

Report to	Planning Committee
Date	10 December 2015
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/15/01146/FUL
Applicant	Lewes District Council and Santon North Street Ltd
Application	<p>Hybrid planning application (a full application as to Phase 1 and an outline application as to the remainder being Phases 2 & 3) for the demolition of buildings and the redevelopment of the North Street Industrial Estate, North Street, Lewes for a mixed use development.</p> <p>Full planning application (Phase 1) for the demolition of existing buildings, provision of infrastructure, construction of access off Phoenix Causeway and associated highway improvements, flood defences, erection of new buildings of up to 4 storeys, comprising 243 residential units (Class C3) [including 51 extra care units (Class C2/C3)]; 4185m² (Class B1 and A1, A2, A3, A4 and D2 uses) [Flexible work space including creative community space, assembly and leisure uses and restaurant]; Class D1 medical and health services [Health Hub including pharmacy]; creation of areas of public realm, cycle and car parking provision, including public parking, riverside pedestrian route, footbridge over the River Ouse and associated landscaping.</p> <p>Outline application (Phases 2 & 3) for the demolition of existing buildings, construction of flood defences, provision of infrastructure, enhancements to recreational facilities at Malling Fields and Pells Park, the erection of new buildings of up to 3 storeys comprising up to 173 residential units (Class C3) with details relating to access, layout and scale for approval and details relating to appearance and landscaping reserved for subsequent approval</p>
Address	North Street Industrial Estate, Lewes

Recommendation: That authority be given to the Director of Planning in consultation with the Chair of the Planning Committee to approve the application subject to :

- a) **The completion of legal agreement to secure:**
- **A provision of 40% affordable dwellings on site**
 - **Provision of recreation facilities with a value of £1,145,000**
 - **A contribution of £803,829 towards Secondary Education**
 - **The provision of Creative Workspace and Subsidy and subsidy to the value of £640,000**
-

-
- **All other infrastructure and requirements set out in Table 6 at section 8.300 of this report.**
 - b) The conditions as set out in Paragraph 10.1 of this report and**
 - c) Amended Plans to remove minor inconsistencies**
-

Executive Summary

The proposal relates to a large brownfield riverside site adjoining the town centre but separated by Phoenix Road, which is a main road into the town. The site is occupied by a range of industrial buildings and yards, including part of the former Phoenix foundry, currently used by a range of businesses including creative industries. Up to date planning policies allocate the site for mixed development and creation of a new community; policies have reached an advanced stage in preparation and are afforded substantial weight in accordance with national policy.

The proposed redevelopment is for a mixture of 6475sqm commercial units and facilities, including a new health hub in a prominent new building on Phoenix Causeway, a nursery and pharmacy. New units totalling 4612sqm would provide for a range of uses including offices; light industry; shops; professional services; restaurants and bars; galleries; heritage space; entertainment and performance. Many of these would spaces would be able to be used flexibly, interchanging as needs arise, as currently occurs on some parts of the site. The proposal includes a subsidy for creative industries in order that they may have access to new units at reduced rents. This accords with the emerging policy for the site in the National Park's Local Plan Consultation Draft and the Parks duty to foster economic and social well-being. The new community would comprise 416 dwellings as part of the planned supply for the town, including 165 (40%) much-needed affordable homes of a range of sizes to serve a mixture of households in accordance with identified local needs.

New public spaces would be provided, including a re-planned Phoenix Causeway, with traffic-calming design, wide pavements and wide, tree-planted central reservations providing several crossing places. There would be other linked to improvements around the town gyratory system. A new public square and wharf at the centre of the site would link to a new pathway and bridge over the River Ouse. A large under-croft parking area would provide increased parking for the public, residents and staff.

The site and the neighbouring streets at The Pells would be flood defended to modern standards in accordance with national policies, by new riverside walls and banks, integrated with the design of new building which is considered to be highly beneficial. A new drainage system would use modern, sustainable features, blending with new landscaping and there would be a centralised a district heating system. The development would deliver new recreational facilities at the nearby Malling Field and Pells Recreation Grounds

Following several pre-application revisions, the current design is considered to be of good quality, based on a new street-plan with a clear hierarchy of streets, spaces and buildings linking to the surrounding area. This has considerable benefit in terms of improved accessibility and integration with the town centre, the river and areas beyond, including the wider National Park network. This is in line with the Park's purposes to promote public enjoyment of its special qualities.

The buildings are taller than the existing and will change the appearance from the riverside and the setting of listed buildings in the distance. The varied designs of the proposals would however create interest and borrow many features found in the town. The setting of the scheduled ancient monument, the Green Wall, on site would be positively changed by the proposed removal of the concreted industrial yard and C20th building and replacement with an area of landscaped space. Opinions about the merits of this are mixed but there is much to commend the visual improvement, furthermore the overall merits of the development must be balanced with heritage considerations. The undesignated former foundry buildings carries less weight in heritage terms and their loss is not considered to outweigh the considerable merits of the proposal. A cultural heritage project which would be organised by this Authority would aim to document its past and turn this into a permanent record. The proposal also allows a rare opportunity for further archaeological investigations to be undertaken.

If approved the development would be subject to a set of obligations by means of planning conditions and legal agreement. These include the provision of 40% affordable housing, road improvements at Phoenix Causeway and the traffic circulation and environmental quality around the gyratory system. These are considered to be significant benefits. There would be substantial payments towards rising education needs and subsidised creative workspace, recognising the very recent socio-economic history of the area. Future management of most of its roads, spaces, flood defences and drainage would be by a private management company rather than public funds. These obligations will ensure that the development is delivered and maintained to its highest quality.

I. Site Description

- I.1 The site is shown outlined in red in **Appendix I**. It comprises several parts. The main part is approximately 6ha comprising the Phoenix Works and Riverside Industrial Estate, which occupy a combined area of approximately 600m length at the riverside and an average depth of 150m away from the river. The site also adjoins the roads:
- Phoenix Causeway between the roundabout junction at Brooks Road, east of the River Ouse, and westward to its junction with Little East Street and Eastgate Street.
 - Eastgate Street southward to its junction with High Street.
 - Pells Walk, between Pelham Terrace and Willeys Bridge.
- I.2 Four other areas included are:
- Malling Field Recreation Ground (approximately 7.0ha) on the east side of the river, opposite the northern end of the site.
 - At Pelham Terrace a linear area of open space measuring approximately 150m frontage
 - Pells Recreation Ground, a small park of 0.5ha.
 - A narrow area of airspace above the River Ouse, between the east and west banks (the location of a proposed foot/cycle bridge).
- I.3 It is noted that the site boundary runs tight along the river edge and Phoenix Causeway, including parts of the open and accessible riverbank and the roadside trees at the Causeway. It excludes Corporation Villas on North Street (*aka* the original Edwardian Fire Station) which is in commercial and residential use. It also excludes Pells Pool, a freshwater lido.
- I.4 The site is lower than its inland surroundings. Due to Victorian excavations, it is around 3m below the level of Phoenix Causeway and Wellington Street to the south west, where there is a pronounced vertical retaining wall. Overall ground levels at Phoenix Works are approximately 4.5m Above Ordnance Datum (AOD) and 3.7m AOD toward the northern end of Riverside Estate. By comparison, normal high water level in the adjoining river is 2.95m AOD.
- I.5 Within the site are several street and two public car parks totalling 212 spaces and the current fire station. The range of industrial buildings within this main 6ha body of the site range from the early C20th to the 1970s. They total approximately 15,000sqm of various business, industrial and storage uses (B1, B2, & B8). They are in various states of repair, some are fire damaged but many appear serviceable and are in current use for a range of small businesses, keeping of buses, crafts, a few for assembly and leisure uses (class D2) and a recording studio.
- I.6 The series of workshops fronting the river at Phoenix Works are gable-ended, of various dates and have wide-span interior spaces. To the south eastern end of these is a brick built and remnant Edwardian facade, which survived a fire that destroyed a Victorian frontage block in the 1940s. Informal parking of various vehicles and a range of other structures are currently found around these buildings. Further north in the Riverside Industrial area buildings are mid C20th including the prominent fire-training tower and at its northernmost edge, the three storey Waterside office building close to Willeys Bridge and the river.
- I.7 From the pathway of the east river bank and the Tesco store, there are several views and glimpses of the older town beyond and above the site, including Lewes Castle, Bracks Mount and the early Victorian church of St John de Castro within its wooded churchyard. Outward

from the site there are views and glimpses of Malling Hill and the Downs, with the riverside and parkland in the foreground. Upstream are the naturalised edges of the Pells and undeveloped areas beyond. The approach along Brook Street from Pelham Terrace is characterised by trees and informality.

- 1.8 The site adjoins the northern edge of the town centre, separated by the tree-lined Phoenix Causeway, which is a strategic access road into the town. This links to the A26 and Cuilfail road tunnel to the east and the town centre gyratory system to the west. Road access is along North Street and to a lesser extent, Brook Street. Public transport is by a series of bus stops along Phoenix Causeway Lewes Railway Station 750m to the south.

2. Relevant Planning History

- 2.1 The site contains a mixture of uses for many, much of which pre-dates the introduction of the current UK Planning system and records in 1948. There have been several applications for minor or very contained developments within the site. The most recent being:

LW/01/0052 Corporation Wharf Erection of 27 apartments, associated external works and car parking. Refused, Appeal Dismissed.

LW/03/0702 Land at Phoenix Place and Corporation Wharf Outline application for the demolition of industrial units and construction of mixed-use development including 204 residential units, 5075sqm of commercial space with associated parking and footbridge. Refused.

3. Proposal

- 3.1 This is a hybrid planning application which comprises three Phases of development.

- i) **The first phase comprises a full application** for a mixture of commercial and public buildings, associated public realm, an under-croft car park, site access and road alterations including Phoenix Causeway, and a new pedestrian and cycle bridge. It includes 243 dwellings, of mixed sizes among which 51 would be for age-related 'extra-care'. It also includes flood defences.
- ii) **The second and third phases comprise an outline application** for 173 dwellings and associated public realm and flood defences. Details to be determined in the current application are layout, access and scale. Details of appearance and landscaping would be applied for separately later. Outline approval is also sought for recreational improvements to Malling Fields Recreation Ground and Pells Park, although this part of the application amounts to a series of broadly illustrative possibilities.

- 3.2 A grant of permission would also allow for the demolition of all buildings on the existing industrial estates and the realignment of streets within the site. The north end of North Street would then veer 25m to the south of Corporation Villas.

- 3.3 The full application for Phase I includes a mixture of commercial and public buildings comprising 4185sqm office & light industry/workshop, (B1), shops, professional services, cafes, restaurants, licensed premises (A1 – A4) and public assembly leisure (D2). Many of these would be in flexible units, capable of inter-changing between the listed uses. A detailed explanation of this is given in section 8.32 below. A 'health hub' providing medical services would be contained in one of the largest buildings at Phoenix Way frontage, with an adjoining children's nursery.

- 3.4 The residential component comprises 416 new dwellings as follows:

62no. One bedroom flats & studio homes
51no. One & Two bedroom extra care flats
91no. Two bedroom flats
24no. Two bedroom flats
87no. three bedroom houses
2no. three bedroom flats
99no. four bedroom houses

Of these, 243 are in Phase 1, 107 in Phase 2 and 66 in Phase 3. For more details please see **Table I** at para 8.18

3.5 With the exception of the specific flood defences for Phases 2 and 3, all other flood defences, including those at Pelham Terrace and at the railway land at the end of Talbot Terrace, would be constructed in Phase 1. Temporary flood defences would be put in place upon the removal of any existing defences, while new ones are under construction.

3.6 Highway improvements to Phoenix Causeway and the new river foot/cycle bridge would also be constructed during Phase 1.

4. Consultations

4.1 Lewes District Council (LDC): Support

Chair of Planning Committee makes the following comments:

- Achieves 40 percent affordable housing, flood defence, public realm improvements, public parking supporting town centre, opportunities to improve recreation assets; adaptable, flexible and subsidised employment in line with LDC regeneration strategy
- Results from firm and meaningful consultation.

Further planning policy points: Accords with emerging policies SP3 and Core Policy 1, supported by Inspector, which has substantial weight. Housing contributes to required 5-year supply. Retail provision is considered compliant with policy and care is needed to ensure that development does not become retail-led.

4.2 **Ancient Monuments Society:** No response

4.3 **British Council for Archaeology:** No response

4.4 **British Telecom:** No objection

4.5 **Design Review Panel (DRP):** The scheme has been presented to the DRP several times. The latest DRP comments were provided on 22 December 2014. The panel considered the scale and level of analysis was excellent and considered that their previous comments had been taken into account. The following key concerns were raised:

- The architecture needed to relate further to the character of Lewes
- The architecture along the Causeway needed to be reviewed and developed
- Further work required on the car park sections and light wells
- The Gateway/Health centre needed to some work to be a signature building acting as a gateway.

4.6 **Environment Agency:** Recommend conditions

Implementation of flood defences, compensatory habitat, contamination investigation/ remediation and verification and react to any unforeseen. Details of piling and drainage infiltration for approval, also of foul drainage. Supports the use of Construction Environment Management Plan (CEMP) during development.

4.7 **Early Years Development Childcare Partnership:** (see East Sussex County Council (ESCC) Education)

4.8 **East Sussex Police:** Request financial contribution

Increased population and demands on police service and infrastructure.

4.9 **ESCC Adult Social Care:** Support

Significant and growing local needs for mixed-tenure schemes, with on-site 24 hours care team. Schemes of 38+ dwellings make this sustainable.

4.10 **ESCC Archaeology Officer:** Recommends conditions

Site has considerable complex but fragmented archaeological interest. A scheme of investigation, recording and reporting is required.

4.11 **ESCC Ecology Officer:** No Objection.

Provided mitigation is adhered to. Site offers opportunity for biodiversity enhancements. Construction Environmental Management Plan to include biodiversity safeguards e.g. bat protection.

- 4.12 **ESCC Education Officer:** Request financial contribution
To meet increased local school needs for early years, primary and secondary.
- 4.13 **ESCC Highways Officer: No Objection**
Requests contributions, including bus stop improvements, and crossing improvements and travel plans in addition to improvements to the town centre gyratory, relocation of coach parking to the Malling Brooks area and cycle parking in the High Street and Waitrose area. The footbridge, riverside path and path to Pells Park area to be provided and would wish for adoption of these. Planning conditions to include specifications for pedestrian routes paths. Phoenix Causeway crossings are now on desire lines and are safer. Detailed drawings will be prepared at the highways approval stage. Recommend monitoring of the closure of west end East Street and car park and possible removal of parking bays in Little East Street. Roads should be adoptable standard. Some adjustment to parking space in proposes residential access road.
- 4.14 **ESCC Planning & Environment – Sustainable Drainage: Comments**
Request further details regarding overland flow paths and management during drainage exceedance events. Has Southern Water confirmed sewer capacity? SuDS would not be adopted by Local Authority. Intended management of SuDS elements appears to be by different entities; clarification requested. Planning conditions should request hydraulic calculations for SuDS and management plan for entire SuDS system and its lifetime
- 4.15 **ESCC Rights of Way Officer:** No objection
Rights of Way on site coincide with the public roads. ESCC consent needed for diversion.
- 4.16 **East Sussex Health Authority:** No response
- 4.17 **Friends of Lewes: Support:**
The amended plans are supported. The Society strongly supports the more pedestrian friendly highway scheme currently being developed. The plans to deliver the flood protection of the Pells area in Phase I are also welcomed. The amendments made to secure subsidised rents for creative start-up businesses is supported. The design amendments are supported, in particular the elevations facing the river and the Causeway. The Society considers the level of information and analysis undertaken in respect of urban design to be very comprehensive.
- 4.18 **Historic England: Observations**
Wider benefits of development should be weighed with likely harm to heritage: In absence of Archaeological evidence for original Town 'Green' Wall alignment, a preferred morphology would be to reflect the assumed line. Raising topography and building heights beyond green wall may reduce its embankment quality. Setting of Brack Mount unharmed but views from the river may be greatly changed.
- 4.19 **Highways England:** No Objection
- 4.20 **LDC Accessibility Officer:** Comments
Equitable access supported also pedestrian crossings at Phoenix Causeway, hopefully controlled crossings, wider pavements and reduced clutter. However, shared space with pedestrians and cycles in other part of the development causes serious concerns for mobility and sensory disabled. Further dialogue welcome
- 4.21 **LDC Environmental Health Officer:** Recommends Conditions
Supports provision of Pells flood defence in Phase I, not later. Conditions for contamination investigation and remediation needed (as Environment Agency). Best practicable means to be used in managing construction noise, dust and traffic which should form part of a Construction Environment Management Plan (CEMP) [see section 8.281] Construction hours should be limited and certain activities more-so (e.g. piling). Post construction; ensure

no u-turning is possible in Phoenix Causeway, as this has air quality implications. Conditions needed for noise insulation, delivery hours and air moving plant.

4.22 **LDC Housing Officer:** Support

Mix meets household size and age profile, including ESCC needs for the elderly. The 40 percent affordable homes are subject to tenure guideline of 75% rented subject to demand and supply.

4.23 **LDC Property Services:** No response

4.24 **LDC Recreation Officer:** Support.

Broad proposals in the recreation strategy for Pells Park and Malling Field are welcome. Details would be progressed with community involvement. An additional mini football pitch can be attained by reconfiguration and improved drainage to increase playability. Doorstep play on-site is supported subject to good management. Reservation regarding benefit of Pells Pool improvement; benefit only seasonal.

4.25 **LDC Regeneration and Investment Officer:** Support.

Consistent with LDC regeneration strategy to attract investment, promote enterprise, inspire learning, welcome visitors and strengthen partnerships. Small/Micro businesses predominate in LDC area (85% are 9 employees or less). Development provides for qualitative needs, recent growth in enquiries by businesses seeking premises. Development gives net increase in jobs, it assists in viable delivery of Malling Brooks employment site. Flood defence unlocks future investment. Welcomes subsidised floorspace proposal. LDC also operates Local Enterprise & Apprenticeship Platform (LEAP). Good quality, well-lit parking will support town centre.

4.26 **LDC Tree Officer:** Advice and conditions

Removal of the two groups of TPO trees which have collective merit reduces vegetative cover and is adverse. Visually dominant, additional planting needs to be a defining feature to reduce impact e.g. at Phoenix Causeway. Engineering constraints must be considered and may limit tree size. Planting in small gardens unlikely to benefit wider development. Need to consider space for growing and conditions such as wind and light. Some smaller trees might be selected or more space; care with management to avoid excessive pruning. Would support Friends of Lewes Arboretum project, to broaden planting palette if further expert advice also sought.

4.27 **Waste & Recycling Officer:** No response

4.28 **Lewes Conservation Area Advisory Group (CAAG):** Support.

The amended scheme is supported despite some reservations. The use of brownfield land is supported and the overall density of the scheme is considered to be largely appropriate. The proposed variety of uses across the site is supported. The group supports the proposals for the river frontage, pedestrian routes and also the large underground car park which will benefit all visitors to the town. The group is disappointed with proposals for the Causeway however and consider a shared space option would be much better.

4.29 **Lewes Tree Group:** Object

Inadequate and inaccurate tree surveys. Loss of important public trees in Phoenix Causeway, and crown damage to 12 apostle trees on south side due to new road alignment. Loss of trees in North Street, and question plan to build near and over public sewer debarred by Southern Water. Council scheme means conflict of interest for tree officer. Contaminated ground will harm new trees; tree pits inadequate and development trees are not arboretum. Avoid damage to trees at The Pells by using demountable flood wall instead.

4.30 **Lewes Town Council:** Object

LTC Committee recognised admirable positive aspects: connections to the town; new town; riverside walk, new square, bridge and flood protection. Concerns that some link to manufacturing heritage of larger employers should be retained and concerned at overall loss of jobs, as existing business are part of town's character. Lack of definition of affordable homes and how provision would be made for creative industries, this should be clear in legal

agreement. Neighbourhood plan not sufficiently mature to influence current application but hoped to be relevant at detailed (reserved matters) stage. Unconvinced regarding proposed increase in parking numbers as some are shared residential. Original phasing of flood defences needed clarity. Original designs for Phoenix Causeway were 'average'. Materials palette here and throughout needs detailed consideration – prefer to see these before Reserved Matters' stage Objection in hope that it would force improvements.

4.31 **Marine Management Organisation:** No response

4.32 **National Grid:** No response

4.33 **Natural England:** No Objection

Unlikely to impact two SSSIs within 800m (Offham/Clayton), care needed to safeguard water quality and control sediment from development. NE must first be informed of any planning approval and there must be an interval of at least 21 days before development can commence. Opportunities for bats roosts and bird nesting should be taken, riverside walkway to be impermeable so far as possible. Intertidal mud habitat should be safeguarded and any protected species generally. Consider also landscape impacts of development.

4.34 **NHS Service Trust (Sussex):** No response

4.35 **SDNP Conservation Officer:** The proposal implies greater potential for heritage harm and risk than benefit. In addition to the loss of undesignated heritage assets of local significance, the former Phoenix Foundry buildings, there are archaeological risks that remain difficult to assess or predict. Some impacts on the character and setting of the Conservation Area and neighbouring heritage assets are neutral or benign, others are amenable to mitigation. Visual impacts seen from the north river bank would be hard to mitigate - adverse impact on the public appreciation of a number of designated heritage assets within the Conservation Area.

4.36 **SDNPA Design Officer:** Support and suggestions

Overall layout and integration with surrounding streets is successful. Height and massing is proportional are appropriate to location. Sustainable principles well integrated but require condition to ensure delivery. Design Code revisions will be needed to ensure enforceability. Commercial frontages are generic, so separate design code needed to ensure vibrancy and functionality. The principles of the design at Phoenix Causeway is supported, but detailing needs to be carefully worked on and controlled and ensure that it supports pedestrians and cyclists.

4.37 **SDNPA Drainage and Sustainability Officer:** Support and comment

As ESCC Planning & Environment – Sustainable Drainage response above also: ensure that maintenance of sediment traps in gullies of car park is regular. Extreme storm events would carry this into floodwater. Sustainability assessment supported but need to verify achievement of Lifetime Homes and Buildings for Life on completion. Also concerned that up to 3m high sheet piling near footbridge part of frontage could be ugly.

4.38 **SDNPA Landscape Officer:** The public realm layout and views from the within the site are considered to be acceptable. Concerns remain with regards with the height, scale and mass of the proposed river frontage buildings. Concerns are also raised with regards to the height and stature of the proposed flood wall, although design/material refinements could be secured by condition. The highway/vehicle dominated design for the Causeway is not considered to be acceptable and a more informal urban public space solution should be sought. Further consideration should be given to replacement/new tree planting within Phase I. The revised materials scheme is considered to be broadly acceptable subject to detailed design

4.39 **SDNPA Sustainable Economy Officer:**

Jobs figures may be optimistic, maybe some displacement of cafés & restaurants jobs from the High St. Food & drink is an active sector in Lewes Mix of uses fits with Greater Brighton devolution. Jobs locating in 'satellite areas' where start-ups locate. Community Land Trust – some confusion, it requires 15 self-finish units not 'self-build'. Inclusion of the CLT in s106

agreement is welcomed.

4.40 **Southern Gas Networks:** No Objection

The low pressure gas main beneath the Phoenix Causeway footpath and internal roads, therefore hand digging only within 0.5m.

4.41 **Southern Water:** Recommends Condition

Discharge to sewer must be less than existing, otherwise there is inadequate capacity. A condition required for details of pipe-diversions and protection pre-commencement. Note the range of clearance distances from pipes and sewers (3-5m) for new buildings, trees and soakaways. Critical that arrangements are made for the lifetime maintenance of surface drainage (SuDS). Further water supply infrastructure must be requested from Southern Water.

4.42 **South East Water:** No response

4.43 **South Downs Society:** Recommend Refusal.

Welcome mixed use, housing, flood defence, revised design guide and reduced riverside lighting but loss of vibrant and significant existing businesses and insufficient B1/B2 floorspace, is contrary to National Park's economic duty. No meaningful regard to Ironworks' heritage and loss of sustainable buildings. Housing is not affordable enough and some should be relocated to have interesting outlooks, e.g. the extra care flats. SuDS may be a child hazard and source of insects and smell.

4.44 **Sport England:** Objection

No provision made on or off-site for increase need for sport. Also a planning condition would be needed to ensure a scheme for Malling Field improvement is approved and implemented.

4.45 **Theatres Trust:** Recommend conditions

To require 1) outline management, business and marketing plan, programming policy within 6 months of planning permission, 2) Internal re-design pre-demolition, 3) Technical & electrical fit-out details pre-demolition.

Notes: Performance space lacks statement of purpose, management or end user. This should be known before design finalised. Lack of detailed seating, sound insulation and technical equipment. No back of back-of-house and dressing rooms.

4.46 **Twentieth Century Society:** No response

4.47 **UK Power Networks** No response

4.48 **Victorian Society:** No response

5. Representations

5.1 Approximately 444 responses were received to the application as originally submitted and a further 216 to the amended plans (at the time of writing). Totals below show the figures separately for the original, with those to the amended plans termed 'Plus' or '+'; **all figures are approximate** and do not consider the extent to which comments received regarding amended plans were from respondents to the original plans or not. Comments were categorised as neutral where there is no clear support or objection.

Totals:

Objections: 412 plus 195

Support: 13 plus 16

Neutral: 19 plus 5

The representations raised the following issues:

Objections:

- Loss of the artistic vibrant creative cultural community and businesses (114 + 69)

- Business issues, primarily loss of work places, although some other concerns raised and in the main the issue of affordable housing (76 + 24)
- Object to current plans and support the Phoenix Rising alternative proposal (72 +48)
- Design and other concerns raised & largely the issue of energy sustainability (53 +11)
- Loss of historic heritage, primarily loss of historic buildings, although other concerns raised and in the main the issue of affordable housing (33+9)
- Flood risk for the area, , including a petition by The Pells residents with 240 signatures although other concerns raised including disruption to the locality during construction (29 petition of 240 signatories +29)
- Specific objection to lack of affordable and social housing (22 + 11)
- Traffic issues, both during and after construction, although other concerns raised and in the main the issue of design of the development (18 + 11)
- Further objections to amended plan regarding the selling of land by the District Council and support for Town Council objection (6)
 - The proposal will result in closure of business and loss of jobs to Lewes contrary to the duty of the National Park. Inadequate provision has been made for the relocation of existing businesses during the development period. Proposed rental levels are too high for many businesses including small, creative industries, independents and small workshops. A unique, vibrant and creative area of Lewes would be lost, including visitors from a wide area and abroad. Concerns regarding closure and loss of existing social and community facilities.
 - The development will result in the loss of historic buildings contrary to the first and second purpose of the National Park. The Phoenix iron and steel work building and sheds are an important part of Lewes’ industrial past and should be re-used; ‘salvaged roof trusses’ is token gesture and inappropriate. The Phoenix rising proposal is a better alternative and would provide homes and jobs for local people and retain the existing ironworks.
 - The scheme does not go far enough to provide truly affordable homes for Lewes; ‘socially rented’ housing should be provided
 - The design is poor and does not respond suitably to the distinctive character and appearance of Lewes or its riverside, including pastiche industrial design. The plan is dominated by the under-croft car park and is not suitably sustainable with too much focus on the private car. Design Review Panel concerns have not been addressed. Opportunities missed for a continuous green river walkway and the elderly (extra-care) building will have no views or outlook.
 - There are remaining concerns about risk of flooding and the proposal does not go far enough in terms of zero carbon technologies, it may also impact on protected species e.g. bats and riverside environment.
 - Concerns about traffic generation and congestion, including construction traffic for several years. Loss of the Compass bus depot and inadequate consideration of public transport, pedestrian and cycling arrangements within the site.

Support:

- Standard of design, increased housing provision, including affordable and provision of employment and flood defences. (13 +15)
 - Affordable new houses are much needed in Lewes. Provision for the elderly and first time buyers is very welcome along with the proposed health centre. The design standard and public realm is high. It will replace existing unattractive buildings and a neglected and dilapidated site, providing new jobs. New features such as the riverside walk and new river crossing are welcomed.
 - There is support for the car park and highway proposals which will benefit the wider town along with improved pedestrian access from the site to the town.

- The flood protection proposals are supported and need to be provided early in the development.

Neutral

- Includes a complaint by the Friends of Lewes that they have been selectively quoted by Santon and other persons making various suggestions (19)
 - It should be ensured that the proposed heating system is viable and can be delivered. Lewes needs a heritage centre. A public slipway should be provided onto the River Ouse. Provision of lifetime homes is welcomed. Shared space safety should be considered.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Lewes District Council Local Plan 2003. The relevant Saved Policies are set out in section 7 of this report.
- 6.2 National Planning policy is contained in the National Planning Policy Framework 2012 (NPPF), which is illuminated by a series of national planning guides. Of particular importance is the degree of protection afforded to National Parks in the NPPF and the presumption in favour of sustainable development which brings economic, social and environmental benefits.
- 6.3 Reuse of previously developed land is encouraged with mixed use development which performs many functions (NPPF p.17). This should be planned for in Local Plans and reviews of existing policies. Development which accords with this should be approved without delay NPPF, (p.117). Planning Authorities may give weight to emerging policies, particularly those at a more advanced stage of preparation and according to whether there are significant unresolved objections to those policies and furthermore that those policies are in conformity with the NPPF (p.216).
- 6.4 Emerging policies are contained in the Lewes District Local Plan Joint Core Strategy (JCS), with amendments August 2015 which is at an advanced stage of preparation following the Examination in Public (EiP) of the previous version in January. Relevant policies within it, particularly the site allocation policy SP3 for the current application site, have been supported by the Inspector and it is not anticipated that significant if any changes will arise when the EiP is reopened on 17 December 2015. Accordingly it is afforded substantial weight in accordance with NPPF paragraph 216.
- 6.5 Relevant emerging policies are also found in the South Downs National Park Local Plan Preferred Options, September 2015. This is at an earlier plan-making stages than the JCS, public consultation recently took place (closed 28 October 2015), and it is currently afforded limited weight. Policy SD34 is very similar to the JCS site allocation SP3. It is discussed in section 7.
- 6.6 Lewes Town Council is preparing a Neighbourhood Development Plan (NDP) for the town. Work began in early 2014 when plan boundary was approved by the SDNPA. Several community engagement events have followed, most recently a draft vision statement, set of objectives and an outline of planning policies was publicised for comment during mid-November. Under national requirements an NDP must conform to an up-to-date Local Plan; it may also make provision for additional but not less development than the Local Plan (NPPF, p.184). As the JCS is the most up to date, albeit emerging but weighty Local Plan, it is a relevant document against which conformity of the emerging NDP should be tested. This is also discussed in section 7.

National Park Purposes

- 6.7 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.8 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks. Paragraph 116 states that planning permission for major developments within National Parks should be refused except in exceptional circumstances. This is considered at 8.1 below.

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 6.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the general duty as respects listed buildings and Conservation Areas. Section 66 of the Act sets the general duty as respects listed buildings in exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 then extends the duty to conservation areas and requires that “special attention shall be paid to the desirability of preserving or enhancing the character of that area”.
- 6.10 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

English National Parks and the Broads. UK Government Vision and Circular, DEFRA 2010 -2015

- 6.11 The DEFRA Circular sets out the Government’s priorities for National Park’s and sets out five key outcomes for 2010-2015. These include:
- A renewed focus on achieving the Park Purposes;
 - Leading the way in adapting to, and mitigating climate change;
 - Secure a diverse and healthy natural environment, enhance cultural heritage and inspiring lifelong behaviour change towards sustainable living and enjoyment of the countryside;
 - Foster and maintain vibrant, health and productive living and working communities;
 - Working in partnership to maximise the benefits delivered and minimise costs.

The Circular states that major development is not appropriate in National Parks except in exceptional circumstances. It also emphasises that in furthering National Park Purposes, Authorities must give sufficient weight to their socio-economic duty in order to support strong and vibrant communities, as well as fostering economic activity which will strengthen the sustainability of Park communities and businesses. In this regard it should be borne in mind that through the advanced development plan process the area has already been identified for major development, which carries substantial weight.

7. Planning Policy

- 7.1 The following is an overview of the development plan and emerging policies. For ease of reference, a short policy summary is also included in each of the themed sub-sections within Section 8 of this report - Planning Assessment.

Lewes District Local Plan 2003.

- 7.2 This is the statutory development plan. The Saved Policies were reviewed most recently at the end of 2014. Policies for housing RES1 & RES9 support new provision, including an appropriate proportion of affordable homes in each case to meet needs. The site is defined

as adjoining the town centre where policy E6 allows for new retail development if it will not harm and may add to the attraction of the town. New employment development is supported by policy E1, which also safeguards existing sites in Class B use unless such future use is not viable, or other policy criteria are met. Provision for infrastructure is supported by policies RES19, RES20 and ST1.

- 7.3 High quality design is expected and should be accessible by all, including those with disabilities, with community facilities in accessible locations (ST3, ST5 and RE10). It should include for provide for non-car modes of transport and adequate provision for buses (T1, T2 and T8) but not reduce existing public on-street parking (T13) and access should be provided to the River Ouse (LW10). Consideration must be given to impacts on listed buildings, ancient monuments, conservation areas and their settings, including the special character, setting and silhouette of Lewes (H2, H4, H5 and LW8). Policies ST14, ST20, ST30 and CT2 safeguard water, land, landscapes and air quality and require recycling facilities in major developments.

Lewes District Council Joint Core Strategy modifications 2015 (JCS)

- 7.4 The emerging policies of relevance include:

Spatial Policy

- SP: Provision of Housing & Employment Land
- SP3: North Street Quarter and Eastgate Area

Core Policies

- CS1: Affordable Housing
- CS2: Housing Type, Mix and Density
- CS4: Economic Development & Regeneration
- CS7: Infrastructure
- CS8: Green Infrastructure
- CS9: Air Quality
- CS10: Natural Environment and Landscape
- CS11: Built and Historic Environment & Design
- CS12 Flood Risk, Coastal Erosion & Drainage
- CS13 Sustainable Travel
- CS14 Renewable and Low Carbon Energy

- 7.5 Policy SP3 allocates the North Street and Eastgate area of approximately 9ha for mixed use redevelopment, a new neighbourhood. This includes all the Phoenix Works and Riverside Industrial Estates (approximately 6ha) and the Waitrose and industrial site currently occupied by Wenban-Smith) to the south of Phoenix Causeway and the Bus Depot in Eastgate Street. Development should comprise approximately:

- 415 new dwellings,
- Care/Nursing home (Class C2/C3)
- 5,000sqm of Class B1 office and light industry subject to market needs,
- A range of other retail and town centre uses (Class A1 – A4)
- Medical, training, crèche and exhibition uses (all Class D1)
- Leisure and assembly uses (Class D2).

- 7.6 This new development should also incorporate early provision of appropriate flood defences; facilitate linkages across Phoenix Causeway and Eastgate to integrate with the town centre; high quality design with recognition of the area's heritage; a riverside pathway and pedestrian cycle links to the wider town; infrastructure, including linking to and if necessary improvements to public sewers. There should be no net loss in public parking space.

- 7.7 The text accompanying the policy explains that commercial needs are qualitative rather than quantitative. Therefore the site is seen as having good potential for modern B1 office

premises; B1 light industrial uses would also be acceptable in principle. The loss of existing industrial floorspace is partly offset by the anticipated implementation of planning permission for industrial development at Malling Brooks approximately 0.5km to the east. Retail need is for comparison goods outlets rather than large convenience food stores. Development should be delivered early in the Local Plan (JCS period) which runs to 2030.

- 7.8 This policy and the wider JCS was considered by the Local Plan Inspector at the Examination in Public (EiP) early this year. In his subsequent initial findings he highlighted the need for a higher housing target and the identification for additional housing sites in Lewes District but that he was provisionally satisfied regarding the soundness of all other elements of this Local Plan. Whilst the EiP is due to re-open on 17 December 2015 to discuss the plan modifications, including strategic housing and employment policy the essential soundness he has already found provides a reasonable basis for attaching substantial weight to the policy and Local Plan.
- 7.9 Among other policies several, such as CS7, 8, 9, 10 and 11, reapply and update those existing in relation to environmental quality and the provision of infrastructure. CS1, which requires the provision of 40 percent affordable housing, is more specific in terms of quantum than the existing policy RES9. CS1 also contains a guideline for the tenure of affordable dwellings; 75 percent of such homes to be for rental and 25 percent for intermediate tenure such as shared ownership. Policy CS2 requires the mix of house sizes (market and affordable) to match local needs.
- 7.10 Core Policy 4 is also of interest. This promotes a buoyant and balanced economy through regeneration using previously developed land in sustainable locations, and taking advantage of the richness, diversity and natural and heritage assets of the area, which benefit tourism. Future energy sustainability is promoted in CS14, which expects a proactive approach to climate change, for example, by efficient and sustainable energy use in new development.

South Downs National Park Local Plan Preferred Options. 2015 (SDLPPO)

- 7.11 This emerging first Local Plan for the National Park is of limited weight but many of its policies such as those for environmental quality, overlap with those of the JCS and carry forward objectives of the National Park Management Plan. The SDLPPO includes the SP3 allocation of the North Street/Eastgate quarter as policy SD34. There are two notable differences in SD34; firstly it includes explicit requirement for 40% affordable homes (whereas SP3 relies on cross-referencing to policy CS1 for this); secondly it requires the mixed use development to include provision for 'other cultural, artistic and artisanal floorspace'.
- 7.12 Other SDLPPO policies seek protection of environmental quality and landscape, in accordance with the first purpose of the National Park, and the promotion of public understanding and enjoyment of its special qualities. A heightened emphasis is given to environmental attributes in policies including: SD6 Design; SD7 Safeguarding Views; SD9 Dark Night Skies; SD11 Historic Environments; SD13 Biodiversity and Geodiversity; SD19 Walking, Cycling and Equestrian Routes and SD31 Climate Change and Sustainable Construction. There is a parallel between the inter-connected approach contained in these policies and the approach of the NPPF which encourages mixed use development which performs many functions. This multi-function and environmental benefit aspect is important in the consideration of the current application.

Neighbourhood Development Plan for Lewes (NDP)

- 7.13 The Neighbourhood Development Plan (NDP), which is under preparation by the Town Council is at an early stage. A pre-submission consultation version is anticipated for publication in early 2016, which will then render it capable of being a material consideration under the NPPF and Neighbourhood Planning Regulations, albeit of little weight at that time. It is noted that an early version of a policy for the site would increase the amount of housing and Class B floorspace. It would include both light and general industry; the latter of is not covered by policy SP3. Some affordable homes would also be set at social rent levels (lower than the NPPF 80% of market rate) and some reserved for local workers. As yet the policy

has no material weight and it is not yet clear whether it would meet the conformity test. It has no current weight in determination of the planning application.

Supplementary Planning Documents and Guidance

- 7.14 The following Supplementary Planning Guidance are relevant to this application:
- A new approach to development contributions (ESCC)
 - Residential Car Parking Standards 2012 (ESCC)
 - The provision of outdoor playing space as part of new residential development 2002 (LDC)
 - The provision of kerbside recycling facilities as part of new residential development 2002 (LDC)
 - The Lewes Conservation Area Character Appraisal 2007.
- 7.15 The Lewes Conservation Area Character Appraisal was adopted by Lewes District Council in April 2007. Character Area 5: 'The Pells and West Street', is adjacent to the development site and intersects with it at Brook Street Car Park and very slightly, adjacent to Pells Park. Malling Deanery Conservation area adjoins Malling Field on the eastern riverbank. **Appendix I I** shows these Areas. The Lewes Conservation Management Plan was adopted by South Downs National Park Authority in July 2012. General principles, laid down in Section 3 of the document, are relevant to this development.

8. Planning Assessment

Principle of Development

- 8.1 This is an application for major development within the SDNP. Paragraph 116 of the NPPF advises that for major development within a designated area, planning permission should be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest. These are two key tests which have to be satisfied.
- 8.2 Notwithstanding, the site is part of an allocation that has substantial weight and in principle enjoys support as a major brownfield area ripe for redevelopment, in line with national priorities. Given this background it is considered that the tests referred to above have been scrutinised and are met by virtue of the policy allocation.
- 8.3 The remainder of this assessment is arranged according to a series of themes as follows:
- 1) Land Use and Employment
 - 2) Housing
 - 3) Design
 - 4) Public Realm and Landscaping
 - 5) Heritage
 - 6) Access, Highways and Parking
 - 7) Flood Risk and Drainage
 - 8) Environment
 - 9) Recreation
 - 10) Obligations

Land Use and Employment

Policy context

- 8.4 The National Planning Policy Framework contains broad policy for economic development and states that planning authorities should plan proactively to meet the needs of business; they should recognise and address barriers to investment, such as a poor environment or need for infrastructure. Authorities should also set criteria for the development of strategic sites (such as the present site) and support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. They should also plan positively for the

location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries.

- 8.5 The NPPF also states that policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Land allocations should be regularly reviewed so that where there is no reasonable prospect of a site being used for the allocated employment alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 8.6 In the adopted development plan, the Lewes District Local Plan 2003, the site lies outside but adjoining the town centre. It is not shown to be allocated for any specific purpose but policy EI states that planning permission will be granted for business and industrial uses (Classes B1, B2 and/or B8) on sites which have an existing business and industrial use. Permission will be refused where it will result in loss of land and premises used for these purposes unless it satisfies one of a series of reasons, among which are:
- Continued use would have a seriously adverse impact on the amenity of a residential area or conservation area, or
 - Town centre Saved Policy E3 *(see footnote) would apply to the proposed uses, or
 - There is no likelihood of a future, viable employment use of the land/premises being secured in the life of the Plan.
- * *Saved Policy E3 of the 2003 Local Plan supports development which would maintain or increase the usage of centre functions including shopping, financial services, leisure, cultural and community activities, entertainment, health services, education, public service offices and food and drink outlets. In the current application, the site is outside but adjoining the town centre boundary.*
- 8.7 Emerging policies including SP3 of the Lewes District and SDNP Joint Core Strategy (JCS), have attained considerable weight as described at section 7.8 above. Of lesser weight is the emerging policy SD34 of the SDNP Local Plan Preferred Options (SDLPPO), which has not yet reached the Modification and Plan Deposit stage. These policies both propose the allocation of 9ha of land of which the site forms a substantial part. In order to create a new neighbourhood with housing and commerce. They require the following broad quantum of non-residential development
- i) At least 5,000sqm floorspace for B1a office and/or B1c light industrial uses, subject to market needs and general viability;
 - ii) Other uses which could include:
 - A1 Shops,
 - A2 Financial and Professional Services,
 - A3 Restaurants and Cafes,
 - A4 Drinking Establishments,
 - A5 Hot Food Takeaways,
 - C1 hotel,
 - D1 Non-residential institutions such as medical and Health services, crèches, exhibition and training space
 - D2 Assembly and Leisure uses and community floorspace.
- 8.8 For a simple reminder of National Planning Use Classes, the Committee may wish to refer to the national Planning Portal page:
<http://www.planningportal.gov.uk/permission/commonprojects/changeofuse/>
- 8.9 The emerging policies call for the retail element is to be located within the town centre boundary (to the south of Phoenix Causeway) as far as possible and the amount should be justified by a Retail Impact Assessment (RIA) – a suggested local threshold of 750sqm is included for such assessments in the JCS. Policy SD34 also requires the provision of cultural, artistic and artisanal floorspace not covered by the above uses.

- 8.10 The associated explanatory text to the JCS policy SP3 refers to the need identified in the Shopping and Town Centres Study for modern retail floorspace for 'comparison' goods shopping (as distinct from 'convenience' goods such as food sales). Despite the wording of the policy, some flexibility is indicated in the explanatory text as to the precise location of this, including locations outside the town centre. A similar approach is taken in the SDLPPO document.
- 8.11 **Summary. In terms of retail uses the existing policy E3 is supportive of retail development, including areas adjoining the town centre, which would maintain and increase the function of the town centre. Emerging policies SP3/SD34 include retail use in the allocation of site, and where retail development which exceeds 750sqm is supported by a retail impact assessment.**
- 8.12 Employment provision is described as a 'key consideration in the explanatory text to policy SP3 in the JCS (para 6.61). It refers to the associated local Employment and Economic Land Assessment 2010 and review in 2012 (EELA) which identifies that there is a qualitative rather than a quantitative need for new industrial and office floorspace based on current levels of supply. Subsequently confirmed by a 2015 Review on behalf of the National Park Authority.
- 8.13 In specific consideration of the application site, the JCS (para 6.62) refers to the suggestion in the EELA that the North Street site could perform better as an office location. It continues that the incorporation of light industry would in principle also be acceptable.
- 8.14 The SDLPPO (para 8.75) agrees that the need for business floorspace is a qualitative one, particularly for modern offices. In addition it identifies the site as an opportunity to retain some of the creative essence that has developed, where this is economically viable. In pursuance of this it lists the possibility of small, flexible 'box space' units, a large flexible work space ('creative industry hub') and assembly and leisure space.
- 8.15 Finally the explanatory text of the JCS also mentions the anticipated implementation of an approved scheme for industrial units at Malling Brooks (some 500m to the east) by the North Street Quarter part landowner. This development had been allocated in the Lewes Local Plan 2003 for the period up to 2011 and has the benefit of planning permission for 7000sqm of Class B floorspace. The text comments (para 6.63) that the implementation of that planning permission demonstrates that a reasonable supply of modern industrial premises will shortly become available. Both the JCS and SDLPPO (p.8.75) state that existing North Street Quarter businesses may wish to relocate here, although this cannot be guaranteed.
- 8.16 **Summary. The 2003 Saved Policy EI allows for redevelopment for other uses outside Class B where this would benefit the town centre or there is no likely viable other employment use and indicates the need for flexibility and consideration of wider benefits. The more recent JCS policy SP3 requires at least 5000sqm office and light industrial floorspace but it also allows flexibility in consideration of needs and viability. The explanatory text in the JCS acknowledges that redevelopment of the North Street Quarter may also trigger the implementation of industrial development at Malling Brooks nearby, which indicates a reasonable supply of industrial floorspace and that in terms of the known qualitative need, the North Street site could perform better as an office location.**

Proposed Uses – Mix and Locations

- 8.17 The location and range of most business and commercial uses is shown in the ground, lower ground and first floor plans at **Appendix 2**. (The second floor of the East Gate Building has not been reproduced here but contains a proposed office suite). In addition, **Table 7** as set out at **Appendix 3** summarises the proposed mix of uses, their floorspace and predicted numbers of 246 full time jobs.
- 8.18 The grand total figure of 6476sqm comprises the following of which 4612sqm is flexible as shown in the following **Table 1**:

Table I: Summary of Overall Floorspace

<p>Community/Workshop/Gallery – 2248sqm Seven units/spaces which are variously a recording studio, performance venue, creative community space and gallery space; the last of these located within the health hub building, children’s nursery and pharmacy.</p>
<p>Multi-Use Box Spaces – 1006sqm Fourteen units which may contain town centre uses (Class A1-A4), offices & light industry (B1a-c) or assembly and leisure (D2)</p>
<p>Commercial Box Space - 1358sqm Six units/spaces which may also contain town centre uses, although the plans show four of these arranged as various food and drink premises (Classes A3-A5)</p>
<p>Medical floorspace: - 1864sqm Three suites each of several consulting rooms, waiting areas, associated offices and staff facilities in the Health-Hub part of the East Gate Building</p>

Community/Workshop/Gallery spaces:

- 8.19 The largest of these is the 700sqm space in the proposed wharfside building immediately to the north and fronting onto the proposed Phoenix Square and footbridge. This provides a double-height space accessed from the ground floor and stepping down to lower ground floor with rear access to the residential square beyond. This irregularly shaped area is described as *creative community space* which is proposed for assembly and leisure (Class D2) or business purposes (Class B1a-c), the applicant also states that the outdoor space at Phoenix Square and the Wharf can be used for cultural and social events.
- 8.20 A ground floor space of 312sqm in the Ironworks building on the south side of Phoenix Square is termed *performance space*, for assembly and leisure (Class D2) purposes, although the flexible range of retail, financial and cafes, bars, offices and workshops (Classes A1-A4 & B1) are also sought. It contains a central double-height square space of 292sqm, a foyer, lobby with front desk, store and a smaller rectangular side room which is accessed to the street by separate double doors. The lobby also connects by wide doorways to one of the commercial box spaces, which is shown fitted as a bar with customer tables and windows fronting onto North Street and the Square.
- 8.21 In the lower ground floor of the Ironworks building is a 191sqm rectangular space described as a *recording studio*. Permission is also sought for the same flexible range of Class A1-A4 & B1 uses as for the performance space. It is accessed separately from North Street (not from the performance space above) and has a secondary access from within the under-croft car park.
- 8.22 In the centre of the East Gate Building is a central space at ground and first floor called ‘*community space*’ of 130sqm also ‘*gallery and circulation*’ of 388sqm. Whilst these are assigned separate floorspace totals, in practice they appear to be merged as a series of meeting and waiting spaces at ground floor alongside the coffee bar counter, circulation and display space and entrances to some of the health care premises. Part of this space is a two/three storey-height atrium, here it is proposed to re-use roofing frames from the existing Phoenix Workshops. The applicant comments that this presents an opportunity to use part of the space as a heritage centre. The proposed use would allow for the range of flexible Class A1 – A4 & B1 uses, in addition to the stated *gallery and circulation* use (Class D1).
- 8.23 A two storey *children’s nursery* of 406sqm (Class D1), would be attached to the rear of the East Gate Building. This would be accessed independently via a public courtyard, and in turn it would access a private play courtyard, alongside which is a public access to part of the health-hub facilities of the East Gate building.
- 8.24 The last of these Community/Workshop/Gallery set of spaces is the ground floor *pharmacy* of 119sqm, fronting the proposed New Eastgate Street to the north of the East Gate

Building. Whilst a pharmacy is a retail (Class A1) use, the proposal is for the range of flexible use Classes A1-A4 and B1.

Multi-Use box spaces

- 8.25 Fourteen Multi-Use boxes are proposed. These would be clustered along the main access road New Eastgate Street and the pedestrianised Ironworks Walk, which branches from this street, connecting to the proposed Phoenix Square, Wharf and footbridge. Each unit occupies the ground floor only, mainly with residential flats above. Typical sizes are 44 – 88sqm, but one unit is 137sqm and the smallest unit is 20sqm. They give a combined total of 1006sqm. Each has a street frontage and space for display window or commercial doors, some have dual street frontages and accesses and some have split level floors. Each has an internal toilet and small staff refreshment-making area.
- 8.26 These units could be used for any of the following use Classes: Retail (A1), Financial and Professional Services (A2), Restaurants and Cafes (A3) Drinking Establishments (A4), Offices (B1a), or light industry (B1c). Their design is intended to allow for fitting out to meet the needs of occupiers as they come forward. A Commercial Frontages and Advertisements Design Code would be needed to ensure that detailed external fittings and adverts are complimentary to building frontages and produce an attractive street.
- 8.27 In terms of land use, the proposal allows for any number of these units to be used for any of the range of proposed uses in accordance with the flexible approach of the NPPF to allow variety within the market.

Commercial Box Spaces

- 8.28 Four of the Six Commercial box spaces are clustered around the proposed Ironworks Walk and Phoenix Square at ground floor only; one of them has dual access into the performance space described in 8.20 above. They are typically wide-fronted units with display windows. Internally the indicative layouts show a kitchen and preparation area and substantial customer seating and serving spaces. Servicing and deliveries are assumed to be via the public entrances. Two of these units on the west side of Ironworks Walk are described as flexible, although clarification regarding the range of use classes sought for these is awaited. The four units range in size from 80 – 229sqm; in total 510sqm.
- 8.29 Two commercial box spaces are within the East Gate Building. One is an office suite (Class B1a) of 587sqm on the third floor, above the health facilities but separately accessed from the street by a stairway and lift. Also in this building is the last Commercial unit, the Osteopath space, which is identified as a Non-residential institution space (Class D1).
- 8.30 With the exception of the office suite (Class B1a) and Osteopath (Class D1), the other Commercial Box units are intended for the same range of uses as the Multi-Use Boxes, summarised in para 8.24 above. However, from the proposed floorplans there is a clear impression that four of six units at 8.26 above, are designed for restaurant, cafes and bars (Classes A3 & A4), which would complement the use of the pedestrianised street, square and wharf as an attractive place to meet and linger and will add to the vitality of the area.
- 8.31 The proposal does not include live/work units.

Flexibility

- 8.32 At least sixteen of the twenty seven units and all of the Multi-Use box units and two of the Commercial box units, are flexible. The range of uses (Classes A1- A4 and Class B1) is in accordance with range in emerging policies SP3 & SD34. Further consideration of B Class uses is under the heading 'Business Use – B Class' at 8.36-8.48 below.
- 8.33 The total flexible floorspace in the applicant's **Table I** above is 4612sqm, which they state covers box units in the proposed New East Gate street area and East Gate Building (Health Hub). This provides the benefit of a wide range of potential business and employment opportunities without the need for further planning permission. The advantage for business is greater certainty and immediacy in their decision to locate here.

- 8.34 Government amendments to planning regulations since 2012 have allowed for changes between different classes of commercial use without the need for planning permission and the applicant states that flexibility is important in providing incubator premises for small businesses. In support of this argument it is noted that the Portas independent review of High Streets in 2011, which preceded those regulatory changes, found that rigid use classes had been one of the biggest and unnecessary restrictions on business, but that diversity of uses was also important in creating vibrant areas. This suggests there is a need for balance in flexibility.
- 8.35 In seeking to create a new neighbourhood with a beneficial range of Class A, B and D uses in accordance the emerging policies, it is accepted over-concentration is a consequent risk of allowing a wide range of possible uses in a wide range of locations; for instance an agglomeration of financial and professional services (Class A2) would create a very different character to that of a mixture of workshops, retail and cafes. In the event of planning approval, the interests of creating a vibrant quarter may require that in the distribution of uses across the site, a narrower range of use class options for some units may be called for than those applied for. However, before this distribution issue can be tackled, the matter of the amount of B class premises and creative industries must first be considered, notwithstanding the age of the policy.

Business Use – B Class

- 8.36 The saved Local Plan policy EI safeguards existing Class B land uses unless *inter alia*:
- i) They have a seriously adverse impact on residential amenity or conservation area, or
 - ii) If redevelopment would support the town centre, or
 - iii) If there is no likelihood of a future, viable employment use.
- The site currently contains 7066 sqm general and light industrial space and offices and 4195 sqm warehousing and distribution space, as such the proposed 6475sqm of commercial space is a significant reduction of floorspace and with much of the replacement being flexible floorspace or dedicated to other uses such as health, it is likely that much of it will be used for uses other than traditional B Class businesses, albeit a use does not necessarily correlate to job numbers or vibrancy.
- 8.37 In examining Policy EI above,
- i) Existing uses have co-existed with nearby residents and the conservation area for many years, hence the proposal does not meet the first criterion.
 - ii) Regarding the third criterion, the proposal is an opportunity to provide a set of commercial and public land uses which can complement the adjoining town centre, providing flexible space for entertainment, increased footfall from the new resident population and visitors. The proposal meets this test. It offers a wider range of business possibilities and employees who are likely to spend in the town
- 8.38 In consideration of the third criterion in policy EI, the applicant's explanation regarding the marked decline in the physical condition of the site and revenue since the floods of fifteen years ago is relevant. Although other uses have taken occupation, these are below market rents and cannot be sustained economically. The proposal will deliver around 246 jobs in a range of sectors.
- 8.39 This criterion highlights a contentious aspect of this application; the loss of relatively low-priced industrial and workshop floorspace. Arguments for and against the development on the basis of affordability are very difficult to weigh, they are normally matters for market economics rather than the land use planning system. In consideration of functional viability, the emerging policies SP3 and SD34 for this site recognise the need for modern quality business premises identified through employment assessments which are more up to date than the 2003 policy. The proposal would also provide flood defences to a modern standard, which are aimed at increasing the safety and attractiveness of the site to a range of employment –generating uses.

- 8.40 Whilst it is difficult to be conclusive on viability matters, the development responds to contemporary needs for flexibility in employment provision, in accordance with national policy and is likely improve the functional viability of the site in the long-term. It also makes provision for some retention/replacement of the cultural and artistic uses
- 8.41 Another point advanced by the applicant in favour of the proposal is the separate provision of a 7000sqm development of B Class uses at the Malling Brooks industrial estate, approximately 0.5km to the east, which the applicant also owns. The applicant states that 70% of the Malling Brooks floorspace has been pre-let to North Street Quarter businesses, although it is unclear from the submitted material, what level of interest there has been from other businesses.
- 8.42 In consideration of the Malling Brooks connection, it is noted that this other site was allocated for Class B development in 2003 to meet identified needs at *that* time although it was only in summer 2015 that preparatory construction works finally began. In recent employment assessments for the District Council and National Park, Malling Brooks is as a 'committed' provision and the decision to allocate 5000sqm of B Class floorspace under policy SP3 in the JCS was made *in addition* to that committed provision.
- 8.43 However, there is also recognition in policy SP3 that the allocation needs to respond to market needs and viability. The JCS para 6.63 accepts that the development of Malling Brooks indicates that: '*a reasonable supply of modern industrial premises will shortly become available in Lewes town*' and may offset losses at North Street Quarter.
- 8.44 On the question of market needs, the employment land review of 2015 on behalf of the National Park Authority found the following:
- A lack of small easy in/easy out office space in Lewes
 - A qualitative need for employment space with encouragement for micro and small enterprises in locations including Lewes
 - Demand for conferencing centres in locations including Lewes
 - Need for modern and flexible start-up industrial and office space throughout the National Park area
- 8.45 The proposed unit sizes, particularly those of the Multi-Use boxes would cater for small businesses which predominate in the areas. It is easy to envisage many of the units meeting the needs of small office-based firms and crafts. The box units with large or dual openings will provide for deliveries and servicing. The office premises at the second floor of the East Gate Building can also provide conferencing facilities, if not one of the other box units.
- 8.46 It is also relevant that the current application site includes only 6ha of the 9ha identified in SP3 and SD34 of the JCS and SDLPPO. Therefore it could not reasonably be held to provide all of the proposed allocation of 5,000sqm B class use, for example a pro-rata figure would be around 3,300sqm. This compare with the 4612sqm of non-health related floorspace proposed here, which offers of several units capable of Class B1 uses.
- 8.47 **Summary. The proposed range of units provides for a flexible range of uses and employment, in accordance with national and emerging local policy. It replaces buildings which are in poor condition and in places under-used, with modern premises, services and flood defences. The new buildings bring other important place-making advantages, public venues and services, health care, children's nursery, performance space. Buildings also have extensive street-side frontages all of which will create activity and complement the town centre.**
- 8.48 **The proposal does not guarantee that the pro-rata figure of 3,300sqm B class use would be met but it offers a wide range of employment opportunities and a flexibility which will allow the new quarter to adapt and flourish and to strengthen the wider town centre in accordance with the existing policy E1 and the emerging SP3 and SD34.**

Creative Industries

- 8.49 The NPPF recommends that there should be positive planning for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries. The emerging policy SD34 National Park SDLPPO document has introduced a requirement for the provision for: 'cultural, artistic and artisanal floorspace' (*aka* creative industries) at the North Street Quarter, having regard to our purposes and duty. This policy is at an early stage in the Local Plan-making process and is in accordance with this national policy.
- 8.50 Many comments received in response to the planning application contain objections to the displacement of the network of creative, craft and artistic uses which have grown up at the site. In terms of land use, the applicant agrees that most of these existing uses fall within Class B1, mainly light industries, and that some include other uses or elements of other uses such as gallery and performance space, catering, storage and recording studios. The applicant also states that the new flexible workspace is designed to cater for the wide range of such uses.
- 8.51 It is noted that many of the creative industries occupy small areas in large buildings, and therefore the different floorspaces for the Multi-Use box units seeks to meet these needs. In terms of other attributes (described at 8.25 above), the double frontages of some of these units and space for wide doors for deliveries is important in providing versatility. These units have some limitations. In terms of headroom, most are single storey, with the exception of the proposed performance and community creative space building, and few have outdoor working or yard space. This presents a tidier arrangement in accordance with the good quality urban design, albeit it is recognised that it may also bring some practical limitations for some types of use.
- 8.52 The question of affordability for creative industries was explored in 2013 by the Community Land Trust in its survey and report entitled 'Make Good'. This found that viability for creative industries relied not only on flexible space but on low-cost rents. The control of rents is normally outside the scope of the planning system, other than in the provision of a proportion of affordable housing. However, in recognition of the importance afforded by national and emerging local policies to clusters of creative economies, the applicant proposes a rental subsidy mechanism by means of a legal agreement.
- 8.53 This creative subsidy mechanism would operate as follows: 3.135sqm of flexible and creative space will be transferred to a social landlord who would be chosen by competitive tender process by the owners, including the District Council. The owners will assign an index-linked capital discount of £640,000 to the social landlord who will then be required to offer subsidised rents of approximately 50 – 60% of commercial market rents to nominated start-up businesses that could not normally afford to compete at market rents. The business plan submitted with the current application shows that this subsidy would include:
- Performance space (700sqm).
 - Community creative space (312sqm),
 - Six of the multi-Use box units (438sqm. Sizes 48 to 88sqm),
 - Two Commercial Box units (72sqm and 80sqm)
 - Recording studio (192sqm)
- 8.54 The District Council, as part owner of the site (and with responsibilities for regeneration and investment, in accordance with its adopted strategy), will be involved in the separate process by which the detailed operation of this subsidy would be drawn up. This is considered a real advantage of the scheme and demonstrates how the purposes and duty of the National Park have acted as an additional lever.
- 8.55 **Summary. The flexible uses include space for creative businesses of a range of sizes. Whilst some of the physical attributes of these such as ceiling heights and outdoor space impose some limitations, there are also benefits in the provision of modern premises in prominent locations with passing customers. The**

proposals also make provision for significantly lower rents for start-up businesses. The example business plan indicates that these would provide significant subsidy.

Vitality and Distribution

- 8.56 In order to achieve diversity and vitality it is important that there is a reasonable distribution of uses. **Appendix 2**, shows the Multi-Use Box units (coloured green), Commercial Box units (yellow) and Community-Workshop- Gallery units or spaces (light blue). With a few variations, 22 of the units can be used for any of A1-A4 uses retail, financial services, cafes and drinking establishments or B1 offices or light industry; the variations are a few units which allow for Class D1 institutions such as galleries or D2 assembly and leisure, such as the performance space.
- 8.57 Sometimes these uses may be ancillary, for instance an ancillary retail sales counter in a workshop. The proposal allows for various permutations to ebb and flow according to need. However care must be taken to ensure that an over-concentration of retail does not result, which might conflict with the role of the nearby town centre. In accordance with the JCS threshold it is recommended that a condition be applied to limit the amount of non-ancillary retail floorspace within the site to 750sqm.
- 8.58 There are a number of units where a more limited range of potential uses is recommended in order to safeguard the unique opportunities their particular attributes and/or location would bring; for instance the 700sqm performance space and some of the roadside cafes and bars. Therefore the following are recommended:
- i) **Unit 26:** Community Creative Space: Classes D2 - Assembly/Leisure and B1 office/workshop only. The B1 component not to exceed 50% of the floorspace.
 - ii) **Unit 5:** Performance Space: Classes D2 & B1 (As Unit 26 above)
 - iii) **Units 4 & 10:** Classes A3 – A4 cafe/restaurant and drinking establishments only. Important roadside ground floor frontage which define the public space.

Other uses

- 8.59 Among the objections received, is concern for the loss of existing B8 space, including the bus company premises occupied by Compass Ltd. The objection refers to the knock-on impact on local bus services. In terms of sustainability, it is accepted that this is a potential negative impact. By contrast it is noted that the more recent employment assessments and emerging policies do stipulate such a use. A case could not be made for setting the protection of an existing business against the benefits of a multi-purpose redevelopment of this site.
- 8.60 Among the other existing uses are car body work repairs, roofing contractors and metal fabricators. These are unlikely to fall within the proposed B1 range of uses; they are more often regarded as general industry (B2) or outside of any class (*suis generis*). The proposal does not cover such uses and it is hard to contemplate how industries which generate noise and fumes could co-exist successfully with a well-distributed mixture of residential uses. Neither of the emerging allocation policies SP3/SD34 identifies such uses for the site.

Alternative Development

- 8.61 Members will be aware that the locally based organisation Lewes Phoenix Rising (LPR), is currently preparing plans for the submission of a future planning application for alternative development of this site. It has worked with this Authority during 2015 through a pre-application planning process, most recently by the submission of its revised proposals to the Authority's Design and Review Panel in November. It has also undertaken a series of public consultation events. Many of the objections to the current application commend this alternative. The determination of this planning application should be considered on its merits and does not prevent this other application from coming forward.

Summary

- 8.62 **In summary, the proposal is for a range uses provided in a flexible way in accordance with national policy and vibrancy of the area. It meets the NPPF aim to enable rapid response to economic needs and future changes. The mix accords with needs identified locally through the review of employment land and the subsequent emerging policy which has substantial weight. The units are a range of sizes, and whilst they have some physical limitations, they are modern, flood-defended and in accessible locations. The development provides for an estimated 246 full time equivalent jobs and builds in a mechanism to encourage locally distinct creative businesses through subsidy.**
- 8.63 **Proximity to the town centre and improved accessibility will provide a complementary role, with a set of unit sizes to meet qualitative needs and places that provide health services and community activities. Subject to the control of the amount of retail floorspace these uses will strengthen the adjoining centre. In a small number of key locations and units, a narrower range of uses is desirable. This will safeguard their more specialised contributions to the overall mixture on which vitality of the new neighbourhood is likely to depend; fostering places of interest, activity and increased footfall.**

Housing

Policies and need

- 8.64 The National Planning Policy Framework (NPPF), requires Planning Authorities to ensure that local objectively assessed needs for market and affordable housing needs are met and that, as far as possible a supply of sufficient deliverable sites is provided. The DEFRA circular focuses on the provision of affordable homes in National Parks. In the local context, the current Lewes District Local Plan saved policy RES9 requires that affordable housing should be provided dependent on the level of need in the locality, location of the site close to services and in the interests of providing a housing mix.
- 8.65 In terms of future provision, the Joint Core Strategy for Lewes District 2015 (JCS), identifies housing needs for Lewes District, including the area within the National Park up to the year 3032. It states that due to a range of environmental constraints, the full quantum of predicted needs for the period cannot be met and that an annual need of 490 dwellings should be provided for (this includes areas in Lewes District outside the National Park). However, the actual rate of new dwellings built in the past three years in the District as a whole is under 200 per year.
- 8.66 In terms of household sizes an assessment was made of local household needs on behalf of the District Council in 2011. This predicted that in the future growth of the number of households up to the year 2030, over 55% will comprise retired couples and singles and over 30% will comprise other single people or couples with no dependents. Other household sizes are predicted to remain fairly stable or slightly decline. In addition to the shortfall advised above the JCS also notes an increasing affordability gap between house prices and incomes.
- 8.67 In this context, the JCS proposes the allocation under policy SP3 of the North Street Quarter and Eastgate area as one of the very few brownfield sites in Lewes town capable of a strategic amount of development. It meets NPPF requirements in terms of being both available for development and achievable. The JCS Core Policy 1 states that for all development of eleven dwellings or more a district wide target of 40% for affordable housing should be met. The 40% requirement is repeated in the site allocation SD34 of the National Park SDLPPO. In terms of tenure JCS Core Policy 1 also guides the tenure split of affordable homes which is 75% rented and 25% intermediate sale. In terms of the mix (e.g. size) of housing, the JCS states that this will be identified through the planning application.

Proposals

- 8.68 The proposal is for a total of 416 dwellings over three development phases. This would comprise 215 homes for open market purchase and 165 as affordable homes which would be occupied by households nominated from housing waiting lists within the National Park boundaries as agreed by Members at the full National Park Authority meeting earlier in the year, either for subsidised rental or part purchase (shared ownership or equity). Details are described under the Affordable Housing heading below. The largest number of the new dwellings would be within Phase 1, which would also contain the greatest number of flats along with the 'young person' studios and extra-care flats. **Table 2** below summarises the number and size of dwellings for each phase and the number of which are affordable.

Table 2: Housing and Phases, including size and affordable component.

	Phase 1	Phase 2	Phase 3	Totals (% of all homes)
Studio	26	-	-	26 (6%)
1 bed flat	25	5	6	36 (8.7%)
2 bed flat	65	24	2	91 (22%)
3 bed flat	2	-	-	2 (0.5%)
Extracare 1/2 bed	51	-	-	51 (12.3%)
2 bed house	9	15	-	24 (5.8%)
3 bed house	36	22	29	87 (21%)
4 bed house	29	41	29	99 (23.8%)
Totals	243	107	66	416
Of which the following are 'Affordable'	141	18	6	165 (39.7%)

Housing Mix and Distribution

- 8.69 In **Table 2** the combined figures for the studios and one and two-bedroom flats and houses produce a total of 116 or 42.5%. The extra care units, which would be limited to occupation by people over 60 years provides a further 51 dwellings or 12.3%. This mix is considered to relate well to the predominance of variously small and elderly households which was predicted in the needs assessment of 2011. The balance of 188 three and four bedroom dwellings, almost all of which are houses, also caters for the predicted continued needs of larger households and families. The Housing Officer refers to pre-application discussions with the applicant regarding housing needs, which: *'has resulted in a mix of sizes...that closely fits the assessed housing needs of the local area'*.
- 8.70 In terms of distribution, the greatest mix of dwellings is found in the first phase, particularly to the south of the realigned North Street. Here there are many groups of flats and studios in three storey buildings, a few with a fourth floor. These are typically clustered around shared central gardens, some with their own small contained yard of 3-6m depth. Almost all frontages face directly onto the street. Three and four bedroom town houses are clustered along North Street and in terraced blocks leading to the river. The extra care block is a conjoined double square off the main New Eastgate Street, with more secluded shared internal courtyard gardens. No dwellings have in-curtilage car parking, there are only nine roadside bays, but most dwellings have individual or shared cycle parking.
- 8.71 In Phases 2 and 3 the greater proportion of three and four bedroom houses would be built along two main streets and the riverside with six rear squares providing for shared parking and communal gardens. With the exception of two terraces, houses have enclosed rear

gardens of around 6m depth. Whilst parking is mainly in shared areas and roadside bays, a lesser proportion have in cartilage parking spaces. All have individual or shared cycle parking.

- 8.72 The mixed range of sizes and their distribution is considered to be logical, with lower density dwellings with gardens generally furthest from the busier commercial uses and town centre, but with the extra care building close to the centre and facilities. The detailed designs of dwellings have sought to follow the principles of ‘Lifetime Homes’ which provide a degree of adaptability for people’s changing needs by the inclusion of relatively spacious internal space, level entrance thresholds and approaches, the availability of toilets, showers and habitable space at ground floors. Whilst outdoor private space is in some cases limited, it fits with the overall design concept allowing for a higher density urban development so close to the town centre. By implication this calls for a high quality public realm, suitable for all age groups, therefore a detailed design is required by condition.

Affordable Housing

- 8.73 Nationally the NPPF currently defines affordable housing as types of rented and intermediate housing which is provided to eligible people at a price below market level with regard to local incomes and local house prices. It continues that rented accommodation should not exceed 80% of local market rents, and that low cost market housing may not be considered ‘affordable’ for planning purposes. This definition is likely to be changed during 2016 via the Planning and Housing Bill. In Lewes, the local needs assessment of 2011 illustrates the acuteness of need due to high local prices, many objections express concern that a more substantial subsidy than the national 80% of local market rent would be needed to make new dwellings locally affordable.
- 8.74 The applicant states that 40% of units will be affordable. This would accord with the current NPPF definition. Detailed arrangements for provision are described below and would require a s.106 legal agreement. **Table 3**, summarises the range of dwelling sizes for affordable dwellings.

Table 3: Affordable Housing by size

	Number of Bedrooms		
	One	Two	Three
Houses	-	10	10
Flats/Maisonettes	28	46	-
Sheltered Housing*	37	8	-
Bedsit/Studios	26	-	-
Total	91	64	10

*The sheltered housing figures are indicative (see 8.75 below)

- 8.75 **Extra-care:** The 45 dwellings shown in **Table 3** is indicative, not all of these will necessarily be affordable. This would be a matter for a detailed housing scheme to be agreed before the commencement of Phase 1. However, *affordable dwellings of this size and number would be provided* whether or not they all include the provision of care.
- 8.76 The Strategic Commissioning Manager for Supported Housing in East Sussex has welcomed the possibility of extra care, commenting that a threshold number of 38 dwellings is needed in order to make the provision 24-hour care by a suitably qualified and experienced social care provider, economically viable. If provided it would support older people in the extra-care building, and potentially those living nearby. Preference would be given to local older people in need, over 60 with assessed care and support needs. A cascade mechanism within the legal agreement would allow those in need also to be drawn from further afield. Members are reminded that extra care affordable homes is not subject to the same decision made over general affordable homes going to those in the National Park before any discussions regarding provision for those beyond the boundary, regardless of whether this

means the provision is for others outside the District. The priority is for affordable homes for those who would not otherwise be able to access accommodation within the National Park, not numbers per se by District.

- 8.77 The applicant proposes that in meeting the total 40% (actually 39.6%) of affordable dwellings, they should be provided according to the totals shown in **Table 3** i.e.
- Phase 1:** 141 dwellings being 58% of that phase
Phase 2: 18 dwellings being 16.8% of that phase
Phase 3: 6 dwellings being 9% of that phase
- 8.78 **Delivery:** The early delivery of a high proportion of affordable homes as proposed in Phase 1 is a positive advantage particularly in light of the pressing need. A suitable rate of delivery and eligibility will be contained in a legal agreement
- 8.79 Flexibility may also be important in ensuring that the size of affordable clusters is an appropriate balance between the interests of distribution in creating a mixed community and the interests of efficient future management by the end-provider. It is also important that the design and appearance of affordable housing is indistinguishable from market housing, which the detailed drawings show.
- 8.80 **Mix:** The mix of dwelling sizes is set out in **Table 3**. It is recommended that the legal agreement should reflect the proportions of one, two and three bedroom dwellings shown.
- 8.81 **Tenure:** The Housing officer notes that Core Policy 1 provides a guideline for the tenure split of affordable homes, which is 75% rented and 25% intermediate sale, although alternative percentages may be agreed where local supply and demand suggest appropriate. This policy would also guide the consideration of subsequent affordable housing schemes.
- 8.82 **Local priority purchase scheme. The applicant proposes that** people who live or work locally would be given first priority to purchase 15% of the number of smaller open market dwellings for an eight week period. The applicant explains that the period would begin at the completion of foundations for a new dwelling, which is typically three months before occupation. This does not appear to provide a financial advantage but it gives priority to local people and it may be linked to Government low deposit schemes.

Summary

- 8.83 **The proposal has the benefit of delivering all of the housing proposed in the site allocation policy SP3/SD34, whilst not resulting in excessive bulk. The mix of dwellings is well matched to the predicted profile for local household sizes and these are well arranged within the proposed layout. The amount of affordable housing also meets the 40% target under emerging policy JCS Core Policy 1 on this challenging brownfield site, and has the distinct advantage of providing a high proportion (58%) of affordable homes in the first phase. This advantage is considered important, given the high degree of current need.**
- 8.84 **Whilst the proposal has been criticised for adhering to the 80% market rent, due to high local prices, it is in accordance with the Government definition, which is to be commended. The mix and phasing of affordable housing would form part of a legal agreement. The use of housing schemes for approval before the commencement of each phase provides flexibility in the agreement of the tenure mix and supplier, (and thereby the detailed funding mechanisms) and regard will be had to the guidelines in Core Policy 1.**

Design

Policy

- 8.85 The NPPF requires good design, which should be sustainable and plan positively to create places which function well in the long term, have a strong sense of place, optimise site potential, respond to local character, and create environments which are both, safe, accessible and visually attractive. This is supported by Saved Policy ST3 which also requires

the avoidance of detrimental impacts on the amenities of the surrounding area. Development should promote environmental enhancement.

- 8.86 In the emerging plans policies SP3/SD34 require a high standard of design which enhances and respects the character of the town and recognises its setting within the National Park and Conservation Area. A new riverside route is expected, which will contribute to this character and to accessibility; pedestrian and cycle routes are required through the development (a 'walkable environment') and there should be improved linkages across Phoenix Causeway and Eastgate Street. Development should create a sense of place, recognising local heritage.

Layout and Integration

- 8.87 It is important that the development integrates with the town centre to the south and the landscape edge of Lewes to the north and the riverside. It should also create spaces which add to and support the adjoining town centre but do not compete with it. The first challenge is to address the difference in levels between the southern edge of the site and the town centre; the site is approximately three metres lower due to Victorian excavation and (at Phoenix Causeway) later embanking.
- 8.88 The design solution is to cover over the lowered ground with a new deck 'podium', the top surface of which is level with adjoining ground. This achieves consistency of levels and the formation of a principal new road access to the site. The podium allows for a large undercroft to provide 506 car parking spaces for public use and residential permit holders, close to the edge of the town centre, with a main pedestrian access at its southern end. This conceals car parking so there need only be a small scattering of roadside parking bays in the first phase of development.
- 8.89 The podium is also important in ensuring that new buildings are above predicted floodwater level to meet national and local policies.
- 8.90 In order to integrate with the surrounding area the masterplan layout extends key routes into the site **Appendix 4** These main access points are:
- **The new principal access from Phoenix Causeway.** This is termed 'New East Gate Street, providing new street between the site and town centre via Phoenix Causeway. Its alignment serves as a main 'spine' for the development, with branching side roads and public spaces.
 - **The extension and realignment of North Street.** This provides a clear and well understood route, sloping down into the central part of the site from the higher slopes to the south west
 - **Realignment and connection of Brook Street** through the site provides the residential area of St Johns Hill with a more direct connection to the riverfront through the new streets
- 8.91 In accordance with policies a new footpath would run along the riverside edge at the eastern boundary of the site. This connects Phoenix Causeway in the south to Willeys footbridge to the north, over a distance of 600m, which constitutes major new infrastructure for pedestrians and cyclists. It makes use of a series of flood defence walls and embankments, which is a very good example of multi-purpose planning. It would allow for later continuation of the path beyond (under) Phoenix Causeway as part of the future redevelopment to the south. A suitable obligation would be in a legal agreement to safeguard this connecting point.
- 8.92 A new foot and cycle bridge would be constructed approximately 220 metres north of Phoenix Causeway, linking the site and new riverside path to the long distance riverside path on the eastern bank and the path network in Malling Field recreation ground, which is a well-used commuter route for cycles and pedestrians into the north eastern suburbs. This is a highly significant benefit, integrating the site with the town centre, suburbs and wider recreational network though the National Park and coast consistent with the second purpose of the Park.

Movement Networks – Vehicular, Cycle & Pedestrian

- 8.93 The main vehicular access route would be the New East Gate Street spine, which would intersect with the realigned North Street, and by a staggered junction, to Brook Street. These would be single vehicular carriageways in each direction with streetside footways, some with planted verges. The north western end of Brook Street which is a narrow street with narrow pedestrian margins alongside Pells Park, is unchanged. The rest of the site uses shared surfaces (un-adopted) format, where vehicular usage will be limited to residents, and deliveries. Access for emergency vehicles will be possible on all routes restricted to cyclists and pedestrians and service vehicles in areas with no alternative rear access.
- 8.94 Shared cycle routes would be either on the highway or shared pedestrian routes, in line with wider provision across Lewes. Pull-forward junction boxes have been specifically included in the design for Phoenix Causeway and the New Eastgate Street junction to ensure that cyclists are able to move through the site and into the town centre without using pavements. (See **Appendix 13** and sections 8.133 & 8.205).
- 8.95 There is a high degree of permeability for pedestrians. The route onto Pells Walk from the existing North Street cul-de-sac is altered, but access maintained by steps and a ramp over the new flood embankment of 3 metres in height. The riverside path provides for new residents and commuters. It intersects with the new footbridge and public space at the new Phoenix Square and Wharf area in the central riverside area, which becomes a new focal point. The new footfall here is important in creating a well-used and safe place. Away from the main routes through the sites are a series of narrower side routes, well overlooked but intimate and evocative of the passages and twittens, which are part of the heritage of the older town.

Character Areas

- 8.96 The proposal is to create three distinct character areas, each with a different character (**Appendix 5**).
- 'The Yards'*
- 8.97 This comprises most of the mixed-use area which occupies much of the southern half of the site and comprises most of the Phase I development. Here commercial uses would be found at ground floor along its main streets, with residential flats above and between. Houses and flats lies in the series of side streets. At its southern end, at the Phoenix Causeway frontage, the prominent Eastgate Building, fronting both the road and riverside will be a gateway into Lewes and the new Quarter; its four storey Wharf-style architecture, and design making a prominent architectural statement. In front of this is the expanse of well landscaped public realm with strong lines of hard and soft surfaces along main pedestrian desire lines to link the building entrances, the street and river. Further detailed design of this area and the wider Phoenix Causeway will be crucial to creating a high quality space, by planning condition.
- 8.98 Beyond the Eastgate Building the environment is essentially urban due to the mixed uses and commercial frontages, mews style residential streets and taller town houses and flatted blocks. This character borrows from parts of older Lewes, with continuous built-up frontage, variations in height and building line (sometimes subtle) and materials.
- 8.99 A range of concepts are adopted, including a more traditional 'street' approach (York Street), passageways and a 'London square' type space (Every Walk). This creates good permeability. The threaded pedestrian routes alongside and in-between buildings create constant changes in views and glimpses, including the sometimes private but visually accessible communal gardens and courtyards which lie back from the main streets.
- 'Northgate'*
- 8.100 In the approximate centre of the site, the northern edge of the commercial mixed development in Phase I and the southern edge of the residential development in Phase 2, combine to form the proposed Northgate area. This is focused on the new riverside public space 'Phoenix Square' and wharf.

- 8.101 The location of public buildings, (the *performance space* and *community creative space*), with roadside cafes and riverside terrace and steps. The large central square and wharf-side steps provide is outdoor space for entertainment, and social activity, which create an important new convergence point. Some of the most striking feature buildings are here (see below) characterised by increased height and industrial and wharf-side characteristics. This area would require clear management of the public realm to ensure good maintenance and the best opportunities to encourage vibrancy.
- 8.102 The architectural styles here are used in the design of the immediate sections of the residential streets to the north in Phase 2, which creates a sense of continuity, but also of transition.
- 'Pells Cut'*
- 8.103 Phases 2 and 3 comprise a series of streets which will be entirely residential and quieter, with shared surfaces, communal garden areas and building heights up to three storeys. Frontages are focused on the main 'spine' road which extends northward from the New Eastgate Street; the landscaped embankment (flood defence) at the edge at popular pedestrian walk at Pells Walk, and the new riverside walk. Gardens are typically 6m deep, which creates has courtyard garden character, with sheds for cycle and bin storage.
- 8.104 There is a higher proportion of larger family sized homes, and the inclusion of areas suitable for doorstep play and social interaction. The area is densely developed and has more public landscaping in the sustainable drainage swales which run through the shared streets and yards. This marks a transition to the leafy suburbs and open space to the north and west. The new residential frontages at the northern end the riverside would face onto a green embankment, making a transition from the more urban flood walling to the south, to the undeveloped riverside character further upstream.
- 8.105 Open surface car parking appears here in a series of well-proportioned communal yards and roadside bays. In a few places this creates a level of visual intrusion which the rest of the development has avoided, but in terms of use it is a compromise between urban design and the needs of future residents. Management of car parking is highly important here (see 'Parking' at section 8.217-8.224). As this part of the development is in outline form (access, layout and scale), matters of detailed appearance and landscaping would be shaped by the Design Code document, which is considered below.

Architecture and Landmark buildings

- 8.106 Architectural styling is contemporary but has strong local-referencing and a response to context. This follows guidance from the Design Review Panel. For instance the steeply gabled and timbered end of the East Gate building at the Phoenix Causeway, is evocative of older wharfs at river frontage; the bull-nosed ends of buildings in a few places, most notably at the prominent forked junction in New Eastgate Street, is borrowed from the conservation area at Wellington Street.
- 8.107 It does not attempt to directly copy the historic style of Lewes. Pastiche would have been inappropriate precisely because the architectural vibrancy of Lewes has emerged through the range of styles it has embraced. The layout and design is unique but in keeping, using scales, massing, proportions, layout features design and materials, which are sympathetic, subject to detailed control by planning conditions. **Appendix 6 (a-c)** shows a series of street and riverside elevations which illustrate to architecture, landmarks and character of the proposed development from within the site and the riverside.
- 8.108 A series of key buildings are considered below.
- 8.109 **East Gate Building** (Health Hub (**Appendix 7**)): This use wharf-side style proportions with a prominent set of gables facing the river and visible when entering Lewes from the east. Features include an exposed framework the overhanging the upper walkway on the river frontage and forming part of the detailing of the flood wall. The western ground floor section has been designed as a flexible space for community use, and allows connection both visual and physical between the new public space created on Phoenix Causeway and the smaller interior courtyard space in Bouverie Court connected with the nursery.

- 8.110 **Ironworks Building (Appendix 8):** This is highly prominent at the forked junction in New Eastgate Street and splits the public realm into a vehicular route towards Pells Cut and a pedestrian route along Iron Works Walk to the new Phoenix Wharf space. The building stands out through the use of its rounded 'bull-nose' corner; this is found elsewhere in Lewes; and the large-scale ground floor openings to encourage interaction with the public realm. Accent materials such as metal have been used to highlight features including the main entrance, which is distinctive and follows the intended use for community arts activities.
- 8.111 The inclusion of a large-scale 'chimney' feature on this building as an echo of the areas former industrial past and to add real contrast to the roofscape of the area, as is typical in Lewes, is particularly important. As a result a planning condition should be used to positively require its completion as part of the building
- 8.112 **Wharfside Building (Appendix 9):** Its location at the central riverside part of the site, immediately upstream of the footbridge, has been used as an opportunity to introduces an element of texture in what is otherwise a predominately brick based material palette, with the inclusion of shingles on the frontage of the building. This feature is found irregularly on a couple of buildings in Lewes. The building itself forms part of the flood defence wall, and to this end the changes of level at the rear of the building are complex, but have led to the creation of an intimate gated courtyard space within this rear area.
- 8.113 **Extra-Care Building (Appendix 10):** The public facades of this flatted block are simple and understated; however the use of other features is employed to benefit. Two internal courtyards are surrounded by glass and wood colonnade facades. It creates an intimate semi-public space including a through route for local residents, which will be overlooked by balconies. The integration of the extra care unit with the under-croft car park, provides parking for mobility scooters

Design Detailing and Design code

- 8.114 In the full application (Phase 1) details such as fenestration and doorways respect local traditions which are predominately for vertical in emphasis and represent certain proportions of the overall facade. The hierarchy of pedestrian routes, some well used, some private or less well known, has been emphasised through a hierarchy of features to encourage or dissuade access by the general public as appropriate. Some further detailing of gates and fences is needed by planning condition.
- 8.115 Several of the large feature buildings, particularly around the riverfront public open space include 'super graphic' building names within their facades. Detailing of this and their curtilage gates are needed by condition.
- 8.116 The palette of materials develops across the site with a darker base of red and grey brick, with slate tile roofs and accent materials including metal panels, hung tile and shingles in The Yards and Northgate, moving to a lighter palette including some buff coloured elements and wooden panelling in Pells Cut. The materials for Phases 2 and 3 are set out in the Design Code, but as appearance is a reserved matter the application of these materials can be varied from those elevations currently illustrated, provided they conform to the Code.
- 8.117 **The Design Code** informs the detailed design of the outline Phases 2 and 3 where appearance and landscaping will be applied for later (reserved matters applications). The footprint and the position and size of outdoor spaces is fixed by the outline layout plan and any significant change would need further planning permission. The Design Code will advise on how the buildings and their curtilages are 'dressed'. Its role in landscaping will be mainly to inform the approval of planting and materials
- 8.118 Among other details are a range of bay and dormer windows to reflect local styles and thresholds details, which includes a hierarchy of doorways and porch features, along with matters such as minimum soil levels and requirements for functional water-butts on all dwellings to ensure ensuring their proper functioning, to assist in sustainable drainage. The code also sets out other details for the whole site, which will assist in the approval of detailed matters under planning conditions here such as detailed materials and boundaries

8.119 The coding principles set out in the document are considered to be generally sound.

Commercial frontages

8.120 There are four main types of potential commercial frontage:

- Large scale frontages (with and without fixed high canopies) including in several elements of floor to ceiling windows opening onto public realm.
- Retail-style frontages
- Small scale frontages providing basic access and fenestration with lower fixed canopies
- Workshops with frontages providing extra wide doors and fenestration.

8.121 In order to maintain consistent quality and coherence but also flexible occupancy in the future, the detailed design of the commercial frontages (e.g. proportions, materials and forms) will require careful consideration along with the integration of advertising, lighting and use of associated public realm areas. As submitted it is not fully clear that commercial frontages would achieve this and it is recommended that a stand-alone *design code for commercial frontages* be required by condition.

Summary

8.122 **The approach to the design of the scheme has been responsive to the physical opportunities and challenges of the site, particularly the need for robust flood defences and the advice regarding the need for car parking. The proposals focus on integration with the surrounding area, following advice from the Design Review Panel. The mix and distribution of buildings, housing and spaces and their flexible uses will create a strong sense of place. Together with the detailed architectural design and forms it is considered there are strong references to the traditions of Lewes. The scheme is considered to be a strong contribution to the streetscapes and built form of this part of Lewes.**

8.123 **Careful attention to detailing is vital. Further revisions to the design code are therefore needed and detailed materials, boundary designs and such matters will be subject of planning conditions. Detailed plans are required to explain fully which routes are to be shared by pedestrians and cyclists. Notwithstanding this the routes achieve significant benefits in pedestrian and cycle commuting and leisure routes; the placing of paths focuses on important public spaces, which are discussed in the Public Realm and Landscaping Section below.**

Public Realm and Landscaping

Policies

8.124 Being within the National Park there is an overriding emphasis on the consideration of landscapes, including historic landscapes. At detailed site level, green infrastructure can provide multi-functional areas, which provide environmental and quality of life benefits for communities along with well-designed places and buildings; the public realm.

8.125 Saved Policy ST3 states that development should respect the local area generally, including landscaping and the use of materials should be appropriate to the area and future management should be secured, for example, by legal agreement (ST11). Both emerging policies SP3 and SD34 require a high standard of design; the text associated with the latter of these refers to the site opportunity for a new public square beside the river, formal and informal public spaces and widespread planting including sustainable surface water management.

Landscape and Visual Impact Assessment (LVIA)

8.126 Looking first at the wider scale landscape the site is within a town that is clearly set within the chalk downlands and riverside setting. It currently has a largely built up appearance, although there is a marked variation in the size of buildings and their visibility, with the built

up appearance towards the south, becoming somewhat more fragmented to the as the river frontage becomes more informal upstream.

- 8.127 The submitted impact assessment (LVIA) with the application is now in line with recommended guidance (GLVIA3). Establishing the baseline for the study involved extensive scoping owing to the complex nature of the site within its landscape and townscape setting, the historic use of the site, its relationship with the river and the evolution of Lewes within the river valley.
- 8.128 Early iterations of the LVIA were considered to have failed to consider the importance of the river frontage and the opportunities for analysis of this frontage in informing the future design of character areas within the scheme. To a degree these issues of character have largely been resolved although it is recognised the river frontage remains an area of some unease. This is due not to the design of individual buildings per se but the relative increase in solid form across the frontage.
- 8.129 It is interesting to note the additional LVIA material recently submitted to show photomontages of, and assess, the scheme's impact on the views towards Brack Mount from the Malling Fields Recreation Ground. The montages show clearly the increase in height scale and mass of built form in the foreground of the west bank of the Ouse. Cross sections have been requested, including comparison with existing buildings, but it is likely these will confirm that the development will create a more built up frontage, including taller buildings in places.
- 8.130 Whilst the proposal is unlikely to have a significant effect on the wider landscape of the surrounding downland, it will create a more formal frontage and matters such as the detailing of the flood defence walls, the use of robust, high quality and sympathetic materials, will be crucial, under the control of a planning condition.

Layout of public realm

- 8.131 The scheme has been amended at length since early informal proposals a few years ago. The design was restarted at least once by returning to consider block structures and circulation when an impasse has occurred in the design process. From a landscape/public realm perspective the resulting street pattern, public spaces and connectivity is considered to be well thought out overall. It includes two main urban spaces at Phoenix Causeway and the proposed Phoenix Square/wharf area. These are located on desire lines and are large and lined with active frontages, they contain planting to create add to their interest and micro-climate and are expected to be successful.
- 8.132 In the residential areas, landscaping along road edges and in shared courtyards used to counterbalance with the extent of buildings, walls and hard surfaces. Planting is containerised and will require long-term management and irrigation, for which a legal agreement is needed. Much of the planting also contributes to sustainable drainage, in the swales and rain-gardens which are located in the streets and in public space, fed by surface water. Regular and on-going maintenance will also be secured by the agreement.

Phoenix Causeway frontage

- 8.133 This part of the scheme is very high profile. In order to integrate the site effectively with the town, the design must make a sympathetic transition between the town centre, the new quarter and the riverside environment. It is also important to ensure that spaces around the buildings and the uses to which they can be put is related positively to the use of the building and its doorways and overall design so that there is both character and ease of movement.
- 8.134 The recent amended proposals have reduced the width of road carriageway from the original proposed dual carriageway. It has two wide central medians within which tree planting is shown, which in combination with those proposed in front of the new buildings, offers some mitigation from those which would be lost.
- 8.135 Inevitably, compromises have been needed in the design process, to reconcile the safe movement and crossing of pedestrians and cyclists and the flow of vehicles with the vitality

important creation of a well-defined and meaningful public space. The result provides a wide paved space with a sequence of rectilinear planted spaces, defined by narrow drainage rills and containing a formal line of trees. This sequence merges with the near side of the riverbank down-slope to create a strong direct progression between the Causeway and riverside. It provides opportunity for pavement tables, associated with the internal gallery and kiosk, and a place to meet, and to linger.

- 8.136 Opinions vary as to how well the three crossing points across the Causeway align with the likely pedestrian footfall (desire lines). Whilst the arrangement does not allow for the alignment of surface treatments between the crossing points and the pathways through the open space, the crossings are evenly-distributed and the central medians provide wide, safe waiting places for those crossing the road as well as the planting of another formal line of trees. The combined effect of these trees with those new ones to the north and existing ones to the south is to create a boulevard effect which adds to the strong direct progression described above.
- 8.137 Through the design process it has not been possible to create a third median, east of the Waitrose exit at Eastgate Wharf, nor space for informal crossing here. Not least as there is now the ability to turn right out of the current Waitrose site. Nevertheless the redesigned Causeway is a significant benefit not just in highway terms but in place making terms and mitigation for loss of existing trees. It is vital that the quality of detailing and surface treatment is not weakened during the highway approval (s.278) process and to this end, a planning condition is recommended to approve the final details in due course

Riverside walkway

- 8.138 In broad terms the circulation and access to the river is well considered and the creation of various riverside characters is supported. The river wall is part of the flood prevention scheme and as a result is of significant height.
- 8.139 This is not necessarily a negative issue as river walls are often substantial features in towns. However, the design and construction of the wall will have a pivotal role in defining it either as an integral part of the site design, or as a significant visual and physical barrier. The detail of red-brick finish of part of the wall and sheet piling near the new wharf are not shown and will require careful consideration, under planning condition.

Lighting

- 8.140 The restrained approach to lighting in the scheme is noted. The use of different types of lighting to indicate character and pedestrian priority areas is creative and appears to be effective in the scheme and respect the principles of Dark Night Skies. In some locations it will be important to consider adding more lighting for personal safety, but this could be managed by planning condition.

Materials Strategy

- 8.141 The recently revised materials strategy is broadly acceptable subject to further design work on some points. Samples of materials will be required in particular the colour ranges of the proposed granite setts. The range appears to be substantial and this may require further zoning at detail stage. Alternative materials are needed for the upper and lower riverside walkway, to respond to and enhance their respective urban and rustic characters, for example crushed limestone for the latter.

Trees and Tree Strategy

- 8.142 The brownfield site has only a scattering of trees, albeit in prominent places, such as Phoenix Causeway, North Street and the riverside. In the development much of the existing would be removed, however it is an opportunity to open up the interior of the site to new planting opportunities and to increase overall tree cover in the longer term. Clear functional purposes have been considered for trees in terms of providing shading, visual interest and connectivity to other green infrastructure and biodiversity.

- 8.143 Trees would be sited in prominent, high status locations as far as the scheme allows given flood defence requirements where the podium basis for the development brings limitations, as street trees must be containerised in ‘underground’ tanks.
- 8.144 In Phase I the design approach is to concentrate on strategic locations for forest sized trees and there is still concern that the space given to tree planting is too restrictive to allow its development, so that regular pollarding will be necessary. The lack of tree planting along the river path due to EA restrictions is regrettable but reasonable measures to ‘borrow’ trees from locations within the site i.e. gardens and parking areas so that they are visible from the eastern bank, are taken. Mindful of these limitations semi mature trees are proposed in specific strategic locations in Phase I. It is important that these are of very good quality and suitable form for their new locations; therefore these individuals should be approved by planning condition. In Phases I and 2 tree planting is provided but requires refinement to ensure that there is a clear definition between tree planting space and parking.

Podium Planting

- 8.145 The podium design in Phase I presents limitations for planting, which must be containerised. In these situations irrigation is needed to maintain their long term nutrient and water needs. The soil volume and species/size requirements of containerised planting has been carefully considered to ensure that the podium planters are big enough and the right design and with the correct soil. Another practical consideration is the timing of planting, to ensure that the new buildings and services themselves do not impede the machinery which will be needed to deliver and plant new trees. Careful project planning will be needed and a planning condition is recommended for the approval of details.

Adoption of Highway

- 8.146 The extent of adopted highway is limited to the proposed New Eastgate Street, realigned North Street and Phoenix Causeway, this including areas where trees are to be planted. Outside of this the owner and Management Company would have maintenance responsibilities under a s.106 agreement. This presents an opportunity to ensure that elsewhere the street furniture and other fixtures are tailored to the scheme and that the design integrity of the public realm is maintained.

Summary

- 8.147 **In summary, the impacts of the proposal in the surrounding downland landscape are considered unlikely to be significant and potentially positive. Closer to the site and particularly at the riverside, the proposals will present a more built-up appearance and the flood defence walls as far as the wharfside area and part of Phase 2 adds to this. Careful control of detailed design for these flood walls and of materials generally will be important here so that they can positively contribute to the scheme as a whole, as advised by the Design Review Panel.**
- 8.148 **With opportunities for new planting around the site, vegetation and tree cover will assist in creating visual interest and green infrastructure which permeates the development. The formal public spaces are well located and designed to provide interesting lively areas to meet and linger. They offer a considerable benefit in terms of public access and enjoyment of the new environment and riverside views from it. Necessary control can be achieved by the various conditions and legal agreements terms.**

Heritage

Policy

- 8.149 National policy (NPPF) recognises that heritage assets are irreplaceable and that their significance can be lost or harmed due to development, including harm to their setting. The benefits of development must be weighed against the harm; designated assets such as listed buildings, conservation areas and scheduled ancient monuments (SAMs) are afforded great weight; non-designated assets are also subject to this policy but do not receive the great

weight of those which are designated, but these is still a balance to be considered. in the case where an asset is lost due to development, Authorities are obliged to take all reasonable steps to ensure that the approved development will proceed (NPPF, p.136)

- 8.150 Purpose one of the National Park is among other things to conserve and enhance cultural heritage. This aligns with the NPPF outlined above.
- 8.151 Saved policies H2 – H5 re-affirm the protection of listed buildings, conservation areas and their setting and T7 seeks to minimise traffic in conservation areas. Emerging policies SP3 and SD34 require development to respect and enhance the character of the town, including the adjacent conservation area. There should also be analysis and appropriate recognition of the site's cultural heritage and archaeology, including trial trenching, to inform design and appropriate mitigation.
- 8.152 The site adjoins and is partly within the Lewes Conservation Area and across the river, the Malling Deanery Conservation Area (**Appendix 11**). In the Lewes Conservation Area Character Appraisal of 2007, the site adjoins Character Area 5: 'The Pells and West Street' and intersects with it at Brook Street Car Park and slightly to the north east of Pells Park. The associated Lewes Conservation Management Plan was adopted by the South Downs National Park Authority in July 2012. General principles, laid down in Section 3 of the document, are relevant to this development.

Site and Town

- 8.153 Lewes is recognised as one of the best preserved historic towns of its size in England. The historic core, established by the Saxon period, is centred on High Street, located on the chalk ridge which then descends School Hill to the River Ouse. The original grid of Saxon streets is thought to be intact to the south of the High Street. To the north it was disrupted by the construction of the Norman castle, following the conquest.
- 8.154 The growth of the town continued into the medieval period with the development of the suburb of Westout to the west, St Anne's Hill, and the foundation of the separate township of Cliffe on the floodplain across the river.
- 8.155 By contrast, the low lying land to the north of the early town, much of which is the subject of this application, was highly marginal in nature and far less important in the early evolution of Lewes town. It was always prone to flooding which had a bearing on practical land uses. In early times the tidal river was also considered a vulnerability, offering a route inland for raiders as well as trade; for this reason, simple Saxon defences, a ditch, bank and palisade fence, were thrown up at this northern fringe to protect the town from Viking incursion as early as the reign of Alfred the Great. Not all of this defended area will have been developed, though the Saxon minster of St John sub Castro was located at the northern edge of the settlement. The Area of Archaeological Interest shown in the Lewes Local Plan 2003 reflects potential for early deposits. In the Extensive Urban Survey for Lewes, published in March 2005, Roland Harris identifies the area as HUCA 19 with a Historic Environment Value of 1 (on an ascending scale of 5).

Designated Heritage Assets on-site

- 8.156 The only designated heritage asset on the application site is a Scheduled Monument, the Green Wall. This is the last surviving visible 'fragment' of the early Saxon defences. At present the appearance of the Scheduled Monument is extremely degraded and its significance illegible to the layman. Originally a ditch and turf bank, surmounted by a timber palisade fence, it is now hemmed in and probably encroached upon by services and Victorian and Twentieth Century development. The approximate fence line is marked by a Nineteenth Century flint wall, with a coping of furnace slag. On the basis of early map evidence, the feature is believed to have continued for some distance to the north, before veering west to enclose the churchyard of St John sub Castro. However, archaeological confirmation of the exact line is not available and there is a deal of conjecture on the matter.
- 8.157 All works which physically impinge on the monument will require an application for Scheduled Monument Consent from Historic England. Proposed development massing in

this vicinity has been pulled back in recognition of the asset, to offer additional space to provide some setting for the monument. Furthermore its relationship with Victorian houses on green wall passage and the 19th Century flint wall which marks the approximate line of the palisade will remain unaltered. The possible removal of a layer of loose contaminated aggregate the opportunity to investigate the bank and ditch and the subsequent restoration of a turf surface is considered to constitute benefits and respect the cultural heritage of this asset in the wider context of the development.

- 8.158 There has been a desire expressed that the broader setting of the monument to the east is achieved via the development proposed, with an aspiration that a view across to the river be restored. However the river is not currently visible from this monument not least due to the existing sheds as well as any new development. Indeed, any views will have been extremely limited if at all since the construction of a railway embankment in the 1860s, levelled around 1970.
- 8.159 Historic England has also expressed some disappointment that the former line of Green Wall has not been physically reflected. The new development adopts a different scale however in response to policy requirements, and proclaims a sense of permanence which has been lacking in this marginal area. Not unreasonably the developer's Heritage consultant points to the confusion regarding the exact line of the Saxon and medieval defences to the northern side of Lewes and concludes that any attempt to *'represent the former alignment of the town wall within the new fabric...would be conjecture and potentially inaccurate'*.

Conservation Area – Lewes Town

- 8.160 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.161 In the 2007 Lewes Conservation Area Character Appraisal, part of the development site is located in Character Area 5, *'The Pells and West Street'*. Development opportunities were identified at 9.1.5 (i) and the proposed scheme broadly complies with the recommendations in the text, with the notable exception that it has not proved possible to reproduce historic boundaries. Character Area 2, Lower High Street also lies adjacent to the development site but the main focus of this character area lies elsewhere and the supporting text does not offer further guidance.
- 8.162 Principles laid down in the Lewes Conservation Area Management Plan, 2013 state that new interventions should "echo and reinforce those characteristics of the buildings, townscape and public realm of Lewes which make a positive contribution to the town and its local distinctiveness".
- 8.163 For the most part, the boundary of the Lewes Conservation Area shadows the red line of the development site. The significant exception to this is the extent of the public car park which occupies the former site of terraced housing at Spring Gardens and the southern side of Brook Street. The houses here dated from the 1840s, but were demolished around 1970. The outline of the original roads is still discernible in the surfacing, but the character of the space is untidy and severely degraded.
- 8.164 Under the current development proposals, this space will return to housing. Reinstating the historic street layout was considered, but prevented by the footprint constraints imposed by later service provision. Design of the proposed housing is considered to be good and appropriate in scale with adjacent development.
- 8.165 The proposed development would imply change to the setting of the Conservation Area from a succession of vantage points along its boundary. The most significant views would be registered from Greenwall Passage and the eastern end of Lancaster Street, looking east and north, from the stucco terrace on the corner of Lancaster Street and North Street, looking north and east, from the eastern end of the Churchyard of St John sub Castro looking east, from St Johns Terrace looking north and a number of progressive views from various locations on The Pells, looking north and east. There is also a minor area to the rear (east of

Pells Park / Pool), which will have a new relationship with the proposed terraced house in place of the existing post-war commercial yard, and is considered to be an improvement.

- 8.166 The replacement development would be greater in scale, density and massing in almost all of these prospects, with the exception of the downhill view from St Johns Terrace and some views from the Pells. Here the removal of the Waterside Centre and its replacement with terraced houses would represent a positive change. However, increased massing in itself is not a fundamental factor and can be mitigated by sensitive design, the appropriate use of facing and roofing materials and some framing provided by existing and extensive new trees.
- 8.167 The most striking points of visual change along the boundary of the site will probably register along the river frontage. Here, the current succession of industrial sheds of varying dates, with a backdrop of historic assets on the hillside beyond including Lewes Castle Keep, will be replaced by entirely new riverside buildings of predominantly three storey height. Their scale will be in addition to the 'plinth' formed by the flood wall and the parking vault behind.
- 8.168 At present, the industrial buildings in the foreground are not tall enough to screen most views of the heritage focal points behind, but particularly from the river frontages present an untidy façade and in some cases eyesores. From Phoenix Causeway to the central square will form the focus of the new development and from where the new footbridge would spring, the proposed buildings and terraces would be disposed end-on to the riverside walk. That being the case, intermittent views of the scattered heritage features beyond may still persist. The Conservation Officer advises the impact of such may be moderate adverse from the riverside.
- 8.169 West of the location of the proposed footbridge, the development scheme becomes wholly residential and the housing blocks tend to face the river. However, regular junctions with cross streets have been provided, aligned to offer gap views back toward the well-treed, elevated churchyard of St John sub Castro.

Conservation Areas - Malling Deanery

- 8.170 This Conservation Area is located across the river to the Lewes Town Conservation Area and the development site. Malling Deanery has a surprisingly secluded, village-like character, despite its close proximity to Lewes town. This is primarily because the settlement is well screened by tree cover to most sides, but the proposed development would be seen from certain public vantage points. From the riverside, at the location of a former Victorian footbridge, views across the river to the new houses facing The Pells may be glimpsed though the overall character of the current scene would not significantly change. A greater degree of change will be perceived from the former railway line, as it emerges from the cutting at the south eastern edge of the Conservation Area, albeit this is some distance away.

The Setting of Designated Heritage Assets

- 8.171 Section 66 of the Planning (Listed Buildings and Conservation Area) Act, 1990 sets a general duty during the exercise of planning functions that special regard to the desirability of preserving the listed building or its setting, or any features of special architectural or historic interest which it possesses.
- 8.172 Historic England has expressed concern regarding the setting of important designated heritage assets and the developer has commissioned additional view analysis from two of these, the Keep of Lewes Castle and Brack Mount, thought to be the original Norman motte.
- 8.173 The Keep is a Scheduled Monument and a Grade I listed building. It stands a considerable distance from the development site and is very elevated from it. The analysis has demonstrated that there would be middle distance views of certain parts of the proposed development and it may show a marginal increase in massing. However, appropriate choices for roofing materials in a subdued palette should mitigate significant visual impact from this vantage point, resulting in a neutral impact overall. The significance of the historic structure

should not be compromised, though its visibility may be reduced from the north bank of the Ouse.

- 8.174 Views from Brack Mount are more finely balanced. Although there is no public access to it, Brack Mount is a Scheduled Monument and a large earthwork, prominent at various points in the townscape. It is significantly closer to the riverside. View analysis shows that a new prospect of roofs of the proposed development will be quite clear, appearing in two narrow visual bands that will alter the built – green balance in a middle distance segment of the view. The change is considered mildly adverse though impact can be mitigated by appropriate choices of roofing material, in a muted palette where views are in any case restricted due to the wider public.
- 8.175 Other designated assets lie much closer to the development site, but beyond the red line. Waterloo Place is a Grade II listed terrace of twelve houses built during the 1820s. A current open view in this direction would be interrupted by the construction of the proposed close-care residential block on the far side of the road, though the new built massing would not be assertive. Given the overall urban context of the location, impact on listed building setting beyond the scheme is considered to be neutral, with no significant impact.
- 8.176 The church of St John sub Castro stands on an elevated churchyard, adjacent to the development. The church building stands at the furthest corner from the proposed buildings and its churchyard is heavily screened by boundary and other trees. This imparts an enclosed, intimate character. Built elements of the new development will be visible from here, though potential impact is thought to be neutral. The Grade II listed Russian Memorial to Crimean prisoners of war stands at this eastern end, but is a self-contained visual element. It is not believed that development beyond the churchyard would have any impact on its significance.
- 8.177 Pells Primary School is Grade II listed and faces The Pells. Flood protection works to protect the ‘Pells Flood Cell’ will have a mildly adverse impact on the setting of the building, but the structures have been designed with some sensitivity and harm is assessed as insubstantial. It must also be balanced against the current risk of flood damage to the fabric of the asset.

Non-designated Heritage Assets

- 8.178 Adjacent to the site, 1-3 Lancaster Street and 11-15 North Street form a terrace of three storey, stucco-faced houses identified as Buildings of Townscape Merit in the Lewes Conservation Area Character Appraisal. At present, they stand across the road from Phoenix House, an undistinguished office block of the 1970s. The proposed development would replace Phoenix House with a three storey, traditional street frontage which would restore something of the original character of North Street at this point. Consequently, the setting of the terrace opposite would be considerably enhanced.
- 8.179 The non-designated heritage assets on the site are primarily the buildings which survive from the Phoenix Foundry, established in 1832 by John Every. The buildings which remain constitute a succession of parallel sheds which have been assessed in a building survey by Archaeology South East and included in the Heritage Statement for the current application. Foundry buildings were almost always utilitarian structures and the oldest surviving elements of the group appear to be Units 3 and 4 which feature on the Ordnance Survey of 1873. Unit 1 appears to be Edwardian and a large two storey range, Unit 7, is dated 1911, with brick elevations of some architectural pretension.
- 8.180 This dated elevation is thought to have been designed to complement a frontage block of administration and drawing offices which was unfortunately lost to fire in 1948. The architectural coherence of the complex consequently suffers, with the result that Historic England declined to designate the surviving buildings when requested in 2014. However, they were judged to have “*clear local interest as the survival of a major element of the industrial history of the town.*” This means that their heritage significance should be properly understood and their conservation considered in a balancing exercise laid down in NPPF Paragraph 135.

- 8.181 These buildings have a degree of regional rarity value. Nineteenth Century foundries were once quite common, with recorded examples of varying size in Southampton, Kings Worthy, Cocking, Chichester and Horsham. The demand for cast products declined quite rapidly after 1950 and no physical trace remains of any of these sites, other than the occasional clue left in street names.
- 8.182 The surviving sheds of the foundry complex are almost all proposed for demolition, as their retention is incompatible with the developers chosen path to address flood protection and parking requirements. The only complete 'Every' building to be retained will be the Foundry Fire Station and Mortuary of 1906, now known as Corporation Villas and excluded from the development red line. Of the sheds, the western elevation of Unit 1, an Edwardian, red-banded wall in English Bond brickwork is the only other fragment of the industrial complex proposed for retention in situ.
- 8.183 The setting of Corporation Villas will be transformed by the new taller buildings and road realignment. The existing setting is compromised by the adjoining and nearby car parks. Taking this into account, the overall impact on their setting is considered to be minor adverse.
- 8.184 As undesignated heritage assets of local and arguably regional significance, it would be desirable that their best elements would be retained as part of a major development proposal, even where their immediate context is to be completely transformed. This would be consistent with the approach recommended in Paragraph 131 of the Framework.
- 8.185 For Phoenix Foundry this outcome is debateable, dependent upon ones view of the existing remnants of the complex. There is undoubtedly a loss to the industrial history of the town, albeit there are differing views as to how 'unadulterated' and important the built form that makes up the remnants of the old complex is. Furthermore, the total loss of the Phoenix Sheds must be balanced against other public benefits represented by the proposed development.
- 8.186 To reinforce public benefits in compensation of their loss, further analysis of the structures is recommended so that their surviving fabric is recorded and the work patterns and processes that took place in them is understood. It is suggested that this aim be advanced by means of developer contribution of £79,000, as part of a wider public outreach and art project with a special effort made to engage with older Lewesians who worked at the Foundry and their descendants, as well as the wider community.
- 8.187 This sum would be over and above the archaeological budgets set for evaluation trenching, post excavation assessment, design changes, mitigation excavation recording, analysis, reporting and dissemination.

Summary

- 8.188 **Development opportunities were identified in the Conservation Area Appraisal and the proposed scheme broadly complies with the recommendations in the text, with the notable exception that it has not proved possible to reproduce possible historic boundaries.**
- 8.189 **It is recognised that the Conservation Officer identifies some benefits of the scheme from a purely conservation aspect. The main issue identified are the impact upon views to and the setting of the designated historic assets further up the hill to the west from both sides of the river. There is also the issue of the loss of undesignated locally interesting historic assets. The Conservation Officer considers visual impacts seen from the river bank are hard to mitigate and this drives the view that there is the potential for harm that is not outdone by the conservation benefits.**
- 8.190 **Members are reminded that almost any scheme that provides the quantum of development proposed in policy, supported by the SDNPA, will inevitably disturb current views over the low grade predominantly two story building and undeveloped areas within the site. In other words almost any scheme will increase heights in some areas (and indeed should in order to make best use of**

brownfield land) which affect some views and the setting of designated assets to a degree.

8.191 Given the need for;

- A varied and interesting design along the river front for other reasons outlined in the report
- The need for robust flooding measures on what has been land prone to severe flooding
- The intermittent glimpses one would likely get from the riverside to the designated assets further to the west
- The additional setting provided for what is a currently a compromised Green Wall, the only designated heritage asset on site
- The retention on site of the complete non-designated heritage asset (Corporation Villas), together with some incorporation of an elevation of one industrial unit on site and other conservation benefits flowing from the scheme (e.g. immediately adjacent to the site, the stucco-faced terrace of 1-3 Lancaster Street and 11-15 North Street);

the proposal is considered to strike the right balance between meeting all the aims of the primary policy driving the redevelopment of this site to provide significant levels affordable homes, employment and cultural space in a safe and robust manner without unnecessarily affecting the designated assets, their setting and the impact upon undesignated assets.

8.192 In light of the potential for impacts to heritage assets with historical and archaeological interest that would result from the proposed development, the area affected by the proposals should be the subject of conditions securing a programme of archaeological work. In addition, having regard to the purposes of the National Park a financial contribution to allow better understanding of the buildings and a permanent wider public outreach and art project is to be secured. This will enable any heritage assets with archaeological or historical interest to be catered for by recording and celebrating. A number of targeted evaluation trenches will be required, including in areas where piling is proposed.

Access, Highways and Parking

Policy

- 8.193 National planning policy highlights the importance of planning for a balance of sustainable transport modes and the contribution which this makes to reducing greenhouse gases and congestion. The precise approach may vary between different communities, including locational choices, the mix of development, use of travel plans and smarter technologies can make a contribution. Parking should be convenient, safe and secure with charges that do not undermine town centres. Sites which could be critical in developing transport infrastructure and widen transport choice should be safeguarded.
- 8.194 Safe and suitable access should be provided for all people and improvements to transport networks can limit significant impacts. Development should only be prevented on transport grounds in cases where impacts would be severe and cannot be sufficiently addressed by improvements.
- 8.195 The Lewes District Local Plan of 2003 policy ST3 echoes the NPPF, requiring adequate access, circulation and parking. Policy T1 repeats this and requires that development should provide for the access demands it creates by a range of modes; pedestrian and cycle facilities should be included with convenient site layouts and within safe and easy walking distance of the town centre (policy E6). Provision or contributions should also be made for public transport including buses (policy T2).
- 8.196 Policy ST5 requires provision to be made for people with disabilities, including the layout of footpath and crossing places such as tactile paving and dropped kerbs; accessible permit-

holder parking and accessible public lavatories and the provision of lighting and signage, but with careful placing of street furniture.

- 8.197 In the JCS, Core Policy 13 repeats the multi-modal approach to transport. It also recognises the connection between the management of cars and desired improvements in air quality in town centres and it explicitly places the needs of non-car users above those of motorists. New residential development should be designed for traffic speeds of 20mph or less and provide appropriate levels of cycle parking are required. In the SDNP Local Plan preferred options, policies SD18 and SD19 reaffirm the needs of pedestrians and cyclists. The associated text highlights the aim of reducing the major negative impact which road traffic has on the environment in order to give priority to the safe movement of these other users.

Estimated traffic impacts of the proposed development.

- 8.198 A series of traffic modelling techniques have been used to predict traffic volumes up to 2030 including the new development. These assume both 'background growth' i.e. continued trends in traffic growth, *and* the impact of potential redevelopment of other parts of the SP3 site allocated site; the Waitrose site and bus station. This produced information about the impact of development on Phoenix Causeway, the gyratory system and the wider town as far as the A27 Southerham and Ashcombe Roundabouts.
- 8.199 The results indicate there would be limited impacts on traffic flows on the A27 (up to 2 percent at Southerham and 5 percent at the Ashcombe roundabout) and 3 percent at the A26 Cuilfail roundabout. Highways England is satisfied with this.
- 8.200 Closer to the site, the impact of development on morning and evening peak traffic volumes in 2030, has been given for a series of locations in and around the gyratory system. This is based on a comparison between the number of vehicles in 2010 traffic volumes, assumed increases due to background growth and assumed changes, due to the proposed development. In the proposed development Phoenix Causeway is to be redesigned and signalised (in order to provide better pedestrian and cycle integration and environmental improvements). East Street is closed to through traffic (to reduce traffic short-cutting to North Street and Lancaster Street to the west of the site) to allow for environmental improvements, to achieve environmental benefits, which is considered to be a significant benefit of the scheme overall.
- 8.201 The results are summarised in **Table 4** below which identifies the growth in background traffic from the total growth with development. The totals in the far right hand column show where development, including the redesigned, signalised Phoenix Causeway and closure of East Street would either move traffic towards a particular location (positive values), or away from it (negative values).

Table 4: Predicted traffic growth between 2010 and 2030, comparing background growth and the proposed development.

Location	Number of Vehicles in peak hours (am / pm)			Percentage change against 2010 (am / pm)	
	2010	2030		2030	
	Baseline	Background growth	With development	Background growth	*With Development
Eastgate Street (north of E/gate Wharf)	1335	1412	1463	5.7%	3.8%
	1065	1286	1303	20.8%	1.6%
Eastgate Wharf	98	85	118	-13.3%	20.4%
	122	118	127	-3.3%	4.1%
Market Street	209	235	248	12.4%	6.2%
	339	385	394	13.6%	2.7%
North Street (south of L/East St)	1475	1816	1602	23%	-14.5%
	1269	1547	1459	21.9%	-6.9%
Little East Street	1144	1430	1335	25%	8.3%
	1181	1415	1181	19.8%	-19.8%
Lancaster Street	291	360	356	23.7%	-1.4%
	200	255	272	27.5%	8.5%
Brook Street	0 [1]	3	3	[300%]*	0%
	58	69	78	19%	15.5%
Total	4552	5341	5125	17%	-4.7%
	4234	5075	4814	19.9%	-6.2%

**In the case of Brook Street the baseline value of zero has been assigned a value of 1 in order to give a realistic percentage change.*

Proposals to address impacts

8.202 These impacts are each considered in turn below and the arising proposed changes within the gyratory are shown in the plan at **Appendix 12**.

- i) **Eastgate Street:** the most pronounced change is in the evening peak of 20 percent due to background traffic growth. The development adds relatively little but the overall traffic numbers are high and in the interests of improving pedestrian integration a traffic roundel would be installed at the High Street / Eastgate Street junction (Boots Corner), where pedestrians cross between the two sections of the High Street, and towards Phoenix Causeway. Traffic signals would be removed and implied zebra crossings to afford pedestrian priority.
- ii) **Eastgate Wharf:** the development is responsible for a high percentage change but a low number of vehicles (between 5 and 20no.). In light of these small numbers, no highway changes are proposed here.
- iii) **Market Street/North Street (south)/Little East Street:** The development is responsible for a small percentage change in Market Street traffic (up to 6.2%), but background growth is quite pronounced. The next part of the gyratory North Street south also has high background growth and the highest number of vehicles. The effect of the closure of East Street can be seen in the negative percentage values for development traffic here, which allows for environmental improvements in that street and consequent air quality improvements. The existing three way merger arrangement between Market Street, West Street and North Street would be redesigned firstly by the closure of the west end of East Street and by assigning priority to Market Street

traffic at the West Street junction, giving greater clarity to road users and precedence to gyratory traffic.

- iv) **Little East Street:** This also has some of the highest numbers of vehicles and greatest increase in background traffic growth (up to 25 percent). Two measures are proposed here. Firstly the introduction of a table top at the North Street (north) junction, to calm traffic entering the development area and residential streets from this busy road. Secondly, in order to calm traffic and improve the pedestrian environment, the Little East Street carriageway would be narrowed to a single lane for much of its length. This may also increase the future possibility of a cycle path along the roadside, (but not included in the current application). The changes also prepare motorists for the pedestrian crossings in Phoenix Causeway at the end of Little East Street. The Highway Authority has recommended that roadside bays are removed but the use of a planning condition for approval of design would allow this to be explored.
- v) **Lancaster Street:** The difference between the high background levels (up to 27.5%) and those of the development (8.5% and negative 1.4%) illustrate the beneficial impact of closing the East Street short cut. In addition the proposed table junction at the North Street/Little Eastgate junction, signifies the calmer traffic environment to be created here. In order to further-improve the pedestrian environment, the pavement on the west side of the North Street would be widened. On-street parking is left in place, which would assist in traffic-calming.
- vi) **Brook Street:** This experiences a high proportionate change in traffic but small in number (3 – 20 vehicles). The design of streets within the development linking into Brook Street would re-enforce the traffic-calmed environment which would begin at the North Street/Little East Street junction.

8.203 The implementation of the off-site improvements at i-vi above can be secured by a s.278 highway agreement. The applicant proposes that these works would be commenced at the end of Phase 1 and completed during Phase 2 highway matters would be a matter for approval by the Highway Authority. Although these works are largely offsite and covered by Highway legislation, it is important that design quality achieves the sense of gateway (e.g. in North Street) and is mindful of the conservation area, e.g. at East Street and Little East Street. It is recommended that a 'Grampian-type' planning condition used here This would provide an opportunity for the National Park Authority to review and approve the detail design and coherence along with the creation of a more pedestrian/cycle orientated highway.

8.204 **Summary. The above impacts and proposals indicate that the overall effect of the development on the gyratory system is unlikely to approach the severe impact test set out in the NPPF. The delivery, with design sensitivity can be secured by conditions and legal agreement.**

Phoenix Causeway

8.205 Integration between the site and town centre is a pivotal requirement and part of policy SP3/SD34. The road is part of the strategic network for Lewes and heavily used. The proposed main access to the site would be on its north side within 30m of the exit road from the Waitrose car park on the south side of the Causeway. One of the key challenges in this development is to design a layout which reconciles the strategic importance of the road with the need to ensure that all road users, including pedestrians, those with disabilities, and cyclists, can move safely and conveniently across it. Pedestrian and cycle desire lines are expected to be strongest between the new access and Eastgate towards the town centre; this must inform the design. Equally important is the achievement of a high quality appearance which creates a sense of place and not simply a movement corridor defined by tarmac and traffic signs.

8.206 As submitted the proposed indicative designs for the Causeway featured dual-carriageways and two roundabout junctions with pedestrian crossing points. This presented disadvantages in terms of road width and wide junctions which deter pedestrians. Cyclists and their safety was another concern, as they would only be able to move through the junction by entering

roundabouts when sufficient gaps in the traffic allowed or by taking risks. The design was also dominated by road carriageway with very limited space to create the much-needed high-quality public realm.

8.207 Considerable work has been undertaken between specialists with several rounds of detailed officer comments. Variations of the roundabout approach along with signalised junctions were considered at length. The conclusion of this work is that the signalisation of both the new site access and the Waitrose exit would achieve the greatest benefit and amended plan (**Appendix 13**) to include the following:

- A largely single carriageway design for vehicles
- Wide central 'medians' for pedestrians in two sections of the road
- Signal-controlled crossing places with tactile paving and audible signalling
- Crossing points well-related to main desire lines
- Level changes to aid traffic calming and pedestrian crossing
- Wait-forward boxes for cyclists, to allow safe emergence from signalised junctions
- Increased tree planting to recreate the boulevard character
- Waitrose traffic can exit to both the left and right, reducing traffic on the gyratory.

8.208 **Summary. Detailed work remains to be done, for instance in the design of the medians to ensure that the choice of materials at crossing points and through planting areas to the north is harmonious and that there is simplicity but clarity of line. The example of Kensington High Street has been used as a design template which detailed work would aim to emulate and some detailed design challenge will be managed by planning condition to ensure that although detailed approval would be achieved under the separate s278 highway approval process, careful consideration is given to materials, levels and street furniture if the design achievements are not to be undermined by the imposition of traditional highway engineering solutions and materials.**

Public transport

8.209 Lewes is served by a range of twelve bus services which operate between parts of the town, some including outlying villages, others extending to nearby towns including Brighton, Eastbourne, Newhaven, Uckfield, Tonbridge and Haywards Health. At least nine of these rely on subsidies several of which have been reduced or are at risk. Sixty per-cent of the site is within 400m of a bus stop, the remainder is within 800m. The railway station is 750m from the southern boundary of the site, with peak hour services of 2-3 trains per hour to nearby towns and London.

8.210 The Highway Authority expresses concern but not objection that the proposal does not include a replacement bus station, as space at the remainder of the SP3 site allocation is limited and they note that this part of the policy has been weakened. In terms of existing services the Highway Authority is satisfied that no bus service is to be diverted into the site, but it requires the provision by legal agreement, of bus shelters and real time passenger information (RTPI) for existing stops the west of the Tesco store. RTPI should also be included in the East Gate (Health-Hub) building, to encourage bus use.

Pedestrians and cycles

8.211 The scheme provides shared cycle routes either on the highway, or shared pedestrian routes, in line with wider provision across Lewes. Pull-forward junction boxes have been specifically included in the design for Phoenix Causeway and the New Eastgate Street junction to ensure that cyclists are able to successfully move through the site and into the town centre without using pavements (**Appendix 4**). The Phoenix Causeway design is integral to encouraging residents to cycle from the site into the town centre. On site there are also in excess of 700 cycle parking spaces, conveniently placed in garden sheds and secure stores for flats.

- 8.212 There is a high degree of permeability for pedestrians throughout the site including maintaining and enhancing routes onto Pells Path from the site. The riverfront route is the key pedestrian route for new residents and commuters. Together with the new footbridge and public space at Phoenix Square the development integrates the site with the wider town and networks. Early delivery of the bridge is needed to provide access to Malling Field recreation facilities and connection to the north east of the town. This would be secured through legal agreement and a planning condition to approve its detailed design.
- 8.213 In catering for both pedestrians and cyclists this should ensure high levels of activity and vibrancy which will contribute to both user safety and the success and popularity of commercial units within the space. This connectivity should ensure that the scheme enhances the footfall of the wider town centre rather than competing with it, creating its own unique demographic of users. Its full success is dependent on the completion of Phases 2 and 3, which complete the riverside route to Willeys Bridge. A condition is required to show which routes will be shared by pedestrians and cyclists (and emergency vehicular access).
- 8.214 Concerns have been received regarding conflicts in the shared space areas, between people with disabilities, including those with visual impairment, and other users, especially cyclists. This is an acknowledged risk and one which exists in other parts of the town. Whilst final details to confirm the extent of cycle-shared space will need to be approved it is noted that roadways and the public realm contain many wide areas and streets which is likely to assist in reducing the risks of collision. At crossing points, such as Phoenix Causeway, detailed designs allow for tactile pavements, gentle gradients and audio alert traffic signals. These aim to minimise risks.

Road Access

- 8.215 The vehicular access route is formed by North Street, New East Gate Street, and Brook Street. This would be a single carriageway in each direction and the new parts of these roads are intended to be offered to the Highway Authority for adoption, other roads and spaces remaining the responsibility of the owner and subsequent management company. The under-croft car park which contains the largest concentrated of parking, for both residents and visitors is accessed from North Street & New East Gate Street. The rest of the site uses a shared surface (unadopted) format, as vehicular usage will be limited to residents, and deliveries. Vehicular access for emergency vehicles will be possible on all routes restricted to cyclists and pedestrians.
- 8.216 During the first phase of development works, a construction access (haul road) would be formed onto Phoenix Causeway and subsequently upgraded to the finished access as the Phase I development advances.

Parking

- 8.217 A total of 686 parking spaces are proposed. Of these 506 would be in the under-croft car park. Public car parking in this under-croft would account for 328 of these would be for public car parking, a 55 percent (+116no.) increase in existing public car-parking on site, although this increased percentage and any portion of the remaining 178 spaces can also be used for commercial permits by staff at the site, which are sold for periods of 3-12 months subject to demand.
- 8.218 Residential parking would comprise 173 surface level spaces in the residential Phases 2-3, with Phase 1 served by 178 under-croft spaces. Of the open surface spaces, 20no. (11%) would be in-curtilage parking. The remaining 153no spaces would be allocated to residents on a paid resident-only permit system over 3-12 months. The largest homes without in-curtilage parking will be given priority for one permit, which would be allocated in the closest parking zones zone to their home (the whole of Phases 2 and 3 would be divided into two zones for the purposes of parking). 178 permit parking spaces would also be available in the under-croft car park, but these would not be sold exclusively to residents but also staff, for instance, those working the health hub. Visitors to the health centre would

have a period of tariff free public car parking. The detailed design of car park entrance points is important to its usability and can be required by condition.

- 8.219 Flexibility allows for permits to be distributed according to need and fluctuations, with priority given to the largest homes. This provides an on demand availability which can fluctuate as demand evolves over time and peoples' needs change. Therefore the applicant's statement that parking is at a ratio of at least 1:0.92 spaces per dwelling, may fluctuate in practice as it is demand led .
- 8.220 Given the size of the controlled zones, which are approximately 150m long, there is a risk that householders will have to park some distance from their home, particularly in the northern-most area where 3-4 bedroom houses are on streets with the fewest number of adjoining spaces. To assist, a 30 minute waiting period would allow for unloading.
- 8.221 Parking permits would also be price-structured, with weekend and evening-only permits being cheaper than ones with a daytime component. Part of the rationale is to prompt changes in car dependence and use of other modes and the car-club.
- 8.222 Parking enforcement would be by CCTV number-plate recognition and patrol vehicles. The under-croft car parking charges would be by pay-on-exit, with optional advance online booking. These arrangements and permitting would be the responsibility of the owner or Management Company, to be required by s106 agreement.
- 8.223 Fourteen spaces for blue badge holders would be distributed between the under-croft car park (10no) and the remainder around the open surface bays. Blue badge permit holders would receive priority in the allocation of parking permits within the site. Priority would also be given to households running an electric vehicle. Four charging bays would be located in the under-croft car park. Three visitor parking spaces would be located on-street in Phases 2 and 3, bookable online in advance for overnight or 24-hour stays (non-return in 48 hours).
- 8.224 **Summary. The parking arrangements are comprehensive and elaborate. They allow for multiple-user parking, subject to demand and they foster potential changes in car-dependency, which is consistent with living close to facilities and public transport. In design terms the under-croft car park has a positive impact by limiting the amount of parking in the public realm (only 7no. roadside parking spaces in Phase 1) and allowing a focus on streets for people rather than cars, in accordance with the emphasis of policies. Its central location and size may also reduce the tendency of motorists circulate the town in search of a space, bringing congestion and air quality benefits.**

Car Club

- 8.225 A car club would provide a total five vehicles for use by residents of the new development. The vehicles would be parked in dedicated parking bays, two of these in the under-croft car park of Phase 1 and three of these located on-street in Phases 2 and 3. At least one of these would be an electric car and another would be a hybrid fuel. Details of electrical hook up points would be provided by planning condition.
- 8.226 The application includes correspondence with a car club company which currently operates five vehicles in Lewes. An example of costs to the end user is £4.50/hour with a cap of £35 per day and 21p/mile at 2013 prices. The cars are available to drivers over 18 years of age provided that they have held a full UK licence for over 12 months. Those under 21 must not have any accidents or convictions and those over 21 must have no more than two accidents and two convictions. The requirement for provision of the car club and five cars would be contained in a legal agreement.

Travel Plans

- 8.227 Travel plans would promote non-car travel by drawing together information about public transport, travel routes; availability of car club vehicles; the East Sussex County-run lift-share network, and by undertaking surveys. These would operate in workplaces and be circulated

to residents, including the use of a home-based smart link, which updates this information. Travel plans would be approved under planning condition using an approval fee to cover highway authority approval costs (under s106 agreement). Monitoring and updating responsibility would rest with the owner or Management Company.

Summary

- 8.228 **The proposals offer a comprehensive set of access and highway improvements; a greatly improved and inter-connected pedestrian and cycle network; an improved gyratory system and more convenient exit from the Waitrose area to address existing and future traffic pressures. This is a big improvement on current circulation arrangements arising from the scheme. It provides increased but flexible parking, aided by modern technologies to meet a range of user needs which is supported by national policy and a sustainable approach to development.**
- 8.229 **Detailed control of designs for the bridge, Phoenix Causeway and other gyratory works will minimise the risk that highway designs might otherwise produce utilitarian solutions and management responsibilities will be addressed in a s106 agreement. The Highway Authority supports development subject to the offsite highway improvements described above and others listed at 8.202 below, including a contribution towards a pedestrian crossing in Offham Road, to assist with traffic flows and safety and cycle parking in the High Street. With this package of highway proposals the development offers many benefits.**

Flood Risk and Drainage

Policy

- 8.230 National planning policy sets requirements for flood risk management and drainage. Development sites are identified through the Local Plan allocation process through a strategic assessment of flood risk and a sequential test of potential development sites. If sites are within areas of risk, care should be taken to manage this, including the assumed impacts of future climate change. It must be demonstrated that development will be safe for its lifetime, mindful of the vulnerability of the particular proposed land-use. Furthermore it should not increase, and where possible it should decrease, flood risk elsewhere.
- 8.231 For all development there is a preference for the use of sustainable drainage (SuDS) where feasible, as part of the 'green infrastructure'; landscaped and play areas. Vulnerable development, such as housing in flood risk areas must satisfy an exceptions test, including re-use of developed land, the provision of other sustainability benefits, such as the close location of services and transport, and environmental improvements, alongside other flood risk improvements. Detailed designs should be resilient and resistant against floodwater; some examples are the use of ground floors for non-habitable purposes in the most vulnerable locations, incorporating fixings for floodwater baffles at entrances, and placing of electricity sockets well above the floor.
- 8.232 The NPPF (para 177) also highlights the importance of ensuring that there is a reasonable prospect that infrastructure, including flood defence measures and drainage will be delivered in a timely fashion. Although the Local Plan contains no saved policies for flood risk management, Saved Policy ST1 reinforces the NPPF requirement for the delivery of infrastructure. Emerging policy SP3 has allocated the site through the sequential test of this and other sites and along with SDLPPO policy SD34, it requires the early provision of flood defences in the development of North Street Quarter, to a standard approved by the Environment Agency. Also policy SD17 and Core Policy 12 reinforce the other NPPF requirements regarding the management of risk, SuDS and detailed design described above.
- 8.233 For ease of consideration, the following section examines flood risk management first and drainage second, although the two are closely inter-related and there is some overlap in reporting.

Existing Floodrisk

- 8.234 The site lies within an area of high flood risk, according to national flood risk zonings. It is subject to flooding at a frequency of at least one in one hundred years (1:100, also termed zone 3a by the national range where zone 1 is lowest risk and 3b is the highest risk flood plain). This national risk factor is based on river and tidal flooding, not sewer and ground water flooding. Sewer flooding also affects this site and must also be considered.
- 8.235 In the floods of AD2000, floodwaters affecting the site came from a range of sources:
- Over-topping of the riverbank flood defences to the east;
 - The flow of floodplain waters from the north and
 - Overflowing of sewers (*aka* overcharging or exceedance) containing rainwater from roofs, roads and foul sewers on the site and from other parts of the town, much of which is on higher ground.
- 8.236 These waters reached depths of between one and two metres, bringing hazards not only due to depth but also flows and currents, raised drain covers, hidden obstacles and contaminated water. Since this time sewer improvements have increased capacity of the main public sewer (see 'Drainage System' and Foul Drainage' below), but reviews of existing flood defences suggest that the risk of return flooding be much higher than 1:100, possibly 1:20 years.

Proposed Land Uses.

- 8.237 Existing development comprises mainly commercial buildings and yards. According to national guidance, these are categorised as 'less vulnerable' to flooding. By contrast, residential development and institutions for health, residential care and nurseries are in the 'more vulnerable' category. The required sequential test for new development sites was performed as part of the recent local plan-making process in the Lewes District and National Park joint Sequential and Exceptions Test document – September 2014, which gave rise to the selection of the site for mixed redevelopment under policies SP3 and SD34, the former of these has been supported by the Local Plan Inspector and has significant weight; as such there is no in principle objection to the development in flood-risk terms.
- 8.238 In terms of the required exception test for vulnerable (residential) uses, the site is a re-use of developed land close to the town centre, with its various services and public transport. In landscape terms, the development can integrate with town without extending into undeveloped areas, subject to a sympathetic design. The inclusion of the more vulnerable residential uses will only be acceptable subject to the delivery of new and better flood defences. These would also serve the other less vulnerable commercial uses and other homes outside the site, such as in the Pelham Terrace area. The proposed defences are considered to meet the required standard of protection, as described in the following section and for these reasons it is concluded that the proposal satisfies the floodrisk exception test.

Flood Defences – existing

- 8.239 The existing defences comprise a series of riverside walls and timber barriers erected at different times by landowners, as well as some of the buildings themselves. They provide a low level of protection and some are deteriorating. The highest flood wall at the southern end close to Phoenix Causeway is 5.9m Above Ordnance Datum (AOD). This is approximately 1.9m above the adjoining riverbank of 4m AOD. Other flood walls alongside the existing Phoenix Estate are lower.
- 8.240 The height of the bank reduces progressively to the north, reaching approximately 3.2m AOD at its lowest point close to Willeys Bridge where only the buildings and their boundaries provide defence. The overgrown riverbank is marginally higher than the normal high river water level of 2.95m AOD. The river is tidal and its normal low water level is 1.95m AOD, giving a normal tidal range of 1m height.

Flood Defences – proposed

- 8.241 New development and flood defences must be designed to withstand a predicted flood event of 1:100 year severity, with 30% added to cater for future climate change. This means that new flood walls and any habitable ground floors in this development must be at least 6.1m AOD. This is 20cm taller than the tallest existing flood wall at the southern end of the site and between 2.1m – 2.9m taller than the riverbank.
- 8.242 Defences are required not only along the riverbank, but along the north of the site along Pells Walk where there is risk from floodwaters entering the site from the floodplain of The Pells areas and open land to the north. In order to ensure that the displacement of floodwaters does not increase the risk to existing houses, flood defences are needed at Pelham Terrace and adjacent to the railway at Talbot Terrace.
- 8.243 **Appendix I4** shows the extent of the proposed defences, which are divided into eight sections A-H.
- 8.244 **A & B: Phoenix Causeway to new footbridge** (220m length): The floodwalls here will comprise the side wall of the under-croft car park of Phase I, also the associated riverside ramps and walkways in front of it and attached to it. The internal headroom of the car park means that its side wall would be at least 7m AOD, which will be between 2.3m – 3.6m above the finished ground level of the adjoining riverbank. The external appearance would be somewhat softened by the set back of this wall, which is 25 from the river edge and tapers closer to the edge. Discussion is in progress as to whether continuous brickwork facing would be appropriate here, or whether mixed materials should be used. An entrance to car park in this wall would be closed by a fold door in times of flood alert.
- 8.245 **C & D New footbridge to Willeys Bridge** (360m length): This section includes the new Wharf, which comprises a retaining wall of approximately 2-3m height above the riverbank giving the requisite flood defence height of 6.1m AOD. A parapet wall on top of this would provide for the safety of users of the riverside walk. The wall would extend for a length of approximately 130m but the 20m section of this closest to the new footbridge would comprise a series of wide steps leading from the toe of the bridge leading down to the river edge. Indicative material is sheet piling which may appear quite hard-edged here, and there is a need for a condition to control the detailed design and materials here and elsewhere along the riverbank.
- 8.246 The remaining 210m northward to Willeys Bridge would comprise shallow-graded earth banking and wall of approximately 1m defining the edge of the riverside path which would be 5.5m AOD at this point and set back from the river edge by 10m. The thresholds of the houses and flats fronting this section of the riverside path would be 0.6m above the path, reached by steps, giving the required 6.1m AOD floor height. Alternative entrances on the other side of these dwellings would ensure safe access during times when the footpath is flooded during a flood event approaching the 1:100year severity.
- 8.247 **E. Pells Walk** (150m length): An earth embankment of approximately 3m height and 1:3 gradient would be constructed along the northern edge of the site immediately south of Pells Walk giving the required a height of 6.1m AOD. It would contain steps and an access ramp, connecting Pells (path) and new development.
- 8.248 **F. Pells Pool and Recreation Ground** (110m length): The existing boundary wall at Pells Pool varies in height and will be raised by 0.3m -1.6m using matching flints and strengthened to achieve the required 6.1m AOD. The existing access gap of 12m would be reduced to an operable minimum width needed for public use (approximately 3m) and fitted with a floodgate. The wall to the recreation ground would be raised by approximately 0.9m using strengthened glass screens attached by steel supports; these have been used in similar cases in Cumbria and Norfolk, to maintain visibility between the park and path. The Recreation ground would still be available for water from the 'inland' side of the defences, in a heavy rainfall event.

- 8.249 Pells Walk would be raised in height by a maximum 1m to create a disability compliant gradient between The Pells area and a raised table at the junction with Pelham Terrace and installation of a gate which would be flush to the wall when not in use.
- 8.250 **G. Pelham Terrace** (Approx. 150m length): On the north side of Pelham Terrace, along the tree-lined boundary of the Pells open space and pond, a wall of 1m – 1.2m would be constructed, providing flood defence to a height of 5.5m AOD. The design of the wall would include a central cavity within which would be stored concertinaed sections of Dutch dam walling, which can be elevated during times of flood risk, bringing the total height to the required 6.1m AOD. A non-return valve would allow water to flow away from Pelham Terrace. Associated with this work is the construction of a table junction at Pelham Terrace. These proposals require further design detail and possibly alignment adjustments in order to ensure that risks to trees and their roots are minimised. A planning condition can approve details. Future maintenance and management responsibilities would also be secured by legal agreement.
- 8.251 **H. Talbot Terrace:** At the southern end of Talbot Terrace the railway margin converge at a low point, relative to surrounding land. This is currently at 5.9m AOD. A small earth bund is needed here to achieve the required 6.1m AOD here. The applicant states that following consultation Network Rail has agreed to this work and has invited the use of a ‘Grampian’ planning condition

Phasing

- 8.252 Three of the riverside defences (A, B & C) would be constructed as part of the Phase 1 development, along with the separate defences for The Pells, referred to below. These would extend between Phoenix Causeway and the new footbridge and thence from the new footbridge 150m northwards. Temporary flood defences would be put in place along the river frontage until these are completed. The remainder of the river frontage and the earth embankment at Pells Walkway (D & E) would be constructed before the completion of Phase 2. Subject to detailed design and materials, these are considered to be acceptable in overall form and the surrounding context.
- 8.253 Early delivery of the defence of The Pells / Pelham Terrace area (F, G & H) is essential. The applicant has undertaken to complete these before 70 percent of the first phase is completed. Confirmation has been sought as to the time elapse between the removal of existing defences in the Phase 1 area, and the 70% completed point.
- 8.254 **In summary, the proposed works A-E (paras 8.244-8.247) can achieve the required flood defence standard in order to protect the site against river flooding and against waters which might otherwise flow into the site from the floodplain. Of equal importance the associated works F-H (paras 8.248-8.251) are needed to safeguard the Pells Area, including homes in the streets around The Pells/Pelham Terrace and Talbot Terrace. The Environment Agency (EA) is satisfied with these, which would be constructed in the first development phase. Detailed designs can be established in order to ensure good appearance, stability and in the case of The Pells and Pelham Terrace, the protection of trees.**
- 8.255 **Residual risks remain that development could be affected by a more severe flood than the national design requirement of 100 year +30%. The applicant points out that the proposals also meet the more severe 1:200 year event. Notwithstanding this, the proposals ensure in Phases 2 and 3, which are the lowest parts of the site, none of the dwellings will have bedrooms on the ground floor. This would be part of a planning condition recommended by the EA, which assists in resilience. There are upper floors for refuge well above potential flood levels. The residual risk from sewer overflow in heavy rainfall is described in the drainage section below.**

Drainage

- 8.256 The existing system on-site is a mixture of separate and combined surface water and foul water drains. Several surface water drains discharge into the river along the site frontage and

others discharge to a combined sewer shared with the town, which was enlarged in 2005. Some existing drainage lack flow return valves, allowing for river water to run-back into the site during river flood events. The extent of building and hard surfacing within the site means that currently 87% of the site is impermeable. Most rainwater (surface water) is piped either to the public sewer or river.

- 8.257 In the development, greater permeability (71%), with SuDS features (green roofs, swales, planted areas, membrane-lined permeable paving bases and underground storage tanks) provide storage in excess of the volume of a severe (1:100 year +30%) rainfall event. Water is stored on site and released to the river at a rate no greater than existing. These features provide environmental cooling by evapotranspiration, with visual and biodiversity interest. Another advantage is that surface water will be separated from foul, thereby realising as likely improvement in capacity in the public sewer.
- 8.258 Foul drainage is currently pumped via the Lewes Transfer Pump Station, south of the town, to the Newhaven Treatment Plant. Foul drainage from the site would continue to be served in this way. Some existing sewers in the Brook Street/North Street area would be diverted with consent from Southern Water to allow for building works.
- 8.259 In extreme rainfall events (around 1:30 or 50 years), overflowing of the public sewer remains possible and may find the low point of the under-croft car park to a depth of approximately 200mm. In order to minimise pollution risk as this water recedes, regular cleansing of drainage gullies will be needed and their detailed design should be submitted for approval. The EA is satisfied with drainage proposals. For the SuDS components to remain effective, the legal agreement would assign maintenance responsibilities for the entire drainage system, with a detailed summary of activities, in a Management Plan, to include frequent cleansing.

Water Quality

- 8.260 In accordance with national standards for SuDS sustainable drainage it is intended that surface water will undergo two stages of treatment before discharge into the river. The sequence of SuDS features provide for this, with road gullies and oil interceptors in cases where non-permeable surfaces are used, for example, some of the road surfaces. As above, conditions can require details of these components of the drainage system and the legal agreement can secure maintenance responsibilities

Summary

- 8.261 **The proposal delivers an integrated approach to flood-risk and drainage. The provision of new flood defences during Phase I, including the Pells area, will meet national flood management requirements, ensuring that risks are improved both on and off-site, also in accordance with the NPPF. Detailed design and appearance can be controlled by condition.**
- 8.262 **The provision of SuDS drainage and the separation of foul drainage is likely to release capacity in the public sewer, to the benefit of the wider town. Good detailed design, future maintenance and management are essential to the function and pollution management of drainage, therefore planning conditions and legal agreement obligations will be used. Subject to these conditions and a legal agreement, the proposed flood defences and drainage improvements are a considerable benefit. They enable the redevelopment of brownfield land on a significant scale thereby conserving the setting of the wider town by reducing the need for greenfield development.**

Environment

Policy

- 8.263 Environmental considerations are one of the three aspects of sustainable development under the NPPF. This extends to the consideration of matters including pollution control and biodiversity, as well as matters of design, transport and heritage, already considered in this

report. The use of modern technologies is also encouraged by the NPPF. In the Local Plan policy ST30 requires the protection of air and water quality and ST3 seeks energy efficiency and housing design. These carry forward in the emerging core policies 9, 10 and 14. The sustainability appraisal of the JCS supports the site allocation.

Sustainable construction

- 8.264 The proposed development is based on three sustainability principles: Use Less First; Multi-functionality and thirdly, Habitability. These cover matters such as energy efficiency; the harnessing of solar gain (80 percent of buildings are orientated southward); multi-functionality, for instance SuDS drainage also provides for biodiversity; homes with spaces which can be adapted at different life stages, with space for wheel chairs, and some with bathrooms and bedrooms at ground floor; water saving fixtures and recycling bin space. The applicant also proposes an internet-connected resident information system in each home with live information about public transport, local health services and about their energy and water usage and savings. The provision of district heating system is among these principles (see below). It is recommended that a post-construction audit be required for each phase of development by planning condition, to demonstrate that sustainable construction principles have been met.

District Heating

- 8.265 Of three options considered for a district heating system, the applicant's preferred option is for 'open loop' heat recovery from river water, in contrast to use of gas. The proposed plant and pump room beneath the proposed ironworks building is placed close to the river for this purpose and heat and summer cooling would be distributed to homes and businesses by a piped network. The river-water solution generates approximately 50% less carbon-dioxide than gas, which serves the reduction of greenhouse gasses. Distribution is likely to be most efficient and cost effective in the densely developed parts of the site, but a site-wide system is aimed for and options to extend this further into the town.
- 8.266 Determination of the type and extent of the system relies on further design activity and assessment before the commencement of development. This would be part-funded by a Government grant which has been awarded to the District Council in conjunction with its partner applicant (Santon Ltd). A planning condition can be used to require agreement of the detailed design, before commencement.

Contamination

- 8.267 Much of the site comprises made-ground, which is 3-4m deep in places, dating from the Victorian era. Ground water has also been recorded within 1-2m of modern ground level and investigations reveal the presence of ground contaminants associated with the historic foundry. The application includes a stage one investigation report which concludes that concentrations are not considered to pose a risk to ground or river water or adjoining land. Ground gas levels were also found to be low.
- 8.268 The report proposes that following a stage two site investigation a series of engineering solutions would be used to minimise any residual risks of contamination. The solutions may include the following:
- Importation of clean soils of 300mm for landscaped areas and 600mm for domestic gardens underlain by a geo-textile membrane
 - Use of clean concrete arising from site demolition and construction
 - Gas monitoring to determine whether any protection should be incorporated within buildings
 - Water monitoring to continue throughout development
 - SuDS features to be lined with a source control membrane to prevent risk of a contamination pathway from subsoil contaminants.
 - A watching brief during development with verification report to be submitted to the Planning Authority, Environment Agency and District Environmental Health officer for approval

- 8.269 The Environment Agency (EA) and Environmental Health officers (EHO) agree with the use of conditions in order that a series of stage two investigations be carried out and submitted for agreement as buildings are demolished. The EHO observes that this process is an iterative one and may call for different remediation, but that planning conditions are a suitable mechanism for controlling this.

Water

- 8.270 Section 8.257 describes the proposal to separate foul and surface water drainage, instead of the partially combined existing system. This achieves an improvement in water quality. SuDS features would also provide at least two filtering stages and would be lined as a safeguard against risks to water quality from surface or ground contamination. A Surface Water Management Plan would be submitted for approval by condition to ensure that the maintenance regime is suitably frequent and targeted. The Environmental Statement addendum concludes that the overall level of risk is low adverse. The use of a Construction Environment Management Plan (CEMP) provides a means of managing this (see below).

Air

- 8.271 Lewes Town Centre is an Air Quality Management Area (AQMA). Two contributory factors are the limited amount of car parking, causing cars to circulate the central gyratory in search of a free space. Another factor is the design of the gyratory, which sends traffic around several streets, for instance, traffic exiting the Waitrose car-park must circle the gyratory. The creation of a right hand / east-bound exit from this car park, as part of the proposed re-plan of Phoenix Causeway, will reduce the gyratory traffic. Subject to the confirmation of the Highway Authority, that the flow rates in Phoenix Causeway would be sufficiently free-flowing, this would provide an air quality improvement.
- 8.272 The provision of a large public car park on the site with up to 116 additional public parking spaces is also expected to reduce the tendency of motorist to circulate the town in search for a parking space. This also offers a potential air quality benefit. The District Environmental Health officer concludes that the overall impact in is a beneficial one.
- 8.273 During the construction period there is a risk that demolition and construction dust would affect neighbouring areas including North Street, the Waterloo Place area, Corporation Villas, Spring Gardens and The Pells, St John de sub Castro grave yard. The applicant is obliged under other environmental legislation to employ Best Practical Means to reasonably reduce risks and mitigate effects. Proposed means include:
- i) Erection of solid screens at site boundaries
 - ii) Locating site offices and storage away from neighbours
 - iii) Wheel Washing facilities to be installed
 - iv) Maximum speed limit of 10mph on un-surfaced roads during construction
 - v) Damping-down of dust by water-spray
 - vi) Regular liaison meeting with neighbours
- 8.274 Among these examples i – iii can be controlled by planning conditions. Others are controlled under other legislation but could be contained in a Construction Environment Management Plan (CEMP). This is described toward the end of this section.

Noise and Vibration

- 8.275 The Environmental Statement reviews the impact of demolition, piling and construction noise and vibration. The likely impact varies over time according to the nature of works and their location. In most cases this is moderate through to negligible. Closest to the site are dwellings in Corporation Villas, North Street, Spring Gardens, Waterloo Place, all within 12m and these are predicted to experience periods of noise and vibration which are 'large adverse' in terms of impact significance. However, as noted by the District EHO, these will be relatively short in duration and other legislation requires the use of Best Practicable Means to minimise nuisance. This also would be contained within a CEMP. This approach is considered satisfactory by the EHO.

- 8.276 In the longer term, the environmental statement estimates a satisfactory noise climate across the development site and its neighbours, but a localised risk of traffic noise above desirable levels for dwellings facing Phoenix Causeway. Whilst double glazing would be used throughout the development, in the noise sensitive area there is also a need for alternative ventilation, such as mechanical ventilators in order to allow the option of windows being closed against noise whilst providing an adequate rate of air change.
- 8.277 Other noise risks are from external air moving equipment or between floors and walls in buildings which have commercial uses below or adjoining and residential uses above. The EHO recommends conditions for the approval details of such equipment and for the installation of inter-floor and/or wall insulation. He also recommends that commercial deliveries are only between 08:00 and 20:00 hours. These are considered reasonable.

Biodiversity

- 8.278 Although the area for development is within the National Park where environmental effects and opportunities must be considered under our purposes and the NPPF, it contains no national or local designated areas. It adjoins locally designated Sites of Importance for Nature Conservation (SINCs) associated with the former railway line to the north and south and there are nationally designated and one European site within 1.5kms
- 8.279 The site and existing vegetation was found to have low ecological value except for areas of tree cover which are of high value for nesting birds. In terms of protected species it has low or negligible value for reptiles, amphibians and water voles. Ecologist surveys found no evidence of bat roosts but that existing buildings may be suitable and the site has moderate value for foraging bats, particularly at the riverside and the river is used by migratory fish.
- 8.280 In order to minimise risks, there is need to control water quality, noise, vibration and lighting during development and in part (water and lighting) afterwards. Demolition and felling works will need to be mindful of roosting and nesting seasons, under ecological supervision. The same applies to riverbank works and migratory fish. Opportunities to increase the ecological value of the riverside can be achieved by new planting and seeding. The development also brings the benefit of new planting on-site including an extensive network of swales. The opportunity can also be taken in the detailed design of the river defences, to find places for biodiversity and habitat. Among the new buildings, there will be opportunities for bird and bat boxes. The County Ecologist is satisfied and has recommended conditions, including the employment of a qualified ecologist as part of the site management team during works and an environmental management plan for construction.

Construction Environment Management Plan (CEMP)

- 8.281 Responsible site management during construction is crucial in controlling the impact of works. For this purpose a Construction Environment Management Plan would be produced by the developer, under the provision of a planning condition. It covers a wide range of environmental control matters that go beyond the planning regime but nevertheless can be brought together. It spans matters within the regulatory control of a range of agencies and organisations, including the Environment Agency, District Environmental health office and Waste, Highways and Planning authorities.

Summary

- 8.282 **In addressing these environmental matters, the proposals harness modern technologies in line with national policy to make buildings more efficient in their use of energy and water, also providing space for, adequate bin storage for houses and flats and some homes capable of adaptation to wheelchair usage. This can be audited by condition. Homes will be insulated for heat retention and in some cases noise. Details of the district heating system and its implementation can also be required, and there may be a possibility to extend this beyond the site.**
- 8.283 **Locating homes close to the town centre with its larger and accessible car park is expected to benefit air quality. The separation of foul and surface water and**

use of SuDS offers a benefit to water quality. During development works the use of a CEMP will bring together environmental controls and responsibilities for site managers in managing pollution risks including noise and traffic and measures. It will also work in combination with other planning conditions to manage the staged remediation of contaminated land and activities such as piling works, in the interests of safeguarding water quality and wildlife. The supervision of an ecologist is required by planning condition. The value of the riverside habitat will be enhanced, along with the biodiversity value of the site, in accordance with National Park purposes.

Recreation

Policy

- 8.284 One of the twelve principles in national policy is that planning should promote mixed use developments including open space which can perform multiple functions such as recreation, floodrisk mitigation and ecology; it also contributes to healthy communities. Development should include access to high quality open spaces and opportunities for recreation and existing recreational and green spaces should be safeguarded (NPPF paras 66 - 77). This multi-functional approach is repeated in the JCS Core Policy 8.
- 8.285 Saved Policies RE1, 2 & 3 safeguard existing outdoor and indoor facilities and require that in new developments outdoor play and pitches should meet a standard of 1.7ha per 1,000 people and that children's play should meet a standard of 0.7ha/1000, with a mixture of equipped and informal play space. Policy RES19 allows for provision to be made outside a development site. In addition the emerging policy SD21 of the National Park SDLPPO requires that new recreational development should increase awareness, understanding and enjoyment of the special qualities of the Park.
- 8.286 Although the site allocation policies SP3 and SD34 make no site specific requirement for recreation, they require to the provision of a riverside foot and cycle-path, in order to improve connectivity. This also has a recreational benefit.

Proposed recreation strategy

- 8.287 The applicant's proposals are currently in the form of a recreation strategy. This is based on ten principles of the national guidance 'Design for Play'. Among these principles are: accessibility of location, the provision of a wide range of play and adaptability. The applicant has also included practical considerations such as relationship to any service easements (for instance for swales) and environmental and financial sustainability. Four types of recreational provision are proposed, a summary layout is shown at **Appendix 15**.
- 8.288 **Public realm:** This would comprise the riverside area which includes the embankments and riverbank to the north and riverside park area to the south. It also includes the new public spaces at Phoenix Square and south of the East Gate (Health Hub) building, together with three other pedestrianised streets and yards in Phase I.
- 8.289 Along with doorstep play (below), this has the advantage of being within a short walking distance of all new homes. The riverside walk is multi-functional as a commuting route and flood defence and the riverside park increases accessibility to an existing area for public enjoyment. For safety reasons, the riverside park and the lower embankment at the northern part of the riverside are unlikely to be of recreational value for young children. The public spaces are important in place-making; places to meet, rest and linger or for the holding of public events.
- 8.290 **Doorstep Play:** Nine areas are proposed at the heart of each residential square or street. These will contain a range of lawns, climbing walls or sculpture and sand pits and some of the drainage swales. These spaces are well located, immediately accessible from new homes and overlooked for supervised informal play and relaxation and the swales provide drainage and potential new habitat. Careful management would be needed to ensure that these area remain clean (litter-picking) and that swales remain effective and not choked by vegetation.

- 8.291 **Local Neighbourhood Play:** The existing Pells Recreation Ground is an enclosed park of 0.5ha lies immediately outside at the northern boundary of the site. It is between 10m – 300m from the proposed dwellings within the three Phases and accessible by the proposed range of pathways and low-speed shared streets. The tree lined park has a semi-tranquil character but the applicant’s assessment found that the park lacks footpaths and has a limited range of benches and play equipment and some poor boundaries (chain-link fencing and brickwork in poor repair).
- 8.292 The applicant’s strategy is to provide improved boundaries, which would also serve as flood defences, improved entrances and paths and a range of play equipment for children and adults, seating and cycle stands. Although this does not add to the quantum of recreational space, a sensitively designed proposal can add substantial value to its formal and informal recreational role in easy reach of new homes.
- 8.293 It is noted that the park is shown as an overflow area during heavy rainfall events. However, the estimated frequency of this (around 1:30 years) is not considered to detract from its recreational value.
- 8.294 **Community Play Space:** Two areas are identified for larger scale recreational provision:
- i) **Malling Fields Recreation Ground:** This comprises 7.3ha immediately alongside the east of the riverbank, opposite the housing Phases 2 and 3. It contains four football pitches, children’s play equipment, a surfaced multi-use games area (MUGA), car parking and boundary trees and is used for public events such as firework displays and sporting completions. The applicant’s assessment reports that there is poor drainage. The strategy envisages drainage improvements in order to extend the usable playing season for pitches, the provision of additional and enhanced play equipment and skate-park, with the MUGA potentially becoming a covered space. Improvement to pedestrian and cycle paths would also improve connectivity, focused on the new footbridge, which would be essential in connecting the new homes to Malling Field. Additional boundary planting, carefully designed, could add greater visual and landscape interest. The District recreation officer has suggested that an additional small pitch could be if the overall pitch layout is changed after drainage improvements.
 - ii) **Pells Pool:** This freshwater lido adjoins the site and Pells Park and is equally accessible to the development site. It contains a kiosk and limited changing facilities which are in deteriorating condition, as is the paved perimeter area. The strategy envisages the strengthening of the boundary walls for flood defence, improvement to the pool surround, children’s pool and the provision of indoor changing facilities and a cafe. Whilst this facility is used only during summer months, these possibilities in the strategy represent potential improvements for a range of age-groups.

Delivering Recreation

- 8.295 The proposed incorporation of a range of Public Realm and Doorstep Play recreation will cater for a range of immediate needs close to homes and workplaces within the practical limitations of the site. The riverside environment with its views of the river and town and its connection to wider footpath network is also a suitable place to include information boards which can contribute to the wider enjoyment of the National Park. Careful long-term management of these spaces will be achieved through legal agreement, including the enshrining of public rights to use them. The detailed design of these features can be achieved by use of a planning condition.
- 8.296 Proposals for Local Neighbourhood Play and Community Play within the strategy deal with the practical difficulties of providing larger scale elements of recreation in an urban location where space is limited and the quantum of space envisaged under general recreation policies isn’t practically possible. The locations listed are each close to and accessible from the site. The applicant proposes that the identification of the precise range of facilities would include further community engagement to ensure that the added value is well related to community needs and proportionate to the impact of the development. It is possible that some of those possibilities listed would need planning permission in their own right (for instance a covered MUGA or enlarge skate park). The District Recreation officer supports this approach and

despite the recommendation of Sport England that a more definitive package should be sought beforehand, it is considered to be a practical approach. On a point of detail the question raised by the Recreation Officer concerning the applicability of Pells Pool, which is seasonal (summer months) and is not free to all, is relevant. However, at this stage it is recommended that it remains an option for consideration.

- 8.297 An appropriate mechanism for determining the precise range of Local Neighbourhood Play and Community Play would be provided by legal agreement. The applicant has indicated the following timetable.

Table 5: Indicative Timetable for Provision of Recreation

Phase 1	Provision of Pells Park improvements Provision of Phase 1 open spaces Provision of Phase 1 riverside path	
Phase 2	Provision of Phase 2 open spaces Provision of Phase 2 riverside path	Completion of Malling Field Improvements
Phase 3	Provision of Phase 3 open spaces	
	Open space obligations for each phase to be met prior to occupation of any open market residential unit in the relevant phase.	

- 8.298 In the case of Malling Field improvements, it is understood that these facilities would be provided during the course of both Phases 2 and 3. The wide ranging timetable allows for the possibility of a series of facilities, some of which would be delivered early in this range. Given that the completion and use of the proposed footbridge is important in providing access to Malling Field, this should be open for use during the development of Phase 1.

Summary

- 8.299 **In summary, this approach is considered a positive solution to the provision of recreation in line with national park purposes and national policy. The public space on site, whilst not strictly recreational, adds significantly to the public space and the leisure and cultural activities which could take place. The strategy for the provision of further recreational facilities recognises the physical limitations of the site and provides for the best to be made of the opportunities to enhance the value of existing spaces.**

Obligations

- 8.300 **The following summarises the various obligations which are required in the form of a s.106 agreement, in order to ensure that infrastructure is provided in accordance with the policies set out in the report and to mitigate the impacts of development. These would work in combination with the series of recommended planning conditions which are at the end of this report, for instance the Management Company must be established under as a requirement of the s106, and some of its management duties would be to implement, manage and maintain the development in accordance with details, including management plans, which are required by planning condition.**

Table 6: Planning Obligations

<p><u>Community heritage</u></p> <ul style="list-style-type: none"> • £79,000 for the undertaking of a community heritage project and provision of a permanent public record on the site including artefacts
<p><u>Creative Workspace and Subsidy</u></p> <ul style="list-style-type: none"> • 3,135 sqm of flexible workspace in Phase I to be managed by social landlord with capital discount of £640,000 exclusively for deliver subsidised rents for nominated businesses
<p><u>Education</u></p> <ul style="list-style-type: none"> • Financial contribution of £803,829 for secondary education, to be paid pro rata for each phase of the development
<p><u>Employment and Training</u></p> <p>A Workplace Strategy to promote employment and training opportunities and apprenticeships during construction phase.</p> <ul style="list-style-type: none"> • A Local Employment and Training Scheme to promote employment and training opportunities at workspace units and health centre.
<p><u>Flood defences</u></p> <ul style="list-style-type: none"> • Flood defences for each phase to be provided before completion of that phase, except flood defences at Pells Park and Talbot Terrace to be completed before the completion of 70 percent dwellings in Phase I.
<p><u>Housing</u></p> <ul style="list-style-type: none"> • Affordable: 40 percent to be affordable according to NPPF. Details of mix of tenures and sizes, location and registered provider or alternative provider, terms of transfer and nomination rights to be agreed before each phase. • Local Priority: In addition, 15 percent of smaller open-market dwellings to be marketed to local people for exclusive eight week period
<p><u>Highway Matters</u></p> <ul style="list-style-type: none"> • Bus stops – real time information (RTI), shelters and raised kerbs on Phoenix Causeway and 2no, Town Centre stops • RTI in East Gate /Health Hub Building • £40,000 towards a pedestrian crossing on Offham Road- • Traffic Regulation Order payments • A commuted sum to cover future maintenance of all non-standard materials and features on the highway • Travel Plan Audit Fees • Public access to streets, footpaths and common areas • Car-club service and spaces • Provision of public car parking during Phase I • Car parking management plan • Parking controls on site and in East Street car park if deemed necessary and on New Eastgate Street. • Foot/cycle-bridge to be constructed before completion of Phase I and provided for public use linked to riverside path. With commuted maintenance payment • Riverside Walk connection from Willeys bridge to southern boundary at Phoenix Causeway • Rights of Way contribution of £8,760 during Phase I <p><u>Other highway works (under s278) to include:</u></p> <ul style="list-style-type: none"> • Phoenix Causeway Improvements during Phase I and extension of 20mph • Gyratory improvements: East Street, Little East Street, Boots Corner Market Street & North Street. • Traffic management measures in Lancaster Street and Pells

- Provision of a pedestrian crossing on Offham Road
- Cycle Parking off-site
- Provision of coach parking in Malling Brooks area

Management - Estate Management Company

- A management company to be created and prepare and implement a Management and Maintenance Plan for
 - Un-adopted roads and paths
 - Un-adopted public realm and common areas including among others, doorstep play features and seating
 - Landscaping, planting and trees in un-adopted areas
 - Surface water / SuDS drainage
 - Flood defences
 - Car parking management including permits and enforcement
 - Car-club facilities
 - Electrical car-charging hook up points,
 - Travel Plans
 - District heating system
 - Refuse collection points and stores
 - Public cycle parking
 - Cleansing
 - Signage, signboards/ information boards
 - Smart home information
 - New residents' information pack
 - Travel plan monitoring
 - Fire hydrants in un-adopted streets/areas
- Provision of funds to Local Planning Authority for peer review of Surface Water Management Plan, Flood Management Plan & Sustainability Audits

Monitoring

- To monitor completion and occupation of dwellings and all other buildings, provide update to Local Planning Authority, including discharge of s106 obligations.

Police

- Contribution of £79,650 for capital provision to cover capital projects made necessary as a result of extra service demands

Recreation

- Provision of recreation facilities at Malling Field and Pells Park to a value of not less than £1.145,000
- Malling Field: Provision of recreation facilities at Malling Field in accordance with a timetable to be agreed including a significant proportion before occupation of 50% of the dwellings in phase 2.
- Pells Park: provision of recreation facilities as part of phase 1 to be completed by occupation of the 200th dwelling

Sustainability

- Provision of funds to cover reasonable costs of to the Local Planning Authority incurred in conducting peer review of and approval of sustainability audits for each phase

Waste & Recycling

- Contribution of £15/dwelling for the extension of public waste collection service.

9. Summary and Conclusion

- 9.1 In the National Park, a challenge in providing sustainable development is how to reconcile the pressures of growth and the changes that it brings, with the special character of its towns, their culture and landscape. For major development to be successful the scheme must add vitality and opportunity to all aspects of the towns make up whilst respecting the landscape within which the development and indeed the town nestles.**
- 9.2 In line with national, local and emerging planning policy, the proposal uses previously developed land to place a new substantial mixed commercial, creative and residential community with 40% affordable homes, immediately alongside the town centre and its services. This is an important addition to the local housing stock and the affordable element, given the National Park's focus on this, on a challenging contaminated brownfield site, is commended. It creates important new routes and urban spaces to link the development's population and working community to the town opening the site up with places of interest, businesses, health services and entertainment. It may cater for both the daytime and evening needs of the town, thereby assisting in fulfilling the National park duty in pursuit of its purposes.**
- 9.3 To achieve this, some buildings are taller than the existing and there is no doubt there will be a change in appearance of the riverside. However, the new, diverse range of rooflines, form and scale is a shared characteristic with the town, and they contain familiar architectural elements which will also add harmony. New functional green spaces will provide settings for these buildings; new green space will also contribute to the immediate setting of the Green Wall monument, in place of the concrete slopes of the existing commercial yard which adjoins it and many of the riverside buildings. Although some of these buildings may be a reminder of the original industries, in terms of overall design, it is considered that the proposals deliver significant overall benefit. A heritage contribution and space for heritage in the new public East Gate building / Health hub will reflect something of the site's history**
- 9.4 In terms of land-use, the flexible approach accords with national policy and caters for a wide range of possible business. With little exception whilst the proposed buildings do not replace the attributes of the existing, which have yard space and high ceilings, they are flood-defended and would be built to modern standards. The proposed creative subsidy would provide an opportunity for local businesses to use them enabling some 'non market' uses to occur. The District Council as joint applicant, with its regeneration and investment responsibilities and strategy, is well placed to ensure that the subsidy is effective.**
- 9.5 In other respects, the proposal achieves improvements in drainage as well as flood defence. It improves accessibility across Phoenix Causeway, an important point in integrating the site with what was historically divorced by a combination of uses and highway arrangements. The appearance of the highway should improve despite the initial loss of trees. The development also provides increased public car parking which will benefit the town centre, and for the new residents a car club with a degree of alternative to car ownership. The provision of improved access to the river connects to the wider National Park purposes and will assist in meeting the purpose of promoting its enjoyment, along with new interpretation / information boards and the enjoyment of riverside habitat. Access to Mallig Field via the new foot/cycle bridge in Phase I is an important early benefit; new facilities here and at Pells Park will be identified by continued work and community engagement under the terms of a legal agreement.**

Conclusion

- 9.6 The development is a sustainable re-use of urban land with high accessibility. It meets the requirements of policies, providing affordable housing, employment**

and creative space for a range of uses. It makes a considerable positive contribution to the appearance of Lewes town, its legibility and permeability, in particular assisting connecting the river with the area. Subject to settling a few matters in advance, including a revised Design Code and materials strategy and with conditions below and the s. 106 package above, it is therefore recommended for approval

10. Reason for Recommendation and Conditions

10.1 The reason it is recommended that the application be approved is:

The proposal is a mixed use redevelopment of previously developed land and is accordance with national policy, the allocation policy SP3, which has substantial weight; the other emerging policies accords with National Park purposes. Approval is subject to the provision of 40% affordable homes; a financial contribution of £803,829 for education; £640,000 for a creative business subsidy; the provision of a new foot and cycle bridge and £96,000 commuted payment for maintenance; £40,000 towards a pedestrian crossing at Offham Road, new bus shelters and real time passenger information and other contributions listed at **Table 6** at section 8.300 of this report. These provide the necessary infrastructure to meet the needs brought about by additional development, which seeks to meet community requirements

Subject to the following conditions:

A) Conditions Applicable to Full & Outline Parts of the Permission

General: Conditions that apply to all phases of development

1. The development hereby permitted will be carried out in full accordance with the approved drawings and documents *[to be included in the planning decision notice.]*
Reason: for the avoidance of doubt and in the interests of proper planning
2. The development hereby approved shall only be implemented in conformity with the Environmental Statement, including revisions submitted as part of the current application.
Reason: To accord with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as amended.
3. The development hereby approved shall be carried out in three phases, in accordance with the phasing plan drawing no. P1-2-3. 65 Rev I, and Phase I shall be commenced first.
Reason: In the interests of clarity and to ensure that appropriate access, flood defences and other infrastructure and parking and a mixed range of uses and dwellings are provided at an early stage in the development in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2, E1, E6, , T8, T13 and LW10 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Construction – Environmental Management Plan

4. A Construction and Environmental Management Plan (CEMP) for each of:
 - i) Phase 1
 - ii) Phase 2
 - iii) Phase 3respectively, or for any combination of these phases shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on each respective phase. The CEMP (s) should:
 - i) Address noise impacts arising out of the construction of that phase (s);
 - ii) Address vibration impacts arising out of the construction of that phase (s);
 - iii) Provide evidence that the developer has submitted a Section 60 Notice under the Control of Pollution Act to Lewes District Council.
 - iv) Demonstrate that best practical means have been adopted to mitigate the impact of noise and vibration from the demolition and construction activities during that phase (s)
 - v) Include arrangements to manage the routing of deliveries and construction traffic according to the routing plan P1-56-00, unless otherwise agreed in writing by the Local planning Authority
 - vi) Provide full details of the wheel washing facilities for that phase (s) and details of any site hoardings and dust netting to be erected along site boundaries to reduce the dust emissions from the construction of that phase (s).
 - vii) Include a Risk assessment of potentially damaging construction activities for that Phase (s).
 - viii) Identify “biodiversity protection zones” for that phase (s).
 - ix) Include practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including silt interception (may be provided as a set of method statements).
 - x) Specify the location and timing of sensitive works to avoid harm to biodiversity features, including potential effects of underwater noise from piling on migratory fish
 - xi) Specify the times during construction when specialist ecologists need to be present on site to oversee works.
 - xii) Include details of responsible persons and lines of communication.

- xiii) Specify the role and responsibilities on site of an ecological clerk of works, (who should be a registered chartered ecologist with the Chartered Institute of Ecology and Environmental Management (CIEEM) or an equivalently qualified expert).
- xiv) Include details of the use of protective fences, exclusion barriers and warning signs.
- xv) Provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel
- xvi) Parking area for construction and contractor vehicles
- xvii) Details of external lighting

The approved CEMP for each phase shall be adhered to throughout the construction of that phase in strict compliance with the approved details unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the impact of development works are managed and minimised in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2, E1, E6, T8, T13 and LW10 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Construction - Hours

5. No construction works shall take place outside of 07:00 hours to 19:00 hours Monday to Friday and on Saturday 08:00 to 13:00 hours. The following construction activities may only take place between 08:00 hours and 18:00 hours Monday to Friday and 09:00 hours and 13:00 hours on Saturday: piling, demolition earth moving, use of heavy plant.

Reason: As condition 4

Construction – Hours for Deliveries

6. Delivery to site of materials and heavy plant should not occur before 08:00 hours or after 20.00 hours.

Reason: As condition 4

Noise & Vibration

7. Prior to the installation of any external mechanical plant on any part of the site, a noise and anti-vibration scheme shall be agreed in writing, with the local planning authority to ensure that the rating level is no greater than 10 dB below the representative background noise level at 1m from the closest façade of the existing or proposed sensitive receptor. The method of rating shall have regard to BS 4142(2014). Within 1 month of installation the applicant shall submit in writing evidence of compliance with this condition.

Reason: As condition 4

Contaminated Land

8. Prior to the commencement of each of
 - i) Phase 1
 - ii) Phase 2
 - iii) Phase 3

respectively, or for any combination of these phases of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing by the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of each respective phase of development on the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a) A preliminary risk assessment for that phase (s) which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors

- Potentially unacceptable risks arising from contamination at the site
- b) A site investigation scheme for that phase (s) based on (a) to provide information for a detailed assessment of the risk to wall receptors that may be affected, including those off-site.
 - c) The site investigation results and the detailed risk assessment for that phase (s) (b) and, based on these, and options appraisal and remediation strategy for Phase I giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan for that phase (s) providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that any remediation if deemed necessary, is satisfactorily completed. This is in accordance with and Saved Policy ST30 of the Lewes District Local Plan and paragraph 109 of the National Planning Policy Framework 2012

9. Prior to occupation each of i) phase 1, ii) phase 2 and iii) phase 3 respectively, or for any combination of these phases, a verification report demonstrating completion of the works set out in the approved remediation strategy for each respective phase (s) and the effectiveness of the remediation for that phase (s) 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 for that phase (s) to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan for that phase (s), and for the reporting of this to the Local Planning Authority.

Reason: As condition 8

10. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan (defined in conditions 8 & 9 above) for each phase of the development hereby approved shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme for that phase (s) a final report demonstrating that all long- term site remediation criteria that phase (s) have been met and documenting the decision to cease monitoring for that phase (s) shall be submitted to and approved in writing by the local planning authority.

Reason: As condition 8

11. If, during development of any phase of development hereby approved, contamination not previously identified is found to be present then no further development of that phase (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy for that phase detailing how this unsuspected contamination shall be dealt with. The remediation strategy for that phase shall be implemented as approved.

Reason: As condition 8

Flood-risk Defence and Management

12. Each phase of development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) PI-2-3- 21 Rev 01 dated October 2015, (subject first to the approval of detailed designs, including engineer’s calculations, for all flood defence walls, embankments and gates which shall be submitted to and approved in writing by the Local Planning Authority.). The following mitigation measures detailed within the FRA, shall be included in each respective phase of development:
 - a) Limiting the surface water run-off from each phase generated by the 1 in 100 year critical storm (including allowances for climate change) so that it will not exceed the run-off from

the undeveloped site and not increase the risk of flooding off-site in accordance with Section 9 of the FRA.

- b) The construction of new flood defences for each respective phase, to a minimum level of 6.1 metres above ordnance datum (phase 1 to include all flood defences at Pells Park and Talbot Terrace), as detailed in Sections 8 and 11 of the FRA.
- c) A full, detailed management plan for the flood defences listed in b) above including how and when the temporary defences will be installed, maintained and operated over the lifetime of the development, be agreed with the Local Authority prior to commencement of works. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- d) That there shall be no sleeping accommodation below 6.1mAOD in accordance with Section 8 of the FRA.
- e) That the phasing of the works be in accordance with Section 11.2.11 of the FRA.

Reason: To reduce the risk of flooding to the proposed development and future occupants and the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012.

Access

13. Unless the Local Planning Authority gives prior written approval for any variation:
 - i) All Carriageways, footways, cycleways and bridges shall be built to adoptable standards
 - ii) All pedestrian routes shall be at least 2m wide, and not exceed a maximum gradient of 1 in 10.
 - iii) All shared pedestrian/cycling routes must be at least 3m wide and not exceed be of a maximum gradient of 1 in 15

Reason: To ensure the provision of adequate access and parking for a range of users and in the interests of highway safety, in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2, T8, and T13 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

14. Prior to the commencement of development, a plan shall be submitted to and approved in writing by the Local Planning Authority, to identify all shared pedestrian/cycling routes, including measures which are to be include to cater for people with disabilities and safety. The development shall be carried out only in accordance with the plan and stated measures thereby approved

Reason: For the sake of clarity and to ensure that reasonable provisions are made for the safety of highway users, including people with disabilities, in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2 and T13 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Access and Parking

15. No building hereby approved, shall be occupied until:
 - Access to it, including any vehicular, pedestrian, cycle and or disability access to it has been constructed in accordance with the approved plans, and
 - Parking space, including any cycle parking or storage facilities, for it have been provided in accordance with the approved plans
 - Related vehicle turning and manoeuvring space has been provided in accordance with the approved plans

Reason: To ensure the provision of adequate access and parking for a range of users and in the interests of highway safety, in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2, T8, and T13 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

16. On site car and cycle parking for each phase shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and shall be permanently retained thereafter

Reason: As condition 15

Travel Plans

17. Prior to the commencement of development a draft residential and a draft non-residential travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. They shall include details of the implementation to include arrangements for monitoring, reporting and review of each travel plan. A residential travel plan shall be used in each phase of development, a non-residential travel plan shall also be used in phase 1. The travel plan(s) for each phase shall be in operation prior to the occupation of each phase and shall be carried out according to the approved details

Reason: To contribute towards a wider choice of travel options and reduced reliance on private motor cars, in accordance with Saved Policies of the Lewes District Local Plan 2003, including T8, and T13 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Tree Protection

18. In this condition 'retained tree' means an existing tree or hedge, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.
 - b) If any retained tree or a tree planted a part of the approved planting for this development is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.
 - c) Tree protection shall be provided in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Local Planning Authority,
 - d) Details of tree protection and foundation designs to be implemented at The Pells and Pelham Terrace, in connection with the construction of flood defence works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works, and be fully adhered to during the course of those works,
 - e) Any arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the LPA. This shall include any requirement for arboricultural supervision,

- f) In the event of the death or destruction of any tree, shrub, hedge to which this condition relates on the site, within two years of occupation due to felling, cutting down, uprooting, ill health or any other manner, then there shall be replanted in its place another tree, shrub or hedge within the next available planting season and of a size and species approved in writing by the Local Planning Authority, and carried out in accordance with that approval.

Reason: To safeguard trees during development in the interests of the appearance of the site in the interests of visual amenity safeguard the landscape character of the South Downs National Park in accordance with Saved Policies ST3 & ST11 of the Lewes District Council Local Plan 2003 and the National Planning Policy Framework 2012.

Materials

19. For the avoidance of doubt, no development on any phase shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed building(s) and surfaces, including rainwater goods; cills, railings, street furniture, ground-coverings and surfacings, paving, kerbs, edges trims and thresholds to be used in that phase have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

Reason: In the interests of visual amenity, to ensure a high standard of appearance in accordance with the Saved Policies of the Lewes District Local Plan 2003, including ST3 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012

Levels

20. Site levels shall not be raised or lowered unless and until details of existing and proposed levels have been submitted to and approved in writing by the Local planning Authority.

Reason. Unplanned changes in levels may materially affect the impact of the development and its impact on the surroundings. To accord with the Saved Policies of the Lewes District Local Plan 2003, including ST3 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012

Boundaries

21. The boundary treatments shall be completed in accordance with a scheme to first be submitted to and approved by the Local Planning Authority in writing. The submitted scheme shall include a plan indicating the positions, design, materials and type of boundary treatment and gates

Reason: In the interests of visual amenity, to ensure a high standard of appearance in accordance with the Saved Policies of the Lewes District Local Plan 2003, including ST3 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012

Lighting

22. Before development commences details of any external lighting of the site shall be submitted to, and approved by the SDNPA in writing. Such details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed by the SDNPA in writing.

Reason: In the interests of visual amenity, to ensure a high standard of appearance in accordance with the Saved Policies of the Lewes District Local Plan 2003, including ST3 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Permitted Development

23. The following parts of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not apply to this development: [*Summary wording only is below*]
- Schedule 2, part 1, Class A, - Extensions
 - Schedule 2, part 1, Class D - Porches
 - Schedule 2, part 1, Class E – Outbuildings, enclosures and pools
 - Schedule 2, part 1, Class F – Hard-surfaces
 - Schedule 2, part 1, Class H – Microwave antenna
 - Schedule 2, part 2, Class A – gates and fences
 - Schedule 3, part 3, Class A - Change of use from A3/A4 to A1 (units 4 & 10)
 - Schedule 3, part 3, Class G – Changes of use to mixed uses including additional flats
 - Schedule 3, part 3, Classes L to M & Q (inclusive) Changes of use, including offices or shops to residential

Reason: In the interests of visual amenity, to ensure a high standard of appearance in accordance with the Saved Policies of the Lewes District Local Plan 2003, including ST3 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012

Sustainability

24. Prior to the commencement of each phase of development a revised Sustainability Assessment shall be submitted to and approved in writing by the Local Planning Authority. Earlier versions of the Sustainability Assessment will be retained when successive revisions are made to provide a comprehensive auditable document. The revised Sustainability Assessments will be undertaken either by Bioregional or another independent sustainability consultant commissioned by the Local Planning Authority and will conform in assessment criteria and format to the original the document entitled: 'Bioregional, 2014. North Street Quarter One Planet Community Gap Analysis', excepting that amplifying comments will cross-refer to earlier versions of the assessment and the traffic light scoring updated in the light of the most recent review.

Reason: To ensure that an independent assessment is made of the sustainability of buildings and design, in accordance with in accordance with the Saved Policies of the Lewes District Local Plan 2003, including ST3 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012

B) Full Consent - Phase I: Conditions

Time limit

25. The Phase I part of the development hereby permitted shall be commenced 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

Uses

26. The following units shall only be used for any of the following range of uses only (as currently defined by the Town and Country Planning (Use Classes) Order 1987, as amended, unless otherwise approved in writing by the Local Planning Authority:

Unit Number:	Range of Uses
1 – 3, 6-9, 11-20 & 29	A1, A2, A3, A4 or B1.
4 & 10	A3 or A4
5 & 26	D2 or B1 (subject to B1 uses not exceeding 50% of the total floorspace)
21	D1
22	D1, A1, A3 or A4
23	D1
28	A1, A2, A3, A4, B1 or D1
Use Classes are (in summary): A1 Shops; A2 Financial and Professional Services; A3 Restaurants and Cafes; A4 Drinking Establishments; B1 Business – Offices, Research and Development or Light Industry; D1 Non-residential institutions and D2 Assembly and Leisure. Note: The D2 uses referred to above shall be those which are available for use by the public.	

Reason: To allow flexibility in accordance with the application but to ensure diversity and vitality, in accordance with Saved Policy E6 of the Lewes District Local Plan 2003 and the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012.

Retail Floorspace

27. The amount of floorspace used for non-ancillary retail purposes (as currently defined by Class A1 of the Town and Country Planning (Use Classes) Order 1987, shall not exceed 750sqm at any time.

Reason: In order to ensure that the impact of new retail development does not detract from the existing town centre, in accordance with Saved Policy E6 of the Lewes District Local Plan 2003 and the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012.

Sound Insulation

28. Prior to the construction of the flexible workspace permitted as part of Phase I, a scheme shall be agreed in writing with the local planning authority, to ensure that there is adequate insulation scheme to protect residential properties within Phase I from airborne, structural and impact noise from the flexible workspace units. Prior to occupation of the flexible workspace units 20% of flexible workspace units shall be tested to demonstrate compliance with the approved scheme.

Reason: To protect the amenities of future residents in accordance with Saved Policy ST3 of the Lewes District Council Local Plan 2003 and the National Planning Policy Framework 2012.

29. Prior to occupation of Phase I the applicant shall agree in writing with the Local Planning Authority a scheme to ensure that all habitable rooms within Phase I that face onto Phoenix Causeway have been provided with suitable glazing and ventilation to ensure that a good indoor ambient noise level is achieved. The scheme shall demonstrate that these levels have been achieved by sampling 20% of the habitable rooms that face onto Phoenix Causeway. The scheme shall also demonstrate that the ventilation rates will be suitable for the room's occupation.

Reason: As condition 28

Archaeology

30. No development on Phase I shall take place until those parts of the Written Scheme of Archaeological Investigation approved as part of the Environmental Statement Addendum (ESA) document PI-2-3 16A that relate to Phase I have been implemented in full

Reason: To ensure that the archaeological interest of the site is properly safeguarded in accordance with the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012.

31. Phase I of the development shall not be brought into use until the archaeological site investigation and post investigation assessment for Phase I has been completed in accordance with the programme for Phase I set out in the approved Written Scheme of Investigation and that provision for analysis, publication and dissemination of results and archive deposition has been secured in accordance with the approved scheme.

Reason: As condition 30

Construction - Piling

32. Piling or any other foundation designs using penetrative methods required for Phase I shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that any piling operations that affect the River Ouse:

- Will not result in unacceptable risks to groundwater or migratory fish
- Will use silent or vibrational piling methods
- Will not take place at night
- Will take place during low tide (if the works are located within the intertidal zone)
- Any Impact piling must be justified and carried out within specified months of the years as agreed with the Local Planning Authority in writing

The development of Phase I shall be carried out in accordance with the approved details.

Reason: To safeguard water quality and biodiversity in accordance with the emerging policy SP3 and CS10 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012.

Drainage - Infiltration

33. No infiltration of surface water drainage into the ground is permitted from Phase I other than in strict accordance with the approved plans or with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason As condition 32

Drainage - diversions

34. Phase I of the development shall not be commenced until, details of sewer diversions, including written confirmation of Southern Water, shall be submitted to and approved in writing by the Local Planning Authority, development shall proceed only in accordance with those details.

Reason: To ensure that drainage infrastructure is maintained during the development hereby approved in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Drainage – foulwater

35. Phase I of the development shall not be commenced until such time as a fully detailed scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be implemented and maintained throughout the life of the development.

Reason: To ensure that drainage infrastructure is provided in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Drainage – surface water (SUDS)

36. Construction of Phase I of the development shall not commence until details of the proposed water infrastructure plans for Phase I, (which shall comprise a sustainable drainage system), including hydrology calculations and pollution interception features, have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water, development shall proceed only in accordance with those details.

Reason: To ensure that drainage infrastructure is provided in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Surface Water (SUDS) - Management and Maintenance Plan

37. Phase I of the development shall not be occupied until a detailed surface water management and maintenance plan for the entire surface water drainage (SUDS) system in phase I, from inputs to outlets, has been agreed in writing with the Local Planning Authority. The surface water management and maintenance shall be implemented for the lifetime of the development.

Reason: To ensure that drainage infrastructure is provided and permanently maintained in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012

Biodiversity – habitat creation

38. No development of phase I shall take place until a scheme for the provision and management of compensatory habitat creation associated with the construction of floodwalls and works to the riverbanks, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved scheme.

Reason: To compensate for the impact of development of river edges and beds and to maximise opportunities for the formation of new habitat in the development, in accordance with the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and paragraph 118 of the National Planning Policy Framework 2012

Biodiversity – water quality

39. No development of Phase I shall take place until an ecological design strategy (EDS) for Phase I addressing mitigation and compensation for changes to the hydrological regime which impact on the Offham Marshes SSSI; any impacts to protected species, and enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.

- Purpose and conservation objectives for the proposed works
- Review of site potential and constraints
- Detailed design(s) and/or working method(s) to achieve stated objectives
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- Timetable to implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason. As condition 38

40. If Phase I of development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 1 year from the date of this hybrid planning consent, the approved ecological measures secured through the EDS shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats, and ii) identify any likely new ecological impacts that may arise from any changes.

Reason. As condition 38

41. Where the results of a review under condition 39 indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: As condition 38

Design Code – Commercial Frontages and Advertisements

42. All development, including commercial frontages, within Phase I shall comply with the provisions of the Design Code, subject to any amendment which shall have been first approved in writing by the Local Planning Authority. The Design Code may only be amended with the prior written approval of the Local Planning Authority.

Reason: To ensure a good and coherent standard of appearance in order to achieve , in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003 and the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012.

Design Details

43. Phase I of the development shall not commence until details of:
- Balustrade detailing on terraces, balconies, and roof terraces, and
 - Window reveals and sill details, and
 - Doorway reveals and building thresholds, and
 - Eaves and gable verge details

have been submitted to and improved in writing by the Local Planning Authority. Phase I of the development shall be implemented in strict accordance with the approved details.

Reason: To ensure a good and coherent standard of appearance in order to achieve, in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003 and the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012

Significant Feature

44. The Chimney feature structure on the Ironworks building shall be fully completed provided before the building it directly relates to is occupied.

Reason: To ensure that this important feature is completed in the interests of good design and place-making in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003 and the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012

Landscape – Planting & Irrigation

45. No development of Phase I shall take place until
- i) A detailed scheme design of irrigation for the podium planters as shown on the approved drawings and set out in the performance specification, and
 - ii) A scheme of detailed design for individual podium planters
- have been submitted to and approved in writing by the Local Planning Authority, and thereafter shall be carried out in accordance with the details thereby approved.

Reason. To ensure successful implementation of new planting in the interests of good design and place-making in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003 and the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012

Landscape – topsoils

46. Prior to the commencement of planting operations within the podium planters samples of the topsoil to be used in each planter have been submitted to the Local Planning Authority for testing and subsequently approved in writing by the Authority, and thereafter shall be carried out in accordance with the details thereby approved.

Reason. As condition 45

Landscape - Management

47. Phase I of the development shall not be occupied until a detailed long-term Landscape Management Plan for Phase I has been submitted to and approved in writing by the Local Planning Authority. Thereafter all trees and other planting shall be permanently managed and maintained in full accordance with the long-term Landscape Management Plan thereby approved.

Reason: To ensure long term maintenance of tree and planting in the interests of visual amenity safeguard the landscape character of the South Downs National Park in accordance with Saved Policies ST3 & ST11 of the Lewes District Council Local Plan 2003 and the National Planning Policy Framework 2012.

Landscape - Implementation

48. The approved landscaping scheme shall be implemented concurrent with, or not later than the next planting season following the substantial completion of Phase I and thereafter shall be maintained in accordance with the landscape management plan approved under condition 48. If within a period of five years after planting any tree or plant is removed, dies or becomes seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To improve and mitigate the appearance of the site in the interests of visual amenity safeguard the landscape character of the South Downs National Park in accordance with

Saved Policies ST3 & ST11 of the Lewes District Council Local Plan 2003 and the National Planning Policy Framework 2012

Details of Tree Planting

49. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: In the interests of the appearance of the site in the interests of visual amenity and the character of the area in accordance with Saved Policies ST3 & ST11 of the Lewes District Council Local Plan 2003 and the National Planning Policy Framework 2012

Tree Planting

50. No development of Phase I shall take place until:
- i) the detailed design of all specific tree pits including a provision of services layout in relation to proposed tree pit locations and,
 - ii) a scheme for the of selection and approval for specific semi mature trees for installation as part of the permitted scheme as shown on the approved drawings
- have been submitted to and approved in writing by Local Planning Authority.

Reason: To safeguard trees during development in the interests of the appearance of the site in the interests of visual amenity safeguard the landscape character of the South Downs National Park in accordance with Saved Policies ST3 & ST11 of the Lewes District Council Local Plan 2003 and the National Planning Policy Framework 2012.

Replacement of Trees

51. If within a period of two years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: As condition 49

Foot and cycle bridge

52. No development above foundation level on any part of the site shall take place until a fully detailed design for the foot and cycle bridge hereby approved, including levels and clearance, elevations, abutments, supports, fixings, engineering details, materials and ecological mitigation, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority. The bridge shall be constructed prior to completion of Phase I and made available for public use in full accordance with the details thereby approved and this condition shall apply notwithstanding any information contained in the current application.

Reason: To ensure a good standard of appearance and design in this highly prominent location, also to ensure that the structure is suitable for its intended purpose, does not interfere with the function of the river, its banks and bed and safeguards biodiversity in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003 and the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012

Construction Access

53. No development of Phase I shall take place until details of the construction access design from Phoenix Causeway, shown indicatively on plan no P1 573 Rev 01, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: To ensure the provision of adequate access and parking for a range of users and in the interests of highway safety, in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2 and T13 and the emerging policies of the Lewes District Council

and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

54. No development of Phase I shall take place until the construction access from Phoenix Causeway approved under condition 54 has been completed in accordance with the approved details.

Reason: As condition 53

Extra care outdoor space.

55. Phase I of the development shall not commence until full details of the external space associated with the extra care units have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be implemented in accordance with those approved details prior to the occupation of the extra care units. This condition shall apply notwithstanding any details contained in the current application.

Reason: In order to provide a suitable design of outdoor space for those residents of the extra care building, in accordance with biodiversity in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003 and the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012

Recreation Pells Park

56. Phase I of the development shall not commence until full details of additional recreation facilities at Pells Park have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be fully implemented before the occupation of the 200th dwelling hereby approved.

Reason: To ensure the provision of adequate recreational facilities in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2 and RES19 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Phoenix Causeway and North Street Access and Public Realm

57. Prior to the occupation of 200 dwellings, details of the following offsite highway improvement works, shown indicatively on plan no PI 573, Rev I shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and shall have been fully implemented:
- a) A signalised junction providing access onto Phoenix Causeway from the development
 - b) Public realm improvements and crossings at Phoenix Causeway
 - c) Site Access (and alternations to current highway layout) at North Street
 - d) Traffic management measures in Lancaster Street and Pells area
 - e) A gateway feature on the Phoenix Causeway to the west of the Tesco roundabout towards the site.
 - f) Provision of cyclist facilities on the Phoenix Causeway

Reason: To ensure the provision of adequate access and high quality public realm for a range of users and in the interests of visual amenity and highway safety, in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2, ST3 and T13 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

C) Outline Consent – Phases 2 and 3: Conditions

Time limit

58. The parts of the development hereby permitted in outline shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last reserved matters as defined in condition 60 (below) whichever is the later

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

Reserved matters

59. Details of the reserved matters set out below (the ‘reserved matters’) shall be submitted to the Local Planning Authority for approval within three years of the date of this hybrid planning consent:

- a) Appearance; and
- b) Landscaping

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

Construction - piling

60. Piling or any other foundation designs using penetrative methods required for each phase of the outline development shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that any piling operations that affect the River Ouse:

- Will not result in unacceptable risks to groundwater or migratory fish
- Will use silent or vibrational piling methods
- Will not take place at night
- Will take place during low tide (if the works are located within the intertidal zone)
- Any Impact piling must be justified and carried out within specified months of the years as agreed with the Local Planning Authority in writing

The development of that phase of the outline development shall be carried out in accordance with the approved details.

Reason: To minimise the impact on neighbouring residents and biodiversity, in accordance with the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and paragraph 118 of the National Planning Policy Framework 2012

Drainage - infiltration

61. No infiltration of surface water drainage into the ground is permitted from any phase of the outline development other than in strict accordance with the approved plans or with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development of each phase shall be carried out in accordance with the approved details.

Reason: To ensure that drainage infrastructure does not adversely affect water quality or biodiversity in accordance with the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Drainage - diversions

62. No phase of the outline development shall be commenced until, details of sewer diversions, including written confirmation of Southern Water, shall be submitted to and approved in writing by the Local Planning Authority, development shall proceed only in accordance with those details.

Reason: To ensure that drainage infrastructure is maintained during the development hereby approved in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Drainage – foulwater

63. No phase of the outline development shall be commenced until such time as a fully detailed scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be implemented and maintained throughout the life of the development.

Reason: To ensure that drainage infrastructure is provided in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Drainage – surface water (SUDS)

64. Construction of a phase of the outline development shall not commence until details of the proposed surface water infrastructure plans for that phase, (which shall comprise a sustainable drainage system), including hydrological calculations and pollution interception features, has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water, development shall proceed only in accordance with those details.

Reason. As condition 63

Surface Water Management and Maintenance Plan

65. No phase of the outline development shall be occupied until a detailed surface water management and maintenance plan for the entire surface water drainage (SUDS) system in phase I, from inputs to outlets, has been agreed in writing with the Local Planning Authority. The surface water management and maintenance shall be implemented for the lifetime of the development.

Reason: To ensure that drainage infrastructure is provided and permanently maintained in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Details of Trees to be Planted - Outline

66. Prior to the commencement of development works on any outline phase, details, including a timetable for, new tree planting shall be submitted to an approved in writing by the Local Planning Authority. This shall include details of the size, species, positions and density of all trees and/or shrubs to be planted, and the proposed time of planting. The tree planting shall be undertaken in accordance with these approved details and timetable.

Reason: In the interests of the appearance of the site in the interests of visual amenity safeguard the landscape character of the South Downs National Park in accordance with Saved Policies ST3 & ST11 of the Lewes District Council Local Plan 2003 and the National Planning Policy Framework 2012.

Biodiversity – habitat creation

67. No development of a phase of the outline development shall take place until a scheme for the provision and management of compensatory habitat creation associated with the construction of floodwalls and works to the riverbanks in that phase has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved scheme.

Reason: To compensate for the impact of development of river edges and beds and to maximise opportunities for the formation of new habitat in the development, in accordance with the emerging policies of the Lewes District Council and South Downs National Park Joint

Biodiversity – water quality

68. No development of a phase of the outline development shall take place until an ecological design strategy (EDS) for that phase addressing mitigation and compensation for changes to the hydrological regime which impact on the Offham Marshes SSSI; any impacts to protected species, and enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.
- Purpose and conservation objectives for the proposed works.
 - Review of site potential and constraints
 - Detailed design(s) and/or working method(s) to achieve stated objectives
 - Extent and location/area of proposed works on appropriate scale maps and plans.
 - Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - Timetable to implementation demonstrating that works are aligned with the proposed phasing of development.

Persons responsible for implementing the works.

- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason. To safeguard the water environment and biodiversity including enhancement, in accordance the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and paragraph 118 of the National Planning Policy Framework 2012

69. If development of a phase of the outline development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 1 year from the date of this hybrid planning consent, the approved ecological measures secured through the EDS shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats, and ii) identify any likely new ecological impacts that may arise from any changes.

Reason: As condition 68

70. Where the results of a review under condition 69 indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: As condition 68

Construction Access – phases 2 & 3

71. No development of a phase of the outline part of the development shall take place until details of the construction serving it have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. No development of that phase shall take place until the construction access has been completed / provided in accordance with the approved details.

Reason. To ensure the provision of adequate access and parking for a range of users and in the interests of highway safety, in accordance with Saved Policies of the Lewes District Local Plan 2003, including T8 and T13 and the emerging policies of the Lewes District Council and

South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Design Code

72. Any development within a phase of the outline development shall comply with the provisions of the final approved Design Code.

Reason: To ensure a good and coherent standard of appearance in order to achieve , in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003 and the emerging policy SP3 of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015 and the National Planning Policy Framework 2012.

Design Details

73. No development of a phase of the outline development shall take place until details of:

- Any outdoor space associated with any extra-care buildings, including design of gardens and space to meet needs of the elderly,
- Balustrade detailing on terraces, balconies, and roof terraces
- Window reveals and sill details
- Doorway reveals and building thresholds
- Eaves and gable verge details

Have been submitted to and improved in writing by the Local Planning Authority. The relevant phase of the outline development shall be implemented in strict accordance with the approved details.

Reason: As condition 72

Landscaping

74. A phase of the outline part of the development shall not be occupied until a detailed long-term landscape management plan for that phase has been submitted to and approved in writing by the local planning authority. The long-term landscape management plan shall be implemented as approved.

Reason: To improve and mitigate the appearance of the site in the interests of visual amenity safeguard the landscape character of the South Downs National Park in accordance with Saved Policies ST3 & ST11 of the Lewes District Council Local Plan 2003 and the National Planning Policy Framework 2012

Access

75. Prior to the occupation of 250 dwellings, details of, including a timetable for the following offsite highway improvement works, shown indicatively on plan no PI 573, Rev shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

- a) Alterations to the gyratory system (Little East Street/East Street and associated junctions, including any roadside parking bays)
- b) Improvements to bus stops on Phoenix Causeway west of Tesco roundabout

The works shall be undertaken in accordance with the details and timetable thereby approved.

Reason: To ensure the provision of adequate access and parking for a range of users and in the interests of highway safety, in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2 and T13 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

76. No development of phase 2 or 3 of the outline part of the development shall take place until full details of the following proposed works, and a timetable for their delivery, have been submitted to and agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority:

- a) Provision of a pedestrian link to public open space in the Pells area.

Such works to be delivered in strict accordance with the approved details

Reason: to provide convenient and safe access to the recreational facilities, in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2 and T13 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

Recreation

77. No development of the outline part of the development shall commence until full details of and a timetable for recreational facilities to be provided at Malling Field Recreation Ground have been submitted in accordance with the Recreation Strategy [*insert document reference*] and approved in writing by the Local Planning Authority. It shall be implemented in accordance with the details and timetable thereby approved.

Reason: To ensure the provision of adequate recreational facilities in accordance with Saved Policies of the Lewes District Local Plan 2003, including ST1, ST2 and RES19 and the emerging policies of the Lewes District Council and South Downs National Park Joint Core Strategy Modifications August 2015, including SP3 and the National Planning Policy Framework 2012.

11. Crime and Disorder Implication

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of pre-application advice from the SDNPA Development Management Officer and SDNPA Design Officer, the opportunity to provide additional information to overcome technical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Stephen Cantwell
Tel: 01730 819271
email: stephen.cantwell@southdowns.gov.uk

Appendices

1. Site Location Map
2. Floor Plans (Ground Lower Ground & 1st Floor)
3. Gross commercial and business floorspace and predicted employment
4. Key Routes
5. Character Areas
6. Combined elevations: Proposed streets and riverside:

7. East Gate Building/Health Hub
8. Ironworks Building
9. Wharfside Building
10. Extra Care Building (including Block Plans)
11. Conservation Areas
12. Proposed Changes to Gyrotory
13. Phoenix Causeway - Proposed
14. Proposed Flood Defences
15. Recreational Provision

SDNPA Consultees

Chief Executive, Legal Services, Director of Planning

Background Documents:

[Planning application SDNP/15/01146/FUL](#)

[Lewes District Local Plan 2003](#)

[Written Statement](#)

[Saved policies - list](#)

[Proposals Map \(search function\)](#)

[Lewes Joint Core Strategy \(Lewes District Local Plan\) Proposed Modifications Version – August 2015](#)

[South Downs National Park Local Plan Preferred Options 2015](#)

[South Downs National Park Employment Land Review September 2015](#)

[Lewes Employment Land Review Update 2012](#)

[Lewes Employment Land Review 2010](#)

[East Sussex County Council - A new approach to development contributions.](#)

[East Sussex County Council - Residential Car Parking Standards 2012](#)

[Lewes District Council - The provision of outdoor playing space as part of new residential development 2002](#)

[Lewes District Council - The provision of kerbside recycling facilities as part of new residential development 2002](#)

[Lewes Conservation Area Appraisal \(pgs 1-4\)](#)

[Lewes Conservation Area Appraisal \(other pages via table on the page found this link\)](#)

[Lewes Conservation Area Action Plan 2013](#)

[Malling Deanery Conservation Area Appraisal October 2015](#)

[National Planning Policy Framework 2012](#)

[Town and Country Planning Use Classes order \(Summary\) – Planning Portal](#)