

Agenda Item 7
Report PC25/26-29

Report to	Planning Committee
Date	11 December 2025
By	Director of Planning
Application Number	SDNP/25/01871/FUL
Applicant	Lidl Great Britain Ltd
Application	Demolition of existing buildings and redevelopment to provide Class E foodstore with ancillary parking, access and landscaping.
Address	Land East of Brooks Road, Lewes, East Sussex

Recommendation: That the application be refused for the reasons set out in paragraph 9.1 of this report.

Executive Summary

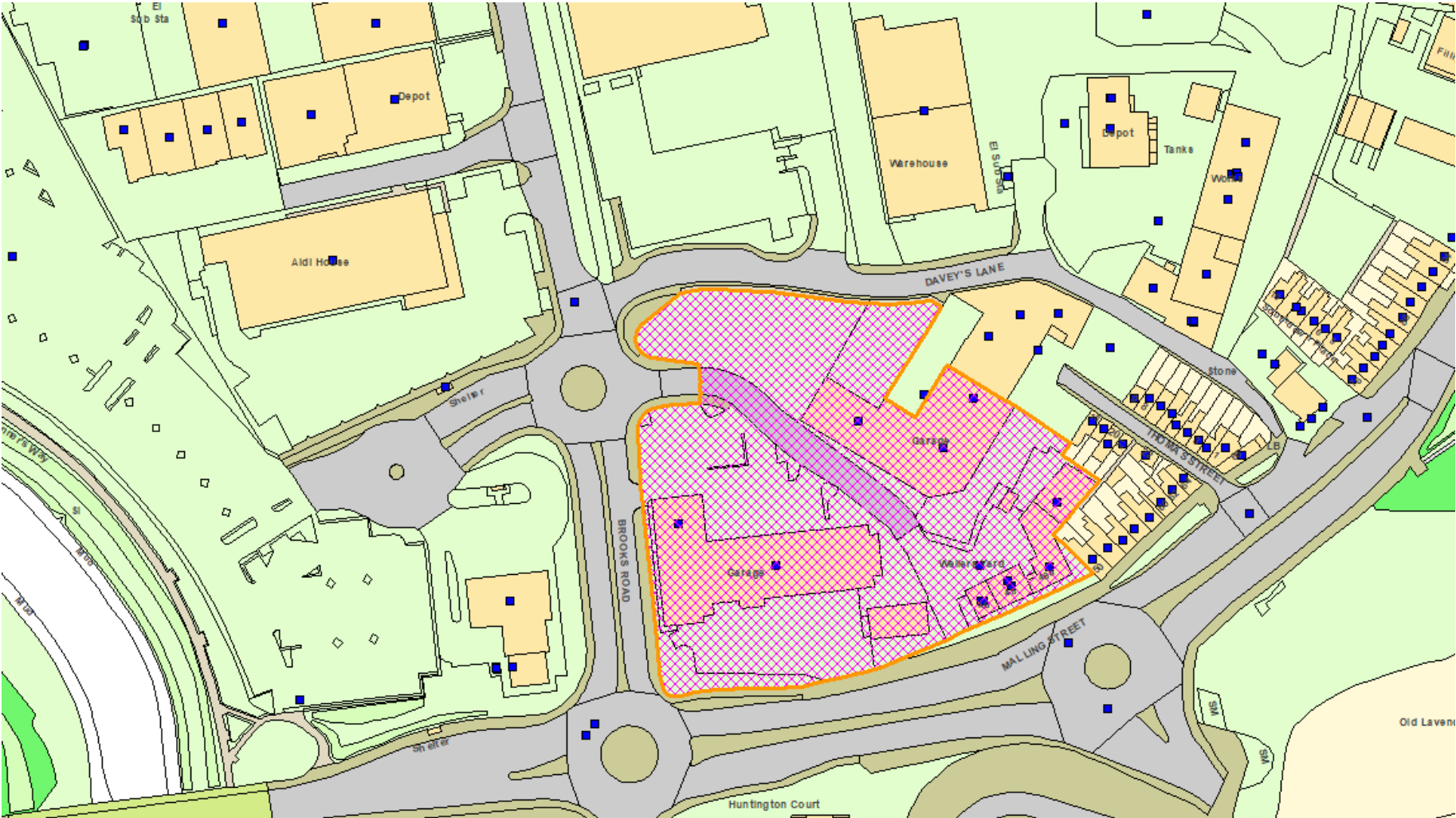
The application is for a new 2,185sqm Lidl supermarket store in a prominent corner location of Brooks Road. It involves the demolition of employment floor space, some of which falls within the Central Lewes principal employment site and is not supported by the necessary marketing information. The proposal therefore fails to comply with policies SD35 and HC4. There are nonetheless a number of material considerations that weigh positively and providing a suitable Framework Relocation Strategy for the businesses occupying the site, and a contribution of £50K towards town centre enhancements can be secured, the principle of a retail use of the site is, on balance, acceptable. The application is also acceptable in terms of access and parking, sustainable construction, ecology, drainage and air quality, subject to planning conditions and a Section 106 legal agreement to secure contributions towards bus services, Air Quality Management Plan initiatives, travel plan monitoring, and real time public transport displays.

However, the generic, functional form, scale and layout of development would fail to conserve and enhance a key gateway location and arrival sequence to the historic town of Lewes. The large tarmac parking area and introduction of prominent blank primary elevations and intrusive, utilitarian boundary treatments and enclosures would result in harm to the setting of the Lewes Conservation Area, the Grade II listed Old Brewery, and adjoining non-designated heritage assets, and would fail to make a positive contribution to the overall character and appearance of this part of the National Park. Although the harm to heritage assets would be less than substantial, it is not outweighed by any public benefits. Furthermore, insufficient information has been provided to properly assess noise impacts upon surrounding residential uses and amenities or demonstrate that these could be adequately mitigated. The proposal is therefore contrary to the development plan. The absence of a S.106 legal agreement to secure necessary obligations forms a third, technical reason for refusal.

There would be economic benefits from a new retail development, and there is considerable third-party support (as well as a significant number of objections) for a new Lidl store to be located in Lewes. However, these material considerations are not overriding.

This application is being placed before Members due to the level of local interest, both in support and objection.

Ste Location Map



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1. Site Description

- 1.1. The application relates to a prominently located 0.9ha site within the settlement boundary at the entrance to the Brooks Road mixed employment area, which is the second largest employment site in the National Park and largest in Lewes.
- 1.2. The site falls within the South Downs National Park Authority (SDNPA) Brooks Road Planning Brief's Area of Interest, in an area characterised by mixed employment and residential uses that also contains the area's historic core. It occupies a prominent corner location and is identified in the Brief as a 'gateway/opportunity site.' It is also located on one of three 'key arrival sequences' into Lewes, as identified by the Lewes Neighbourhood Plan.
- 1.3. The site is some 50m north of the defined Town Centre. It is adjacent to the historic core of Brooks Road and shares a contiguous boundary with the Old Brewery (Grade II listed as 'Registered Offices of EO Culverwell') to the north-east, forming part of its immediate setting. The site also falls within the setting of the Lewes Conservation Area located c.25m to the south of Malling Street. Located within the Conservation Area c.45m south is the Grade I listed Jireh Chapel & Sunday School and Grade II listed Huntington Tomb. However, these heritage assets are set back from Malling Street with intervening development, and the site has limited influence on their setting.
- 1.4. 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) but the area has also seen an increase in residential uses in recent years. There are a number of residential uses close by, including the adjacent Old Brewery building, which has been converted to flats, and Victorian terrace houses to the east along Malling Street and Thomas Street behind.
- 1.5. The site is currently occupied by a number of buildings in employment uses including a former car service and repair workshop (c.900sqm), a former car dealership and plant/circulation room (c.1,320sqm,) an office building comprising four conjoined units (c.420sqm), and associated parking areas. The garage and car dealership/clinic buildings are arranged either side of an internal access road that terminates within the site. The office building comprises 2No two-storey units fronting onto Malling Street (46 & 48 Malling St), and 2No single storey units (48a Malling St and the Studio, Wellers Yard) which extend behind Nos 50-56 Malling St. Of these buildings, only the garage building and associated parking in the north-eastern part of the site fall within the Central Lewes principal employment site as defined by the South Downs Local Plan.
- 1.6. The site is accessed from the Phoenix Causeway via Brooks Road, with a direct access off a mini roundabout next to Aldi. Daveys Lane, which forms the site's northern boundary, is identified in the Lewes Neighbourhood Plan as having potential to provide a Green Link to the east.
- 1.7. There are three mature sycamore trees in the south-western corner which are protected by a Tree Preservation Order. The nearest statutory designated site is Lewes Downs Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) c. 220m east. The nearest non-statutory site is the Cuilfail Down Local Wildlife Site (LWS) c. 290m south-east.
- 1.8. The site falls primarily within Flood Zone 3 with a small area in Flood Zone 2. It also falls within Water Source Protection Zone 1 and a principal aquifer catchment.

2. Relevant Planning History

- 2.1. The following is the most relevant planning history pertaining to the site, excluding the office building to the south:
 - [N/60/1572/4528](#) Proposed extension of Agricultural Engineers Workshop. Amendment A - Approved 23/12/1966 Amendment B - Approved 20/06/1967
 - [LW/79/1409](#) Planning application for erection of car showroom, stores, offices, toilets petrol pump island, kiosk, underground petrol storage tank and road works. Approved 08.01.1980
 - [LW/05/2373](#) Redevelopment of former Culverwells country store and adjoining buildings to provide 1,375sq.m (gross external) of (A1) retail floor space, parking and associated works. Approved 10.03.2006

- LW/05/1750 Application for Certificate of Lawfulness for an existing use of land for the display and sale of motor vehicles. Approved 27.10.2005
 - LW/05/1749 Application for Certificate of Lawfulness for an existing use of land for retail sales to the public. Approved 27.10.2005
 - LW/10/1535/NP Demolish existing after sales workshop and replacement with a new build extension accommodating an expansion to the existing showroom plus customer hospitality, staff office and welfare accommodation, MOT bay and an automatic car wash. Approved 09.03.2011
 - LW/11/0507/NP Amendments to planning approval LW/10/1535 for demolition of existing after sales workshop and replacement with a new build extension accommodating an expansion to the existing showroom plus customer hospitality, staff office and welfare accommodation, MOT bay and an automatic car wash. Approved 22.06.2011
 - SDNP/13/00798/LDP Application for a Certificate of Lawfulness for use for the sale or display for sale of motor vehicles with ancillary uses including servicing and parts, MOT bay, car wash, offices and staff facilities. Approved 03.05.2013
 - SDNP/14/03749/FUL & SDNP/14/03750/LIS Re-roofing of existing Parts Department building. Approved 16.09.2014
 - SDNP/14/05687/FUL Re-cladding of workshop walling to replace timber cladding with profiled metal. Approved 06.01.2015
 - SDNP/22/02704/FUL Temporary change of use from car showroom (sui generis) to medical centre (Class E(e)) for a period of up to 3 years. Approved 13.10.2022
 - SDNP/17/03431/PRE Erection of 48 Assisted Living (Extra Care) apartments for older persons (C2 use) and 30 Retirement Living apartments for older persons (C3 use) with associated communal facilities, parking and landscaping. Advice provided 08.12.2017
 - SDNP/19/03583/PRE Erection of free-standing McDonald's restaurant with drive thru lane, car parking and associated works. Advice provided 21.08.2019
 - SDNP/23/00604/PRE Mixed use development of 20 commercial and 83 residential units. Advice provided 14.08.2023
 - SDNP/25/00930/SCREEN Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for the Proposed Development of Class E(a) Foodstore. EIA not required 24.03.2025
 - SDNP/25/00767/PRECON Development of Class E(a) retail foodstore. Advice provided 02.05.2025 (appended at **Appendix 2**)
- 2.2. The following history pertains to various units within the office building to the south:
- SDNP/14/05931/FUL Change of use from existing B1 business use to D1 osteopathy/complementary health centre. Approved 08.01.2015
 - SDNP/23/05155/FUL Change of use from business Class E (c)(iii) to single dwelling Class C3. Refused 23.01.2024
- 2.3. A new Tree Preservation Order (TPO) reference SDNP/TPO/00011 is in the process of being made on a cherry tree on the southern boundary next to 50 Malling Street.
- 2.4. A concurrent Definitive Map Modification Order (DMMO) application under S.53(2) of the Wildlife and Countryside Act (1981) has been made by a third party to East Sussex County Council for a new section of public footpath and byway crossing the site:
- RWO 330 Adding a Public Footpath and Public Byway from Malling Street to Brooks Road. Application under investigation.

3. Proposal

- 3.1. The application seeks to demolish all the existing buildings and erect a new Lidl store of some 2,185 square metres (sqm) gross external area, with approximately 1,516sqm of sales floorspace. The building would take up much of the southern part of the site, with a large parking area provided to the north and west. A loading bay would be located to the east of the building, and a plant enclosure is indicated on the southern boundary between the main building and the adjacent dwelling (No 50 Malling Street.)
- 3.2. In terms of employment, the submission states that staffing levels are yet to be finalised but up to 40 new jobs would be created. This would be a combination of part- and full-time positions, with between 3 to 10 staff expected to be on-site at any one time. Typical opening hours are stated as 7am-10pm Monday-Saturday and Bank Holidays and either 10am-4pm or 11am to 5pm on Sundays. There would typically be up to three heavy goods vehicle (HGV) deliveries a day for food goods, and twice weekly deliveries of limited offer non-food items. Waste would be returned to the distribution centre for processing by return HGV.
- 3.3. In response to concerns raised regarding the design and appearance of the building, the elevational materials have been evolved during the course of the application. The northern and eastern elevations would be largely grey brick interspersed with narrow columns of red brick, with vertical timber cladding to the upper section. The southern elevation would include four panels of knapped flint block framed with red brick and interspersed with part vertical timber and part grey brick sections. The western elevation would feature a fully glazed wall that wraps partially around the southern and northern elevations, with the store entrance located on the north-western corner. Approximately 28% of the roof area will be a brown roof, with the rest being covered with solar panels.
- 3.4. A 3m close boarded timber fence would be provided around the plant structure with climbing plants to its external face and attached to the brick boundary wall between the site and properties on Malling Street and Thomas Street (to the rear of 50-56 Malling St the boundary is formed by the rear wall of buildings being demolished). A 3m concrete acoustic fence would also be provided along the delivery ramp with close boarded timber fencing attached to its eastern face.
- 3.5. A beech hedge would be provided along the northern site boundary with Daveys Lane and around part of the curtilage listed walled garden associated with the Old Brewery building, and an area of scrub planting to the east of the delivery ramp. 4No trees and a hedgerow will be removed to accommodate the development, with 14No new trees proposed along the southern, western and northern road boundaries and 4No within the car park. The remainder of the soft planting comprises a range of ornamental planting around the site edges.
- 3.6. The existing access off the Brooks Road mini roundabout will be widened (by some 3.5m) to 10.5m. A large tarmac area would provide parking for 108 cars, including 6No disabled spaces, 9No parent and child and 2No electric vehicle (EV) spaces. There would also be customer parking for 12 cycles, with staff cycle storage being informally available within the store warehouse area if required.

4. Consultations

- 4.1. **Archaeology:** No objection subject to conditions.
- 4.2. **Dark Skies:** No objection.
- 4.3. **Conservation Officer:** Objection. Comments:
 - Fails to meet requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas Act) 1990 for special regard to be given to preserving or enhancing the setting of listed buildings and conservation areas;
 - Will result in less than substantial harm on the higher end of the scale and is not outweighed by any heritage public benefit or viability grounds;
 - Historic Environment Assessment downplays the significance of the listed brewery and fails to identify non-designated assets that form the immediate setting;

- Fails to have any regard to the Lewes Conservation Area Appraisal and Management Plan;
- Site's sensitive context appears to have been overlooked entirely;
- Scale, massing, design and material choice of the proposals introduce an incongruous building within setting of Conservation Area and a prominent gateway location to Lewes;
- 75m length primary elevation onto Malling Street remains solid brickwork of unimaginative detailing; should feature stronger green southern boundary to better reflect the setting of Cliffe Conservation Area;
- Intrusive, utilitarian and over-engineered boundary treatments required to mitigate visual and noise impacts will harm setting (and potentially fabric) of adjoining designated and non-designated assets;
- Plant enclosure incongruous and utilitarian feature on main frontage abuts rear of adjoining non-designated asset and results in high level of harm to its character and setting.

4.4. **Design Officer:** Objection. Comments:

- Standard store layout with no meaningful adaptation to reflect site's sensitive setting within the National Park or its gateway role;
- Fails to demonstrate contextual design approach, inadequate landscape and visual assessment given site's prominence and heritage setting;
- Minor revisions to materials are superficial and do not address core design concerns regarding layout, massing and architectural quality;
- Primary southern frontage is largely blank; offers poor-quality street scene;
- Landscaping is generic and insensitive to site context;
- Retention of external plant erodes quality of site edge;
- Layout is parking dominated; insufficient EV charging and no EV to accessible bays.

4.5. **Ecology:** No objection, subject to conditions.

4.6. **Environment Agency:** No objection, subject to conditions.

4.7. **Environmental Health (Air Quality):** Conditions required to secure:

- Public transport subsidy for staff for at least the life of the travel plan;
- Designated parking spaces for staff car club/car sharing vehicles;
- Suitable dedicated staff cycle parking;
- Onsite cycle path to allow safe cycle access to cycle parking areas;
- A suitable number of EV chargepoints (passive and active;)
- Provision of evergreen infrastructure to reduce particulates and other pollutants, or tree planting with a high urban tree air quality score;
- Compliance of all commercial vehicles with the latest European Emission Standards, or be zero or ultra-low emission;
- Contribution of £15K towards unfunded measures identified in the emerging LDC AQAP.

4.8. **Environmental Health (Contamination):** No objection, subject to conditions.

4.9. **Environmental Health (Noise):** Objection. Comments:

- Insufficient assessment of noise impacts from plant and HGV deliveries on nearby residential uses.

4.10. **East Sussex County Council Highway Authority:** No objection, subject to conditions.

4.11. **East Sussex County Council Public Rights of Way:** Comments:

- A Definitive Map Modification Order (DMMO) application has been lodged with East Sussex County Council (ESCC) and is awaiting investigation;
- The implications of a DMMO must be considered when determining the application;
- The ability to develop the site could be significantly delayed if an order is made and appealed;
- No development should occur prior to the determination of the DMMO application that would render the claimed route incapable of being reinstated.

4.12. **Lead Local Flood Authority:** No objection, subject to conditions.

4.13. **Lewes Regeneration Team:** Comments:

- As a minimum LDC would expect a Framework Relocation Strategy, 12 month extended lease package for displaced businesses and a contribution towards economic development/town centre initiatives of between £50-£100K;
- Application states the businesses affected currently only employ 18 WTE but loss is likely to be greater;
- Engagement is encouraged with employment and training initiatives with local employment support partners and education and training establishments.

4.14. **Lewes Town Council:** Objection. Comments:

- Contrary to Lewes Neighbourhood Development Plan and the Brooks Road Planning Brief;
- Large, bland and unsuitable as a gateway building to the Town;
- Unappealing design will negatively impact key views and appearance of Town/Conservation Area;
- No full height planting
- Fails to reuse existing buildings and hardstanding;
- Part of the site in an area where B Class employment uses are protected by SD35;
- Does not meet Town's need for manufacturing, production and start-up employment floor space;
- Lewes already well-served by three supermarkets including a discount supermarket;
- Statement that previous landowners marketed the wider site for some years with no credible interest is incorrect; the local Beak Brewery agreed to purchase the Martin Kemp warehouse but Lidl overtook this process and bought it;
- No retail impact assessment; concerns regarding loss of jobs, impact on other businesses and traders, and impact on the vitality of the existing town centre/consumer choices;
- Planning and retail statement is not impartial and does not properly consider the need for another supermarket at this location;
- Loading and unloading bays are close to residential areas; independent noise assessment is needed to properly assess impacts;
- Will attract more traffic in an already congested area especially mini-roundabout on Brooks Road which does not have capacity to support three supermarkets and a petrol station;
- No mitigation for increased traffic such as shuttle buses/bus improvements, speed cameras to improve pedestrian safety, cycle delivery services, bike and cargo bike bays, desire line into Cliffe High St, or pedestrianised crossing over Brooks Road;
- The public have established decades old legal right of access between Malling St and Brooks Rd which will be closed off and built over;
- Any car parking would need to match restrictions placed on Tesco, i.e. 3 hours of free parking;

- Hard standing materials are unspecified, these should be porous;
- Public consultation exercise confusing for residents; details of all the responses should be provided to the SDNPA.

4.15. **National Highways:** No objection. Comments:

- Measures to secure modal shift away from car travel and measures to reduce carbon emissions should be weighed in light of transition to net zero carbon by 2050.

4.16. **Southern Water:** No objection, subject to condition.

4.17. **Tree Officer:** No objection, subject to conditions.

5. Representations

5.1. 132 letters of objection including from Cycle Lewes, the Friends of Lewes, the Lewes Conservation Area Advisory Group, the Lewes Chamber of Commerce, the Lewes Friday Food Market, and local Lewes District and Town councillors (Cllrs Nicola Blackwell, Matthew Bird, Dirk Campbell, Wendy Maples, Dinah Morgan and Nick Tigg), and six neutral representations, were received, raising the following concerns:

Principle

- Will result in loss of protected employment land, contrary to the National Planning Policy Framework (NPPF), Local Plan Review and Planning Brief; no need for a fourth large supermarket outside the town centre and Aldi already meets discount supermarket needs;
- Local employment demand exists for Wellers Yard, and wider site from interested businesses and organisations; Beak Brewery wishes to expand onto this site;
- Garage building has been in independent employment use and 18 month marketing should therefore apply;
- Will not provide local skilled employment opportunities, light industry, start-up or creative workspace;
- Already two Lidl supermarkets within 15minute drive; should be located at the western end of town;
- Retail Impact Assessment does not consider need for another supermarket or impact on town-centre businesses;
- Will negatively impact High Street traders who already experience difficult trading conditions and cannot provide parking;
- Will cause decline in recent growth of mixed commercial uses and vibrant local community;
- Site should be utilised for affordable housing, leisure, commercial or amenity use;
- Will strain local infrastructure with minimal economic or social benefits;
- Will result in net loss of jobs; will only pay minimum wage;
- Opposes health ethos of Lewes which supports local businesses selling local goods; will lower tone of beautiful, middle-class town;
- Concerns around food security given location within flood plain;
- Insufficient public consultation; single event where important details omitted, obfuscated and described incorrectly; lack of interest in local community's contributions;

Design and Heritage Impacts

- Design not landscape led; inappropriate development of key arrival/gateway site of a historic town in a National Park that relies on tourism for survival;
- Will negatively impact Mallings Street Conservation Area and Grade II listed Old Brewery;

- High boundary wall with Old Brewery garden is curtilage listed and should be retained;
- Generic, characterless, dull structure makes no contribution to townscape, historic character or community;
- Standard prefabricated building with poor-quality aesthetics and landscaping;
- Use of natural timber and timber louvres in contemporary style should be encouraged as per new value supermarkets in Europe;
- Release of embodied carbon from demolition of recently constructed buildings;
- Ignores nature recovery and climate change; no swift bricks; wave form green roof would acknowledge the Downs;
- Car park-dominated frontage degrades character and public realm;
- South elevation has no interaction with the street, unlike existing buildings; presents long blank façade to Phoenix Causeway;
- Standard Lidl planting reduces habitat and fails to screen building or contribute to tree canopy cover;
- Building plant is prominently located on Malling Street;

Amenity Impacts

- Will increase noise, nuisance, disturbance, light and air pollution and rubbish and worsen public health outcomes of nearby residents;
- Residents of Malling Street will be affected by noise from the loading bay;
- Noise assessment does not consider residential properties in the Old Brewery;
- Acoustic wall should be extended along whole length of service area;
- Acoustic wall around plant indicates it should not be located near housing;
- Plant structure will affect ability of adjoining owner to access and maintain it;
- Loss of security and privacy to No 50 Malling Street from removal of buildings which make up back wall of garden;
- Will impact views from house and garden of No 50 Malling Street;
- Junction of Malling Street and Brooks Road already one of most polluted in Lewes;
- Noise, pollution, vibration and traffic from demolition and construction;

Access and Traffic

- Standard, car-oriented retail format, contrary to SD19 and Lewes NDP as relies on car use and discourages walking and cycling;
- Road infrastructure insufficient to support volume of traffic;
- Increase in traffic on Phoenix Causeway due to forthcoming residential developments;
- Projected 6% increase in flow will result in cars queuing onto highway;
- Malling Street already has 20,000 vehicles every day and speed limit is unenforced;
- Additional traffic will impede access onto A26 from BP garage, The Nurseries, The Spinneys and Orchard Road;
- Will increase volume of HGVs and cause congestion and pollution;
- Area poorly designed for pedestrians and cyclists, already unsafe due to traffic and lack of crossings;
- Edge of town location will encourage car use; should be improving pedestrian links;

- Unacceptable blocking up/loss of pedestrian link from Malling Street to the Brooks Road roundabout [Officer note: Definitive Map Modification Order has been submitted by third party to ESCC];
- Should allow parking for three hours as per Tesco;
- Only 2 EV chargers proposed; inadequate cycle parking;
- Should make contributions towards in-town bus loop, public transport enhancements and active travel;
- Should incorporate widening of Daveys Lane and on-street parking for nearby residents;

Drainage and Flood Risk

- Large areas of hard surfaces will not mitigate regular surface water flooding after intensive rain at the east end of the site;
- Will increase risk of surface water and riverine flooding in high flood risk area;
- Will impact on the Ouse due to litter, discarded trollies and run off from the carpark;
- Will increase damp in No 50 Malling Street.

5.2. Two letters of objection have also been received from Waitrose and Tesco, raising the following:

- Will compete with all other existing foodstore operators not just Aldi, and proportion of trade draw from Tesco and Waitrose is understated;
- Prediction that 75% of the turnover will be diverted from Aldi is not robust; likely that 20% of the turnover will be diverted from Waitrose;
- Retail impacts will draw significant spend, footfall and 'linked trips' from Lewes town centre, undermining its vitality and viability;
- Household survey information withheld and assessment of linked shopping trips not provided;
- Convenience goods turnover has been underestimated within the financial impact assessment;
- Site more than 300m from primary shopping area of Lewes town centre and therefore 'out of centre' in retail planning terms;
- Town centre health check fails to analyse high level of retail vacancy;
- Policy SD57 allocates retail space within an edge of centre site consistent with the NPPF;
- Significant weight should be afforded to Waitrose's contribution as an 'anchor' store to supporting the vitality and viability of the town centre;
- No assessment of planned public and private investment as required by NPPF for out of centre sites;
- Proposals respond poorly to site contrary to SD4 and SD5 and no meaningful benefits.

5.3. 220 letters of support have been received, including from the Brighton & Hove Bus & Coach Company, raising the following:

Principle

- Site already within an industrial landscape and benefits of consumer choice and employment opportunities outweigh aesthetic objections;
- Will provide more local jobs and keep prices competitive for local residents; cheaper food welcomed and necessary with high inflation and stagnant wages;
- Will bring community together;
- Additional supermarket will benefit residential developments coming forward;
- Improved consumer choice and market competition, good bakery;

- Site already has a car park and industrial buildings;
- Applicant must prioritise pedestrian safety, ensure site is well landscaped and maintained and collect shopping trolleys;

Access and Traffic

- Already served by 28, 29 & 29A buses;
- Pedestrian routes between the store and nearby bus stops should be direct, well-lit, and accessible for all bus users;
- New pedestrian crossings required at key desire lines between store entrance and the nearest bus stops on both sides of the road;
- Bus shelters should be maintained to a good standard in partnership with the local authority;
- Real-Time Passenger Information should be installed at nearby stops and within the store;
- Store should promote local journey planning tools and travel support plan for staff using public transport (subsidised passes, travel planning assistance and shift patterns that align with bus timetables;)
- Will alleviate congestion on mini-roundabout;
- Good cycle access and alleviation of vehicle congestion will be required.

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
- NPPF16 - Conserving and enhancing the historic 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
- SD12: Historic Environment
- SD13: Listed Buildings
- SD15: Conservation Areas
- SD19: Transport and Accessibility
- SD35: Employment Land
- SD54: Pollution and Air Quality

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

- HC3A Heritage Protection of Landscape and Townscape
- 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, 9, 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 falls within the Town and Country Planning (Development Management Procedure) (England) Order 2010 definition of major development, being a for building with a floor space in excess of 1,000sqm.
- 7.2. Paragraph 190 of the NPPF states that, when considering applications for development within National Parks, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. 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. SD3 sets out that, in determining what constitutes major development, the Authority will consider whether the development, by reason of its scale, character or nature, has the potential to have a significant adverse impact on the natural beauty, wildlife or cultural heritage of, or recreational opportunities provided by, the National Park. The potential for significant adverse impact on the National Park will include the consideration of both the impact of cumulative development and the individual characteristics of each proposal and its context.
- 7.3. In this case, the proposal involves the re-development of a brownfield site within the settlement boundary of Lewes. The Authority has adopted the screening opinion that the proposed development does not require an Environment Impact Assessment (EIA) as it is unlikely to have significant effects on the environment within the meaning of the EIA Regulations 2017. Any potential impacts on the designated landscape as a result of development are not considered to be significantly harmful either individually or cumulatively for the purposes of paragraph 190 and policy SD3. The proposal is therefore not considered to be major development for the purposes of paragraph 190 and policy SD3.

Principle of Development

- 7.4. 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.
- 7.5. Concerns have been raised by third parties, including a number of District and Town Councillors and the Lewes Town Council, with regard to a lack of need for another supermarket; loss of land that could be used for preferred B class employment uses; and impacts on local and town centre businesses.

Policy Context

- 7.6. 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.
- 7.7. 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-E(g)/B Class uses unless supported by a robust marketing campaign of at least 18 months (or at least 12 months for all other employment sites/land.) The supporting text sets out that development proposals for alternative commercial uses on B Class employment sites will be resisted. The Local Plan Review Pre-submission 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.
- 7.8. The SDNPA Brooks Road Planning Brief (the Planning Brief) is 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)

- 7.9. In this case, only the former garage building and part of the car park in the north-eastern part of the site fall within a principal employment site, with the remainder of the site falling outside any defined principal or local employment site.
- 7.10. The planning history indicates that most of the site has been in various employment uses over many decades, including an agricultural workshop in the 1960s, followed by mixed garage workshop and retail/car sales/showroom uses since the 1980s. The planning unit as established by SDNP/13/00798/LDP granted a mixed sui generis use of the site for the display for sale of motor vehicles with ancillary uses including servicing and parts, MOT bay, car wash, offices and staff facilities. However, third party evidence suggests that since the 2013 decision there has been a separation of uses, with the garage building (now empty) having been in a separate use by an independent garage business carrying out repairs, MOTs and servicing. It falls outside the remit of this application to establish the lawful use of the garage building; however, it appears likely that the garage building could be deemed to carry a B2 use. Equally, a large part of the former car showroom building (known as Caffyns) could also be deemed to be in an existing E(a) retail use.
- 7.11. Other uses on the site include the temporary use of part of the car showroom building as a clinic (Class E(e)) which expired in October 2025. The office building to the south falls within a mixed E class use (E(g)(i) office and E(e) clinic.)

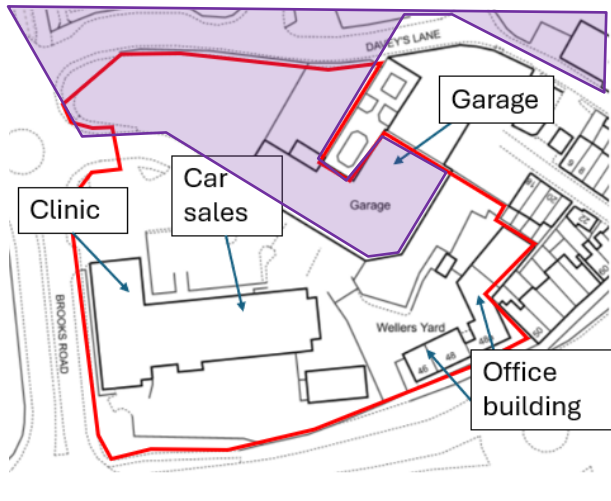
	Building	Existing Use	Protection
Garage	Garage	Sui Generis/B2	Principal employment site
Car sales	Car Showroom	Sui Generis/E(a) retail	Employment site
Clinic	Clinic	Temporary E(e) clinic use	Employment site
Office building	Office building	Mixed office (E(g)(i)) and clinic space (E(e))	Employment site

Table 1: Summary of Existing Uses

- 7.12. 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.
- 7.13. The amended Use Classes Order now permits ‘all or any’ E class uses in buildings in existing unrestricted E class use, meaning that buildings in an existing E(g)(i) office use could be lawfully used for an E(a) retail use, unless expressly prevented by a planning condition. Permission SDNP/14/05931/FUL restricts the use of The Studio to a clinic (D1/E(e)) use only, but the remainder of the building is in an unrestricted E(g)(i) office use and could be lawfully used for E(a) retail purposes without the need for planning permission. However, the building is unsuitable for retail uses and the permitted development right is therefore of limited weight.
- 7.14. Planning permission is therefore required for a change of use to retail for most if not all of the buildings on site, and subject to the requirements of SD35 and HC4, including any necessary marketing evidence.

Marketing Requirements

- 7.15. The office building (The Studio and 46-48a Malling Street) is safeguarded under SD35 3) and HC4 against non-employment uses unless evidence of a robust marketing campaign of at least 12 months clearly demonstrates that there is no market demand for the premises. Given its recent B2 use as an independent garage business and location within a principal employment area, a marketing campaign of at least 18 months should be applied to the garage building.
- 7.16. The submission provides limited marketing information in the form of an email from a local estate agent confirming they could not find an occupant for 48 and 48a Malling Street but were able to let two of the units (The Studio and No 46). A review of the planning history suggests that parts of the office building have been in recent E(g)(i) office uses, and one of the four units (The Studio) is currently occupied by a local business. Part of the car sales building is also currently occupied by a clinic business. Furthermore, third party representations indicate that there was significant interest

from at least one local business in the garage building for a B2 use in 2024. The required 12- or 18-month marketing can therefore not be provided.

Retail Impact Assessment

- 7.17. 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.
- 7.18. Policy SD38 requires a retail impact assessment for retail development outside of defined Market Town boundaries but within settlement policy boundaries, where proposals exceed 750 sqm. A retail impact assessment is therefore required due to the conflict with SD35 and HC4 and the size of the proposed store which exceeds the local threshold for retail impact assessment. The application has been submitted with such an assessment.
- 7.19. The proposal has been independently assessed for the Authority by Lichfields, taking into account the applicant's retail impact assessment and supplementary information and the planned expansion of the nearby Aldi store, as well as the objections raised by Tesco and Waitrose, carrying out a sensitivity analysis where required. Lichfields have advised that the Town Centre has a slightly higher than average vacancy rate however provides a good range of comparison goods offer including independents and a regular farmers market. There is also a significant existing retail offer (Aldi and Tesco) on the outskirts of the town centre.
- 7.20. Lichfields have advised that the estimated distribution of trade diversion is a matter of judgement, and determined by the proximity of existing and proposed stores and the propensity for these stores to compete with each other within the same catchment area. However, whilst spending at the proposed Lidl foodstore will result in a trade diversion from other existing supermarkets, including Waitrose, Tesco and Aldi, there is no suggestion that the proposal would directly result in the closure of other stores. Any trade diversion from Aldi and Tesco would also be unlikely to result in a loss of linked town centre trips given the similar proximity of the proposed Lidl site to the town centre. Furthermore, the forecast -4.62% convenience goods impact on the town centre is not considered to be significantly adverse. The overall impact on Lewes Town Centre is therefore unlikely to be significant and is unlikely to result in a significant reduction in consumer choice or existing investment within the designated town centre area.
- 7.21. Tesco have raised a concern that whilst the Local Plan Review replaces the requirement under allocation policy SD57 for the redevelopment or relocation of the existing A1 food supermarket (Waitrose) with a requirement for 3,500 sqm of Class E floorspace, this is an indication that retail development should still be provided within the allocation site. They contend that the applicant has not properly analysed the impacts of development on this key allocated site, and unacceptable impacts on planned public and/or private investment in the town centre therefore cannot be ruled out. However, the original allocation provided for what was to be the relocation and expansion of Waitrose, for which there are no longer plans. The uses being granted by the planning permission at North Street Quarter site are therefore deliberately limited to small or ancillary retail and other E class uses to avoid conflict with Waitrose and the existing town centre.

Sequential Test

- 7.22. 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.

- 7.23. 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. Case law 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.
- 7.24. In this case the site is located some 50m from the defined Town Centre of Lewes and some 185m 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.
- 7.25. Lichfields have also assessed the sequential test carried out by the applicant for the Authority. They have advised that the sites considered (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 foodstore and available within a reasonable time period. As such, the sequential test has been addressed and satisfied.

Other Material Considerations

- 7.26. The Lewes District Economic Needs Assessment (2023), which was carried out independently by Lewes District Council but includes land within the National Park, is also a material consideration. This document 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.
- 7.27. Lapsed permission SDNP/18/05206/FUL for a new/replacement Aldi store, granted in May 2020, involved the loss of four industrial units within the Central Lewes principal employment area, three of which were occupied at the time. Loss of the four units was also deemed acceptable under the recent application SDNP/25/02551/FUL on the same site, which members resolved to approve at the 13 November 2025 committee meeting. In both cases, weight was given to the provision of a 12-month Framework Relocation Strategy to assist occupants of the units in finding suitable alternative premises, and a contribution to support economic development and town centre initiatives. These permissions were determined within the same development plan policy context and are significant material considerations that must be weighed against any similar conflicts with SD35 and HC4 that arise for this application.

Principle of Development Summary and Conclusions

- 7.28. The scheme will result in the loss of B2 class floor space within a principal employment site and E(g) employment land 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 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 900sqm of protected B2 floor space, 420sqm of E(g)/E(e) office/clinic and c1,320sqm of existing retail and ancillary space to provide 2,185sqm of commercial floorspace (of which only 1,516sqm will be net retail space.) Although up to 40 new retail jobs would be created, two businesses will be displaced who employ between 18-40 staff (c.18-20 according to Lidl and c.40 according to third parties.) This does not include staff that might be employed were all the units to be occupied. As such, the economic benefits of the scheme are relatively limited.

- 7.29. However, it is acknowledged that part of the site is already in a retail use under the wider sui generis use established by SDNP/13/00798/LDP. Whilst one of the four office units is occupied on a short-term lease, three are vacant, and it is acknowledged that the office building is in need of investment to continue functioning and attract serious long-term interest. The loss of 900sqm of functioning B2 floorspace is regrettable, but the demolition of 690sqm of protected employment floor space to provide retail floor space were considered acceptable under recent applications on the nearby Aldi site, which were determined against the same development plan. The retail impact and sequential site tests have also been met.
- 7.30. The Lewes District Council Regeneration Team have advised that, to be acceptable, the application should be 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. A minimum financial contribution of £50K should also be secured to support economic development and town centre initiatives. These benefits could be secured by means of a S.106 legal agreement. The applicant has also agreed that the parking limit for customers would be 2hrs, which will support the town centre economy by allowing for associated shopping trips.
- 7.31. 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 therefore considered, on balance, to be acceptable. The overall acceptability of the scheme is therefore dependent on other matters, including the consideration of design and heritage impacts. These are considered below.

Design and Heritage Impacts

- 7.32. 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.
- 7.33. 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. Clear design guidance and expectations for development are provided in the SDNPA Design Guide SPD. Policies SS1 and SS2 identify Malling Street and the Phoenix Causeway as one of three key arrival sequences into Lewes that require enhancement to improve visitors' first impressions of the town.
- 7.34. Key design principles, challenges and opportunities for the area are also set out in the Brooks Road Planning Brief (the Planning Brief), with a focus on efficient land use, adaptable buildings, and improved connectivity and public realm. The Planning Brief identifies the listed Old Brewery building on the north-eastern boundary and other related brewery buildings as the area's historic core, and the application site as a 'gateway/opportunity site.'
- 7.35. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72 of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 7.36. Although the site is not located within the Conservation Area, paragraphs 213 and 219 of the NPPF make it clear that the consideration of harm or enhancements to the significance of a designated heritage asset should extend to development within its setting. Paragraphs 212, 215 and 216 of the NPPF require that 'great weight' be given to the objective of conserving designated heritage assets and they should be conserved in a manner appropriate to their significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.37. Policies SD12, SD13 and SD15 require development within the setting of conservation areas and listed buildings to conserve and enhance the historic environment and preserve or enhance their special architectural or historic interest. Policy HC3A also requires new development to contribute to the preservation or enhancement of the Lewes Conservation Area.
- 7.38. Conservation Area designations aim to preserve or enhance the character and appearance of an area which is of special architectural or historic interest. The Lewes Conservation Area includes a large proportion of the town with a wide range of different building types and materials. The Lewes Conservation Area Appraisal and Management Plan (CAAMP) (2023) identifies the town's varied topography and chalk hill setting as significant contributors to the town's character. The application site is located within the setting of the Cliffe Area of the Conservation Area which, aside from Cliffe High Street and some industrial uses, is mainly residential in character. Historic local materials include timber-framing and weatherboarding, sandstone, flint slate and clay and slate tiles. The loss of historic urban grain due to oversized modern developments to the north of the character area is noted as an issue. The site is also located within the setting of the Grade II listed Old Brewery, and adjacent to a terrace of Victorian dwellings which are considered to be non-designated heritage assets.
- 7.39. Third party concerns have been raised with regard to the standard, generic appearance of the building, the impacts on heritage assets and the landscape character of the area, and general failure to respond to the key gateway nature of the site. This concern has been shared by officers since pre-application stage.
- 7.40. In response, the applicant has advised that they have certain requirements in terms of the building size and footprint that are not negotiable, and a need for visibility from the main road network. They are therefore unable to amend the form or layout of the building, as this is the only location within the site that it will fit. The internal arrangement of the store also requires a solid, rather than fenestrated southern elevation due to the need to locate cold displays against this wall. The amendments made in response to these concerns have therefore been limited to minor changes to the elevational materials in an attempt to activate the southern and other frontages, and the introduction of a partial brown roof.
- 7.41. Officers are of the view that the proposal represents a standard, 'anywhere' store form and layout which, aside from the minor changes to materials, is purely functional in character. The scheme fails to demonstrate adequate assessment or analysis of the site's sensitive landscape character or nearby heritage assets, or provide any meaningful response to its gateway role, heritage setting, or the National Park designation. In effectively 'turning its back' to Malling Street, the scheme would fail to preserve or enhance the setting of the Lewes Conservation Area.
- 7.42. The scale, form and design of the building is considered to be inappropriate for a site identified by the Planning Brief as a key gateway site, prominently located on the corner of Brooks Road roundabout and part of the first sequence of development to be seen on emerging from the Cuilfail Tunnel into Lewes. The development would fail to enhance a key gateway location and arrival sequence into the historic town of Lewes or improve visitors' first impressions of the town when travelling from the north via Malling Street.
- 7.43. The proposal would introduce an incongruous building within the setting of the Conservation Area and other nearby designated and non-designated heritage assets. A standard size store footprint and plant enclosure would be 'shoe-horned' into the southern, most prominent part of the site. The box-shaped building and plant enclosure, which together form an unbroken southern elevation of some 81m in length, would take up much of the primary southern frontage to the extent that the development would abut the adjoining dwelling, No 50 Malling Street. This building is the end of a Victorian residential terrace and one of a number of non-designated heritage assets that currently make a positive contribution to the landscape and townscape character, and sense of arrival in Lewes. The southern frontage of the building would lack any active animation in the form of openings or fenestration and would create a poor-quality street scene, especially when compared with the existing buildings on site which are set back from the road frontage and have a more varied and characteristic appearance. The scheme also represents an example of an oversized modern development that would further erode the urban grain to the north of the Cliffe Conservation Area, which is a notable concern of the CAAMP.

- 7.44. The proposed boundary treatments, which include 3m high close board fencing around the plant enclosure and the side and rear of Nos 50-56 Malling Street (and partially affixed to the side elevation of No 50;) a length of retaining wall; and a concrete acoustic wall of undetermined height to the east of the loading bay, would be intrusive, utilitarian features. Although they are necessary to mitigate otherwise unacceptable visual and noise impacts arising from the development, they would be incongruous, overly engineered features that would result in harm to the setting and potentially the fabric of adjoining designated and non-designated heritage assets.
- 7.45. The remainder of the site would be dominated by an expanse of tarmac and car parking. Although the landscaping scheme now includes 4No trees within the car park area, a number of trees along the southern, western and northern boundaries, and a beech hedge, which are welcomed, it would be otherwise generic and largely ornamental in character. Although the necessary provision of a pedestrian crossing across Brooks Road goes some way to encouraging arrival by active travel means, the layout would still prioritise cars, with routes within the site for pedestrians and cyclists being less clear. There would be insufficient provision for EV charging or secure cycle storage for staff (see also Access and Parking below.) However, it is acknowledged that suitable landscaping and EV charging provision could be secured by means of suitably worded planning conditions.
- 7.46. In summary, the generic, functional form, scale and layout of development would fail to conserve and enhance a key gateway location and arrival sequence to the historic town of Lewes. The large, tarmac parking area and introduction of prominent blank primary elevations and intrusive, utilitarian boundary treatments and enclosures would result in harm to the setting of the Lewes Conservation Area, the Grade II listed Old Brewery, and adjoining non-designated heritage assets, and would fail to make a positive contribution to the overall character and appearance of this part of the National Park. In terms of the public benefit assessment required by para 215 of the NPPF, although the harm to heritage assets would be less than substantial, the harm would be at the higher end of the scale and is not outweighed by any public benefits. The proposal is therefore contrary to policies SD4, SD5, SD12, SD13 and SD15 of the South Downs Local Plan, PL2, HC3A, SS1 and SS2 of the Lewes Neighbourhood Plan, the Brooks Road Planning Brief, the SDNPA Design Guide SPD, the NPPF, the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Park's statutory first purpose and S.245 of the Levelling-up and Regeneration Act 2023.

Sustainable Construction

- 7.47. 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 6 (Major 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 to BREEAM standards.
- 7.48. The submitted Energy Strategy Report indicates that the scheme would include energy efficient LED lighting, a large photovoltaic array on the roof and an air source heat pump. 2No EV charge points are also proposed, and there would also be a c.500sqm area of brown roof on the southern part of the roof.
- 7.49. The Authority's Sustainable Construction Consultant has advised that the scheme has not yet demonstrated compliance with the SPD in a number of respects, and EV charge points (or at least provisional cabling) should be provided for at least a further 21 spaces.
- 7.50. However, the necessary details could be secured by means of a suitably worded planning conditions to ensure the proposal fully meets policy requirements. The proposal is therefore acceptable in terms of sustainable construction and capable of according with SD48, PL2 and PL4, and the SDNPA Sustainable Construction SPD.

Ecology, Trees and Biodiversity Net Gain

- 7.51. 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.

- 7.52. The site is made up predominantly of hardstanding and buildings, with small areas of modified grassland, shrubs and a short length of unmanaged native hedgerow. The most ecologically valuable feature on site is a group of three semi-mature sycamore trees in the south-west corner, which are protected by a tree preservation order. There is also a small cherry tree in the south eastern corner, which is the subject of a new tree preservation order that is being processed.
- 7.53. Following concerns initially raised by the Authority's ecologist in respect of the Biodiversity Net Gain assessment and the Design and Tree officers in respect of the lack of tree planting, the soft landscaping proposals have been amended. A total of 4No trees and a length of native hedgerow in the central part of the site would be removed. To meet the statutory requirement for Biodiversity Net Gain, a beech hedge would be provided along the northern site boundary with Daveys Lane and around part of the walled garden associated with the listed Old Brewery building, and an area of scrub planting to the east of the delivery ramp. 17No new trees are also proposed along the northern and eastern road boundaries, as well as 4No within the car park. The remainder of the soft planting around the site edges would comprise a range of ornamental planting. The BNG provision is now indicated to be +0.61 area habitat units (+81.63%) and +0.19 linear (hedgerow) units (+62.13%) through on-site habitat creation. The scheme also now includes a c.500sqm area of brown roof on the southern part of the roof, which is welcomed.
- 7.54. The Authority's ecologist has advised the proposed BNG provision is acceptable, however further opportunities should be taken to further enhance biodiversity and ecological enhancements through the provision of locally native planting and integrated bat and bird boxes within the building. An ecological design strategy to achieve an acceptable level of ecological enhancement could be secured by means of a suitably worded planning condition.
- 7.55. The Authority's tree officer is satisfied that suitable replacement tree planting has been proposed. The tree protection measures within the submitted Arboricultural Impact Assessment (AIA) for the three TPO'd sycamore trees are acceptable. The tree officer has also assessed the cherry tree at the site entrance as being worthy of a Tree Preservation Order, which is being progressed separately, and the AIA has been updated to include this tree. The proposal is therefore acceptable in terms of ecology and trees and in accordance with SD2, SD9, SD11, SD45, LE1 and LE2.

Access and Parking

- 7.56. 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. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 7.57. 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 SS2 are supported by strategies to establish cohesive pedestrian links and an enhanced pedestrian environment.
- 7.58. Policies SS1 and SS2 seek a range of Public Realm Strategies to improve social and civic spaces. These include an enhanced green link from Malling Street to Phoenix Causeway, which includes a branch along Daveys Lane, and the enhancement of the Phoenix Causeway, as one of three key arrival sequences into Lewes, to improve visitors' first impressions of the town.
- 7.59. 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. For this reason, the Planning Brief supports employment uses that do not generate many vehicle movements and focus on sustainable transport measures to reduce the use of cars as far as possible.
- 7.60. Third party concerns have been raised with regard to increase in traffic and associated congestion, and failure to prioritise pedestrians and cyclists.

- 7.61. The ESCC Highway Authority initially raised a number of concerns including insufficient parking space dimensions, lack of a Stage I Road Safety Audit for the amended access and lack of suitable pedestrian access from both Brooks Road and Malling Street. Following submission of amended plans demonstrating parking spaces that meet the required dimensions, a proposed zebra crossing on Brooks Road and a Stage I Road Safety Audit, the Highway Authority has advised these are acceptable for planning purposes, with final details of the new access and zebra crossing, including suitable pedestrian refuge, road markings and necessary traffic signs, to be agreed via a Section 278 detailed design process. A number of planning conditions have also been recommended to secure appropriate visibility splays, dropped kerbs, vehicle turning, a Service Management Plan for deliveries, and a Construction and Environmental Management Plan. A Travel Plan would also need to be secured by means of a S.106 legal agreement, to include a range of measures to promote sustainable travel options for staff and customers.
- 7.62. The Highway Authority have accepted the methodology used to calculate trip generation and parking requirements. Due to the urban location and proximity to competing stores, a significant increase in local traffic is not anticipated. The site is visible from the main road, which supports the applicant's claim that a high proportion traffic would already be passing the site. Only 7–11% of peak period trips are anticipated to be new, with the remainder being re-routed or diverted from existing journeys to other nearby supermarkets. Impacts upon the Snail Roundabout and Brooks Road mini roundabout/site access have been demonstrated as negligible. Improvements to the Snail Roundabout junction are therefore not considered to be reasonable, necessary or proportionate. Whilst the modelling indicates that there could be a higher traffic flow to the Brooks Road roundabout, this is not significant and would not result in an unacceptable impact on highway safety or severe residual cumulative impacts on the road network.
- 7.63. A total of 105 parking spaces would be provided, comprising 88 standard spaces, 6 accessible spaces, 9 parent and child spaces, and 2 electric vehicle (EV) charging spaces. The Highway Authority have advised that a minimum of 6% of the total parking provision should be allocated for Blue Badge users, which would be met. Both the SDNPA Sustainable Construction and Parking SPDs require major non-residential development to ensure at least one in every five car parking spaces be fitted with ducting infrastructure for EV charging, which could also be secured by means of a suitably worded planning condition. Similarly, details of secure cycle parking for staff could be secured by condition.
- 7.64. The Highway Authority has previously calculated bus service contributions for non-residential developments by reference to equivalent residential developments in the local area. Using this calculation, a contribution of £94,380 towards the local bus service is considered necessary to improve the accessibility of the development, is directly related to the proposal by way of providing customers and staff with additional travel options and is fair and reasonable in scale when compared with other development types. The contribution would be used to provide real-time information signs at both the eastbound and westbound Phoenix Causeway bus stops. This contribution, alongside a Travel Plan Monitoring Fee of £6K and the provision of real time transport displays in-store could be secured by means of a S.106 legal agreement.
- 7.65. Subject to the above conditions and S.106 legal agreement the proposal would be acceptable from a highways perspective and in accordance with policies SD19, SD21, SD22, AM1, AM3 and PL1B.

Noise, Air Quality and Amenity Impacts

- 7.66. 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. Paragraphs 198 and 199 of the NPPF require planning decisions to take into account the likely effects (including cumulative effects) of pollution on health and living conditions. Potential adverse impacts from noise should be mitigated and reduced to a minimum, and opportunities to improve air quality or mitigate impacts should be identified, taking into account Air Quality Management Areas (AQMA) and the cumulative impacts from individual sites in local areas.
- 7.67. Third party concerns have been raised with regard to increased air pollution from traffic, and noise impacts to occupants of 50 Malling Street and The Old Brewery.

- 7.68. The Lewes Town Centre AQMA is located some 456m to the south east. There are existing residential uses immediately east and north of the site, and there will be a level of new noise and disturbance associated with HGV movements and the proposed plant, which needs to be properly assessed and mitigated.
- 7.69. In respect of noise impacts, the application is supported by a Noise Impact Assessment in respect of noise from the plant and delivery operations and adjoining residential properties. This identifies a requirement for a 3m high acoustic barrier to be erected along the northern edge of the loading bay, restriction of deliveries to between the hours of 7am-11pm, and the reduction of plant noise by 21dB by means of an acoustic enclosure.
- 7.70. The Authority's Noise Consultant has raised concerns that the assessment does not predict noise levels from the plant for No 50 Malling Street at first floor, or for the dwellings within the Old Brewery, especially given the less sound insulated nature of the glazed structure at second floor level of the Old Brewery. Similarly, no assessment has been made of potential noise impacts to external amenity areas at either location. They also raise a concern that noise impacts from HGV manoeuvring in close proximity to the Old Brewery and night-time staff arrivals/departures have not been assessed. There is also a lack of clarity regarding HGV delivery frequency and timing, given that this has only been estimated based on a typical store.
- 7.71. The Lewes Air Quality Officer has raised concerns in respect of the traffic modelling within the submitted Transport Assessment which they consider may underestimate the volume of new traffic. The relevant guidance also supports a precautionary approach to the assessment of air quality impacts taking into account local knowledge and the consideration of cumulative impacts. Lewes District Council's draft Air Quality Action Plan (AQAP) for Lewes is at an advanced stage, having been through public consultation and is due to be adopted in the near future. Recent evidence indicates increasing air pollutants in some areas, and any major development in Lewes Town could impact air quality. It is therefore expected that active travel will be incorporated within the development and actively promoted to minimise and mitigate any impacts from vehicle emissions. They advise that the provision of only 2 No EV charge points and no formal provision for staff cycle storage and shower facilities fails to adequately promote active travel and mitigate vehicle emissions. The submitted Travel Plan does not adequately incentivise active travel by staff, and the planting should aim to reduce particulates and other pollutants. A contribution is also required towards measures identified in the emerging Lewes Air Quality Action Plan.
- 7.72. Whilst the ESCC Highway Authority have accepted the traffic modelling utilised within the Transport Assessment, it is acknowledged that the mitigation measures proposed to mitigate air quality impacts, given the proximity of the Lewes Town Centre AQMA, are currently insufficient. As set out above, there is a requirement under both the SDNPA Parking and Sustainable Construction SPDs for major non-residential development to ensure that at least one in every five car parking spaces is fitted with ducting infrastructure for EV charging.
- 7.73. EV charging and staff cycle parking and other measures to reduce air pollution could be secured by means of suitably worded planning conditions to ensure the proposal could comply with SD54. A suitable Travel Plan to promote sustainable travel options for staff and customers, and a contribution of £15K towards the emerging Lewes AQAP could be secured via S.106.
- 7.74. However, insufficient information has been provided to properly assess noise impacts upon surrounding residential uses and amenities or demonstrate that these could be adequately mitigated. The proposal is therefore contrary to policy SD5.

Drainage, Contamination and the Water Environment

- 7.75. 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. 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.
- 7.76. Policy SD55 requires proposals on sites with known or suspected contamination to submit appropriate contamination investigations and remedial measures. This is particularly important in areas of groundwater vulnerability.

- 7.77. 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.
- 7.78. The site is located within Flood Zone 3 with small parts along the southern and western boundaries falling within Flood Zone 2. The majority of the site also falls within Water Source Protection Zone 1 and a principal aquifer catchment.
- 7.79. The application is supported by a Flood Risk Assessment and Drainage Strategy and a Phase 1 Site Investigation and Risk Assessment and Phase 2 Ground Investigation to investigate contamination. As infiltration on the site is not feasible, the existing connection to the surface water sewer will be retained, with the outflow acceptably slowed to a peak greenfield run off rate. Water from the roof of the building will drain via a piped network directly into an attenuation tank, and the car park will drain via a gully system and petrol interceptor to remove contaminants.
- 7.80. Southern Water have no objection to the proposals subject to conditions to secure details of foul and surface water drainage. They note that the development will require the partial removal of a main sewer which will require separate approval from Southern Water.
- 7.81. The Local Lead Flood Authority (LLFA) initially raised a number of technical concerns with regard to the drainage design and modelling. Further information has been provided by the applicant, and the LLFA is now satisfied that the site's surface water risk will be effectively removed by the sustainable drainage system which provides sufficient storage for large return period storms.
- 7.82. The Environmental Health officer is satisfied that no contaminants were identified, and subject to other standard conditions pertaining to unidentified contamination, imported soil and asbestos and a Construction and Environmental Management Plan, the application is acceptable. However, the Environment Agency wish to see a more robust Remediation Strategy, given that the site is in a Zone 1 Source Protection Area and located on a principal aquifer. This may be secured by means of a suitable worded planning condition.
- 7.83. The application is therefore acceptable in terms of drainage and contamination and in accordance with policies SD17, SD49, SD50, SD55 and PL3.

Dark Skies

- 7.84. 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.
- 7.85. 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 as these areas have the potential to become dark zones in the future. Any 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.
- 7.86. The Authority's Dark Skies consultant has advised that the proposed luminaires and light levels will not introduce a prominent source of new light pollution. The amount of lighting is justified for safety and navigation, and the design complies with E3 zone requirements, using 3000K, zero upward lights, appropriate levels and curfews. The Authority's Ecologist has not raised any concerns in respect of the proposed lighting strategy.
- 7.87. External lighting details could be secured by means of a suitably worded planning condition to ensure the proposal complies with SD8, and the proposal is therefore acceptable in terms of dark skies.

Definitive Map Modification Order

- 7.88. A concurrent application RWO 330 has been made to the ESCC Highway Authority for a Definitive Map Modification Order (DMMO) under S.53(2) of the Wildlife and Countryside Act (1981) for a new section of public footpath and byway by a third party. The route of the footpath crosses the site diagonally from the small pedestrian cut through on the southern boundary with Malling Street (located to the west of No 46) to the existing vehicular access in the north-western corner of the site and the Brooks Road mini roundabout. Third party evidence is in the process of

being considered by the Highway Authority, and at the time of writing this report an order has not been made. The Authority has no evidence or information on the claimed route.

- 7.89. Whilst separate to this planning application, and subject to different legislation, the DMMO application is a material consideration. If the right of way is confirmed, the development would conflict with its proposed route and given the layout of the development it would not be possible or practicable to deliver a diversion or alternative route within the site. However, it is also acknowledged that an alternative, if slightly longer, pedestrian route between Malling Street and the Brooks Road roundabout already exists via the public highway. In the event that planning permission is granted, or an appeal allowed, the existence of the DMMO application would be added as an informative to the decision notice.

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 fails to comply with policies SD35 and HC4, however there are a number of material considerations that weigh positively. Providing a suitable Framework Relocation Strategy for the businesses occupying the site, and a contribution of £50K towards town centre enhancements can be secured, the principle of a retail use of the site is, on balance, acceptable. The application is also acceptable in terms of access and parking, sustainable construction, ecology, drainage and air quality, subject to planning conditions and a S.106 legal agreement to secure contributions towards bus services, Air Quality Management Plan initiatives, travel plan monitoring, and real time public transport displays.
- 8.3. However, the generic, functional form, scale and layout of development would fail to conserve and enhance a key gateway location and arrival sequence to the historic town of Lewes. The large tarmac parking area and introduction of prominent blank primary elevations and intrusive, utilitarian boundary treatments and enclosures would result in harm to the setting of nearby designated and non-designated heritage assets and would fail to make a positive contribution to the overall character and appearance of this part of the National Park. Although the harm to heritage assets would be less than substantial, it would be at the higher end of the scale and is not outweighed by any public benefits. Furthermore, insufficient information has been provided to properly assess noise impacts upon surrounding residential uses and amenities, or whether these could be adequately mitigated.
- 8.4. It is acknowledged that there would be economic benefits from a new retail development, and that there is considerable third-party support for a Lidl store to be located in Lewes. However, approximately 2,640sqm of existing employment space, including protected B2 and E(g) uses, will be demolished to provide 2,185sqm of commercial floorspace, of which only 1,516sqm will be net retail space. Although up to 40 new retail jobs would be created, between 20-40 staff will be displaced from the two existing businesses operating from the site. The economic benefits are therefore considered to be limited.
- 8.5. Given the above it is considered that the proposal is not in accordance with the Development Plan and there are no overriding material considerations to otherwise indicate that permission should be granted. It is therefore recommended that planning permission be refused.

9. Reason for Recommendation and Reasons for Refusal

- 9.1. The application is recommended for refusal for the following reasons
- I. The proposal, by reason of its generic, functional form, scale and layout, would fail to conserve and enhance a key gateway location and arrival sequence to the historic town of Lewes. The large tarmac parking area and introduction of prominent blank primary elevations and intrusive, utilitarian boundary treatments and enclosures would result in harm to the setting of the Lewes Conservation Area, the Grade II listed Old Brewery, and adjoining non-designated heritage assets, and would fail to make a positive contribution to the overall character and appearance of this part of the National Park. Although the harm to heritage assets would be

less than substantial, it is not outweighed by any public benefits. The proposal is therefore contrary to policies SD4, SD5, SD12, SD13 and SD15 of the South Downs Local Plan (2014-33), PL2, HC3A, SSI and SS2 of the Lewes Neighbourhood Plan (2015-33), the SDNPA Brooks Road Planning Brief, the SDNPA Design Guide SPD, the NPPF 2024, the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Park’s statutory first purpose and S.245 of the Levelling-up and Regeneration Act 2023.

2. Insufficient information has been provided to properly assess noise impacts upon surrounding residential uses and amenities or demonstrate that these could be adequately mitigated. The proposal is therefore contrary to policy SD5 of the South Downs Local Plan (2014-33) and the NPPF (2024).
3. In the absence of a completed legal agreement, the proposal fails to secure provision for:
 - 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 £50K towards town centre enhancements and employment initiatives;
 - A contribution of £15K towards emerging Air Quality Management Plan initiatives;
 - A contribution of £94,380 towards continued bus services in the Lewes area;
 - A Travel Plan Monitoring Fee of £6K; and
 - Real-time public transport displays to be provided in-store.

The proposal is therefore contrary to policies SD19, SD35 and SD54 of the South Downs Local Plan (2014-33), policy HC4 of the Lewes Neighbourhood Plan (2015-33) and the NPPF (2024).

TIM SLANEY

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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 ESCC DMMO Register National Planning Policy Framework (2023) South Downs Local Plan (2014-33) Lewes Neighbourhood Plan (2015-33) Lewes Air Quality Action Plan (Draft) (March 2025) South Downs National Park Partnership Management Plan (2020-25) SDNPA Brooks Road Planning Brief (Feb 2023)

[SDNPA Biodiversity TAN \(Jan 2022\)](#)

[SDNPA Dark Skies TAN \(May 2021\)](#)

[SDNPA Design Guide SPD \(July 2022\)](#)

[SDNPA Ecosystem Services TAN](#)

[SDNPA Parking SPD \(Apr 2021\)](#)

[SDNPA Sustainable Construction SPD \(Aug 2020\)](#)