

Report to	<b>Planning Committee</b>
Date	<b>12 March 2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>Lewes District Council</b>
Application Number	<b>SDNP/18/05206/FUL</b>
Applicant	<b>Planning Potential on behalf of Aldi</b>
Application	<b>Redevelopment of a Retail (A1) unit at Brooks Road, Lewes, with associated parking, servicing and landscaping to include a 1,254 sqm retail space.</b>
Address	<b>Aldi House, 1 Brooks Road, Lewes, East Sussex BN7 2BY</b>

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**Recommendation:**

- 1) **That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report and a legal agreement, the final form of which is delegated to the Director of Planning, to secure the following:**
    - **The relocation strategy, the lease extension of a year to the occupants of the industrial units and a developer contribution of £25,000 to town centre enhancements and employment initiatives.**
  - 2) **That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress has been made within 6 months of the Planning Committee meeting of 12 March 2020.**
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**Executive Summary**

The application is to replace an existing supermarket with a reconfigured larger store on a different part of the application site and re-configured parking arrangements. The site of the existing store is proposed to be enlarged through the acquisition and proposed demolition of three adjacent employment units.

The current proposals incorporate substantial changes that were made to the original scheme in response to extensive negotiations with officers. The revised plans include changes to both the location of the store and its design and materials.

It is necessary to weigh up the planning balance between providing a new and improved popular supermarket on the edge of Lewes Town Centre with losing three fit for purpose employment units.

There are three main principles of development to be considered.

Firstly, this is an application for a main town centre use on a site that is at the edge of Lewes Town Centre. This is a replacement store and not a new site, and the sequential assessment undertaken by the Applicant has demonstrated that there are no preferable town centre sites available.

Secondly, there would be a loss of three existing and fit for purposes employment units. However, there would be a gain of twenty new jobs with the new supermarket. Efforts have been made by the

applicant to mitigate the loss of the employment units and this has been formalised through the draft heads of terms of a legal agreement which are included in the recommendation.

Thirdly, it is necessary to take a landscape-led design to the redevelopment of this brownfield site.

It is necessary to balance up the loss of fit for purpose employment units against the redevelopment of a popular supermarket in an edge of centre commercial area. Officers have worked with the applicant to ensure that the businesses can be re-located satisfactorily elsewhere in close proximity to their existing premises, at no cost to the occupiers and prior to the demolition of the units. The revised scheme is considered to be landscape-led, whilst meeting the functional requirement of a modern supermarket.

## **1. Site Description**

- 1.1 The site relates to a 0.48 hectare parcel of land in the industrial centre of Lewes. Most of the site is currently occupied by an existing Aldi store and its car park. The remainder of the development site includes three existing industrial units, which would be demolished to make way for the new store. The current store is located on flat land, but there are significant changes in level in the northern part of the site where the new store would be located. The site is also adjacent to a roundabout which provides access onto one of the main routes through the town. All of the site is brownfield land.
- 1.2 The existing employment units, but not the existing store, are located in the Central Lewes Principal Employment Site, which is identified and safeguarded under Policy SD35 of the South Downs Local Plan. Central Lewes is part of a wider employment site identified in the 2017 Employment Land Review Update, which describes it as a large mixed employment area close to Lewes Towns Centre and recommends safeguarding it as a principal employment area.
- 1.3 There has been and continues to be continual change in this part of Lewes, which formed the traditional industrial heart of the town. A large Tesco supermarket is located to the west of the site and its petrol filling station is located to the south. Work is underway to the immediate north of the site for a housing led mixed use scheme at South Downs Road. There is a mixture of commercial buildings on the opposite side of Brooks Road to the east.
- 1.4 Aldi is currently accessed from Brooks Road and the application does not change the vehicular access.
- 1.5 The site is located close to the River Ouse. The majority of the site is located in Flood Zone 2 and a small proportion is in Flood Zone 3.

## **2. Relevant Planning History**

- 2.1 The following planning history is relevant to the application site:
  - Permission for the original store was granted in 2010 reference LW/10/1254/NP. The current store opened in 2011.
  - SDNP/13/00545/ADV: Installation of aluminium backed graphic vinyl to southeast elevation. Permission refused
  - SDNP/14/06405/PRE: Revised plans in relation to refusal of SDNP/13/00545/ADV for installation of aluminium backed graphic vinyl to southeast elevation. Advice provided
  - SDNP/15/01653/ADV: Installation of one non-illuminated aluminium backed advertisement fixed to the existing unit wall. Approved
  - Variation of condition 11 attached to planning permission LW/10/1254/NP to reduce the length of free car parking from 3 hours to 1.5 hours. Refused.
  - SDNP/16/00016: Appeal allowed to reduce the length of free car parking from 3 hours to 1.5 hours.

### **3. Proposal**

- 3.1 The application seeks to replace the existing Aldi supermarket, which has a retail area of 990 m<sup>2</sup> and 81 parking spaces, with a new store located in the northern part of the enlarged site. The new store would provide 1,254 m<sup>2</sup> of retail floorspace and 110 parking spaces.

#### History of this application

- 3.2 This application was originally submitted to Lewes District Council in October 2018 for consideration and determination on behalf of the South Downs National Park Authority. The application was subject to a late call in during April 2019. There were two significant concerns with the application namely the proposed design with resultant impact upon landscape character and the loss of existing employment uses. Officers have worked hard with the agent to address these matters.
- 3.3 The scheme was considered twice by the Design Review Panel (DRP). The first session looked at the original application and focussed on the high level design principles and the requirement to take a landscape led approach. The main recommendations were that the plan did not look right as it did not fit in with the wider urban grain and the arrangements of buildings, the landscape led approach needed to be much more demonstrated, ideally a master plan for this site and its wider settings should be produced and further explanation on how the scheme would meet the BREEAM Excellent requirement
- 3.4 The second DRP session looked at the revised scheme and focussed on the palette of materials and landscaping. The main recommendations were to add paving to the front of the store, add more trees to the central area, change the boundary landscaping and use more sympathetic materials for the store.
- 3.5 A Planning Performance Agreement (PPA) was agreed in December 2019 and a revised planning application was submitted in January 2020. The most significant change was a new location for the replacement store based on a more landscape led design solution. The various iterations of the design and layout are explained in the Design and Access Statement. A Framework Relocation Strategy was also submitted that identifies assistance to be provided to the tenants of the employment units that will be lost through the redevelopment. Other amendments and further documents were provided including an Ecosystems Services Statement and a Sustainability Assessment that had not been required when the application was originally submitted.

#### Layout & Access

- 3.6 The new store would be located along the western site boundary.. The active frontage of the store would be provided on its southern elevation. Ancillary accommodation and warehousing would be to the rear of the store in the North West corner of the site.
- 3.7 The vehicular access to the store would remain unchanged with both cars and lorries accessing the store from Brooks Road to the east of the site. The lorry turning area would be differentiated from the rest of the car park.
- 3.8 Pedestrian access would be provided across the car park. A path is proposed from the front of the store up to the perimeter of the site close to the bus stop.

#### Design and Landscaping

- 3.9 The new store would be located along the western boundary of the site. There will be blocked paving to indicate shared surfaces to the front of the store and pedestrian walkways to Brooks Road to the eastern and southern boundaries. There will be new trees and landscaping particularly to the rear and the side of the store, and some boundary trees will be removed.
- 3.10 The main part of the store is a utilitarian flat roofed building constructed of brick and metallic silver cladding. The warehousing and staff areas to the rear has a pitched roof in

keeping with surrounding industrial and residential buildings. Solar panels will be provided on the flat roof of the main building.

#### 4. Consultations

4.1 **Lewes Town Council:** Support. The agent has attended two meetings with Lewes Town Council. Their comments are as follows:

- Members were pleased to see investment in the town
- A clearly-defined route for pedestrians should be laid-out in the car park.
- Cycle parking provision should be a priority. This was to be provided both undercover near to the entrance, and on the edge of the car park.
- Flat roof areas should have 'green' roofing. It was stated that there would be Photo-Voltaic panels on some roof areas, and 'brown' roofing elsewhere – this using mosses and lichens and being considered more practical than 'green' Sedum or similar treatments.
- A dedicated taxi-waiting/pickup/drop-off area should be considered.

4.2 **Lewes District Council (Regeneration):** Support. LDC objected to the original application due to the loss of the employment units. A revised response was received from LDC after the submission of the revised scheme, which included the Framework Relocation Strategy to support the existing businesses displaced by this proposal. Their comments are as follows:

- Welcomes the measures set out in the Framework Relocation Strategy and asked for the measures to be formalised in the Section 106 legal agreement.
- Strongly support the proposed 12-month lease extension proposed for the displaced businesses and again this will be formalised through the legal agreement.
- Noted a willingness to offer contributions totalling £25,000 towards economic development/town centre improvements.
- Noted that the proposal will safeguard 30 existing jobs and create a further 20 jobs
- Asked that Aldi work with local colleges and employment related organisations to maximise upskilling for local residents
- Disappointed at the loss of employment space, whilst recognising that an appropriate level of mitigation has been proposed.
- Cautiously supportive of the proposed development

4.3 **Design:** Comments as follows:

- I am not convinced the building location has followed our landscape-led approach, in so much that the siting of the building has been led, and to some degree, understandably, by the function and nature of the business and its delivery arrangements for HGVs (Aldi utilise car park/public areas for deliveries); and to lesser extent, pedestrian access and safety – the latest iteration rationalised the built-form and parking arrangements to ensure pedestrian movement from the southern access point and parking areas did not encroach or cross the service area/ turning circles for HGVs
- Whilst it is regrettable that we are missing evidence to support the location of the proposed building, the layout does have some design merit. Firstly, its location to the rear of the site presents an opportunity to create a well landscaped (planted) car park area. This space will provide an attractive setting for a new building and it can be multi-functional, insofar that it can accommodate green infrastructure assets and a sustainable surface water drainage system; to convey and attenuate, and to clean surface water runoff before it enters the main watercourse
- Secondly, there is an element of built-form that responds positively to architectural features beyond the site. To the north of the Aldi site is a new residential scheme called Brooks Road; the proposed gable feature on this site replicates the roof form of the Brooks Road development, the ridgeline steps up to from the flat roof of the main

building (and then steps up again at Brooks Road) to create an attractive roof scape design (a common characteristic in Lewes). Its introduction is an unusual addition for a commercial unit, but the reasoning is sound and it will contribute to the identity of this area

- Finally, Officers and our Design Review Panel have secured a design code (in principle) for external wall and surface materials, improved parking arrangements and significantly increased green infrastructure assets within the car park area and roof zone of the main building (30% is now brown roof)
- To summarise, this scheme meets some but not all design criteria set out in national and local guidance. And, subject to conditions relating to external wall materials, surface finishes and landscaping, to ensure the success of the final design, it could be viewed as acceptable.

#### 4.4 **Landscape:** Objection. Comments are as follows:

- The application does not follow the landscape-led approach and the result is it has not been able to maximise the opportunities to generate benefits (enhancements) available at this site. The application documents fail to balance the site's needs – defined by the Local Plan Policies and gathered landscape evidence against the business needs. As a result the scheme has been designed largely by immovable operational standards as opposed to creating a truly bespoke shop, respectful of its landscape within a rapidly changing part of Lewes.
- Integrated decision-making would have identified the multiple benefits which could have been secured through simple single interventions such as a green roof for example, or utilising vegetative SuDS within the car park. The applicant's resistance to challenging the norm at this site has produced an 'anywhere' scheme which may not generate negative effects compared to the current scheme, but which go no way towards improving a typology for shops within sensitive landscapes of mixed use, or challenging design to respond positively to a changing climate, nor celebrating its location in a National Park.
- The desire to re-design the site represented a great opportunity to not only address the building's energy efficiency but to consider the whole site in an integrated way to delivering benefits for people and wildlife through decisions already being made. The measure presented by the applicant throughout this application is achieving no adverse impact, this may be true – but in a National Park policies and the National Park Purpose require that this scheme also needs to be enhancing.
- In the event officers arrive at a positive recommendation I would outline the following conditions would assist in achieving the relative best possible outcome for the current proposals:
  - Detailed design, sections and materials for the brown roof, to include its expected role in relation to biodiversity and water management.
  - Landscape management and maintenance required to maintain the site and achieve ecological, amenity and GI aims (enhancements), to include the brown roof specifically. This management plan should explain where water will come from for irrigation.
  - Lighting condition restricting external lighting to trading hours as explained in the D&A. It should include details of the lighting columns/bollards and luminaires, as well as technical information required by DNS Policy and any ecological sensitivities – the river is a known bat corridor.
  - Standard hard landscaping condition to include, but not limited to location of bollards, boundary treatments, current cycle stores, parking space markings, materials and finishes. Samples may be needed.

- 4.5 **Ecology:** No objection, subject to conditions.
- 4.6 **East Sussex County Council as Lead Flood Authority:** awaiting comments
- 4.7 **East Sussex County Council as Highway Authority:** No objection, subject to conditions.
- 4.8 **Environment Agency:** Comments as follows and unchanged for the revised scheme:
- The proposed development does not increase vulnerability and does provide a betterment to the current site. Therefore, we have no objection to the proposal provided that the Flood Risk Assessment (FRA) (Ref: 3787/246 August 2018) is adhered to, with particular reference to the following points documented in the FRA:
    1. Finished Floor Levels are no lower than 4.8 mAOD;
    2. The remaining associated groundwork and car park do not increase the level of the site, as to not to displace flood waters; and
    3. There is no increase in net impervious area.
- 4.9 **Designing Out Crime Officer, Sussex Police:** No objection. Pleased to note the inclusion of a number of crime prevention measures within the Design and Access Statement.

- Southern Water: No objection, subject to conditions

## 5. Representations

5.1 One objection has been received. A local business raised concerns over road congestion and car parking.

5.2 **Friends of Lewes:** support. The group made the following comments in response to the original application:

- Support the redevelopment of this retail unit and the investment associated with extending retail provision in Lewes.
- Unfortunate that the opportunity has not been taken to address the current vehicular access problems at this location, which are likely to be exacerbated.
- In the wider context, the society also considers that pedestrian access from the east of the site and along Brooks Road itself needs to be improved. In this respect, a short term solution maybe to ban car parking on the eastern side of Brooks Road from the roundabout to the entrance to the Aldi store which could improve access /egress to the site and also enable a pavement to be provided on the eastern side of Brooks Road.
- In terms of the proposed internal site layout, although the pedestrian access from the south seems to be well catered for, access from Brooks Road to the east would seem to be more problematic with the pedestrian route terminating at a parking bay with no designated route through the car park. The society believes that the walkway from Brooks Road should extend to the store entrance.

## 6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is South Downs Local Plan (2014-33) and the Lewes Neighbourhood Development Plan (NDP) (2015-33). The relevant policies are set out in section 7 below.

### National Park Purposes

6.2 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.

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

#### National Planning Policy Framework and Circular 2010

- 6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued in July 2018 and further amended in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

- 6.5 This application is very much to do with the socio-economic duty of the National Park Authority. The proposal would enhance the retail offer of Lewes Town on an accessible edge of centre site. The Statement of Community Involvement submitted with the application explains that the redevelopment plans are popular with local residents. Both the Town Council and the Friends of Lewes support the redevelopment.

#### Relationship of the Development Plan to the NPPF and Circular 2010

- 6.6 The development plan policies listed below have been assessed against the NPPF and are considered to be compliant with it.

#### Major Development

- 6.7 The proposed development is classed as major development in regard to the General Development Procedure Order 1995 (as amended). However, it does not constitute major development for the purposes of the NPPF and policy SD3: Major Development of the SDLP, given its location within an existing commercial area and the nature of the proposal.

#### The South Downs National Park Partnership Management Plan

- 6.8 The South Downs National Park Partnership Management Plan 2020-25 is a material consideration in the determination of the application. The following outcomes are relevant:
- Outcome 1: The landscape character of the South Downs, its special qualities, natural beauty and local distinctiveness have been conserved and enhanced by avoiding or mitigating the negative impacts of development and cumulative change
  - Outcome 10: A diverse, sustainable, dynamic economy which is positively linked to the special qualities of the National Park

## **7. Planning Policy**

#### The South Downs National Park Local Plan (2014-33)

- 7.1 The South Downs Local Plan (SDLP) was adopted in July 2019 and the following policies are relevant:
- SD1: Sustainable Development
  - SD2: Ecosystems Services
  - SD4: Landscape Character
  - SD5: Design
  - SD6: Safeguarding Views
  - SD17: Protection of the Water Environment
  - SD19: Transport and Accessibility
  - SD21: Public Realm, Highway Design and Public Art
  - SD22: Parking Provision
  - SD25: Development Strategy

- SD34: Sustaining the Local Economy
- SD35: Employment Land
- SD36: Town and Village Centres
- SD37: Development in Town and Village Centres
- SD38: Shops Outside Centres
- SD45: Green Infrastructure
- SD48: Climate Change and Sustainable Use of Resources
- SD49: Flood Risk Management
- SD50: Sustainable Drainage Systems
- SD52: Shop Fronts

The Lewes Neighbourhood Development Plan (2019)

7.2 The Lewes Neighbourhood Development Plan (LNDP) was made part of the development plan for Lewes Town by the SDNPA on 11 April 2019. The following policies of the LNDP (2019) are relevant to this application:

- Policy LE1: Natural Capital
- Policy LE2: Biodiversity
- Policy HC2: New Services and Facilities
- Policy HC3A: Heritage Protection of Landscape and Townscape
- Policy HC4: The Working Town
- Policy PL2: Architecture and Design
- Policy PL3: Flood Resilience
- Policy PL4: Renewable Energy and the Resource and Energy Efficiency of New Buildings
- Policy AM1: Active Travel Networks
- Policy AM3: Car Parking Strategy

**8. Planning Assessment**

Principle of development

- 8.1 The existing Aldi store is popular with shoppers, but this popularity has led to problems with parking and congestion. The Retail Statement highlights that the store is 24% smaller than the latest format Aldi store. The store can be described as trading considerably above the benchmark expected for a supermarket of this size. The purpose of this redevelopment is to provide an improved retail offer.
- 8.2 There are three main principles of development that need to be considered, having regard to the development plan and national planning policy.
- 8.3 Firstly, this is an application for a main town centre use on a site that is at the edge of the defined Lewes Town Centre. This is a replacement store and not a new site, and the sequential assessment demonstrated that there were no sequentially preferable site is available. This means that there were no alternative sites available for Aldi to build a new store either in Lewes Town Centre or closer to the Town Centre than the exiting store.
- 8.4 Secondly, there would be a loss of three existing and fit for purpose employment units currently providing 12 jobs. However, there would be an increase of twenty new jobs with the new supermarket. Efforts have been made by the Applicant to mitigate the loss of the employment units. The remaining businesses affected by the redevelopment will be given formal lease extensions of a year to give them time to find alternative premises, and Aldi will provide assistance with this. These measures are explained in the Framework Relocation Strategy and formalised through the legal agreement. This is considered proportionate to

the impact of the development proposals balancing the need for planning to not stymie competition with existing land use policies that protect employment.

- 8.5 Thirdly, it is necessary to take a landscape-led design to the redevelopment of this brownfield site and produce a scheme appropriate for the location and its setting. The revised scheme is considered to be sufficiently landscape-led, whilst meeting the functional requirements of a modern supermarket, which is outlined in more detail below.

#### Retail and town centres

- 8.6 This application for a replacement supermarket is for a 'main town centre use' as defined by the NPPF 2019. Policy SD36 of the SDLP sets out the hierarchy of town and village centres in the National Park and Policy SD37 sets out a number of criteria relating to development in these centres. Policy SD38 deals with shops outside centres.
- 8.7 The site is located approximately 300 metres from the primary shopping area of Lewes Town Centre as defined in the SDLP. This means that it meets the definition of an edge of centre site for the purposes of retail uses as set out in the Glossary of the NPPF. This is important in regard to establishing the principle of an edge of centre supermarket, albeit a store already exists. As the proposal is for a reconfigured and enlarged store rather than a new build the submitted sequential assessment demonstrates adequately that no sequentially preferable site is available.
- 8.8 An impact assessment would analyse the impact of the replacement store on the vitality and viability of Lewes Town. It was not considered necessary to carry out a detailed impact assessment as this had been done for the original application and so the principle of an edge of centre had already been established.
- 8.9 In order to improve linkages between the new store and the town centres a number of measures have been agreed with the developer. An information board just outside the store will give information about the Town Centre and finger posts will direct pedestrians there. A developer contribution towards town centre enhancements and employment initiatives has been agreed.

#### Sustainable economic development

- 8.10 The enlargement of the site means that there would be a loss of three existing business units; two of these are currently occupied and one is vacant. These units are part of a Principal Employment Site identified and safeguarded under Policy SD35 of the SDLP. This Policy safeguards all B class employment uses from development proposals for non-B use class and requires evidence for a robust marketing campaign of at least 18 months. The site is part of a wider employment site identified in the 2017 Employment Land Review Update, which describes it as a large mixed employment area close to Lewes Towns Centre and recommends safeguarding it as a principal employment area. Policy HC4 of the LNDP: Working Town protects all existing employment uses.
- 8.11 National and local policies define 'employment' as the traditional B uses of offices, industrial and warehousing and distribution. The new supermarket would not provide any traditional employment within this definition, but it would provide new jobs in retail. There are currently 30 full time equivalent jobs at the existing Aldi and this would increase to 50.
- 8.12 It is necessary to balance up the loss of fit for purpose employment units against the redevelopment of a popular supermarket in an edge of centre commercial area. Officers have worked with the Applicant to ensure that the businesses could be re-located satisfactorily elsewhere in close proximity to their existing premises, at no cost to the occupiers and prior to the demolition of the units.
- 8.13 As a result of these negotiations, a Framework Relocation Strategy was submitted with the revised scheme in January. This identifies assistance that would be provided to existing tenants to assist them in finding suitable premises for the relocation of their existing businesses. A lease extension of one year would be provided for all existing tenants. These measures will be secured through the section 106 legal agreement. Officers consider this is an acceptable approach to addressing the loss of these units because there will be a net gain

in jobs and although existing employment units will be lost, the actual businesses will be re-located.

- 8.14 Lewes District Council objected to the original proposals, but responded to the revised scheme now under consideration that although the loss of employment space is unfortunate, an appropriate level of mitigation has been proposed. The Council is therefore cautiously supportive of the proposed development
- 8.15 It should also be noted that the developer would contribute £25,000, secured through the section 106 legal agreement, to town centre enhancements and employment initiatives. Aldi has also committed to working with local colleges and employment agencies to recruit locally.

#### Design, Layout and Landscape Impact

- 8.16 Development proposals should adopt a landscape-led approach to design in order to comply with policies SD4: Landscape Character and SD5: Design. It is noteworthy that a landscape led approach includes townscape. This involves an approach to conserve and enhance existing landscape character features, contribute to the distinctive character, pattern and evolution of the landscape and integrate with, respect and sympathetically complement the landscape character and appearance of the area. Policy HC3A: Heritage Protection of Landscape and Townscape of the LNDP is also relevant to this application as it provides a locally formulated policy on landscape and design.
- 8.17 The original application was not considered acceptable in design and landscape terms as it had not taken an iterative approach towards devising a landscape-led scheme for the site. The revised scheme submitted in January follows on from extensive work with the agent including two sessions with the Design Review Panel; their main recommendations are set out in paragraphs 3.3 and 3.4.
- 8.18 The Design and Access Statement explains the iterative process that was taken to designing the new store. The site is located within an established industrial area of Lewes, although a number of retail units and new homes have been built in recent years. Most units in the area are industrial sheds with pitched roof and gable ends and are generally no more than two stories high although the large Tesco store next door has a height similar to a two/three storey building. The site and its surroundings are visible from the top of Malling Down to the east.
- 8.19 A number of options were considered for the position and alignment of the new store. The position and layout of the original store was not considered acceptable in landscape terms. The revised scheme aligns the new store along the western boundary of the site and the pedestrian entrance faces out on to Brooks Road at the site's closest point to the Town Centre. Ancillary accommodation and warehousing would be to the rear of the store in the North West corner of the site. This is considered to be far more appropriate and reflects the collaborative working that has gone on.
- 8.20 The continued retail operation of the site will not introduce a development with a greater potential to cause a material loss of amenity to neighbouring residential uses. The application is supported by an environmental noise report, which concludes that there will be no significant impact or disturbance to local residents.
- 8.21 In summary, the proposal is considered to be sufficiently landscape-led and of a significantly improved design and layout over the original application. The proposed store meets the functional requirement of a modern supermarket, whilst conserving and enhancing the landscape character of the industrial heart of Lewes in accordance with policies SD4 and SD5 and Policy HC3A of the LNDP.

#### Sustainable Construction

- 8.22 Policy SD48: Climate Change and Sustainable Use of Resources requires major non-residential development (defined here as development over 1,000 m<sup>2</sup>) to achieve Building Research Establishment Environmental Assessment Method (BREEAM) Excellent. Policy PL2: Architecture and Design of the LNDP requires new development to be built according to

the best principles of robustness and resilience. The policy also requires the flat roofs of commercial buildings to be green and/or support solar power.

- 8.23 The Sustainability report submitted as part of the application sets out how the proposal will achieve 69.46% points where BREEAM excellent requires 70%. BREEAM Excellent is still possible but certification is not guaranteed at this stage. BREEAM excellent in all but name with all the BREEAM excellent mandatory credits achieved is targeted. All the specific credits required in the Sustainable Construction Technical Advice Note are achieved except for the majority of Material credits (due to the timing of the planning application). Two electric vehicle charge points and 10% brown roof are to be provided.
- 8.24 More efforts to enhance Green Infrastructure should be made to help adapt the site to climate change. There are opportunities to do this within the car park, for example, by significantly increasing the amount of tree and native hedge planting at the expense of dedicated pedestrian routes through the car park.
- 8.25 In conclusion, it is good that we are very close to achieving BREEAM Excellent on our first major commercial application since the adoption of the Local Plan. Officers will need to be vigilant to ensure that BREEAM Excellent is actually met through the implementation of the relevant condition.

#### Ecosystem Services and Biodiversity Net Gain

- 8.26 Policy SD2: Ecosystem Services of the SDLP requires all development proposals to have an overall positive impact on the ability of the natural environment to contribute goods and services. Policy LE1: Natural Capital of the LNDP requires applications for large sites to include an assessment of the existing natural capital and the scope to provide a net gain in natural capital.
- 8.27 The Ecosystem Services Statement explains how a number of measures have been incorporated into the scheme in order to meet all the criteria in Policy SD2 other than criterion k. The measures range from bat and bird boxes to meet criteria b and f to the provision of solar panels to meet criterion e.
- 8.28 A full assessment of biodiversity net gain has not been made for the site. Criterion 2 of Policy SD2: Ecosystem Services requires all applications to protect and provide more, better and joined up natural habitats. In this regard trees, native boundary planting, bird and bat boxes will enhance the ecological potential of the site and whilst not scientific, overall it is considered likely there will be some net gain.

#### Sustainable Drainage

- 8.29 Policy SD50: Sustainable Drainage Systems supports proposals that ensure against an increase of surface water run-off, taking account of climate change. A Sustainable Drainage Statement has been provided by the developer along with a Flood Risk Assessment and Drainage Strategy.
- 8.30 The Sustainable Drainage Statement states that there is no increase in the vulnerability classification of the site as a result of the proposal. The proposed development reduces the impermeable area by approximately 0.03 ha and introduces a stricter off-site flow restriction. Therefore the overall flood risk to surrounding areas will be reduced.
- 8.31 Comments have not been received from the Lead Flood Risk Authority and members will be updated. Southern Water have not objected subject to conditions.

#### Access and parking

- 8.32 East Sussex County Council as the Highway Authority has no objection to the proposal. They consider that the applicant has satisfactorily assessed the trip generation of the

development and impact on the local highway network and has addressed both the parking, pedestrian access and vehicle tracking issues.

- 8.33 The vehicular access to the store would remain unchanged with both cars and lorries accessing the store from Brooks Road to the east of the site. The lorry turning area would be differentiated from the rest of the car park.
- 8.34 Pedestrian access would be provided across the car park. A path is proposed from the front of the store across the car park and up to the perimeter of the site close to the bus stop. Ideally, the path would continue across the Tesco car park and on to the town centre, but that has not been possible due to it being on land outside of the Applicants control.
- 8.35 The current parking time for customers is 1.5 hours. The original approval was for three hours, but a reduction was allowed on appeal. Ideally, a longer parking time would facilitate more linked trips to Lewes Town Centre. However, the agent has argued that the car park is so heavily used that it is not practicable to do so. On balance and taking into account the appeal decision, this is acceptable.
- 8.36 A total of 110 parking spaces are shown for the new store, which is an increase of 29 over the existing 81 parking spaces. This increase would improve public parking provision close to the Town Centre.
- 8.37 Two rapid elective vehicle charging points would be provided. Infrastructure for a further four chargers will be provided.
- 8.38 Pedestrian access is shown on the plans as crossing the car park from the eastern and southern boundaries to the front door of the store.
- 8.39 A total of eight customer cycle parking spaces would be provided next to the entrance to the store.

#### Community Infrastructure Levy (CIL)

- 8.40 The scheme would be CIL liable, however, the final figure can only be determined after any planning permission due to the technical nature of how it would be calculated in regard to the loss of the employment premises.

### **9. Conclusion**

- 9.1 It is necessary to carefully consider the planning balance with this application. Firstly, the loss of three fit for purpose employment units needs to be balanced against the twenty new jobs that will be provided at the replacement supermarket. Robust mitigation measures have been agreed that will facilitate the re-location of the displaced businesses. Secondly, the requirement to take a landscape-led approach to design needs to be balanced with the need to build a new supermarket that meets operational requirements, and most importantly that the scheme itself is considered suitable for the site. The original design and layout were not considered acceptable, but the revised scheme has gone some way to provide a landscape-led design.
- 9.2 Given the above it is considered that the proposal is broadly in accordance with the Development Plan and there are no overriding material considerations to otherwise indicate that permission should not be granted. It is therefore recommended that planning permission is granted.

### **10. Reason for Recommendation**

- 10.1 The application is recommended for approval subject to the following conditions and a legal agreement to secure the following:
- The relocation strategy, the lease extension of a year to the occupants of the industrial units and a developer contribution of £25,000 to town centre enhancements and employment initiatives.

If the legal agreement is not completed or sufficient progress been made within 6 months of the Planning Committee meeting of 12 March 2020, it is recommended that authority be

delegated to the Director of Planning to refuse the application.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### Construction

3. Prior to the commencement of the development hereby permitted, plans and cross sections of the existing and proposed ground levels of the development, site boundaries and finished floor levels in relation to a nearby datum point (above Ordnance datum) shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in full accordance with the approved details.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

4. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- i) An indicative programme for carrying out the works;
- ii) The anticipated number, frequency and types of vehicles used during construction;
- iii) The method of access and routing of vehicles during construction;
- iv) The parking of vehicles by site operatives and visitors;
- v) The loading and unloading of plant, materials and waste;
- vi) The storage of plant and materials used in construction of the development;
- vii) The erection and maintenance of security hoarding;
- viii) No burning of construction materials on site;
- ix) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders where necessary);
- x) Measures to minimise the noise (including vibration) generated by the demolition/construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers;
- xi) No work to be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work to be undertaken on Sundays, Bank and Public Holidays;
- xii) Details of any external lighting, including location, height, type and direction;
- xiii) Measures to control the emission of dust and dirt during demolition/construction;
- xiv) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- xv) A method to record the quantity of recovered material (re-used on site or off site);
- xvi) Details of public engagement both prior to and during the construction works.

Reason: In the interests of highway safety and the amenities of the area.

### Operation of the store

5. The supermarket hereby permitted shall be open for trade only during the hours of 07:00 to 22:00 Mondays to Saturdays inclusive and 09:00 to 18:00 on Sundays.

Reason: To ensure that the amenity of the occupiers of nearby houses is safeguarded.

6. No delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 06:00 to 23:00 on Mondays to Saturdays inclusive and 08:00 to 22:00 on Sundays

Reason: To ensure that the amenity of the occupiers of nearby houses is safeguarded

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development ) Order 2015 the site shall be used solely for the purpose of A1 retail.

Reason: The proposed use is acceptable, but the local planning authority wish to consider any future proposal for a change of use, other than a use class within the same use class, having regard to the circumstances of the case.

### Design and Materials

8. Prior to the commencement of the development hereby permitted, a schedule of architectural details, materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes, (to include, but not be limited to, external walls, roofs, windows, doors, rainwater goods and fascias) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

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

9. Prior to the commencement of the development hereby permitted, a detailed scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. The scheme shall include details of, but not be limited to:

- i) Proposed planting plans and strategy, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment; schedules of plants and trees (achieving where possible closed canopies along the green corridor through the site) noting species, sizes; and proposed numbers/densities where appropriate;
- ii) Tree guards, staking and tree-pit construction;
- iii) Retained areas of grassland cover and trees;
- iv) Treatment of surfaces, paths, access ways and parking spaces, including their appearance, depth and permeability, kerbs and edges;
- v) A timetable for implementation of the soft and hard landscaping works.
- vi) A schedule of landscape maintenance for a minimum period of 5 years to include details of the arrangements for its implementation.

Thereafter the development shall be undertaken in full accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

All soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building, or the completion of the development, whichever is the sooner. All shrub and tree planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties.

10. Prior to the development being brought into use, a Landscape and Ecological Management Plan (LEMP for the landscaping scheme, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term objectives, management responsibilities and maintenance schedules for all landscape areas. The LMP shall thereafter be implemented in full as approved unless otherwise agreed in writing by the Local Planning Authority

Reason: To secure the long term maintenance of the landscaping scheme, which will contribute to the setting of the development and the surrounding character and appearance of the area.

11. The building hereby approved shall be constructed to minimum BREEAM 'Very Good' Standard with a total minimum score of 69.46%. In addition all credits which are a pre-requisite of BREEAM Excellent will be achieved or an equivalent standard within three months of the use of the building commencing. The relevant certification shall be submitted to the Local Planning Authority within six months of the use having commenced to demonstrate that the required standard has been achieved.

Reason: To ensure that the building achieves BREEAM Excellent Standard with a total minimum score of 70%.

#### Drainage

12. The developer must inform in writing the local planning authority the measures which will be undertaken to protect the public sewers and water apparatus during construction, prior to the commencement of the development

Reason: To ensure satisfactory provision of foul water drainage

13. Prior to the commencement of development hereby permitted, details of the proposed foul and surface water drainage and means of disposal, including on and/or off site works, shall be submitted to and approved in writing by the Local Planning Authority.

All works shall be undertaken in full accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage (SuDS) principles. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

Reason: To ensure satisfactory provision of surface water drainage.

#### Ecology and Trees

14. Works shall be carried out in full accordance with the ecological mitigation and enhancement measures as set out in the submitted Ecosystem Services Statement.

Reason: to protect reptiles and other notable species in accordance with the Wildlife and Countryside Act 1981 (as amended).

15. Works shall be carried out in full accordance with the Amended Arboricultural Assessment and Amended Tree Plan.

Reason: to conserve and enhance the existing and proposed trees on site

#### Highways and parking

16. Prior to the development being brought into use, a parking management plan shall be submitted and approved by in writing by the Local Planning Authority.

Reason: To provide car-parking space for the use.

17. Prior to the development being brought into use, the car parking and electric vehicle charging points shall be constructed in full accordance with the approved Site Plan and details. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

18. Prior to the development being brought into use, details of covered and secure cycle parking spaces shall be provided. Thereafter the development shall be carried out in full accordance with the approved details.

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

19. The car park shall be free to all users for a period of at least 1.5 hours to encourage linked shopping trips in Lewes town centre.

Reason: To ensure that the development is provided with a sustainable level of vehicle parking and to encourage linked shopping trips to Lewes Town Centre

## **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**

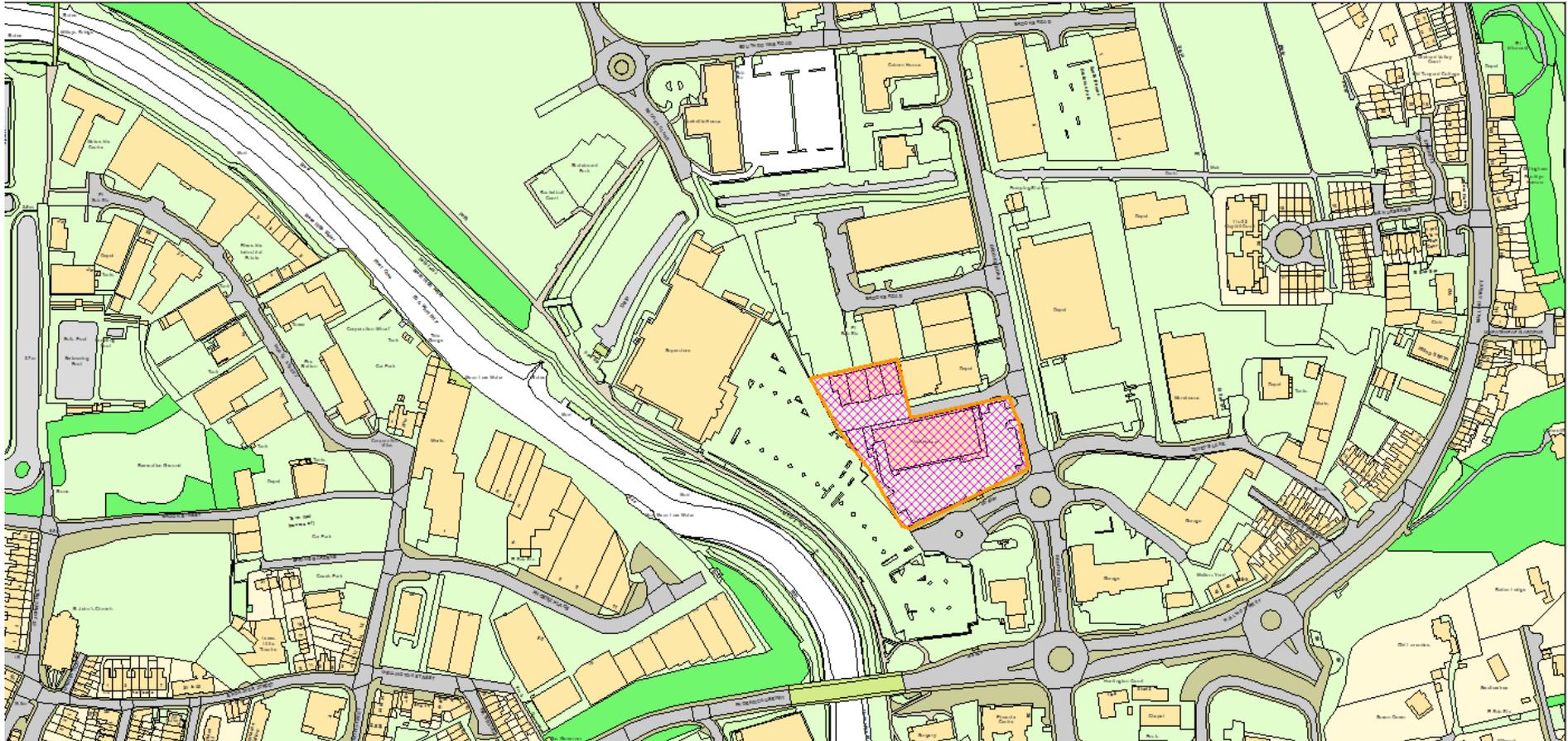
- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

## **TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

Contact Officer: Lucy Howard  
Tel: 01730 819284  
email: [Lucy.howard@southdowns.gov.uk](mailto:Lucy.howard@southdowns.gov.uk)  
Appendices I. Site Location Map  
SDNPA Consultees Legal Services, Development Manager  
Background [SDNP/18/05206/FUL](#)  
Documents [National Planning Policy Framework \(2019\)](#)  
[South Downs Local Plan \(2014-33\)](#)  
[Lewes Neighbourhood Development Plan](#)  
[South Downs National Park Partnership Management Plan 2020](#)



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