



**South Downs**

National Park Authority  
**Agenda Item 6**

**Report PC22/23-01**

Report to **Planning Committee**  
Date **8 September 2022**  
By **Director of Planning**  
Application Number **SDNP/22/02197/FUL**  
Applicant **Generator (Eastgate Street) Ltd**  
Application **Demolition of existing buildings and construction of mixed-use development comprising 3 houses (Class C3), 37 self-contained flats (Class C3) and 192m<sup>2</sup> of ground floor commercial space (Class E), with associated access alterations, landscaping and parking.**  
Address **Former Bus Station, Eastgate Street, Lewes, East Sussex, BN7 2LP**

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**Recommendation: That planning permission be refused for the reasons set out in Section 9 of this report.**

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#### Site Location Plan



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## **Executive Summary**

This application relates to the construction of 40 dwellings (with 17 car parking spaces) and 192sqm of commercial floorspace on the former Bus Station site, Eastgate Street, Lewes.

The key considerations for this application are:

- the site is allocated for redevelopment as part of the strategic site 'North Street Quarter and adjacent Eastgate Area, Lewes', within Policy SD57 of the South Downs Local Plan;
- the lack of any direct contribution (either land or financial) to the re-provision of bus facilities;
- the lack of any affordable housing;
- the proposal's design (including the impact on landscape / townscape character and the Lewes Conservation Area), and
- the lack of information to confirm the scheme's acceptability on impacts to flood risk / drainage, air quality and archaeological matters.

The proposal does not accord with the Purposes and Duty of the South Downs National Park and the South Downs Partnership Management Plan, and does not accord with the key policies relevant to this application, namely SD4, SD5, SD12, SD13, SD15, SD28 and SD57 of the South Downs Local Plan and HC1, HC3 A, HC3 B, PL1 A, PL2 and AM2 of the Lewes Neighbourhood Plan (made in April 2019).

The application is placed before committee due to the strategic allocation and given the significant level of public interest.

### **I. Site Description**

- I.1 The site is located at the corner of Eastgate Street and East Street, immediately adjacent to, but outside of, the defined town centre of Lewes (Policy SD36).
- I.2 The site is within the Lower High Street Character Area of the Lewes Conservation Area. As set out in the Lewes Conservation Area Character Appraisal, this area is of mixed scale with a number of Listed Buildings and buildings of townscape merit surrounding the site. The neighbouring properties are predominately two to three storeys (with rooms in the roof), with the exception of the single storey extension to the Eastgate Baptist Church.
- I.3 The site itself comprises of an 'island' bus station (allowing buses to drive around the building) with a cantilevered upper floor to provide shelter to waiting passengers and a bus warehouse / garage building. Both were built in the 1950s for the Southdown Bus Company. The existing buildings are not Listed and within the Conservation Area Character Appraisal the buildings are not identified as having townscape merit but the site is identified as an area for enhancement.
- I.4 The site was sold in 2006, at which time the bus warehouse / garage uses were moved off site to another location. Also since the site was sold, various elements of the 'bus station building' have been closed to the public (such as the public toilets and formal waiting room) and temporary uses have occupied parts of the ground and upper floors (current uses include a café and artists' studios) and the warehouse / garage is being used for general storage purposes. The site has three remaining bus stops currently in use (for pick-up and drop-off purposes), which was permitted by the current landowner via a temporary 28 day rolling licence. On 17 August 2022, the owner served notice on the bus operators to quit the site (with the current licence due to terminate on 16 September).
- I.5 On 10 August 2022, Historic England issued a 'Certificate of Immunity' which prevents the buildings from being listed for a period of five years.
- I.6 The site is allocated by Policy SD57 as part of the strategic site of 'North Street Quarter and adjacent Eastgate Area' for a mixed-use redevelopment.

## 2. Relevant Planning History

- 2.1 There is no relevant planning history other than a pre-application enquiry (including a session with the Design Review Panel) associated with this application. Officers advised that the principle of redeveloping the site was acceptable subject to detailed design issues, the provision of affordable housing and a suitable solution for the bus re-provision.

## 3. Proposal

- 3.1 This application is seeking permission for a total of 40 dwellings and 192sqm of commercial floorspace following the demolition of the existing bus station building and warehouse.
- 3.2 The proposed 40 dwellings are made up of 3 houses and 37 flats. The proposed mix of housing is:
- 1 x 3 bed house, and
  - 2 x 4 bed houses.
- 3.3 The three houses (three storeys plus rooms in the roof) are located on the East Street frontage, immediately adjacent to the proposed block of flats, with their proposed parking spaces accessed via Eastgate Street.
- 3.4 The proposed flats are within a single block (wrapping around the corner of East Street and Eastgate Street and ranging in height between three and five storeys) with the 192sqm of commercial floorspace proposed at the ground floor (adjacent to 15 Eastgate Street, the part of the site closer to the High Street). The proposed mix of flats is:
- 7 x 1 bed flats;
  - 26 x 2 bed flats, and
  - 4 x 3 bed flats.
- 3.5 All the proposed units meet the described space standards set out in the National Technical Housing Standards.
- 3.6 The applicant is not offering any affordable housing, stating that the scheme is not viable if any were to be provided. The issues of affordable housing and viability are addressed further within the Planning Assessment section of this report.
- 3.7 Vehicular access to the site is proposed to be from Eastgate Street, with 17 car parking spaces (including EV charging points) proposed within an internal courtyard and 96 cycle parking spaces proposed within the buildings. The applicant has also submitted a Travel Plan which includes them willing to provide a 3-year free membership with a local car club for each resident. The scheme also proposes a formal service lay-by (not to be used by buses) and new public footway on the Eastgate Street frontage.
- 3.8 It is proposed that the scheme will achieve an approximate 15% reduction in regulated carbon dioxide (CO<sub>2</sub>) emissions through a fabric first approach and through the use of air source heat pumps and PV panels it will reduce by 54% in total. The proposal also includes 148sqm of green sedum roofs and, given the baseline position, the scheme would achieve a net gain in biodiversity through the introduction of green roof, raised planters and some tree planting.
- ## 4. Consultations
- 4.1 The consultee responses are summarised below.
- 4.2 **Air Quality (LDC)** – Objection until monitoring has been carried out (and methodology and locations of monitors be approved in writing prior to commencement of monitoring) in order to determine baseline air quality, and a detailed air quality assessment based on the results of the monitoring has been submitted and approved in writing by the LPA, an application for development on this site cannot be considered.

4.3 **Archaeology (ESCC):** Objection due to lack of information. The applicant has failed to meet the requirements of section 194 of the National Planning Policy Framework and it is not possible to clarify the impact on the proposals on heritage assets or archaeological remains.

4.4 **Conservation Officer (SDNPA) – Holding Objection** as scheme is currently contrary to Policies SD12 and SD15.

The bus station building is deemed to be a non-designated heritage asset. Notwithstanding that, overall, the proposed inappropriate scale, roof forms and materials will have a harmful impact on the character and appearance of the Lower High Street character area of the Lewes Conservation Area. The proposal would also have an overbearing relationship to the Listed Buildings along Eastgate Street. This would have a harmful impact on their setting, which would harm their significance. The level of harm that would be caused by the proposed development to the Conservation Area and Listed Buildings is assessed as being less than substantial.

4.5 **Design Officer (SDNPA) – Holding Objection**

Whilst the development proposal has some attractive attributes and has the makings of a positive contribution to this part of Lewes, there are still some concerns about its scale and mass. This is particularly on the southern half of the Eastgate Street part of the apartment block including how it relates to the adjacent building; and also the two westerly houses in East Street.

There is also concern that the development has too much of a significant effect on the daylighting levels in a number of adjacent residential buildings, but particularly on the ground floor main living space of no. 27 East Street and the daylight levels for the main living spaces for 4 of the proposed apartments is unacceptable.

Given the design approach, the choice of materials (and potentially the level of detailing) fails to sufficiently speak of Lewes, or its immediate context. In addition, the landscape design is unconvincing, with trees that do not appear feasible, a lack of focus on the external works and failure to explore opportunities to marry landscape amenity with SuDS.

The sustainable construction credentials are good (and comply with the relevant policy and SPD), although more work is needed on maximising SuDS opportunities.

4.6 **Highway Authority (ESCC):** Objection due to insufficient information. It has not been demonstrated that suitable and deliverable alternative bus stop facilities can be provided as part of the development and therefore the application does not comply with Policy SD57.

In terms of the scheme as proposed:

- Traffic impact, no concern is raised in terms of proposed trip generation and modelling the impact on the wider highway network is not required;
- The new / realigned access is acceptable (subject to details regarding a stop line / signage at the new gated access) and vehicle tracking / refuse access appears to be acceptable;
- The proposed service layby and reinstatement of the footway on Eastgate Street are welcomed (subject to a Section 106 legal agreement securing the necessary TROs and adoption of the new footway);
- Given the existence of 3 pedestrian crossing points nearby and the removal of the bus station facilities (which will reduce pedestrian crossing design lines immediately outside the site), there is no requirement for any new / additional pedestrian crossing facilities;
- According to ESCC parking standards the scheme is technicality deficient of 7 spaces. It is agreed that the site is accessible but there are concerns the scheme may lead to overspill parking into nearby streets and other car parks. Therefore, if permission is granted the following should be included ‘*The applicant should be aware that in accordance with Article 23 of the Lewes Parking Order dated 28<sup>th</sup> December 2007, residents of this development are unlikely to be eligible for on-street parking permits*’ (Officer Note: the SDNPA’s parking standards apply here).

- It is noted that 20% of spaces will be active EV charging and the other 80% will have passive provision;
  - The cycle provision is in excess of ESCC standards;
  - If permission is granted a Travel Plan is key to ensuring mitigation of any impacts and should be secured by a Section 106 Legal Agreement, and
  - The scheme has demonstrated how it could 'fit' with the technically implemented North Street Quarter 2015 permission (and its highway proposals to change the Phoenix Causeway and Eastgate Street junction) and therefore is acceptable.
- 4.7 **Lead Local Flood Authority (ESCC)** – Following the submission of further information, no objection subject to conditions.
- 4.8 **Lewes Town Council** – Objection. The scheme fails to comply with the following policies from both the South Downs Local Plan and Lewes Neighbourhood Plan:
- Policies SD28 and PL1A in its failure to provide any affordable housing and the submitted viability report states that developers have to take into account any costs including those ensuring a policy compliant scheme;
  - Policy SD27 - housing mix in its under allocation of 1 bed units;
  - Policy SD3 – scheme is major development and should be zero carbon;
  - Policy SD54 – the air quality assessment must include the proposal for the new location for the buses;
  - Policies SD57, SD19, HCI and AM2 – as there is no plan to replace the bus station and the options put forward fail to meet the requirements of the policies and do not constitute an operationally acceptable site, and
  - The bus station site has been listed as an 'Asset of Community Value' by Lewes District Council, and therefore the proposal is contrary to policies SD19, SD42 and SD43.
- 4.9 **Southern Water** – have identified that the proposed development will be over the existing public water distribution mains and they recommend that the exact position of the public apparatus is determined before the layout of the proposed development is finalised. The submitted surface water drainage information shows no flows greater than existing levels has been connected to the system proving betterment of the surface water system which is acceptable.
- 4.10 **Twentieth Century Society** – Objection due to the total loss of a building of heritage significance in Lewes and the building(s) should be treated as a non-designated heritage asset.
- 5. Representations**
- 5.1 At the time of writing the report, 716 objections, 1 representation in support and 1 neutral representation have been received. Of the 716 objections, 440 were submitted using a standard template (of these 25 were submitted from addresses that do not appear to exist, whilst it calls into question the legitimacy of some particular representations, as they were submitted using the standard template used by others where addresses confirmed the points they raised have been considered). In any case all planning matters are considered in this report.
- 5.2 A summary of the objections, including those from organisations (such as Brighton & Hove Buses, Eastgate Baptist Church, Friends of South Downs, Human Nature (Places) Limited, Lewes Conservation Area Advisory Group, South Downs Network and Sussex Industrial Archaeology Society) and individual councillors from both Lewes District Council and East Sussex County Council are set out below together with a summary of the letter of support.

### 5.3 Objections

#### Standard Template Response

- There is no agreed plan to replace the bus station as required by Policy SD57;
- Neither of the two potential options to replace the existing facilities meet any of the requirements for Policies SD57, SD19, HC1 and AM2;
- The obvious solution of keeping the bus station where it is has not been properly evaluated, plus the site has been designated an Asset of Community Value;
- The proposal does not include any affordable homes
- The mix of homes does not comply with Policy SD27;
- The scheme must be deemed 'major development' therefore policy SD3 applies and the scheme should be zero carbon;
- The air quality assessment does not consider all the air quality impacts, including relocating the bus facilities;
- Regarding viability, Government guidance is clear, the price paid for the land is not relevant justification for failing to provide affordable housing and the site purchaser should consider the policy compliant costs when agreeing land transactions;
- Policy SD57 requires the development proposal to be considered as one and proposal to be consistent with other phases / schemes. If approved the options for the buses would seriously constrain options for the far larger and more strategically important North Street Quarter site. Therefore, any approval must not be granted ahead of the North Street proposal.

#### Other objection comments

- Scheme is contrary to Policy SD43 as the site is a community asset;
- The existing buildings have architectural and historical value and therefore should be saved / prevented from being demolished;
- Application should not be determined until the issue of Listing the building has been resolved;
- The proposal is out of scale with the site and surroundings, the proposal is overbearing and incongruous;
- Design is not in keeping with the character of the Town and does not conserve or enhance the Conservation Area;
- Choice of materials is harmful to the Conservation Area;
- The East Street frontage ignores the scale and rhythm of the existing development;
- Potential loss of light and loss of privacy to neighbouring properties, including the Baptist Church;
- The proposal will increase traffic and congestion on already busy roads and will lead to further dangers for road users and pedestrians and increase pollution;
- The proposal has inadequate parking;
- There is no need for additional commercial units;
- Pulling down buildings creates more carbon than repurposing them;
- No need to build extra houses in Lewes;
- Proposal will increase flood risk;
- Scheme is not acceptable to Southern Water due to the existing public water distribution mains running across the site;

- Policy SD57 is clear, it is the responsibility of the applicant to replace the bus facilities and the proposal does not include land, finance or a deliverable solution to replace those facilities;
- The proposals do not provide any facilities for passengers or drivers, including seating, toilets and rest areas. The redevelopment of the site will result in a loss of a central convenient location for buses and passengers. Options proposed would have detrimental impact to passenger and pedestrian safety;
- Should be encouraging / increasing sustainable travel options and reducing car use. Proposals do not take into account 'bus back better' or East Sussex County Council's Bus Service Improvement Plan;
- Proposal will have a disproportionate impact on the poor, elderly and vulnerable (i.e. those that rely on public transport);
- Loss of central bus station will have detrimental impact on the town economy, and
- The scheme results in the narrowing of Eastgate Street to single lane which will result in unacceptable traffic congestion.

*(Officer Note: The scheme does not result in the narrowing of Eastgate Street, the provision of the service lay-by and footway occurs within the site. Eastgate Street will retain the two lanes of traffic heading south towards the High Street).*

- The scheme is proposing a reduction / removal of green space.

*(Officer Note: Whilst it is not entirely clear what this refers too in some of the letters of representations, this comment may relate to the possible options put forward to relocate the buses to the Phoenix Causeway. There is no green space on the existing site).*

#### 5.4 Support

- Something useful needs to be done with this unattractive site;
- There has not been a bus station on the site for years and is there really a need for a bus station?

#### 5.5 Neutral

- This site could look smarter, why not build a new bus station with a waiting room?

### 6. **Planning Policy**

#### Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

- 6.1 Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant.
- 6.2 Section 66 relates to the grant of planning permission and states 'in considering whether to grant planning permission for development which affects a listed building or its setting, 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'.
- 6.3 Section 72 specifically refers to Conservation Areas and requires that 'special attention shall be paid to the desirability of preserving or enhancing the character of that area'.
- 6.4 Relevant Sections of National Planning Policy Framework:
- Section 2 - Achieving sustainable development
  - Section 5 – Delivering a sufficient supply of homes
  - Section 12 – Achieving well-designed places
  - Section 15 - Conserving and enhancing the natural environment
  - Section 16 – Conserving and enhancing the historic environment

6.5 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (a longer list of other relevant policies can be found in Appendix I)

- SD4: Landscape Character
- SD5: Design
- SD12: Historic Environment
- SD15: Conservation Areas
- SD27: Mix of Homes
- SD28: Affordable Homes
- Strategic Site Policy SD57: North Street Quarter and adjacent Eastgate Street, Lewes

6.6 Most Relevant Policies of made Lewes Neighbourhood Plan (2015-2033) (a longer list of other relevant policies can be found in Appendix I)

- HCI – Protection of Existing & New Community Infrastructure
- HC3 A – Heritage Protection of Landscape and Townscape
- HC3 B – Planning Application Requirements and Heritage Issues
- PL1 A – General Housing Strategy
- PL2 – Architecture & Design
- AM2 – Public Transport Strategy

6.7 Other relevant policy documents (including SPDs and TANs) (a longer list of other relevant documents can be found in Appendix I)

- Affordable Housing SPD
- Design Guide SPD
- Lewes Conservation Area Character Appraisal
- Sustainable Construction SPD

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

- Policy 1
- Policy 9
- Policy 50

## 7. **Planning Assessment**

### Principle of development

7.1 The application site forms part of a wider strategic allocation (Policy SD57) allowing for redevelopment for a mix of uses, including a large number of residential units. Given the scale of this application, the site's specific location within the settlement boundary and immediately adjacent to the defined Town Centre boundary, the fact that this is a previously developed site (i.e. a brownfield site) and the lack of significant adverse impacts upon the purposes for which the National Park has been designated, the proposed development does not constitute major development for the purposes of paragraph 177 of the National Planning Policy Framework (NPPF) and Policy SD3.

7.2 As part of an allocated site, the principle of redeveloping the site (including demolition of the existing buildings) for alternative uses has been established and the uses proposed (residential and commercial) comply with the range of uses referred to within Policy SD57 and given the relatively limited floorspace of the proposed commercial units it would not conflict with Policy SD36.



- 7.3 At the heart of the matter, and subject of much public interest as shown in the letters of representation, is how the proposal accords or not, with criterion 3j of Policy SD57. This states that alternative uses on the bus station site are subject to the facility being replaced by an operationally satisfactory and accessible site elsewhere.
- 7.4 Whilst the Lewes Neighbourhood Plan, at policy HCI, did not (and could not) introduce a policy specifically for the site as it was already part of the Strategic Site Allocation in the South Downs Local Plan, the supporting text of Policy HCI refers to the bus station serving the centre of Lewes very well and that it will be retained until a suitable alternative town centre site can be found offering the same or better undercover waiting facilities. This policy carries some weight but of course blind of the commercial position that Notice has been served by the owners of the site to cease the area being used for buses in any guise, interchange facility or otherwise.
- 7.5 The information submitted with the application does not provide a direct solution for the bus re-provision. Instead the applicant has provided a 'bus stop re-provision assessment' setting out a number of options for where the facilities could be relocated. This work included discussions with Officers and other stakeholders including East Sussex County Council and Lewes District Council. Through those discussions and with Lewes District Council advising that none of the land in their ownership was available, two options (variations showing facilities on the Phoenix Causeway) were considered more likely to be able to be delivered. The applicant states that this work fulfils the requirement to identify sites elsewhere and as the wording of the policy does not require that the facilities should be replaced before the site is redeveloped. They advise that their work is sufficient to meet criterion SD57 3j.
- 7.6 In addition, the applicant states that the bus re-provision can be funded by both East Sussex County Council through their Bus Service Improvement Plan and by the SDNPA through the use of the Community Infrastructure Levy (including any CIL which would be due from this scheme if permission were granted).
- 7.7 In response to the information within the application and concerns raised in the letters of representation, the Authority has sought legal advice from Queens Counsel (barrister) and that advice has been incorporated into the following paragraphs.
- 7.8 Whilst the wording of policy encourages a comprehensive approach to redeveloping the whole site allocation, it does not prevent proposals coming forward in the way this has. Indeed the extant permission on the North Street Quarter site evidences this approach. In addition, the policy does not give specific requirements on the exact division of responsibilities for the provision and funding of the replacement facilities, nor could a planning policy really do so on a commercial site. Therefore, it would be incorrect to place the sole responsibility for the provision of the replacement facilities on the redevelopment of the bus station site. In addition, the broad policy wording acknowledges the site could come forward without a final solution having been delivered. The advice received is that a reason for refusal for the redevelopment of the site until new bus facilities are provided could not be sustained.
- 7.9 However, it would be equally incorrect to sever the link between the redevelopment of the site and ensuring that appropriate facilities can be delivered. The language of Policy SD57 and more specifically criterion 3j, explicitly links the re-provision of adequate replacement facilities to the redevelopment of the bus station site, and that it is the interchange facilities which are identified as essential. The language of the Lewes Neighbourhood Plan also emphasises the importance of the interchange facilities.
- 7.10 There is a clear expectation in the wording of the policy that the redevelopment of this site would help secure alternative facilities. More specifically, criterion 3j identifies the responsibility that this site has to ensure that appropriate replacement facilities are delivered, and Officers consider this to be important not least as it is where the existing facilities are provided. In addition, the bus interchange facilities are not identified as a specific project to be funded by the SDNPA's CIL.

- 7.11 Therefore, it is felt that site specific mitigation in the form of an appropriate financial contribution towards the bus re-provision (secured through a Section 106 legal agreement) is necessary. First, such a contribution would be necessary to make the development acceptable in planning terms, second such a contribution is directly related to the development and thirdly, such a contribution is reasonably related in scale and kind to the proposed development. In the absence of such a contribution (and legal agreement), the current proposal fails to comply with Policy SD57 3j and therefore permission should be refused.
- 7.12 The objections received, including from Human Nature (Places) Limited (the new owners of the neighbouring 'north street' site) also refer to this proposal potentially being prejudicial to the delivery of the wider site allocation (and specifically that the options looking at bus facilities on the Phoenix Causeway could prevent the wider site coming forward). It is acknowledged that the options to relocate the bus facilities to the Phoenix Causeway would conflict with the implemented 'North Street Quarter' 2015 planning permission. However, Human Nature (Places) Limited have confirmed that they do not intend to continue to implement that permission and will be bringing forward a whole new scheme in due course (note: no planning application has been submitted at time of writing this report).
- 7.13 Officers have also been party to discussions relating to the emerging plans from Human Nature (Places) Limited that show how the buses and new scheme might work together, demonstrating that a suitable solution could be found. The objection from Human Nature (Places) Limited is acknowledged, but having taken legal advice, Officers do not consider that a reason for refusal on the grounds of prejudicing the wider redevelopment of the area is likely to be sustainable given the opportunities to secure appropriate alternative facilities which may existing in the wider (allocated) regeneration area.
- 7.14 It is also considered that securing a direct financial contribution from this proposal would not be prejudicial to the delivery of the wider site allocation.
- 7.15 In response to this proposal, Lewes District Council have formally registered the site as an 'Asset of Community Value'. This does not restrict the owner of the site in any way over what they can do with their property if it remains in their ownership. It does however mean that once registered as an asset of community value if the owner wishes to dispose of the site the sale must be open to enable a competitive bid from a community interest group. Usually groups are given 6 months to raise funds after which time the owner can sell to whoever they choose.
- 7.16 The registering of the site as an asset of community value does not prevent the determination of a planning application nor does it result in an automatic refusal of planning permission if that asset was to be lost. However, the registration is a material consideration in determining any planning application.
- 7.17 Policies SD43 (New and Existing Community Facilities) of the South Downs Local Plan and HCI of the Lewes Neighbourhood Plan, seek to protect existing community infrastructure. However, Policy SD57 allocates the site for redevelopment and envisioned the loss of the buildings. As a strategic site allocation policy, SD57 is the policy with the stronger weight in the decision making process, subject to the proposal satisfactorily meeting criterion SD57 3j.
- 7.18 In conclusion, given the development plan allocation, the principle of the redeveloping the site is acceptable. However, as set out above, without a direct financial contribution (secured through a Section 106 legal agreement) the proposal fails to comply with the requirement of Policy SD57 3j and AM2 of the Lewes Neighbourhood Plan. Therefore, the scheme is recommended for refusal.
- Affordable Housing and Housing Mix
- 7.19 The applicant has submitted a 'Financial Viability Assessment' (FVA) which states the scheme cannot provide any affordable housing.
- 7.20 The Authority has commissioned an independent viability assessment appraisal which states the FVA is deficient in a number of ways that, at the time of writing this report, it cannot be justified why the scheme could not comply with Policy SD28 of the South Downs Local Plan

and Policy PLI A of the Lewes Neighbourhood Plan and provide affordable housing (including Lewes Low Cost Housing) on site.

7.21 It is acknowledged that the requirement to provide a direct financial contribution towards the bus re-provision (albeit not offered by the applicant) will have an impact on the viability of the scheme and ultimately some impact on the affordable housing that could be provided. As set out in paragraph 7.63 of the South Downs Local Plan, insufficient affordable housing provision which runs contrary to Policy SD28 will be a significant factor weighing against approval, irrespective of any viability barriers.

7.22 Without an adequate FVA (including the direct financial contribution), and following advice from the Authority’s own adviser that affordable housing could be provided, the application is recommended for refusal due to insufficient affordable housing, contrary to Policy SD28 of the South Downs Local Plan and Policy PLI A of the Lewes Neighbourhood Plan.

7.23 The proposed market housing mix is set out in the table below.

Size of Unit	Total number of units	Total %	Policy SD27 requirement, total % by size of unit
1 bed unit	7	17.5%	At least 10%
2 bed unit	26	65%	At least 40%
3 bed unit	5	12.5%	At least 40%
4 bed unit	2	5%	Up to 10%

7.24 Whilst there is a larger percentage of 2 bed units (and as a consequence fewer 3 bed units than set out in Policy SD27), the mix is in broad accordance with Policy SD27 and the supporting text (at para. 8.6) to Policy PLI A of the Lewes Neighbourhood Plan refers to a preference for smaller dwellings.

7.25 In addition, the predominance of 2 bed units is acceptable for a ‘town centre’ site where the form of the development is more likely to be flats. Therefore, the proposed housing mix is acceptable and as already stated the proposed units meet the national described space standards.

Design

7.26 During pre-application discussions, Officers have been relatively supportive of the applicants approach to a contemporary design and a varied roofscape, including several gables fronting the streets, given the surrounding variety and indeed the existing buildings on site.

7.27 It was accepted that given the site’s location in the town, the surrounding grain and form of existing developments and the change in levels across the site (and when compared to its immediate neighbours, particularly in Albion Street), the site could accommodate a relatively substantial built form. The focus of the pre-application design discussions were the concerns about bulk, scale and mass of the proposal and how this would affect views to and from the Conservation Area, impacts to the settings of nearby Listed Buildings and views of the Lewes and the wider Downs.

7.28 In terms of the application as submitted, the following elements are supported by Officers:

- the architectural approach, which includes a varied roofscape (such as the use of the cat-slide roof adjacent to No. 15 Eastgate Street), is appropriate;
- the use of the distinctive gables facing both East Street and Eastgate Street, as they create a positive presence on the junction of the two streets, provide the scheme with a character and is a characteristic of Lewes;
- the building footprint is tight for the site but this is considered acceptable given the site’s context on the edge of the defined Town Centre;

- the inclusion of 3 town houses in East Street is an appropriate form and a complement to the residential East Street (however see comment below about concerns);
- the height of the northerly part of the apartment block along Eastgate Street and on the corner with East Street is large, but it is acceptable, given its corner location and the positive dialogue it will have with the adjacent Church Tower (however see comments below about scale and bulk, including the bulk behind the gables);
- the form and location of the commercial units (adjacent to No. 15 Eastgate Street) albeit if permission were recommended the details, including how the shopfronts would be traditionally proportioned (given the prevalence of historic shopfronts on High Street) would be secured through suitably worded conditions;
- all dwellings have access to private or semi-private amenity with a balcony or patio space and there is a communal roof terrace. The size of the balconies accord with the Design Guide SPD and overall the amount of amenity space proposed (including the private terraces and communal roof terrace) is acceptable given the site's context in the built up area at the edge of the defined Town Centre and all the units do have access to either private, semi-private or communal amenity spaces, and
- the extensive roof has been used creatively and efficiently, with significant areas of roof used for PV and roof terraces.

7.29 Whilst the scheme has positive design attributes, there are still significant concerns about the proposed scale, mass and roof form. This is particularly relevant given special attention has to be paid to preserving or enhancing the character of the Conservation Area and special regard has to be paid to the desirability of preserving the setting of Listed Buildings (Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990).

7.30 As stated, the surrounding scale is consistently two to three-storeys, with occasional accommodation within the roof facilitated by the use of subservient dormers. The proposed development varies in scale from three to five storeys. Despite some height reduction during pre-application discussions, the scheme is still too tall and would be imposing and overbearing to a number of adjacent buildings. In particular:

- the size and scale of the proposed two westerly houses (adjacent to No. 27 East Street) creates an uncomfortably large mass when viewed from along East Street and in the context of the neighbouring properties. Opposite this part of the site are a number of Listed Buildings and buildings of townscape merit. The proposed fourth level (third floor), which necessitates an extended roof form accommodating a fourth bedroom in each house, is the main cause of this problem. The proposed houses with the uncharacteristic pitched front plane and flat roof will dominate the existing street scene and be overbearing to No. 27 East Street and the Listed Buildings opposite. The drawings show the dominance of the proposed houses being one full storey taller than the existing ridgeline of the Listed Buildings opposite and the proposed ridge height is higher than the existing Library building which sits up the hill from the site. Whilst No. 27 East Street is a more recent building, its proportions, especially its height, fit well within the context;
- the height and scale of the southern section of the eastern elevation (adjacent to No. 15 Eastgate Street - a building of townscape merit) is still too large, despite amendments during pre-application discussions, including the introduction of a cat slide roof (which is supported). Although the mass may not be fully appreciated from the street level in Eastgate Street, it will be seen from Eastgate Wharf and from adjacent properties in Albion Street and the High Street and will be imposing and overbearing. As too is its relationship with the adjacent building (No. 15 Eastgate Street), and
- A number of different roof forms typify the skyline of Lewes; however, most roofs generally consist of traditional roof forms such as gables and hips. The proposed eastern elevation includes large roofs of two-storeys of accommodation, which is uncharacteristic of Lewes. The breaking up of the two-storey roof forms by the inclusion of roof lights and dormers does little to mitigate the large, dominating roof form in the street scene.

Similarly, the northern elevation proposes non-traditional roof forms of a pitched front (northern elevation) with a flat roof to the rear. Whilst this may present as a traditional roof form from directly opposite, the side (west) elevation would be clearly visible from the approach down Eastgate Street. In addition, whilst a taller element on the corner of Eastgate Street and East Street is supported the bulk of the roof form between the gables (when viewed in the north elevation – East Street) needs to be reduced.

- 7.31 As referred to in both the Design and Conservation Officer's comments, given the proposal is of a contemporary design the building must work harder in other areas to feel 'Lewesian' and right for its context. The material palette is one way of doing this but, with the exception of the positive inclusion of glazed tiles, the main material choices (buff brick, metal cladding to elevations and roof) make no reference to what is locally characteristic to Lewes. Whilst the use of contemporary materials such as metal cladding could be acceptable, the use of buff brick is questioned. Except for the bus station building itself, there are very few examples of the use of buff brickwork within the Lewes Conservation Area. Buff stone is used for detailing as is lighter colour brickwork; however the use of buff brick on such a large scale would not be characteristic of the Conservation Area and results in scheme which would not sympathetically integrate with its surroundings.
- 7.32 In terms of landscape design (including materials), the proposal is for concrete pavers in different sizes and patterns (across the new public realm proposed). This is uncharacteristic of Lewes, which contains areas of historic street surfaces as identified in the Lewes Conservation Area Character Appraisal. Unfortunately, the Lower High Street character area has lost much of its historic paving and an opportunity to reinstate something similar has been lost in this proposal. Overall, the proposal fails to respond to what is locally characteristic to Lewes. More specifically, the use of concrete pavers in the street realm is unacceptable on this prominent site as it would cause further harm to the character and appearance of the Conservation Area.
- 7.33 The landscape proposals also indicate new trees in front of the three new houses in East Street approximately 2m from the fronts of the houses. The trees are shown planted right on the front edge of the planting areas, which is unrealistic and so the actual planting distance is more likely to be approximately 1.5m from the building. The guidance for minimum setbacks from buildings (as set out in the Design SPD para C.9.2.38 and figures 9.10 and 9.11) for medium sized trees and small trees is 7m and 3m respectively. The three trees proposed are unlikely to be feasible. Additionally, the trees are shown very close to the north-facing ground floor windows of these houses and so will reduce daylight to these windows. In addition, the trees shown in amenity areas for the ground floor flats on East Street are approximately 2 and 3m away from the building. The tree 3m away may be feasible but this will need to be restricted to a small tree or very narrow form.
- 7.34 The proposed tree species, either Amelanchier (which will have an ultimate crown spread of between 4-8m) or Pyrus Chanticleer (which is narrower substitute variety, that has expected crown spread of 3m) could not be accommodated in the space (in the case of Amelanchier) or would just fit but there would be strong 'pressure to prune' or remove (in the case of the Pyrus Chanticleer) as the trees would be growing right up against windows.
- 7.35 In conclusion, the proposal has a number of attractive attributes but there are still significant concerns about its scale and mass, roof form and materials. These concerns are sufficient to justify the refusal of planning permission as this results in a proposal that is overbearing, does not sympathetically integrate with its surroundings, does not preserve or enhance the Conservation Area and has a detrimental impact to the setting of nearby Listed Buildings. The impacts to both the Conservation Area and nearby Listed Buildings, would be harmful and that harm is not currently outweighed by the public benefit the scheme currently affords. Therefore, the scheme is recommended for refusal as it contrary to Policies SD4, SD5, SD12, SD13, SD15 and SD57 of the South Downs Local Plan and Policies HC3 A, HC3 B, PL1 A and PL2 of the Lewes Neighbourhood Plan.

#### Whether the existing buildings on site are a non-designated heritage asset

- 7.36 On the 10 August 2022, the Secretary of State for Digital, Culture, Media and Sport decided not to add the Bus Station building to the List of Buildings of Special Architectural or Historic Interest. Therefore, Historic England issued a 'Certificate of Immunity' which precludes the building from being listed for a period of five years.
- 7.37 As part of that process further knowledge and understanding was gained about the buildings on site, and as highlighted in the consultee comments and a number of representations, there are those who consider the former bus station and garage to be a non-designated heritage asset. This is due to the buildings being distinctive within the Lewes Conservation Area and locally rare as buildings relating to the historic shift towards bus travel.
- 7.38 However, the Lewes Conservation Area Character Appraisal does not identify the buildings as having townscape merit but rather does identify the site as an area for enhancement. In addition, the issue regarding whether the site should be listed (or considered a non-designated heritage asset) was not raised during the creation of the Local Plan and the allocation of the site through Policy SD57. The supporting text of Policy SD57 describes the buildings themselves as 'unattractive utilitarian features'.
- 7.39 Determining whether a building(s) is a non-designated heritage asset is a matter of judgement. Having considered the matter in detail, and although only an Officers view at this stage the existing buildings appear to be showing some early signs of structural issues, Planning Officers do not consider, on balance, the buildings to be a non-designated heritage asset and this is the view Officers took during pre-application discussions. It is, of course, open to Members to take an alternative view.
- 7.40 If Members do consider the buildings to be a non-designated heritage asset, as set out in the NPPF (para. 203) and Policy SD12, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the non-designated heritage asset. If Members consider that there is harm caused through the loss of the actual buildings that harm needs to be set against the benefits of the proposal. Officers consider a policy compliant scheme would likely outweigh the harm.

#### Highways and Parking

- 7.41 The issue of the replacement bus facilities have already been addressed in this report. However, the Local Highway Authority have also confirmed that the current proposal fails to comply with Policy SD57 3j in the absence of a Section 106 legal agreement securing a direct financial contribution and associated Traffic Regulation Order (TRO) associated with any changes necessary to deliver bus facilities on an alternative site. Therefore, the scheme is also recommended for refusal as it is contrary to Policy SD19.
- 7.42 In terms of the scheme itself the proposal does not give rise to any detrimental impacts to the local highway network nor is there an unacceptable impact in highway safety terms, subject to securing the mitigation measures (such as the Travel Plan and TRO for service bay) required through a Section 106 legal agreement. However, in the absence of such a legal agreement (as the application is recommended for refusal) securing those mitigation measures, an additional reason for refusal has been added, see Section 9 of this report.
- 7.43 In terms of car parking, the proposal includes 17 parking spaces. 3 spaces are 'allocated' within garages for each of the 3 individual houses, the remaining 14 spaces are 'unallocated' within the internal courtyard. Using the Authority's parking guidance the scheme would give rise to a demand of 23 spaces. Therefore, the scheme could be seen as being deficient by 8 spaces (as the three garages only count as 1 space in the calculation). As set out in the Authority's Parking SPD, the parking calculator is not a strict requirement and is intended to be guide based on the site and scheme context. In this case, the level of parking proposed is acceptable as the site is relatively accessible (by other means of transport) and the other mitigation measures proposed (such as membership to a car club).
- 7.44 However, as highlighted in the comments from the Local Highway Authority, whilst there are car parks in the area, parking stress in the surrounding streets is high and there is no mechanism to prevent new residents from applying for parking permits to the detriment of

local residential amenity. Therefore, had the scheme been acceptable in other respects Officers would have explored whether future occupiers of the development could have been prevented from applying for street parking permits. This would not be possible through a Section 106 legal agreement following the Court of Appeals' judgement in R (Khodari) v Kensington and Chelsea RLBC [2018] 1 WLR 584. However, pending discussions with the Local Highway Authority it may or may not be possible through an amendment to the Lewes Parking Order (dated 28 December 2007).

- 7.45 The proposed cycle parking and Electric Vehicle Charging provision are acceptable and if permission were recommended, the details could be secured through suitably worded conditions.

#### Sustainable Construction

- 7.46 The proposed sustainable construction measures are good and comply with Policy SD48 and the Sustainable Construction SPD. If the recommendation had been to grant permission, then the details could be secured through suitably worded conditions to achieve the energy and other efficiency measures.
- 7.47 The carbon associated with the buildings being demolished has been raised. Officers have no objection given the principle of demolition is established in the allocation. In addition, the re-use of the existing buildings would be limited due to their form, layout and structural concerns of the 'bus station building' and form, structure and materials of the warehouse / garage building without substantial changes and alterations. In addition, Policy SD57 which allocates the site for redevelopment holds substantial weight, as does the actual requirements of Policy SD48 (which the proposal complies with). Therefore, the redevelopment of the site and the proposal put forward are acceptable in sustainability terms.

#### Impacts upon amenities (both to neighbouring properties and within the scheme)

- 7.48 Given the distance between the proposal and existing residential properties in East Street (including Eastgate Baptist Church) and Albion Street, and the tight grain of the existing developments in the town centre, the proposal will not cause undue loss of privacy or have detrimental impacts due to overlooking.
- 7.49 In addition, the 'back-to-back' distance from properties in Albion Road to the new scheme meets the minimum requirements set out in the Design Guide SPD (minimum requirement is 27m, the actual distance is approximately 37.5m) and no garden or amenity spaces are located close enough to the proposed development to be detrimentally affected by overshadowing.
- 7.50 However, due to the scale and mass of the proposed development and more specifically the proposed houses on East Street, there would be a detrimental and unacceptable impact to No. 27 East Street in terms of loss of daylight. For example, the 'Vertical Sky Component' (VSC), which measures the amount of available daylight from the sky at each window, shows there will be very significant loss from two windows (of 57% and 96%) at No. 27 East Street. Following the Building Research Establishment (BRE) guide, which is the guide in these situations, an approximately 20% reduction in the existing VSC is usually considered acceptable i.e. before the loss is materially noticeable. Therefore, the scheme is contrary to Policy SD5.
- 7.51 It is also acknowledged that there will be a modest but discernible impact to No.14 and No. 15 Albion Road and the second floor to No. 16 East Street and No. 17 Eastgate Street in terms of daylight, and a modest impact to the first floor of No. 11 Eastgate Street in terms of sunlight. However, due to existing design features (such as the deep open plan living arrangements of the units in Albion Street), some of the windows do not currently meet the BRE guidance, and others occur to rooms with dual aspects or windows that serve bedrooms (where there is a lesser requirement). Therefore, whilst there are technical transgressions, a specific reason for refusal in terms of daylight and sunlight impacts to these existing units could not be sustained and the impact is of a different order to the magnitude to No. 27 East Street.

- 7.52 In terms of 'internal' daylight and sunlight (i.e. daylight and sunlight to proposed units), there are 5 units where the average daylight to principal habitable rooms would not meet the BRE guidance on daylight and sunlight. However, these transgressions are due to the mainly larger open plan design of the units and the presence of balconies i.e. these rooms are set back from the main elevation behind overhanging balconies and some of the affected units do have other windows into the habitable rooms. In addition, the balconies are a positive design feature and provide much needed private amenity space. Given these factors and the site is a 'town centre' location where higher density and tighter forms / grain of development are reasonably expected, a reason for refusal on the impact to daylight to the proposed units could not be sustained in this instance.
- 7.53 The application is also supported by a noise assessment and overheating reports, which concludes that mitigation measures will be required to protect the amenity of the new residents from the fixed plant associated with the commercial units and reduce the risk of noise impacts from road traffic along Eastgate Street (such as recommended glazing and mechanical ventilation types). This is considered acceptable and if planning permission had been recommended then the details could have been secured through suitably worded conditions.
- 7.54 It is acknowledged that some of the proposed spaces (such as private gardens and external balconies) front onto or are in close proximity of Eastgate Street and therefore will exceed the guideline values (the British Standard and other relevant guidance as referred to the National Planning Policy Guidance) in terms of noise impacts. Whilst some of the impacts can be mitigated through agreeing details of balustrades and screening through a planning condition (if permission were recommended), these mitigation measure would not reduce the impacts significantly. However, given the site is in close proximity of the defined town centre boundary, adjacent to a key road / route through Lewes, the site is allocated for redevelopment and, given the benefits provided to occupiers of the amenity space, this impact is acceptable. In addition, there is an expectation that these locations (developments within / close to town centres) will have higher levels of noise and the proposal has considered reasonable measures to mitigate the impacts.

#### Flood Risk / Drainage and Water Supply

- 7.55 With regards to flood risk and drainage issues, concerns have been raised about the missed opportunities to maximise and integrate sustainable drainage solutions (SuDs) within the proposed landscaping scheme. However, the SuDs proposed (through the use of attenuation features within the internal car park area) are acceptable and if permission had been recommended then the details could have been secured through suitably worded conditions.
- 7.56 Southern Water have identified that the proposed development will be over the existing public water distribution mains and they recommend that the exact position of the public apparatus is determined before the layout of the proposed development is finalised. Therefore, further information is needed to demonstrate that there is a deliverable solution and had the scheme been acceptable in all other respects further information would have been requested.

#### Air Quality

- 7.57 Whilst the site is outside the currently designated boundary of the Lewes Town Centre Air Quality Management Area, the applicant has been advised that monitoring work is required in order to determine baseline air quality, and a detailed air quality assessment based on the results of the monitoring has to be submitted and assessed by the Authority. At the time of writing this report, the monitoring work was being undertaken. However, until such time that the information has been submitted and assessed, the application is recommended for refusal due to lack of information and failure to meet the requirements to assess the scheme's acceptability in air quality terms on the new residential accommodation contrary to Policy SD54.



### Archaeology

- 7.58 The applicant has been advised that further information is required in order to determine the potential archaeological impacts. At the time of writing this report, the information was outstanding, therefore the application is recommended for refusal as it is currently not possible to clarify the impact of the proposal on heritage assets or archaeological remains contrary to para. 194 of the National Planning Policy Framework and Policies SD16 and SD57 3e of the South Downs Local Plan.

### Ecology and Biodiversity

- 7.59 The proposals for green roofs, raised planters and the larger 'statement' tree within the public realm in Eastgate Street are generally well considered and supported and are in accordance with Policies SD2, SD9 and SD11, and given the baseline position the addition of any green infrastructure will likely demonstrate a biodiversity net gain. However, as highlighted above, there are concerns about how feasible some of the proposed tree planting would be and this does call in question whether all the ecological and biodiversity benefits promoted are actually achievable.
- 7.60 Therefore, whilst the principle of tree planting in the front gardens / amenity space of the new dwellings is welcomed and encouraged, the proposal fails to comply with policies SD11 and SD57, the adopted Design Guide SPD and paragraph 1.31 of the National Planning Policy Framework as the proposed trees in East Street (both the three in the front gardens / areas of the individual houses and the two within the amenity spaces for ground floor flats), are too close the proposed built form and not suitable for the site conditions.

### Land Contamination

- 7.61 The submitted land contamination report is acceptable and if planning permission had been recommended to be granted then the details (including a remediation strategy and mitigation measures) could be secured through suitably worded conditions.

## **8. Conclusion**

- 8.1 The principle of a mixed use development scheme on this site is supported (as it is allocated for development within Policy SD57 of the South Downs Local Plan).
- 8.2 However, there are a number of significant issues and concerns relating to the lack of contribution to and finalisation of where the re-provision for the bus facilities takes place, lack of affordable housing, design and impacts on the Conservation Area and setting of Listed Buildings, archaeology, air quality, ecology and biodiversity with the application as submitted, leading to the conclusion that the application should be refused.
- 8.3 The proposal would be contrary to the relevant policies within the National Planning Policy Framework, the South Downs Local Plan, the Lewes Neighbourhood Plan, the South Downs National Park Partnership Management Plan 2020-2025 and the DEFRA Circular and purposes of the National Park.

## **9. Recommendation and Reasons**

- 9.1 It is recommended that the application be refused for the reasons set out below:
1. The proposal makes no provision for the relocation of bus facilities. Bus facilities are required in a central position in Lewes and in the absence of this the proposal is contrary to policies SD19 and SD57 of the South Downs Local Plan 2014-2033, policy AM2 of the Lewes Neighbourhood Plan 2015-2033, the National Planning Policy Framework and the English National Parks and the Broads: UK Government Vision and Circular 2010.
  2. The proposal makes no provision for affordable housing (including Lewes Low Cost Homes) contrary to policies SD28 of the South Downs Local Plan 2014-2033 and PL1 A of the Lewes Neighbourhood Plan 2015-2033 which seeks to maximise the delivery of affordable housing to meet local housing need. The lack of affordable housing is also contrary to the National Planning Policy Framework, the English National Parks and the

Broads: UK Government Vision and Circular 2010 and policy 50 of the South Downs Partnership Management Plan 2020-2025.

3. The proposal would, by reason of its scale, massing, roof form and proposed materials, result in an overbearing and incongruous form of development that would fail to conserve and enhance the existing townscape character, fail to preserve the Conservation Area and would have detrimental impact on the setting of nearby Listed Buildings. The proposal is therefore contrary to SD4, SD5, SD12, SD13, SD15 and SD57 of the South Downs Local Plan 2014-33, policies HC3 A, HC3 B, PL1 A and PL2 of the Lewes Neighbourhood Plan 2015-33, the National Planning Policy Framework and the English National Parks and the Broads: UK Government Vision and Circular 2010.
4. The application would have unacceptable amenity impacts on No. 27 East Street through the loss of daylight. The proposal is therefore contrary to SD5 of the South Downs Local Plan 2014-2033, Policy PL1 A of the Lewes Neighbourhood Plan 2015-2033 and the National Planning Policy Framework.
5. Insufficient information has been submitted to satisfactorily demonstrate that the proposal:
  - would not have a harmful impact on archaeological heritage assets and that satisfactory mitigation measures can be achieved, and
  - is acceptable in air quality terms and there would be no detrimental impacts to proposed occupiers of the new dwellings and that satisfactory mitigation measures can be achieved.

The proposal is therefore contrary to Policies SD16, SD54 and SD57 of the South Downs Local Plan 2014-33 and the National Planning Policy Framework.

6. The proposal fails to make satisfactory provision for tree planting ensuring the right tree in the right place which would be harmful to visual amenity and fails to contribute to the character of the area. The proposed tree planting, including proposed species, on East Street (the three shown in the front gardens / areas of the individual houses and the two within the amenity spaces for ground floor flats) are too close to the proposed built form and not suitable for the site conditions. Therefore, the proposal is contrary to policies SD11 and SD57 of the South Downs Local Plan 2014-2033, the Design Guide Supplementary Planning Document and paragraph 131 of the National Planning Policy Framework and the English National Parks and the Broads: UK Government Vision and Circular 2010.
7. In the absence of a completed Section 106 legal agreement, securing:
  - The Travel Plan and its mitigation measures (and associated monitoring / audit fees);
  - Traffic Regulation Orders (and their associated administrative costs) for the bus re-provision, creation / alteration of access into the site, creation of footway on Eastgate Street, creation of service lay-by and exploring the potential to prevent future occupants from applying for parking permits in nearby streets, and
  - Highway works (and the associated S278 Highway Agreement) required to create the access to the site, creation of footway (and its subsequent adoption) and creation of service lay-by.

the proposal fails to mitigate its direct impacts and therefore is contrary to policies SD19, SD21, SD28 and SD57 of the South Downs Local Plan 2014-2033 and policies PL1 A and AM2 of the Lewes Neighbourhood Plan 2015-2033, the National Planning Policy Framework and the English National Parks and the Broads: UK Government Vision and Circular 2010.

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices: Appendix I - Information concerning consideration of applications before committee  
SDNPA Consultees: Legal Services, Development Manager  
Background Documents [All planning application plans, supporting documents, consultation and third party responses](#)  
[South Downs National Park Partnership Management Plan](#)  
[South Downs Local Plan 2019](#)  
[Lewes Neighbourhood Plan 2019](#)  
[Supplementary Planning Documents and Technical Advice Notes](#)

### **Information concerning consideration of applications before committee**

Officers can confirm that the following have been taken into consideration when assessing the application:

#### **National Park Purposes**

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

#### **National Planning Policy Framework and the Vision & Circular 2010**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 176 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 important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

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

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered compliant with it.

#### **The South Downs National Park Partnership Management Plan 2020-2025**

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

#### **South Downs Local Plan**

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

#### **Policies of the South Downs Local Plan which are of relevance to this application**

- Core Policy SDI - Sustainable Development

- Core Policy SD2 - Ecosystems Services
  - Strategic Policy SD4 - Landscape Character
  - Strategic Policy SD5 - Design
  - Strategic Policy SD6 – Safeguarding Views
  - Strategic Policy SD8 – Dark Night Skies
  - Strategic Policy SD9 – Biodiversity and Geodiversity
  - Development Management Policy SD11 - Trees, Woodland and Hedgerows
  - Strategic Policy SD12 - Historic Environment
  - Development Management Policy SD15 – Conservation Areas
  - Development Management Policy SD16 – Archaeology
  - Strategic Policy SD19 - Transport and Accessibility
  - Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
  - Strategic Policy SD21 – Public Realm, Highway Design and Public Art
  - Strategic Policy SD22 – Parking Provision
  - Strategic Policy SD25 - Development Strategy
  - Strategic Policy SD26 – Supply of Homes
  - Strategic Policy SD27 – Mix of Homes
  - Strategic Policy SD28 - Affordable Homes
  - Strategic Policy SD36 – Town and Village Centres
  - Development Management Policy SD43 – New and Existing Community Facilities
  - Strategic Policy SD45 - Green Infrastructure
  - Development Management SD46 – Provision and Protection of Open Space, Sport and Recreational Facilities and Burial Grounds / Cemeteries
  - Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
  - Strategic Policy SD49 – Flood Risk Management
  - Development Management Policy SD50 – Sustainable Drainage Systems
  - Development Management Policy SD54 – Pollution and Air Quality
  - Development Management Policy SD55 – Contaminated Land
  - Strategic Site Policy SD57 – North Street Quarter and adjacent Eastgate Area, Lewes
- Policy Documents (SPDs and TANs) which are of relevance to this application
- Affordable Housing, Supplementary Planning Document - adopted July 2020
  - Design Guide – adopted July 2022
  - Parking for Residential and Non-Residential Development Supplementary Planning Document – adopted April 2021
  - Sustainable Construction Supplementary Planning Document – adopted August 2020
  - Biodiversity Net Gain – technical advice note, January 2022
  - Dark Skies – technical advice note version 2, May 2022
  - Ecosystems Services – technical advice note (non-householder)

## **Lewes Neighbourhood Plan**

The Lewes Neighbourhood Development Plan was made in April 2019 and forms part of the Development Plan.

### Policies of the Lewes Neighbourhood Plan which are of relevance to this application

- Policy LE1 – Natural Capital
- Policy LE2 – Biodiversity
- Policy HCI – Protection of Existing & New Community Infrastructure
- Policy HC3 A – Heritage Protection of Landscape and Townscape
- Policy HC3 B – Planning Application Requirements and Heritage Issues
- Policy PL1 A – General Housing Strategy
- Policy PL2 – Architecture & Design
- Policy PL3 – Flood Resilience
- Policy PL4 – Renewable Energy and the Resource and Energy Efficiency of New Buildings
- Policy AM1 – Active Travel Networks
- Policy AM2 – Public Transport Strategy
- Policy AM3 – Car Parking Strategy
- Policy SSI – Historic Streets

### Human Rights Implications

These planning applications have 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.

### Equality Act 2010

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

### Crime and Disorder Implication

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