is a material consideration. The following strategic are relevant to this application:
- Policy SCT3 which identifies Newhaven Eastside as one of a list of allocated business
 - Policy SCT4 which requires local planning authorities to give priority to delivering employment development
 - Policy C2 which states that the purposes of designation should be a material consideration in the making of any planning decision that would affect it.
 - Policy CC1 which states that the physical and natural environment of the south east is to be conserved and enhanced
 - Policy CC6 which requires new development to respect the character and distinctiveness of landscapes and use innovative design to create a sense of place.
- 3.6 The Lewes Local Plan was adopted on the 31st March 2003. Under the provisions of the Planning and Compulsory Purchase Act (2004) relevant "saved" Local Plan policies are:
- Policy NH10 which allocates the application site for business uses (Use Classes B1 and B8), subject to a range of criteria including a requirement for the provision of a new access road which will also provide access to the adjacent port development
 - Policy NH20 which proposes upgrading of the port facilities

4. Relevant Issues and Assessment

- 4.1 As a consultee the SDNPA does not have access to all the details relating to this application or the full responses from other consultees and third parties. The following assessment is therefore limited to the impact that the proposed development would have on the South Downs National Park and its setting. Any conflict between the retail and housing elements of the proposal and national and development plan policies relating to employment generation and retail impact is a matter for Lewes DC rather than the South Downs National Park. Whilst the 'out of town' location may encourage use of the private car it will not have a significant impact on the SDNPA as the additional traffic generated is likely to be confined to within the town. The main issue is therefore the landscape and visual impact. However in making that assessment the existing allocation for industrial development and the policy requirement for a port access road, the first phase of which has been granted planning permission, are important considerations. However Lewes District Council should be advised to seek the maximum policy requirement for affordable housing to reduce pressure for housing within the SDNP.
- 4.2 The part of the application site which is within the SDNP boundary will form the landscaped edge of the site. It is therefore important that planting is appropriate and reflects the character of this area. Views and vistas are relatively limited due to the location of the site in relation to main vehicular routes and adjacent industrial developments. There are long distance views from east and north east of the site on Public Rights of Way on the slopes of the South Downs and elevated residential properties at Mount Pleasant and Rookery Hill. However the site is seen in the context of the existing settlement pattern against the industrial urban edge across the permitted port access road beyond an open space edge containing a boundary of maturing vegetation.
- 4.3 Any views towards the site from the west are limited by intervening built form and seen in the context of an existing settlement which makes it difficult to identify the site itself.
- 4.4 In terms of the lighting the proposed development will be seen in the context of the existing built up area of Newhaven. In addition low lux levels are proposed. Consequently there will not be an impact on 'dark skies'.
- 4.5 Whilst planting of indigenous species is proposed along the eastern boundary there will be views through to the more ornamental form of landscaping within the site. It would

therefore be more appropriate if the landscaping within the site reflected that on the eastern boundary. This would also be more likely to enhance biodiversity through additional habitat creation extending corridors for wildlife out to the west from the nature reserve.

5. Conclusion

- 5.1 As the site is allocated for development, in view of the fact that the part of the application site within the SDNP will be form the landscaped edge of the approved port road, views of the site from the wider area of the SDNPA are long distance and the development will be seen against the existing industrial urban edge across the permitted port access road, the concerns relating to the SDNPA purposes and can be dealt with by appropriate conditions relating to lighting and landscaping within the site and on the eastern boundary.

6. Recommendations

- 6.1 It is recommended that the South Downs National Park Authority raise no objection to the proposed development subject to conditions being imposed relating landscaping which require the planting of indigenous species throughout the site to maximise opportunities to promote biodiversity and enhance views into the site from the SDNP). However Lewes District Council should be advised to seek the maximum policy requirement for affordable housing to reduce pressure for housing within the SDNP.

7. Crime and Disorder Implications

- 7.1 There are no implications in relation to this consultation on a planning application.

8. Human Rights Implications

- 8.1 There are no implications in relation to this consultation on a planning application.

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Appendices	Appendix 1: Site location in relation to the South Downs National Park
SDNPA Consultees	Head of Planning

Background Documents

Application and associated documents ref LW/11/0634 and LW/11/0635

PPS1

PPS7

PPS9

Circular 20/10

Lewes Local Plan 2003

South East Plan (2009)