

Report to	<b>Planning Committee</b>
Date	<b>13 November 2025</b>
By	<b>Director of Planning</b>
Application Number	<b>SDNP/25/02551/FUL</b>
Applicant	<b>Aldi Stores Ltd</b>
Application	<b>Demolition of four existing industrial units and part demolition of the food store for the construction of an extension to the food store with car and cycle parking, landscaping and associated works.</b>
Address	<b>Aldi House, Brooks Road, Lewes, East Sussex, BN7 2BY</b>

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**Recommendation:**

- 1) That planning permission be granted subject to**
    - i) The conditions set out at Paragraph 9.1 of the report and any amendments or other conditions required to address technical matters;**
    - ii) A legal agreement, the final form of which is delegated to the Director of Planning, to secure the following:**
      - A Framework Relocation Strategy to include a 12-month period of support for relocation and lease extension for the current occupants of the industrial units being demolished;**
      - A contribution of £18,750 towards town centre enhancements and employment initiatives;**
  - 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress made within 6 months of the Planning Committee meeting of 13 November 2025.**
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## **Executive Summary**

The proposal comprises the extension of an existing Aldi store and reconfiguration of the car parking area to improve efficiency and enhance customer experience. The proposal is a minor form of development that satisfies the sequential test and will not result in significant trade diversion from other existing or proposed stores in the area. There are economic benefits to the scheme that will accord with the National Park's duty, and the scheme will meet the statutory requirement for Biodiversity Net Gain.

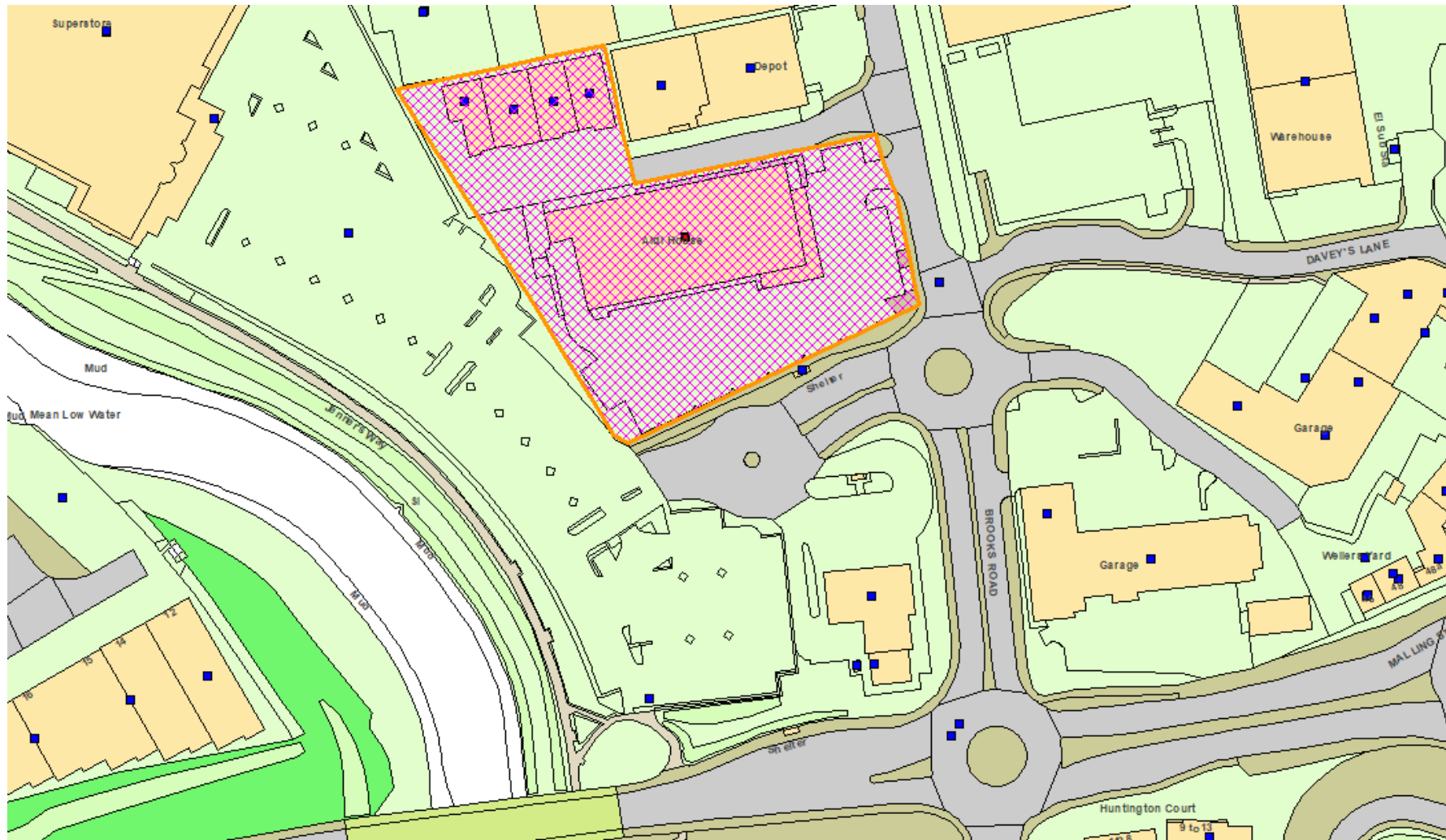
However, whilst the relevant policy requirements are broadly met, the development includes the demolition of four industrial units that fall within the Central Lewes principal employment site and is not supported by the necessary marketing information to justify the loss of B class floor space. The proposal therefore fails to comply with policies SD35 and HC4.

Nonetheless, there a number of material considerations that weigh positively in the planning balance, including the provision of a Framework Relocation Strategy to support the businesses being displaced, a £18,750 contribution to support town centre initiatives, and a parking duration increase to 2hrs free stay. Previous permission SDNP/18/05206/FUL also established a precedent for the loss of the B class floor space.

When weighed together, these material considerations justify a decision other than in strict accordance with SD35 and HC4, and use of the whole site for an E(e) retail use is considered, on balance, to be acceptable.

This application is being placed before Members due to the previous scheme being approved by the Committee.

## Site Location Map



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## **1. Site Description**

- 1.1. The application relates to a 0.48 hectare (ha) site within the settlement boundary and the Brooks Road mixed employment area of Lewes, which is the second largest employment site in the National Park and largest in Lewes.
- 1.2. The site is occupied by an existing 855 square metre (sqm) Aldi store and its car park, and four industrial units to the north-west known as Units 1-4 Shepherds Industrial Estate. Of these buildings, only the four industrial units fall within the Central Lewes principal employment site defined by the South Downs Local Plan. The whole of the site falls within the South Downs National Park Authority (SDNPA) Brooks Road Planning Brief's Area of Interest, in what is referred to as an area of mixed employment uses including retail and distribution.
- 1.3. The Brooks Road employment area is generally characterised by large warehouse buildings in a mix of E and B class uses (industrial, storage/distribution and retail) although the area has also seen increased residential uses in recent years. A large Tesco supermarket is located to the west of the site, and its petrol filling station is located to the south. There are residential uses close to the site, notably within the 'Atelier' development immediately north of the four industrial units comprising flatted dwellings above office/light industrial floorspace at ground floor level.
- 1.4. The site falls within the settlement boundary and some 100 metres (m) north of the Conservation Area and defined Town Centre. The site is mostly flat, however there is a step up in level in the northern part of the site where the store extension would be located, and along the western site boundary. There are no listed buildings in the locality. The nearest statutory designated nature conservation sites are the Lewes Downs Special Area of Conservation (SAC) and Site of Species Scientific Interest (SSSI) c. 340m east, and the Railway Land Local Nature Reserve (LNR) c. 380m south. There is a notable plane tree at the entrance to the site, and a line of trees along the western boundary that are outside the application red line which provide an important function in terms of screening and the public realm.
- 1.5. Aldi is accessed from the Phoenix Causeway directly off Brooks Road. There are currently 81 No car parking spaces and 8 No cycle parking spaces. Parking is currently available to the public for 1.5hrs.
- 1.6. The site is located close to the River Ouse with the majority of the site located in Flood Zone 2 and a small proportion in Flood Zone 3. It also falls within Water Source Protection Zones 2 and 3 and a principal aquifer catchment.

## **2. Relevant Planning History**

- 2.1. The following is the most relevant planning history pertaining to the Aldi store:
  - LW/10/1254/NP Erection of foodstore and associated parking and landscaping. Approved 27.05.2011
  - SDNP/15/04122/CND Variation of condition 11 attached to planning permission LW/10/1254/NP to reduce the length of free car parking from 3 hours to 1.5 hours. Allowed at appeal 28.07.2016.
  - SDNP/18/02766/PRES Store extension. Advice provided 26.07.2018
  - SDNP/18/05206/FUL Redevelopment of a Retail (A1) unit at Brooks Road, Lewes, with associated parking, servicing and landscaping to include a 1,254 sqm retail space. Approved 19.05.2020 but not enacted.
  - SDNP/25/01028/PRE The proposed development comprises of the demolition of the four units to the north of the Aldi store and an extension to the existing Aldi into this are. Advice provided 08.05.2025 (appended at **Appendix 2**)
- 2.2. The following is the most relevant planning history pertaining to Units 1-4 Shepherds Industrial Estate proposed for demolition:
  - LW/81/1804 Nursery Industrial Units. Approved 08.12.1981

- LW/82/0345 Application for continuance of use without complying with Condition 1. of Planning Permission LW/81/1804 for Nursery Industrial Units. Approved 13.04.1982
- LW/09/1266 Change of use from BI to canine specialist referrals (sui generis). Approved 22.01.2010.

2.3. A new Tree Preservation Order reference SDNP/TPO/00015 is in the process of being made on the large plane tree at the site entrance.

### 3. Proposal

- 3.1. The application proposes the demolition of four industrial units to the north-east of the existing store, and the partial demolition of the rear of the store (138sqm) to provide a new rear extension that will accommodate a warehouse, loading bay and staff amenities. There will also be a small extension to the eastern elevation to provide a customer WC and office.
- 3.2. There will be a total loss of approximately 690sqm (1,189 sqm including mezzanines) of industrial floor space as a result of demolishing the four units. There will be an increase in commercial floorspace of some 387sqm to 1,818sqm Gross Internal Area (GIA) providing a total sales floorspace of 1,120sqm. The extended building will provide a store of a more typical Aldi size, improve store efficiency and enhance customer experience. The development is expected to generate seven new retail jobs in addition to the 33 jobs currently provided.
- 3.3. The existing building will be re-clad with a light-coloured mineral stone, corten-textured insulated panels and vertical anthracite cladding panels using hidden fixings to improve its appearance and energy performance. New PV panels will be provided across the whole roof. A small biodiverse brown roof (30sqm) will be provided above the small office extension. The soft landscaping on site would be expanded by some 320sqm with a net increase of trees on site. There will be an estimated on-site biodiversity net gain of approximately 11%.
- 3.4. The parking provision will be increased from 81No to 90No standard spaces with 7no accessible spaces, which will assist with relieving congestion in the car park. Five of these will be electrical vehicle (EV) charging parking spaces (4No rapid active and 1No accessible active) and 14No will be passive spaces for future EV provision. There will also be 14 customer cycle parking spaces (including 1No accessible and 1No oversize space) and 12No staff cycle parking (including 1No accessible and 1No oversize space.) Improved pedestrian accessibility is also provided at the northeastern corner of the site from Brooks Road and additional pedestrian links are provided along the southern boundary with Brooks Road.

### 4. Consultations

- 4.1. **Design Officer:** No objection, subject to conditions. Comments:
- Retention of existing building welcomed in terms of sustainability and embodied carbon;
  - Layout improves pedestrian connectivity;
  - Lack of green/brown roof to the main extension is a missed opportunity;
  - Additional trees within parking area would be visually beneficial and improve climate resilience;
  - Materials acceptable if hidden fixings are utilised.
- 4.2. **Ecology:** No objection, subject to conditions. Comments:
- Local native planting should be increased and a green or brown roof, green wall and raingardens included;
  - Integrated bat and bird boxes should be provided in addition to proposed single bird box and bug hotel.
- 4.3. **Environment Agency:** No objection, subject to conditions.
- 4.4. **Environmental Health (Air Quality):** No objection.
- 4.5. **Environmental Health (Contamination):** No objection, subject to conditions.

- 4.6. **Environmental Health (Noise):** No objection, subject to condition.
- 4.7. **ESCC Highway Authority:** No objection, subject to conditions.
- 4.8. **Highways England:** No objection subject to condition.
- 4.9. **Landscape Officer:** Comments:
- Layout and legibility poor due to location of deliveries;
  - Green or brown roof would help store water and increase efficiency of PV panels during summer months, and green wall would be of benefit;
  - Surface water could be better utilised for maintenance of planting and amenity purposes;
  - Implications of retaining wall are unclear;
  - Planting relies heavily on non-native species;
  - Central island should have tree planting.
- 4.10. **Lead Local Flood Authority:** No objection, subject to conditions.
- 4.11. **Lewes Regeneration Team:** Comments:
- Number of businesses and jobs at risk should be clarified;
  - LDC would support a Framework Relocation Strategy for 12 months (rather than the proposed 6 months) and a financial contribution to support economic development and town centre initiatives.
- 4.12. **Lewes Town Council:** Objection. Comments:
- Contrary to SD35 which supports small scale warehousing and safeguards existing employment sites;
  - Contravenes SD34 in that small independent businesses will have to move from their warehouses which are still fit for purpose contrary to the information provided by Aldi;
  - Brooks Road Planning Brief encourages mixed use businesses and not exclusively retail;
  - An Economic Impact assessment should be carried out to determine the need for a larger supermarket;
  - No help has been offered to help the small businesses relocate;
  - Transport links for the site are inadequate and any increase in traffic would be negative, other forms of transport should be promoted;
  - No information about the type of building materials being used. If the application was successful, it would be imperative that a three-hour parking limit should apply in line with Tesco agreement;
  - Should be considered together with Lidl application.
- 4.13. **Natural England:** No response received.
- 4.14. **Tree Officer:** No objection, subject to conditions.
- 4.15. **Southern Water:** No objection, subject to conditions.
- 4.16. **Sustainable Construction:** No objection, subject to conditions.
- 5. Representations**
- 5.1. Three neutral representations were received, including from an occupant of one of the industrial units that is proposed to be displaced; the Lewes Conservation Area Advisory Group and the Friends of Lewes, raising the following concerns:
- Shift from light industrial and commercial uses to large scale retail in the Brooks Road area will lead to regrettable loss of small industrial buildings occupied by local businesses;

- Support for affected businesses secured by 2020 permission would be welcomed;
- Will create new employment opportunities;
- Over-provision of supermarkets will generate traffic but better option than new Lidl store;
- Current Aldi and Lidl applications should be seen as a whole alongside the vacant Homebase premises;
- The site is not a highly visible gateway site, but adequate tree planting and green screening still crucial;
- Loss of two established trees on the prominent south east corner to accommodate two family sized parking spaces could be avoided by rearranging;
- Regular gridlock at Tesco's Brooks Road roundabout which requires upgrading to deal with traffic increase;
- Financial contribution needed to improve local road network;
- Pedestrian crossings should be provided along Daveys Lane and Brooks Road;
- Car parking should be available for short term use to relieve pressure on town.

5.2. Three letters of support have been received, raising the following:

- Aligns with and meets established planning criteria for the Brooks Road area;
- Falls within Planning Brief's Retail and Distribution area;
- Addresses 'over trading' claim in concurrent Lidl application;
- March 2020 permission established precedent for store expansion, working closely with Lewes Town Council and wider public to meet demonstrated needs of the community;
- Will future proof site with EV charging and updated solar panels;
- Will provide improved shopping facilities for residents and strengthen the local economy;
- Safe pedestrian crossing required across Brooks Road to prevent road safety issues for residents of Daveys Lane and other pedestrians from increased traffic.

## 6. Planning Policy

Particularly Relevant Sections of the National Planning Policy Framework (NPPF):

- NPPF11 - Making effective use of land
- NPPF12 - Achieving well-designed and beautiful places
- NPPF15 - Conserving and enhancing the natural environment

Most relevant Policies of Adopted South Downs Local Plan (2014-33) (A full list of relevant policies can be found in Appendix 1)

- SD4: Landscape Character
- SD5: Design
- SD19: Transport and Accessibility
- SD22: Parking Provision
- SD35: Employment Land

6.1. The policies relevant to this application are the same as those currently and none of the changes proposed will have a significant impact upon the proposals.

Relevant Policies of the Lewes Neighbourhood Plan (2015-33)

- LE1 Natural Capital

- LE2 Biodiversity
- HC2 New Services and Facilities
- PL2 Architecture and Design
- PL3 Flood Resilience
- PL4 Renewable Energy and the Resource and Energy Efficiency of New Buildings
- HC4 The Working Town
- AM1 Active Travel Networks
- AM3 Car Parking Strategy
- SS1 Historic Streets
- SS2 Social & Civic Spaces

Relevant Policies of the South Downs Management Plan (2020-2025)

Policies 1, 3, 5, 25, 29, 37, 38, 40, 55 and 57 are relevant.

Other Relevant Policy Documents (including Supplementary Planning Documents (SPDs) and Technical Advice Notes (TANs))

- The Brooks Road Planning Brief (Feb 2023)
- SDNPA Design Guide SPD (Jul 2022)
- SDNPA Parking SPD (Apr 2021)
- SDNPA Sustainable Construction SPD (Aug 2020)
- SDNPA Dark Skies TAN (May 2021)
- SDNPA Ecosystem Services TAN
- SDNPA Biodiversity Net Gain TAN (Jun 2025)

## **7. Planning Assessment**

Major Development

- 7.1. The proposal does not fall within the Town and Country Planning (Development Management Procedure) (England) Order 2010 definition of major development, being an extension of less than 1,000sqm. The proposal is also not considered to be major development for the purposes of policy SD3 and paragraph 190 of the NPPF, which relate to development in National Parks.
- 7.2. The NPPF accompanying footnote 67 advises that whether a proposal is 'major development' in designated areas is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated. The proposal involves the re-development of a brownfield site within the settlement boundary of Lewes. Any potential impacts on the designated landscape as a result of development are not considered to be significant for the purposes of SD3 or paragraph 190.

Principle of Development

- 7.3. In establishing the in-principle acceptability of the loss of land in B class uses to a Class E(a) retail use, it is necessary to consider a range of matters including development plan policies, an assessment of retail impacts and the sequential test, and any relevant material considerations.
- 7.4. Lewes Town Council have objected to the loss of industrial floor space and lack of economic impact assessment.

Policy Context

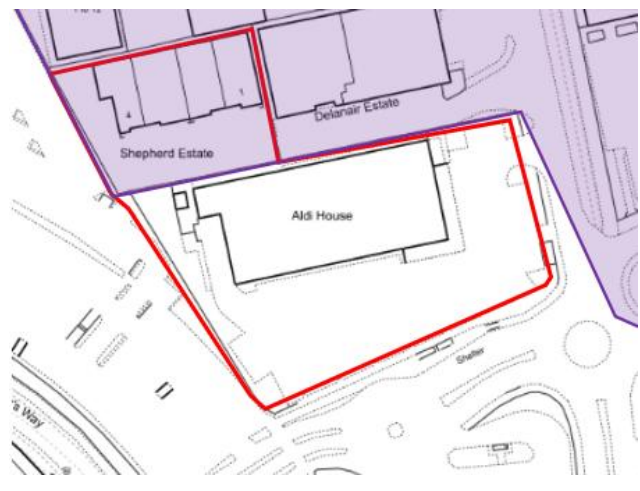
- 7.5. Policy SD25 of the South Downs Local Plan (SDLP) directs new development to within settlement policy boundaries, with support for proposals of a scale and nature appropriate to the character

and function of the settlement in its landscape context. Policy SD1 encourages a presumption in favour of sustainable development where development proposals accord with other relevant policies in the South Downs Local Plan and the National Park’s statutory purposes.

- 7.6. The purpose of SD35 is to safeguard existing employment sites, specifically B1 (now E(g)) business, B2 general industrial and B8 storage and distribution uses. SD35 seeks to safeguard B Class employment uses within principal employment sites from non-B Class uses unless supported by a robust marketing campaign of at least 18 months. The supporting text sets out that development proposals for alternative commercial uses on B Class employment sites will be resisted. The Local Plan Review Reg 18 version of SD35 replaces references to B1 with the relevant E(g) class uses. Policy HC4 of the Lewes Neighbourhood Plan also seeks to protect against the loss of existing employment uses unless supported by clear evidence demonstrating that the site or premises is not currently viable and that an appropriate alternative can be identified within the Lewes settlement boundary.
- 7.7. The SDNPA Brooks Road Planning Brief (the Planning Brief) is also a material consideration that sets out an approach to redevelopment and guidance on key issues relevant to the Brooks Road area. The Planning Brief’s vision includes retaining Brooks Road’s role as a ‘functioning and thriving employment centre with buildings and spaces between that are flexible, functional and of high environmental standards.’ In terms of uses, it supports redevelopment proposals that provide enhanced employment floorspace and retains the diversity of employment uses which fall within the area.

Existing and Proposed Use(s)

- 7.8. In this case, the 4No industrial units on the Shepherd Estate fall within the principal Central Lewes employment site. Three of these (Units 1, 2 and 3) have an unrestricted ‘general or light industrial or warehouse building’ use, with Unit 4 being in a sui generis veterinary clinic use rather than a protected E(g) or B class use. Only Units 1, 3 and 4 are occupied. The remainder of the site falls outside the principal employment site and is already in a retail E(a) class use.

	<b>Building</b>	<b>Existing Use</b>	<b>Protection</b>
	4No Industrial units	Units 1, 2 and 3 in unrestricted employment uses; Unit 4 in sui generis use. Unit 2 reportedly vacant since 2022	Principal employment site
	Aldi store	E(a) Retail	Employment land

**Table I: Summary of Existing Uses**

- 7.9. Since the adoption of the Local Plan and Neighbourhood Plan, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (UCO) has come into force. A1 (shops) and B1 (office and light industrial) use classes now form part of a new, broader employment E use class, which encompasses a wide range of commercial, business and service uses and carries considerable flexibility. Unless expressly prevented by means of a planning condition, permitted development rights now allow for changes of use between E class uses without the need for planning permission. The changes to the UCO could not have been foreseen when the Local Plan and Neighbourhood Plan were adopted, and do not affect the policy intention to protect business, general industrial and storage and distribution uses over other employment uses, where relevant. Nonetheless, the UCO is a material consideration which carries weight where E(g) (former B1) uses exist and the change of use permitted development right can be applied.

- 7.10. Whilst the three units in ‘general or light industrial or warehouse building’ use could be used for BI/E(g)(iii) purposes, they appear to be in an existing B2 or B8 use. Planning permission is therefore required for a change of use to retail, and subject to the requirements of SD35 and HC4 including marketing requirements. It will also be necessary to consider retail impacts and the requirement for a sequential test.

Marketing Requirements

- 7.11. The four industrial units proposed for demolition use are safeguarded under SD35 4) a) and HC4 against non-employment uses unless evidence of a robust marketing campaign of at least 18 months clearly demonstrates that there is no market demand for the premises.
- 7.12. The units are currently owned and let on a short-term lease basis by the applicant. The submission sets out that Units 1, 3 and 4 are currently occupied by two businesses while the remaining Unit 2 has been vacant since 2022. The units are described by the applicant as “at the end of their life cycle...of limited architectural merit, and requir[ing] significant investment to bring them up to modern energy and environmental performance standards.”
- 7.13. It is acknowledged that the buildings are some 40 years old and may need updating and/or repair; however, three of them are in active use and can therefore be considered fit for purpose in policy terms. Although they are described as “underutilised” and “only occupied on a short-term basis,” 18-month marketing evidence that units are no longer required cannot be provided. The proposal is therefore contrary to policies SD35 4) a) and HC4.

Retail Impact Assessment

- 7.14. Paragraph 94 of the NPPF requires applications for town centre uses that are outside town centres, not in accordance with an up-to-date plan, and exceed a proportionate, locally set floorspace threshold to be subject to an impact assessment to consider:
- Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - Town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.
- 7.15. Policy SD38 sets a local threshold for retail impact assessments where new retail development within settlement policy boundaries but outside defined Market Town boundaries exceeds 750sqm.
- 7.16. The proposal comprises an additional 387sqm of floorspace which falls below the threshold for a retail impact assessment. However, it is still necessary to have regard to concurrent application SDNP/25/01871/FUL for a new Lidl foodstore on a site less than 100m away, taking into account the capacity of the area for retail development which is not unlimited.
- 7.17. In this case, the proposal is for the minor extension of an existing store aimed primarily at improving store efficiency and enhancing customer experience. The submitted parking assessment indicates that there would be a likely traffic movement uplift of some 6.18% based on data taken from other Aldi store extensions. Whilst this is also considered to be minimal in terms of highway impact, it is also reflective of a minimal uplift in customer attraction to the redesigned store. The development is therefore unlikely to result in significant trade diversion from other existing or proposed stores or negatively impact local consumer choice and trade in the wider area.

Sequential Test

- 7.18. Paragraphs 91 and 92 of the NPPF require main town centre uses ‘which are neither in an existing centre nor in accordance with an up-to-date plan’ to carry out a sequential test. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. For retail purposes, the NPPF defines edge of centre locations as “well connected to, and up to 300 metres from, the primary shopping area,” and in determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.
- 7.19. Planning Policy Guidance sets out that it is not necessary for applicants to demonstrate that a potential town centre or edge-of-centre site can accommodate precisely the scale and form of

development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal. Caselaw has also established that it is not necessary for applicants to demonstrate their proposals are needed, but rather that development cannot be met in sequentially preferable locations, allowing for flexibility.

- 7.20. In this case the site is located some 100m from the defined Town Centre of Lewes and some 270m from Cliffe High Street which forms part of the defined primary shopping frontage under policy SD37. It is also relatively well connected by the highway network and bus routes, with a bus stop immediately adjacent. It can therefore be defined as an 'edge of centre' site. As a conflict with SD35 and HC4 has been identified, it is necessary to apply the Sequential Test to any other potential sites within the defined Town Centre.
- 7.21. The application has been independently assessed on the Authority's behalf by Lichfields, who have considered the sequential test carried out by the applicant. They have advised that the five sites considered (Waitrose, Eastgate Street; Eastgate Wharf; Former St Annes School; Land at Lewes Station Car Park and Land at Phoenix Industrial Estate) can be dismissed as either unsuitable or unavailable. Based on the information provided, there are no potential opportunities within the sequential area of search that are large enough to accommodate a discount food store and available within a reasonable time period. As such, the sequential test has been addressed and satisfied.

Other Material Considerations

- 7.22. The Lewes District Economic Needs Assessment (2023) was carried out independently by Lewes District Council but includes land within the National Park. This document identifies the Shepherd Industrial Estate (Cluster 22) as being "of very good quality... [and] overall...appears to function well as an employment area." The Assessment also supports the retention of well-performing industrial spaces across the district and identifies the vacancy rate of industrial land to be low. However, when comparing existing and projected supply and demand, the Assessment also predicts an overall reduction in the requirement for industrial floor space in Lewes District by some -18,829sqm in the period 2022-40. Similarly, the SDNPA Employment Land Review Provisional Findings (2024) identifies a need for 53,000sqm of industrial space that, aside from a marginal deficit (966sqm,) will be met by existing allocations and extant permissions. Future demand for industrial space therefore appears to be low.
- 7.23. Lapsed permission SDNP/18/05206/FUL for a new/replacement Aldi store, granted in May 2020, also involved the loss of the four industrial units, three of which appear to have been in occupation at the time the decision was taken. Although no longer extant, the permission was determined within the same development plan policy context and is a significant material consideration that must be weighed against any current conflicts with SD35 4) a) and HC4. The permission established a precedent for expansion of the existing store at the expense of removing industrial floor space within the Principal Employment Area. Weight was given to the creation of 20 new FTE jobs (gross), the redevelopment of an existing popular supermarket in a sustainable, edge of centre location, and the provision of a Framework Relocation Strategy to assist occupants of the units in finding suitable alternative premises.

Principle of Development Summary and Conclusion

- 7.24. The scheme will result in the loss of B class floor space within a principal or local employment site and is not supported by any marketing information to demonstrate there is no demand for the existing use(s). A change of use to E(a) retail for this part of the site would therefore conflict with SD35 4)a) and HC4. Large format E(a) retail uses are also not expressly promoted by the relevant development plan policies or the Brooks Road Planning Brief. There will be an overall loss of approximately 690sqm protected employment floor space (1,189sqm including mezzanine space,) identified as 'well-functioning' in the Lewes Economic Needs Assessment (2023) to provide an increase of 387sqm of commercial floorspace (of which only 262sqm is net retail space.) The increase in retail floor space is smaller than the 2020 permission by some 134sqm. Although 7No new retail jobs would be created, two businesses and 10No jobs will be displaced, resulting in a potential net loss of three FTEs. The economic benefits are therefore more limited than previously.

- 7.25. However, the proposal is a minor extension of an existing store and is unlikely to result in significant trade diversion from existing or proposed stores in the locality. The sequential test has also been satisfied. Whilst three of the units proposed for demolition are occupied on short term leases, one is vacant, and it is acknowledged that the structures are some four decades old and likely in need of investment to continue functioning. Previous permission SDNP/18/05206/FUL, which was determined against the same development plan, established a precedent for the expansion of the existing store at the expense of losing industrial floor space within the Principal Employment Area. It is also recognised that the entire site falls within an area identified by the Brooks Road Planning Brief as already characterised by mixed retail and distribution employment uses. Furthermore, the majority of the site is in an existing E(a) retail use, the extension of which avoids the potential for new/additional large format retail space being re-located elsewhere in the Brooks Road area or wider National Park.
- 7.26. Following comments received from the Lewes District Council Regeneration Team, the application is now supported by a Framework Relocation Strategy to provide existing tenants with a 12-month period of support to find suitable alternative premises, including access to business support and funding advice, meaning that the businesses would be able to continue elsewhere. A financial contribution of £18,750 is also offered to support economic development and town centre initiatives such as pop up and seasonal activities. These benefits could be secured by means of a S.106 legal agreement. The applicant has also agreed to extend the 1.5hr parking limit to 2hrs, which will support the town centre economy by allowing for associated shopping trips.
- 7.27. When weighed together, these material considerations justify a decision other than in strict accordance with SD35 3) and HC4. The use of the whole site for an E(e) retail use is therefore considered, on balance, to be acceptable.

Design and Visual Impacts

- 7.28. The first statutory purpose of the National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and development within it must accord with this purpose. Paragraphs 189 and 190 of the NPPF state that planning decisions should protect and enhance valued landscapes, and that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks.
- 7.29. Policies SD4, SD5 and PL2 require the design of development to adopt a landscape-led approach to improve and enhance the built environment, conserve and enhance existing landscape character features; and be of a scale and nature appropriate to the character and function of the settlement in its landscape context. SD6 requires proposals to preserve the visual integrity, identity and scenic quality of the National Park, including views from publically accessible areas. Key design principles, challenges and opportunities for the area are also set out in the Brooks Road Planning Brief, with a focus on efficient land use, adaptable buildings, and improved connectivity and public realm.
- 7.30. The retention of the existing building, increased PV panels and improved EV and cycle parking provision are welcomed in terms of sustainability and embodied carbon. Samples of the materials to be used have been provided and are supported providing the fixings are hidden. However, concerns were initially raised by officers with regard to the lack of any brown or green roof, lack of additional tree planting or Sustainable Drainage Systems (SuDS) features within the car park and unclear pedestrian routes across the car park. Concerns were also raised regarding the potential for the retaining boundary wall along the western boundary to impact taller vegetation outside the site boundary (see also Ecology and Tree section below).
- 7.31. The applicant has provided further information demonstrating that there is a pre-existing retaining wall along the western boundary which has suppressed tree root growth onto the site. The retaining wall will be replaced and site levels raised slightly, neither of which will result in tree roots being exposed. Clearer pedestrian routes through the site have also been provided. In terms of additional tree planting and SuDS features, evidence has been provided to demonstrate that much of the site already comprises hard standing with extensive underlying drainage and service infrastructure. There is therefore limited scope to provide additional tree planting or

raingardens within the car park area, which is accepted. A small 30sqm area of brown roof is also now proposed over the office/WC extension on the eastern elevation.

- 7.32. The lack of any green/brown roof on the main extension is a concern shared by the Authority's ecologist, and an enhancement feature that has been encouraged by officers since pre-application stage. The 2020 permission notably included a large area of brown roof, albeit without solar panels. The applicant has raised several counter-concerns, including lack of compatibility between green/brown roofs and PV panels, risk of fire, and sustainability impacts from the use of additional supporting steel and water for irrigation.
- 7.33. Given that the proposal is a minor extension of an existing building and is otherwise acceptable in design terms, the lack of a brown roof on the main extension roof is regrettable but not considered so harmful as to warrant a reason for refusal. The proposal is therefore considered, on balance, to be acceptable in terms of design and in accordance with SD4, SD5 and PL2.

#### Sustainable Construction

- 7.34. Policies SD48, PL2 and PL4 require the design of new development to address climate change mitigation through the on-site use of zero/low carbon technologies, sustainable design and construction, and low carbon materials. In accordance with Appendix 5 (Minor Non-Residential Development) of the SDNPA Sustainable Construction SPD, the development is also required to include a range of energy efficiency (building fabric) and renewable energy measures.
- 7.35. The application will maximise onsite renewable energy and efficiency measures including the replacement and expansion of PV panels across the existing and new roof, improvements to the building fabric, a refrigerant heat recovery system, and the use of air source heat pumps for heating and cooling. The scheme will also meet requirements for EV charge points. It is considered appropriate to secure details of sustainable materials and construction/operational waste reduction strategies by means of suitably worded planning conditions (19 and 20) to ensure the proposal fully meets policy requirements. The proposal is therefore acceptable in terms of sustainable construction and in accordance with SD48, PL2 and PL4, and the SDNPA Sustainable Construction SPD.

#### Ecology, Trees and Biodiversity Net Gain

- 7.36. Policies SD2, SD9, SD11, SD45, LE1 and LE2 support proposals that conserve and enhance biodiversity, trees and green infrastructure; retain, protect and enhance features of biodiversity and supporting habitat, and identify and incorporate net gains for biodiversity and green infrastructure.
- 7.37. The site is made up predominantly of hardstanding and buildings, with some introduced shrub and trees present, including a large London plane tree at the site entrance. Aside from the removal of 3 No self-set ash trees and 1 No horse chestnut that are of poor quality or diseased, all existing trees will be retained. Existing shrub planting along the western boundary will be removed to provide car parking spaces, and a total of 7 new trees and areas of planting provided along the northern boundary and within the car parking area that will result in an estimated uplift of 11% onsite Biodiversity Net Gain (BNG), and a minor gain in hedgerow units. A 30sqm brown roof is proposed above the extension providing the office and WC, and an insect hotel and two bird boxes will be located close to boundary vegetation.
- 7.38. The Authority's ecologist has advised the proposed BNG provision is acceptable, however opportunities should be taken to further enhance biodiversity and ecological enhancements through the provision of locally native planting, a green or brown roof and integrated bat and bird boxes within the building. To ensure the proposal provides an acceptable level of ecological enhancement, it is considered appropriate to secure an ecological design strategy by means of a suitably worded planning condition (22.)
- 7.39. The Authority's tree officer initially raised concerns regarding the potential for trees along the western boundary outside the red line to be impacted by the new area of parking and construction of a new retaining boundary wall. These trees are located outside the red line boundary and provide an important screening function. The rationale for the removal of trees from the western corner was also queried.

- 7.40. The applicant has subsequently provided further information to demonstrate that there is a pre-existing retaining wall along the western boundary which has suppressed tree root growth onto the site. The retaining wall will be replaced, and site levels will be raised slightly, neither of which will result in tree roots being exposed. The trees to be removed are self-set Category U ash and horse chestnut trees growing between two fences with signs of damage and no room to develop further.
- 7.41. Officers are satisfied with the information provided and have no objection subject to conditions to secure details of the retaining wall in relation to trees, an arboricultural method statement and tree protection measures. Replacement tree planting in the south-western corner would also be preferable to the retention of the diseased horse chestnut as a monolith. The tree officer has also assessed the large plane tree at the site entrance as being worthy of a Tree Preservation Order, which is being progressed separately. The proposal is therefore acceptable in terms of ecology and trees and in accordance with SD2, SD9, SD11, SD45, LE1 and LE2.

Noise, Air Quality and Amenity Impacts

- 7.42. Policy SD54 requires proposals to consider potential impacts on noise and air quality. Policy SD5k) requires proposals to avoid harmful impact upon, or from, any surrounding uses and amenities.
- 7.43. There are residential uses within the Atelier development immediately north of the four industrial units proposed for demolition, where there is an existing small delivery yard. The delivery area for the store will be located in this area, and there will be a level of noise and disturbance associated with the 3-4 daily HGV movements typically associated with a store of this size. However, this part of the site is already in an industrial use, and a retail use of the site is unlikely to introduce a greater potential for amenity impacts to neighbouring residential uses than already exists. The application is supported by an environmental noise report, which concludes that there will be no significant impact or disturbance to local residents. The proposed soft planting along the northern boundary, which includes a number of small trees, will also assist in mitigating noise from deliveries.
- 7.44. The Environmental Health team has raised no concerns in respect of noise or air quality impacts, subject to a condition to ensure that any plant and ancillary equipment to be installed prevents the transmission of noise and vibration (15.) The proposal is therefore acceptable in terms of amenity and in accordance with SD5 and SD54.

Access and Parking

- 7.45. Policies SD19, SD22, AM1 and AM3 seek to promote sustainable modes of transport including electric vehicles; and a level of parking provision that is appropriate to the site's needs and proximity to facilities and services, and of a location, scale and design that reflects its context.
- 7.46. Policies SD21 and AM1 seek to promote the safety and amenity of all road users, and prioritise and support existing safe, direct, walking and cycling routes. Policies SS1 and SS22 are supported by strategies to establish cohesive pedestrian links and an enhanced pedestrian environment.
- 7.47. The Brooks Road Planning Brief highlights a number of current movement and connectivity challenges, and development opportunities to address them. The Brooks Road area is currently focused on vehicle movements, and there is a general lack of coherent pedestrian and cycle connectivity.
- 7.48. The Highway Authority has no objection to the proposals. Parking accumulation data indicates that the car park frequently reaches capacity, and the addition of 9No extra spaces is justified. The revised layout allows for improved manoeuvring space and for delivery vehicles to access and turn within the site without reversing. The cycle parking accords with standards, is well located and provides an increase of 18No spaces. There will be an estimated 6.18% increase in vehicle movements, which will not result in a severe impact on the local highway network. The improved pedestrian link between the store and the bus stop to the south is also welcomed.
- 7.49. Third party concerns have been raised with regard to pedestrian safety as a result of development, and the need for a pedestrian crossing to be provided across Brooks Road and roundabout improvements to ease traffic flow. It is acknowledged that pedestrian access across Brooks Road is currently poor, however this is an application for a minor extension that would result in a limited uplift in vehicular traffic, and it would not be reasonable or proportionate to require

strategic works to the public highway. As referred to above, the applicant has also agreed to extend the 1.5hr parking limit to 2hrs.

- 7.50. Subject to a condition to secure a Construction and Environmental Management Plan for the construction phase, the proposal is considered acceptable from a highways perspective and in accordance with policies SD19, SD22, AM1 and AM3.

Drainage, Contamination and the Water Environment

- 7.51. Policies SD17, SD49 and SD50 seek to reduce flood risk and ensure proposals within Groundwater Source Protection Zones (SPZs) do not have an adverse impact on the quality of the groundwater source. PL3 states that new or additional residential or commercial development which would materially add to water discharge generally in the neighbourhood area, and into the River Ouse in particular, should assess fluvial (up and down stream), coastal and groundwater flood risk, and surface water drainage.
- 7.52. The Brooks Road Planning Brief highlights water management (water quality and quantity) as being a particular problem in the area. Proposals should incorporate measures to eliminate risk of pollution to groundwater features, and sustainable drainage solutions provided to avoid increase of surface water run-off, taking account of climate change.
- 7.53. In this case the site is located in Flood Zone 3, a Source Protection Zone and an area of major groundwater vulnerability due to the underlying aquifer. Given the previous use(s) of the industrial units there is also potential for contamination risk to controlled waters during the construction process.
- 7.54. The surface water currently discharges to the river outfall to the south. Much of the site already comprises hard standing which is in active use as a customer car park, the use of which will continue during construction of the extension. There is also extensive underlying drainage and other service infrastructure. Investigations have also shown that soakaways and infiltration to the ground is not feasible, and there is limited scope to provide surface water features such as raingardens. Attenuation storage is therefore proposed to prevent flooding, with surface water passing through a SPEL bypass separator to remove pollutants including fuel and oil before being discharged to the watercourse. A 30sqm brown roof will be provided to the roof above the small extension providing an office and WC, which will provide some benefit in terms of holding surface water and slowing down its discharge.
- 7.55. No concerns have been raised by the Local Lead Flood Authority regarding the surface water drainage arrangements, or Southern Water given that no surface water will enter the main sewer. The Environment Agency and Lewes Environmental Health are also satisfied that the submitted Contamination Risk Assessment demonstrates appropriate management of contamination risks, including to controlled waters from surface water infiltration.
- 7.56. Given the above, the proposed surface water arrangements are considered to comply with the requirements of SD17, SD49, SD50 and SD74 and are acceptable in principle, subject to suitably worded planning conditions to secure technical details (11-14).

Dark Skies

- 7.57. Policy SD8 requires proposals to take all opportunities to reduce light pollution and ensure that the measured and observed sky quality in the surrounding area is not affected.
- 7.58. The site is located within the Dark Skies Urban Zone (E3.) Whilst the skies are relatively brighter in this area, it is still important to reduce light pollution. External lighting should meet minimum safety requirements but still aim to accord with the SDNPA Dark Skies Technical Advice Note in avoiding upwards light spill. Where feasible, glazing should be recessed or located under overhangs.
- 7.59. The submitted lighting strategy sets out that whilst external lighting will need to meet security, health and safety standards, measures to limit light spill will be provided by way of shields fitted to the single head columns on the car park boundaries, and the car park, security and other task lighting will be disabled outside of operating hours (23:00-07:00.) Lighting in the loading bay area will be fitted with a motion sensor, and wall lights will be under canopy. However, it is unclear

whether the lighting strategy accords with the recommendations of the submitted Bat Survey Report (Middlemarch Environmental Ltd, Aug 2025) and Guidance Note 08/23: Bats and artificial lighting at night. It is therefore considered appropriate to secure final details of external lighting by means of a suitably worded planning condition to ensure it will minimise potential disturbance to bats (24.)

## 8. Conclusion

- 8.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies in the Development Plan, unless other material considerations indicate otherwise. In a National Park, the acceptability of any proposal also depends on whether it is capable of meeting the statutory purposes and duty.
- 8.2. The proposal is a minor form of development that satisfies the sequential test, will not result in significant trade diversion from other existing or proposed stores, and meets the majority of the relevant policy requirements. The application has not been supported by marketing information to justify the loss of employment space within a principal employment site and is therefore contrary to policies SD35 and HC4. However, there are material considerations that weigh positively in the planning balance, including relocation support for the businesses being displaced, a £18,750 contribution for town centre initiatives, and a parking duration increase to 2hrs. Previous permission SDNP/18/05206/FUL also established a precedent for the loss of occupied B class floor space.
- 8.3. When weighed together, these material considerations justify a decision other than in strict accordance with SD35 3) and HC4, and use of the whole site for an E(e) retail use is therefore considered, on balance, to be acceptable. The application is therefore recommended for approval subject to the conditions set out at paragraph 10.1 and a legal agreement to secure the Framework Relocation Strategy, 12-month period of support for relocation and lease extension, and town centre enhancement contribution of £18,750.

## 9. Reason for Recommendation and Conditions

- 9.1. The application is recommended for approval subject to the following conditions:
  1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.
  2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".  
Reason: For the avoidance of doubt and in the interests of proper planning.
  3. The development hereby permitted shall be open for trade only during the hours of 08:00 to 22:00 Mondays to Saturdays inclusive and 09:00 to 17:00 on Sundays.  
Reason: To protect the amenity of nearby residential uses.
  4. No delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outside the hours of 07:00 to 23:00 Mondays-Saturdays or 08:00 to 18:00 on Sundays.  
Reason: To protect the amenity of nearby residential uses.
  5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the site shall be used solely for the purpose of Class E(a) retail.  
Reason: To enable the Local Planning Authority to regulate and control the development of land in the interests of the character and appearance of the development and area.
  6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no structures or works as defined within Part 2 of

Schedule 2, class A (pertaining to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) or any order revoking or re-enacting that Order shall be erected or undertaken on the site.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interests of the character and appearance of the development and area.

Construction

7. Prior to the commencement of the development hereby permitted (including any demolition, ground works, site clearance,) a Construction, Traffic and Environmental Management Plan shall be 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 necessarily be restricted to the following matters:
  - i) Programme, construction phasing and timetable for implementation of works;
  - ii) The number, frequency and types of vehicles to be used during construction, including routing plans, arrival and departure times, and parking;
  - iii) Management of loose loads;
  - iv) The loading, unloading and storage of plant, materials and waste;
  - v) The erection and maintenance of security hoarding;
  - vi) No burning of construction materials on site;
  - vii) The provision of vehicle cleaning and wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
  - viii) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - ix) Persons responsible for implementing the works;
  - x) Measures to manage flood risk and control/minimise the emission of dust, dirt vibration, light and air pollution, pollution to waterways and odour during demolition/construction;
  - xi) Measures to protect existing public sewers, rising mains and water mains, including confirmation of relevant standoff/clearance;
  - xii) A precautionary working method statement for breeding birds and terrestrial mammals;
  - xiii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - xiv) No work to be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work to be undertaken on Sundays, Bank and Public Holidays; and
  - xv) Details of public engagement both prior to and during the construction works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect amenity, highway safety, species and habitats from adverse impacts during construction, mitigate any adverse impact from the development on the A26 in accordance with DfT Circular 01/2022, and avoid an offence under the Wildlife and Countryside Act 1981, as amended. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

Contamination

8. Prior to the commencement of the development hereby permitted, a remediation strategy that includes the following components to deal with the risks associated with contamination of the site, shall be submitted to and approved, in writing by the local planning authority:

- i) 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; and
  - Potentially unacceptable risk arising from contamination at the site
- ii) Additional site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) 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;
- iv) 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 (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Thereafter the approved strategy shall be implemented and adhered to in full throughout the entire construction period.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF 2024. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

9. Prior to the new development being brought into first use, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include a long-term monitoring and maintenance plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF 2024.

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

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF 2024.

#### Drainage

11. Notwithstanding submitted drainage details, prior to the commencement of development hereby permitted, details of the proposed foul drainage and means of disposal shall be

submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved designs.

Reason: To ensure satisfactory provision of foul water drainage. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

12. Notwithstanding submitted drainage details, prior to the commencement of development hereby permitted, details of the proposed surface water drainage and means of disposal, including on and/or off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- i) Full details of all components of the proposed drainage system including outfall, sewer connection, cross sections and invert levels as appropriate;
  - ii) Hydraulic calculations taking into account the connectivity of the different surface water drainage features;
  - iii) The condition of the sewer taking surface water run-off, and details of any required improvements;
  - iv) An assessment of the risks to controlled waters;
  - v) Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely; and
  - vi) How surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

No other drainage systems for the infiltration of surface water to the ground shall be provided other than those approved. The scheme shall subsequently be implemented in full accordance with the approved designs and retained thereafter.

Reason: To ensure satisfactory provision of surface water drainage and ensure surface water runoff from the development is managed safely whilst achieving maximum water quality, biodiversity and amenity benefits, in accordance with SD2, SD17 and SD50, and the SDNPA Design Guide SPD. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

13. Prior to development above slab level, a maintenance and management plan for the entire private drainage system and surface water attenuation features shall be submitted to and approved in writing the Local Planning Authority to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall include the following:
- i) Details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that the appropriate authority is satisfied with the submitted details;
  - ii) Evidence that the responsibility arrangements will remain in place throughout the lifetime of the development.

All works shall be undertaken in full accordance with the agreed details and implemented throughout the lifetime of the development.

Reason: To ensure satisfactory provision of surface water drainage and ensure surface water runoff from the development is managed safely whilst achieving maximum water quality, biodiversity and amenity benefits, in accordance with SD2, SD17 and SD50, and the SDNPA Design Guide SPD.

14. Prior to the new development being brought into first use, evidence (including photographs) to demonstrate that the drainage system has been constructed in full accordance with the final agreed detailed drainage designs shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory provision of surface water drainage and ensure surface water runoff from the development is managed safely.

Noise

15. Prior to development above slab level, details of any noise mitigation measures necessary to achieve a noise level from all fixed plant and ancillary equipment of either equal to or below the measured background noise level as defined in the approved Noise Impact assessment REV P02 (BWB, May 2025) at the nearest noise sensitive premises shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interests of neighbouring amenities and to manage operational noise.

Design and Landscaping

16. Prior to the commencement of the development hereby permitted, details of the retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) Sectional drawings, taking into account tree root protection areas and existing and proposed levels;
- ii) Construction technique and materials.

All works shall be undertaken in full accordance with the agreed details and implemented throughout the lifetime of the development.

Reason: To safeguard and enhance the character and amenity of the site and locality and avoid any irreversible damage to retained trees in accordance with SD2, SD9 and SD11. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

17. Notwithstanding any submitted landscaping details, prior to development above slab level, a detailed scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. The scheme shall include details of:
- i) Proposed planting plans and strategy, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment
  - ii) Schedules of plants and trees, which shall be locally characteristic, native species, achieving climate regulation and where possible maximised tree canopies, noting species, sizes; and proposed numbers/densities where appropriate;
  - iii) Plants and compost used throughout the planting schemes to be sourced from a peat-free nursery;
  - iv) Native seed mix for wildflower areas, which shall be informed by a soil test;
  - v) Planting specifications for green roofs (not sedum);
  - vi) Tree guards, tree pits and staking
  - vii) Detailed drawings showing construction of parking spaces and tree-pit construction;
  - viii) Location, height and materials of boundary treatments and other built means of enclosure (including gates and setbacks);
  - ix) Retained areas of grassland cover, scrub, hedgerow, and trees;
  - x) Treatment of surfaces, paths, access ways (demonstrating hierarchy of routes), courtyards, seating areas, patio areas and parking spaces, including their appearance, depth and permeability, kerbs, edges, steps and ramps, spot levels, finished floor levels, upstands and demarcation;
  - xi) Ancillary structures (including cycle and refuse storage);

- xii) A schedule of landscape management and maintenance for a minimum period of 10 years to include details of the arrangements for its implementation.

Thereafter the development shall be undertaken in full accordance with the agreed details.

All soft landscaping shall be carried out in the first planting and seeding season following the completion of the development. All shrub and tree planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of ten years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape, in accordance with SD2, SD4 and SD5, and the SDNPA Design Guide SPD.

- 18. The materials used in the construction of the development hereby approved shall be as detailed on approved drawing No 0113 Rev P04 applied using hidden fixings and shall be retained permanently as such.

Reason: To safeguard the appearance of the building and the character of the area in accordance with SD4, SD5, SD12 and SD13 and the SDNPA Design Guide Supplementary Planning Document.

#### Sustainable Construction

- 19. Prior to development above slab level, a design stage Sustainable Construction Report shall be submitted to and agreed in writing by the local Planning Authority. The report shall include details of:
  - i) Design-stage SBEM calculations, demonstrating a reduction in predicted CO2 emissions by at least 16.4% due to onsite renewable energy, per building, compared with the maximum allowed by Building Regulations;
  - ii) Product specifications for any new or low carbon technologies;
  - iii) Building design details;
  - iv) EV charge points;
  - v) Site waste management plan to reduce construction materials diverted into landfill;
  - vi) Operational waste management plan;
  - vii) A Sustainable Materials Strategy, demonstrating:
    - a) Low carbon and environmentally friendly materials (substituted, re-used, recycled or other green;)
    - b) Grown in Britain certified timber (FSC or equivalent where G in B not feasible);
  - viii) A design stage BRE water calculator demonstrating how water use will be reduced; and
  - ix) Layout or landscape plans demonstrating:
    - a) GI and brown roof and brown roof calculation;
    - b) Sustainable drainage, green infrastructure and GI linkage; and
    - c) Adaptation to climate change.

Thereafter the development shall be provided in full accordance with the approved details.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change in accordance with SD2, SD48 and the SDNPA Sustainable Construction SPD.

- 20. Within 28 days of the development being brought into first use, detailed information in a Post Construction Stage Sustainable Construction Report demonstrating how the development has been carried out in accordance with all of the requirements set out in Condition 19 shall be submitted to, and approved in writing by, the Local Planning Authority. This documentary

evidence shall include, but shall not be limited to, as built SAP and SBEM data, and as built stage BRE water calculator.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change, in accordance with SD2, SD48 and the SDNPA Sustainable Construction SPD.

Ecology and Trees

21. All ecological measures and/or works shall be carried out in accordance with the recommendations in the approved Preliminary Ecological Appraisal (Middlemarch, 27/05/2025) and Dusk Emergence Bat Surveys report (Middlemarch, 29/08/2025.)

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to protect species and habitats from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended.

22. No development shall take place until an Ecological Design Strategy (EDS) addressing ecological compensation and enhancement, to include the provision of soft landscaping of value to wildlife and artificial nesting / roosting habitat has been submitted to and approved in writing by the local planning authority.

Reason: To ensure provision of measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the NPPF (December 2024) and local policy. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

23. Prior to development above slab level of the office/WC extension, details of the brown roof construction shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) The extent of brown roof (including shingle perimeter;)
- ii) Cross section to show build-up and substrate depth;
- iii) Irrigation, defects period; and
- iv) Initial aftercare programme.

The roof shall then be constructed in accordance with the approved details before first use and retained thereafter.

Reason: To provide amenity, sustainable drainage and biodiversity benefits in accordance with policies SD2, SD4, SD9 and of the South Downs Local Plan, the SDNPA Design Guide SPD, and the NPPF.

24. Prior to development above slab level a scheme of external lighting to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall:

- i) Comply with the guidance set out in the SDNPA's Dark Night Skies TAN; and
- ii) Be designed to minimise impacts on wildlife and the countryside edge in accordance with Guidance Note 08/23: Bats and artificial lighting at night.

The lighting shall be installed, maintained and operated in full accordance with the approved details.

Reason: In the interests of amenity and to protect the South Downs International Dark Skies Reserve and wildlife in accordance with SD8 and SD9.

25. Prior to the commencement of the development hereby permitted (including any demolition, site clearance or delivery or storage of any equipment, machinery or materials), a full

Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of:

- i) Confirmation of root protection areas;
- ii) Any removal of decommissioned underground services and routing of new service trenches;
- iii) Specification for tree protection barriers and ground protection to avoid soil compaction;
- iv) Procedures for any specialist construction techniques / any supervised excavations within RPAs;
- v) Details of no dig techniques where required;
- vi) Phasing of work;
- vii) A Tree Protection Plan for use by the on-site demolition and construction teams; and
- viii) A detailed schedule of arboricultural site supervision and record keeping prepared by a suitably qualified arboricultural consultant.

The works shall thereafter be implemented in full accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the site and locality and avoid any irreversible damage to retained trees in accordance with SD2, SD9 and SD11. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any works.

#### Turning and Parking

26. Prior to the new development being brought into first use, the car parking and cycle parking for customer use shall be constructed in accordance with the approved site plan. The car parking spaces shall thereafter be retained at all times for their designated purpose and shall be free to all customers for a period of up to 2 hours to encourage linked shopping trips in Lewes town centre.

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

27. Prior to the new development being brought into first use, plans and details of covered and secure cycle parking spaces for staff use shall be submitted to and approved in writing by the Local Planning Authority. The approved spaces shall be installed prior to the new development being brought into first use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

#### Biodiversity net gain conditions

28. The Biodiversity Gain Plan shall be prepared in accordance with the approved Preliminary Ecological Appraisal (Middlemarch, May 2025,) Statutory Biodiversity Metric (Middlemarch, Aug 2025) and accompanying Biodiversity Statement & Metric Assessment (Middlemarch, Aug 2025).

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SD9 of the South Downs Local Plan (2014-33) and the SDNPA Biodiversity Technical Advice Note.

29. Prior to development above slab level, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall accord with the Biodiversity Gain Plan and include:

- i) A non-technical summary;
- ii) The roles and responsibilities of the people or organisations delivering the HMMP;

- iii) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- iv) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the first use of the development;
- v) The monitoring methodology and frequency in respect of the created or enhanced habitat;
- vi) Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

The created and/or enhanced habitat specified in the approved HMMP shall thereafter be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SD9 of the South Downs Local Plan (2014-33) and the SDNPA Biodiversity Technical Advice Note.

30. Prior to the first use of the development hereby permitted, a completion report, evidencing the completed habitat enhancements set out in the approved Habitat Management and Monitoring Plan, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SD9 of the South Downs Local Plan (2014-33) and the SDNPA Biodiversity Technical Advice Note.

Informatives

1. The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information, please visit [Managing and working with asbestos - HSE](#).
2. All waste material arising from any site clearance, demolition, preparation and construction activities should be stored, removed from the site and disposed of in an appropriate manner.
3. The developer will need to make a formal application to Southern Water for a connection to the public sewer. To make an application visit Southern Water's Get Connected service: [Southern Water Developer Services](#). Any public diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act. The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.
4. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.
5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
6. Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition") that development may not begin unless:

- i) A Biodiversity Gain Plan has been submitted to the planning authority, and
- ii) The planning authority has approved the plan.
- iii) The planning authority is the South Downs National Park Authority.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found in the legislation.

7. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify the following matters:

- i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
- ii) The pre-development biodiversity value of the onsite habitat,
- iii) The post-development biodiversity value of the onsite habitat,
- iv) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- v) Any biodiversity credits purchased for the development.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

8. Under Section 93G of the Town and Country Planning Act 1990 (as amended), this decision notice informs you that a 'commencement notice' must be served on the Local Planning Authority - subsections (2) and (3) are set out below:

- (2) Before the development is begun, the person proposing to carry it out must give a notice (a "commencement notice") to the local planning authority specifying the date on which the person expects the development to be begun.
- (3) Once a person has given a commencement notice, the person—
  - may give a further commencement notice substituting a new date for the date previously given, and
  - must do so if the development is not commenced on the date previously given.

The notice should be provided to the Local Planning Authority a minimum of seven (7) days before the development commences.

Failure to provide the commencement notice could lead to the Local Planning Authority serving notice on them to require information to be provided, and if that is not provided within 21 days, they will be guilty of an offence, as below:

- (5) Where it appears to the local planning authority that a person has failed to comply with the requirements of subsection (2) or (3)(b), they may serve a notice on any relevant person requiring the relevant person to give the authority such of the information prescribed under subsection (4)(a) as the notice may specify.
- (7) A person on whom a notice under subsection (5) is served is guilty of an offence if they fail to give the information required by the notice within the period of 21 days beginning with the day on which it was served.
- (9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices: 1 – Information concerning consideration of applications before committee  
2 – Pre-application Advice  
SDNPA Consultees: Director of Planning, Legal Services  
Background Documents: [All planning application plans, supporting documents, consultations and third party responses](#)  
[National Planning Policy Framework \(2023\)](#)  
[South Downs Local Plan \(2014-33\)](#)  
[Lewes Neighbourhood Plan \(2015-33\)](#)  
[Lewes District Economic Needs Assessment \(2023\)](#)  
[SDNPA Employment Land Review Provisional Findings \(2024\)](#)  
[South Downs National Park Partnership Management Plan \(2020-25\)](#)  
[SDNPA Brooks Road Planning Brief \(Feb 2023\)](#)  
[SDNPA Biodiversity Net Gain TAN \(Jan 2022\)](#)  
[SDNPA Dark Skies TAN \(May 2021\)](#)  
[SDNPA Design Guide SPD \(July 2022\)](#)  
[SDNPA Ecosystem Services TAN](#)  
[SDNPA Parking Supplementary Planning Document \(Apr 2021\)](#)  
[SDNPA Sustainable Construction Supplementary Planning Document \(Aug 2020\)](#)