

Agenda Item 6
Report PC23/24-10

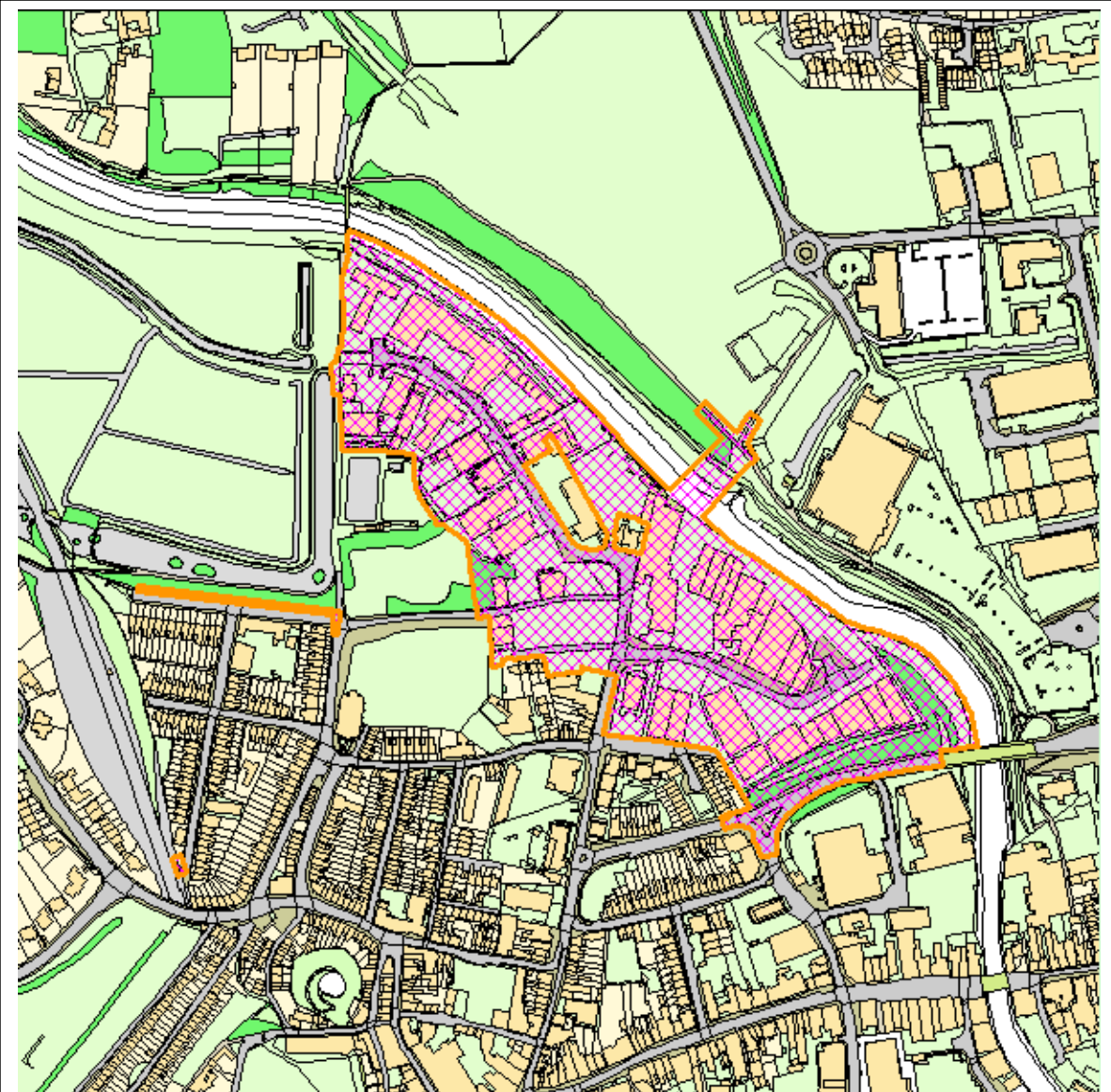
Report to	Planning Committee
Date	12 October 2023
By	Director of Planning
Application Number	SDNP/23/00526/OUT
Applicant	Human Nature (Lewes) Ltd
Application	<p>Hybrid planning application for the redevelopment of the North Street Industrial Estate, North Street, Lewes for a residential-led, mixed use development.</p> <p>Seeking full planning permission for Phase 1 and parts of Phase 2, being the demolition of existing buildings, construction of flood defences, highways improvement works including three new bus lay-bys off Phoenix Causeway, and a temporary construction access ramp from Phoenix Causeway to serve a temporary construction and manufacturing yard; and the erection of buildings up to 5 storeys comprising 44 dwellings (Class C3) (Referred to as buildings IA, IB and IC forming part of Phase 2), and</p> <p>Seeking outline planning permission for parts of Phase 2 and Phase 3, being the demolition of existing buildings, construction of flood defences; erection of buildings of up to 6 storeys for a further 641 dwellings (Class C3); up to 3,568m² of business, employment and flexible workspace (Class E(c), E(g) and sui generis), medical and health services (Class E(e)), hotel (Class C1), creative and community space (sui generis), leisure uses (Class E(d)), restaurant (Class E(b)), tap room/bar (sui generis), retail (Class E(a)), a day nursery (Class E(f)); energy centre (sui generis); construction and later removal of temporary parking and construction access ramp, creation of permanent vehicular access from Phoenix Causeway into a co-mobility services hub (sui generis) containing 313 parking spaces; and associated highway improvements; realignment of North Street and Phoenix Place; a recycling and re-use centre (sui generis); construction of a new footbridge over the River Ouse and a riverside pedestrian walkway; creation of areas of public realm. Provision of infrastructure and associated landscaping with details relating to access, layout and scale for approval and details relating to appearance and landscaping reserved for subsequent approval.</p>
Address	North Street Industrial Estate, Lewes, East Sussex

Recommendation:

- 1) That a decision on this application be deferred in order to attempt to resolve the following issues (with the application reported back to Planning Committee at a later date for a final decision):**

- a) **Sustainable Construction – currently insufficient, inadequate and / or conflicting information to justify the ‘whole life carbon assessment’ approach to clearly demonstrate the scheme will achieve ‘net zero’ as required by Policy SD3;**
 - b) **Affordable Housing Provision – inadequate affordable housing and insufficient information to justify a less than 50% provision;**
 - c) **Transport – currently insufficient and inadequate information and justification**
 - **to demonstrate the scheme will not have a significant impact on highway capacity and highway safety issues (including the new access arrangements on the Phoenix Causeway);**
 - **to demonstrate the scheme will not have a significant impact of parking demand due to the scale and types of uses proposed within the scheme and the loss of public car parking spaces;**
 - **as to whether the scheme sufficiently mitigates for those impacts including adequate and sufficient walking and cycling provision to and from the site, and**
 - **the lack of re-provision for the 3 coach parking bays currently provided on site.**
 - d) **Design - including amendments to the Parameter Plans and Design Code and details of Parcel 1 to address inconsistencies / provide further clarification and to address concerns (for example in respect of bulk and scale) related to views, ‘edges’, heritage assets, amenity impacts, risks of flooding from surface water / ground water and ecological / biodiversity;**
 - e) **Flood Risk – to address concerns related to risk of flooding from surface water, ground water and other sources which are not fluvial and tidal;**
 - f) **Air Quality – currently insufficient and / or inadequate information to enable an appropriate assessment in air quality terms. Any air quality assessment work is also dependent upon the outcomes of the transport / highway assessment work, and**
 - g) **Section 106 Legal Agreement – currently insufficient and / or inadequate information to ensure the proposed mitigation measures and other benefits critical to the scheme are secured through a legally binding agreement.**
- 2) **That the Committee confirm that subject to finding a suitable resolution to the issues highlighted in (1) above, that they, in principle, support the ‘Stopping Up’ of the existing adopted highways under Sections 247 and 248 of the Town and Country Planning Act 1990;**
 - 3) **That the Committee confirm in reaching their decision that they have taken into account:**
 - **the environmental information as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;**
 - **all matters referred to in the Director of Planning’s report including comments received from statutory consultees and other interested parties, and**
 - **all other material considerations, and**
 - 4) **That authority be delegated to the Director of Planning, in consultation with the Chair of Planning Committee, to refuse the application with appropriate reasons if the issues set out in (1) above are not resolved or sufficient progress has not been made within 4 months of the Planning Committee meeting of 12 October 2023.**
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Site Location Plan



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Executive Summary

This application relates to the construction of up to 685 dwellings and a variety of other uses such as new health facilities, business / commercial floorspace, a hotel, restaurants, retail and other associated uses on the site known as the North Street Industrial Estate in Lewes.

The key considerations for this application are:

- the site (as part of a slightly larger site) is allocated for redevelopment to provide 415 dwellings and at least 5,000sqm of Office / Light Industrial floorspace and other uses that are deemed to aid the successful delivery of a new neighbourhood under Policy SD57 of the South Downs Local Plan;
- the requirement for and the provision of new flood defences;
- the potential highway impacts and the need for improved walking and cycling routes in and around the site especially due to the exceptionally high modal shift the proposal is aiming for;

- the 30% affordable housing being proposed, based on a submitted viability appraisal. This has been scrutinised by the SDNPA's surveyors (Bruton Knowles) who disagree with some of the analysis and the conclusions and consider that the scheme could support more affordable housing than is being proposed albeit work is on-going;
- the proposal's design (including the impact on landscape and townscape character and heritage assets);
- the sustainability credentials of the proposal when compared to Policy SD3 and the Sustainable Construction SPD, and
- ensuring all the mitigation measures and other reported benefits (critical to the scheme) are secured through a legal binding agreement.

The principle of the proposed scheme (a residential-led mixed use scheme, creating a new neighbourhood for Lewes), the overall ambitions of the applicant and the general approach they are taking to create a 'sustainable development' is highly commendable and aligns with many of the South Downs National Park Authority's core policies, including the strategic site allocation policy (Policy SD57).

However, it is in the execution of, and the detailed matters associated with, the actual scale and form of the proposed development that means Officers are currently unable to support the application. The potential benefits the scheme does offer (including the delivery of new housing including affordable homes, the need for flood defences and the local need for 1 and 2 bed units and new health care facilities) are recognised but are not sufficient to outweigh the current concerns. This includes concerns about insufficient / inadequate information to fully assess the potential impacts, which a number of Statutory Consultees have made clear. Officers are not in a position therefore to make an overall positive recommendation notwithstanding the hybrid nature of this application.

The main areas of concern are:

- Sustainable Construction – currently insufficient, inadequate and / or conflicting information to justify the 'whole life carbon assessment' approach to clearly demonstrate the scheme will achieve 'net zero' as required by Policy SD3. This is key given the whole scheme, and where it does comply with or challenges or conflicts with other policies, is based on unique and outstanding 'green' credentials;
- Affordable Housing Provision – insufficient information to justify less than 50% provision;
- Transport – currently insufficient and inadequate information and justification
 - to demonstrate the scheme will not have a significant impact on highway capacity and highway safety issues (including the new access arrangements on the Phoenix Causeway);
 - to demonstrate the scheme will not have a significant impact of parking demand due to the scale and types of uses proposed within the scheme and the loss of public car parking spaces;
 - as to whether the scheme sufficiently mitigates for those impacts including adequate and sufficient walking and cycling provision to and from the site,
 - the lack of re-provision for the 3 coach parking bays currently provided on site, and
 - to demonstrate an acceptable and deliverable solution with regards to enforcement measures i.e. the proposed Stopping Up of the existing adopted highway within the site.
- Design - including amendments to the Parameter Plans and Design Code and details of Parcel 1 to address inconsistencies / provide further clarification and to address concerns (for example in respect of bulk and scale) related to views, 'edges', heritage assets, amenity impacts, risks of flooding from surface water / ground water and ecological / biodiversity;
- Flood Risk – to address concerns related to risk of flooding from surface water, ground water and other sources which are not fluvial and tidal;

- Air Quality – currently insufficient and / or inadequate information to enable an appropriate assessment in air quality terms. Any air quality assessment work is also dependent upon the outcomes of the transport / highway assessment work, and
- Section 106 Legal Agreement – currently insufficient and / or inadequate information to ensure the proposed mitigation measures and other benefits critical to the scheme are secured through a legally binding agreement, including (but not limited to) ensuring all the stated committed to ‘green credentials’ are delivered, adherence to the Design Code and the timely delivery of the flood defences, healthcare facilities and other stated benefits.

Unusually, it is recommended that any decision on this application is deferred to enable the applicant, working with Officers, Statutory Consultees and taking into account all comments from interested parties, time to consider further and address as many issues as possible raised in this report. The intention is to report the application back to Planning Committee for a decision at a later date. However, if the issues are not resolved or sufficient progress has not been made within 4 months of the 12 October 2023 Planning Committee Meeting, delegated authority is sought to enable the Director of Planning, in consultation with the Chair of Planning Committee, to refuse the application with appropriate reasons for refusal.

The application is placed before committee due to the strategic allocation within the South Downs Local Plan, the scheme being a significant major development in the context of Lewes and the wider National Park and the level of public interest in this application with over 88,000 comments made via an online petition, emails or other means.

I. Site Description

- I.1 The site shown outlined in red in the above plan (and on the Plan in Appendix 2), comprises several parts (and covers a number of different land ownerships, including Lewes District Council and East Sussex County Council). The main part is the North Street Industrial Estate (approximately 6ha), bound by the River Ouse to the north and east, the Phoenix Causeway to the south and Pells Walk, Pells Pool, Pells Recreation Ground and St John de Castro Church with its wooded churchyard to the west. However, there are other parts to the ‘site’, these include:
- A section of the current adopted highway known as the Phoenix Causeway, from the boundary to the River Ouse to the east to the junction with Little East Street and East Street to the west. The boundary of the application site stops immediately north of the belt of trees which currently line the south side of the Phoenix Causeway (adjacent to the current Waitrose Store). This land is required to enable a new access to the site to be created;
 - Airspace above the River Ouse and a section of land forming part of Malling Field Recreation Ground – to enable the provision of the new bridge link from the main site across the River Ouse to Malling Field Recreation Ground;
 - At Pelham Terrace a linear area of open space – required as part of the flood defence measures;
 - A section of the adopted highway on the corner of Pelham Terrace and St John’s Hill – required as part of the flood defences, and
 - A small section of land at the southern end of Talbot Terrace, adjacent to the Railway Line – required as part of the flood defences.
- I.2 The site application boundary specifically excludes Corporation Villas (the original Edwardian Fire Station) and the current East Sussex Fire Station in North Street. In addition, the boundary has been drawn to exclude the existing residential properties in Spring Gardens (albeit the adopted highway of Spring Gardens is within the boundary of the scheme).
- I.3 The scheme as originally submitted also included the former ‘Springman House’ site (including the Ambulance Station) at No: 8 North Street. However, amendments to the scheme have resulted in this site being removed from the proposal.

- I.4 The main site is currently occupied by range of industrial units in various states of repair (including buildings that have been partly or wholly demolished and the land cleared). Some of the remaining buildings on site are still currently occupied by a number of businesses / tenants. The main site also contains two public car parks (with approximately 212 spaces) and a Coach Park (with the ability for three coaches to park). Current access to the site is via North Street.
- I.5 The main site is also bound to the south by an existing tree belt along the north side of the Phoenix Causeway. This tree belt includes two groups of trees specifically protected by Tree Preservation Order (TPO) 'Phoenix Causeway, Lewes (No:1) 2006'. The TPO was confirmed on 25 July 2006.
- I.6 The land required for the flood defences in Pelham Terrace is open space with a line of mature trees and parts of the existing carriageway of the adopted highway.
- I.7 The land required for the flood defences in Pelham Terrace and St John's Hill is the carriageway of the adopted highway.
- I.8 The land required for the flood defences in Talbot Terrace, is the existing fence line and landscaped area between the public footway and the Railway Line located at the southern end of Talbot Terrace.
- I.9 For the most part, the boundary of the Lewes Conservation Area also follows the site boundary for the main site (i.e. the main site is excluded from the Conservation Area). However, part of the main site (the current adopted highway and public car parks and coach park in Brook Street and Spring Gardens and parts of the highway in North Street to its corner with Brook Street) and the land required for the flood defences at Pelham Terrace, Talbot Terrace and St John's Hill are located within 'Character Area 5 – The Pells and West Street' of the Conservation Area.
- I.10 The site forms part of a slightly larger site allocated by Policy SD57 for a mixed-use development of approximately 415 residential units and at least 5,000sqm of office / light industrial floorspace and other uses that are deemed to aid the successful delivery of a new neighbourhood.
- I.11 The majority of the site (including Pelham Terrace) falls within Flood Zone 3, with some small areas of the existing Industrial Estate and the southern end of Talbot Terrace in Flood Zone 2.
- I.12 The boundary of the policy allocation (Policy SD57) also includes the former bus station site on East Street, the Waitrose Store and the former Wenban Smith Building, all of these sites / buildings are located on the south side of the Phoenix Causeway and are not included within this application.

2. Relevant Planning History

- 2.1 The site has had a number of minor applications over the years. However, the most relevant application relates to a 2016 'hybrid' planning permission (and the subsequent Reserved Matters and Discharge of Conditions applications) to redevelop the site for 415 residential units and a mixture of other uses. The main details are set out below:

- SDNP/15/01146/FUL - Hybrid planning application (being a full application as to Phase 1 and an outline application as to the remainder being Phases 2 & 3) for the demolition of existing buildings and the redevelopment of the North Street Industrial Estate, North Street, Lewes for a mixed-use development.

Full planning application (Phase 1) for the demolition of existing buildings, provision of infrastructure, construction of access off Phoenix Causeway and associated highway improvements, flood defences, erection of new buildings of up to 4 storeys, comprising 243 residential units (Class C3) [including 51 extra care units (Class C2/C3)]; 4185m² (Class B1 and A1, A2, A3, A4 and D2 uses) [Flexible work space including creative community space, assembly and leisure uses and restaurant]; Class D1 medical and health services [Health Hub including pharmacy]; creation of areas of public realm, cycle and car

parking provision, including public parking, riverside pedestrian route, footbridge over the River Ouse and associated landscaping.

Outline application (Phases 2 & 3) for the demolition of existing buildings, construction of flood defences, provision of infrastructure, enhancements to recreational facilities at Malling Fields and Pells Park, the erection of new buildings of up to 3 storeys comprising up to 173 residential units (Class C3) with details relating to access, layout and scale for approval and details relating to appearance and landscaping reserved for subsequent approval.

Permission granted on 25th May 2016.

- The reference numbers for the other associated permissions (Reserved Matters, Non-Material Amendments and Discharge of Conditions) are SDNP/16/04570/DCOND, SDNP/18/03250/NMA, SDNP/18/01950/DCOND, SDNP/18/02078/DCOND, SDNP/18/06592/NMA, SDNP/18/06615/REM, SDNP/19/05600/NMA, SDNP/19/05791/DCOND and SDNP/21/01501/DCOND.

2.2 This permission has been lawfully implemented and is extant.

3. Proposal

3.1 The overall aim of the proposal, as set out in the application documents, is to create an ‘*exemplar in exponential sustainability*’ and ‘*vibrant*’ new neighbourhood for Lewes that is predominately car free.

3.2 The proposal is a residential-led mixed use scheme, with ‘active’ ground floor uses around key streets and spaces. The commercial / mixed uses are mainly focused around a new ‘neighbourhood centre’ of the site, including a Belvedere / public space linked to a new Bridge across the River Ouse (linking the site to Malling Recreation Ground and beyond).

‘Hybrid’ Permission

3.3 The application is seeking a ‘hybrid’ permission i.e. part full and part outline.

3.4 With the site divided into ten (10) parcels (with each parcel sub-divided into a number of plots) and overall the delivery of the scheme split into three (3) phases. The ten parcels are shown on the plan attached at Appendix 2.

3.5 Full planning permission is sought for Phase 1 and parts of Phase 2, being the:

- demolition of existing buildings;
- construction of flood defences both temporary and the first phase of the permanent defences (in some cases the full flood defence wall is integral to the new buildings so the full flood defences will not be provided until Phase 3);
- highway improvement works including the creation of new access to the site and three new bus lay-bys on the north side of the Phoenix Causeway;
- a temporary construction access ramp from Phoenix Causeway to serve a temporary construction and manufacturing yard within the site, and
- the construction of three buildings of up to 5 storeys comprising 44 dwellings (Class C3), referred to as buildings 1A, 1B and 1C on Parcel 1 to be delivered during Phase 2. The proposed housing mix and tenure for the 44 dwellings is:

Size and Type of Unit	Number of Market Units	Number of Affordable Units	Total number of units
1 bed flat		8	8
3 bed flat	1		1

Size and Type of Unit	Number of Market Units	Number of Affordable Units	Total number of units
3 bed duplex (flat over 2 floors)	16		16
4 bed duplex (flat over 2 floors)	1		1
4 bed triplex (flat over 3 floors)	1		1
2 bed house	5		5
3 bed house	1		1
4 bed house	11		11
Total	36 (82%)	8 (18%)	44 (100%)

3.6 Outline planning permission is sought for the remaining parts of Phase 2 and Phase 3, with details relating to access, layout and scale for approval and details relating to appearance and landscaping reserved for subsequent approval. The elements of the outline permission include:

- demolition of existing buildings;
- construction of flood defences to include the replacement of the temporary solution built during Phase 1 with the first phase of the permanent flood wall and by the end of Phase 3 the construction of the full defences (as part of the full defences are integral to the construction of the new buildings);
- construction of buildings of up to 6 storeys for:
 - a further 641 dwellings (Class C3);
 - up to 3,568m² of business, employment and flexible workspace (Class E(c), E(g) and sui generis);
 - medical and health services (Class E(e));
 - hotel (Class C1);
 - creative and community space (sui generis);
 - leisure uses (Class E(d));
 - restaurant (Class E(b));
 - tap room/bar (sui generis);
 - retail (Class E(a));
 - a day nursery (Class E(f)), and
 - energy centre (sui generis).
- construction and later removal of temporary parking and construction access ramp;
- creation of permanent vehicular access from Phoenix Causeway into a co-mobility services hub (sui generis) containing 313 parking spaces together with other public / shared transport options such as cargo bikes, bikes for hire, electric vehicle charging

points and car sharing clubs and 'last mile delivery' lockers. The co-mobility hub is planned to be delivered across Phases 2 and 3;

- associated highway improvements including the realignment of North Street and Phoenix Place;
- a recycling and re-use centre (sui generis);
- construction of a new bridge over the River Ouse connecting the site for walkers and cyclists to and from Malling Recreation Ground (and beyond);
- construction of a new riverside pedestrian walkway to provide a new river frontage access of 580m from Willey's Bridge to the Phoenix Causeway. The walkway will be defined by three areas:
 - river front boardwalks located north and south of the central Belvedere, to be a minimum of 2m wide and where it has to traverse the flood wall to include a ramped access (for example a lower-level boardwalk, the other side of the flood wall from the Belvedere north to Willey's bridge),
 - a Belvedere (also part of the flood defences) is a raised area providing a central public space and connection to the proposed bridge link,
 - a Foreshore Park, south of the proposed Belvedere on the bend of the River adjacent to the Phoenix Causeway. With the ability to create a possible future connection under the Causeway along the River frontage to the Town Centre;
- creation of areas of public realm (through the creation of new streets, public spaces, semi-private and private spaces), and
- provision of infrastructure and associated landscaping.

3.7 The outline permission also includes the retention of The Foundry Workshop, Every Hall and Phoenix House (to be re-used / converted for the various commercial / other uses proposed, including creative workspaces). The application as originally submitted did include the retention and re-use of the 'Soap Factory' building but that is now proposed to be demolished to be replaced with a new building (referred to as Plot 10D).

3.8 As part of the outline application, permission is sought for the following, which have been designed to guide any future reserved matters and discharge of conditions applications (i.e. these applications would have to conform to these elements):

- A series of 'Parameter Plans' (which sets the limits and rules for subsequent reserved matters applications) covering:
 - Maximum Building Envelope;
 - Maximum AOD Building / Parcel Height;
 - Land Use at Ground Level;
 - Land Use at First Floor Level;
 - Land Use at Typical Upper Levels;
 - Proposed Site Levels;
 - Vehicular Access and Circulation;
 - Indicative parking zones and loading bays;
 - Public Realm Areas;
 - Green Infrastructure Plan, and
 - Construction Yard and Temporary Construction Access.

For ease of reference, a selection of the Parameter Plans has been provided at **Appendix 2**

- A Design Code – provides the framework to guide the design of each individual parcel / sub-plot or building and street or space to ensure the delivery of a high-quality standard of design. It contains information on how designs should, or in some cases must, be developed. This includes, but is not limited to, building form, details of facades, proposed materials, ground floor treatments, boundary treatments, roof appearance and public realm design including green and blue infrastructure.
- An Accommodation Schedule – this describes the gross internal area (GIA) for each building parcel, defining the floor area available for each of the proposed uses within those parcels and sub-plots.

3.9 It is intended that the Design Code and other benefits being proposed, (see details set out further in this section) would be secured through a legally binding Section 106 agreement.

Sustainability / Sustainable Construction

3.10 The applicant's key objective for this proposal is to demonstrate, in the context of a climate emergency, that building and creating new neighbourhoods in a holistically sustainable way is possible through what it calls its 'circle of impact'. As set out in the application documents, part of that circle is:

- 'buildings and fabric' - sourcing materials from the bioregion for salvage and reuse, use of regenerative and low impact materials, finding safe ways to use engineered and other timber and kick starting a local timber industry;
- 'energy and infrastructure' - generating, importing, storing, distributing and managing renewable energy;
- 'homes' – creating compact but beautifully proportioned and well lit, super insulated homes, and
- 'stewardship & services' – facilitating professional, commercial and community enterprises that own, build, maintain, repair buildings and building fabric, gardens, streets, energy systems, co-mobility services, shared community spaces, local composting, waste collection, re-use and recycling.

3.11 The overall sustainability strategy is taking a 'whole life carbon' approach to addressing the requirement for 'zero carbon' (Policy SD3 of the South Downs Local Plan). A whole life carbon assessment is an assessment of the sum total of all building-related emissions over a building's entire life and includes the operational carbon emissions from day-to-day energy use and embodied carbon emissions (including sourcing of materials, fabrication of components, maintenance and repair, demolition and disposal).

3.12 This approach goes hand-in-hand with the following principles, as set out in the application documents:

- higher density / compact level of development for a brownfield site in a central urban location. To prevent increased residential developments on 'greenfield sites' and sites outside the town centre which would be more car dependant;
- the provision of a smart energy grid for heat and power. This includes the use of off-site renewable energy generation as this is more efficient use of land. The use of greenfield sites for renewable energy generation (Photo-Voltaic, PV) is only required for 30yrs and then would revert back to agricultural land and the greenfield site would generate more energy annually if developed for PV rather than rooftop PV's;
- the scheme allows for circa 25% rooftop PV, thereby allowing and facilitating other diverse roof space, including, biodiverse green roofs and amenity space. Maximising rooftop PV would be prejudicial to the scheme's ability to provide sufficient green roof space (thereby reducing biodiversity targets) and amenity space (preventing the scheme from achieving community and health and well-being ambitions);
- Operational Waste – working with an Estate Management Team, residents will be encouraged to sort domestic waste for 'municipal waste', on-street sorting / collection

for on-site recycling (this includes composting, upcycling and repairing) and off-site sorting / recycling (such as plastics and glass). For the non-residential uses it is proposed that these will have individual waste management plans, with waste recycled / reused wherever possible.

- beautiful streets that invite walking and cycling and clean air from low traffic streets;
- appealing public spaces to increase dwell time and provide social interaction;
- community spaces, such as laundries, play-rooms, co-working spaces and other facilities / services supporting healthy living and well-being. This also includes the provision of health care facilities and complementary services;
- interventions to green the urban neighbourhood including community gardens, urban farming, tree planting, and
- shared services such as the Co-Mobility Hub.

3.13 Additionally, the application documents state the following measures have been committed to, to achieve operational energy efficiency and Green House Gas (GHG) reductions:

- Timber frame construction and maximising the use of Sussex Timber through the development of a local supply chain;
- Focus on materials and minimising construction waste and embodied carbon through the use of regenerative materials (such as hempcrete), using local materials (Sussex Timber), low-carbon concrete (via cement substitutes) and reused materials and building components;
- Optimisation of site-wide energy demand profile for synchronisation with renewable energy availability through provision of energy flexibility via storage mechanisms and smart technology;
- In place of Passivhaus certification, other best practice energy efficiency strategies have been incorporated into the design and outline specifications. These include, but not limited to:
 - High-performance building insulation and envelope design to minimise heat loss and gain;
 - Energy-efficient glazing and windows to optimise natural daylight while reducing thermal bridging;
 - Efficient heating, ventilation and air conditioning systems utilising advanced controlled technologies, and
 - Integration of renewable energy sources, such as heat pumps and on-site and off-site photovoltaics.

3.14 Therefore, the applicant is stating that the net Greenhouse Gas (GHG) impact of the proposed built elements will be circa -1,658 tCO_{2e} (minus 1,685 tonnes of CO₂ equivalent) over the lifetime of the development.

3.15 For water usage, the application documents state their '*preferred and alternative approaches to achieving water targets*' are as follows:

- Reduction of water demands to 105 litres / per person / per day in residential buildings and by 35% against baseline in non-residential buildings, through the use of water efficient fittings, plus
- Smart harvesting of rainwater from the stormwater tanks for irrigation of the shared gardens and urban farm and toilets in non-residential buildings, and
- Water and heat recycling showers in residential buildings.

This approach will allow achieving the commitment to reduce residential mains water consumption to 90 l/person per day and achieve all standard BREEAM NC Wat 1 credits in non-residential buildings, equivalent to a 55% reduction of mains water use against baseline.

3.16 For the parts of Parcel 1 seeking full permission, the net GHG impact will be 685,762 kg CO₂e. This includes, as set out in the application documents, the following mitigation measures:

- meaningful reuse of deconstruction / excavation waste;
- Specification of regenerative, biobased construction materials wherever possible, the current design for Parcel 1 specifies a lightweight timber frame with biobased infill cassettes;
- Low carbon concrete via Ordinary Portland Cement substitution;
- As per site wide - a progressive strategy for minimising operational energy consumption-related emissions, including the use of Passivhaus standards, efficient heat pump array with ambient loop for optimal energy, and optimisation of site-wide energy demand profile for synchronisation with renewable energy availability through provision of energy flexibility via storage mechanisms and smart technology, and
- A commitment to limiting residential water consumption rate to 90 litres / per person / per day.

3.17 It is intended that the proposed sustainability measures would be secured through a legally binding Section 106 agreement (see details set out further in this section).

Affordable Housing Offer / Housing Mix / Space Standards

3.18 The applicant’s financial viability statement stated that 17.4% of affordable housing provision was marginally viable (whereas a policy compliant scheme of 50% or a reduced rate of 30% is not a viable form of development). However, the applicant in acknowledging the risks and advice from their own financial advisor, is offering an affordable housing provision of 30% or 206 dwellings, split between the following tenures and size of dwellings.

Proposed affordable housing by tenure and size	Total	1 bed unit	2 bed unit	3 bed unit	4 bed unit
Lewes Low-Cost Housing	92		54	38	
Affordable Rent	62	54			8
First Homes	52	52			
Total	206	106 (52%)	54 (26%)	38 (18%)	8 (4%)

3.19 In addition, the illustrative housing mix for the remaining 479 market housing units is:

Proposed open market units by size	Total	1 bed unit	2 bed unit	3 bed unit	4 bed unit
Proposed Open Market Units	479	120 (25%)	192 (40%)	119 (25%)	48 (10%)

3.20 The overall illustrative housing mix for the total 685 dwellings is therefore:

- 226 x 1-bed units (33%)
- 246 x 2-bed units (36%)
- 157 x 3-bed units (23%)
- 56 x 4-bed units (8%)

3.21 The breakdown of the housing mix by tenure and size for the proposed 44 dwellings on Parcel I (part of the full permission) is proposed to be:

Proposed units by tenure and size	Total	1 bed unit	2 bed unit	3 bed unit	4 bed unit
Affordable Units	8	8			
Open Market Units	36		5	18	13
Total	44	8 (18%)	5 (11%)	18 (41%)	13 (30%)

3.22 The Design Code also specifies that all residential units must meet the Nationally Described Space Standards and that this should include:

- At least 50% designed to meet Part M4 Category 2 standards for Accessible and Adaptable Dwellings, and
- 5% designed to meet Part M4 Category 3 Standards for Wheelchair Accessible Dwellings.

Transport / Co-Mobility Hub

3.23 As referred to in the Sustainability section above, the whole approach to the development of this site, is the ‘circle of impact’ and part of that circle is ‘sustainable mobility’. This is defined in the application as ‘encouraging walking and cycling as the primary means of movement, with safe, green streets, short blocks, inviting corners and excellent connectivity. Co-mobility services, including EV car club and hire, centralised parking and EV Shuttle service’.

3.24 The application documents, including a ‘Mobility Vision’, sets out how sustainable mobility will be delivered through the following:

- The scheme has been designed to make the new streets and spaces as ‘car free’ as possible with the focus on pedestrians and cyclists. None of the new parcels / individual blocks (and the uses proposed within them) have any dedicated on or off street car parking spaces;
- The main vehicular access to the site will be from the Phoenix Causeway straight into the Co-Mobility Hub (similar in form to a multi storey car park) to be located on the north side of the Phoenix Causeway (referred to in the application as Parcel I0B). There will be a secondary access to the ground floor only of the Co-mobility Hub via North Street and Phoenix Place.

The main access will be designed to be a ‘left in – left out’ when travelling from North Street / Little East Street / Phoenix Causeway. There will also be a central refuge island to provide a right turn entry lane when travelling from the Phoenix Causeway / A26 / Cuilfail Tunnel and beyond (and prevent a right hand turn out from the access / Co-Mobility Hub).

Also included in the highway / access layout is a 3.5m footway (allowing for off-road cycling) to the north of the Phoenix Causeway and a new ‘Copenhagen’ crossing (a raised table to prioritise pedestrians and cyclists), across the Phoenix Causeway connecting the proposed development with the Town Centre.

- North Street (the current access) will remain open and access to the existing Fire Station and properties in Spring Gardens (and their current off-road parking) will be retained. However, North Street will be realigned and redesigned so as to prevent any car parking except for the designated short term parking areas and / or Blue Badge parking areas.
- The footway along the north side of Brook Street from St John’s Hill / Pelham Terrace to North Street will be maintained and will form the secondary pedestrian and cycle route

of the site. However, it is intended that the current vehicular access from Brook Street will be restricted.

- The Design Code reinforces the above, stating car parking must be located within the Co-Mobility Hub (except for the short-term and blue badge parking referred to) and provides specific guidance around accessibility and the design of the different types of streets and spaces within the scheme, for example for 'Mews' streets the guidance states they '*should be safe for children and must be prioritised for walking, cycling and play*'.
- The creation of a Co-mobility Hub would provide:
 - 132 car parking spaces for residents living in the development (charged at local market rates) with EV charging infrastructure (passive or active);
 - 104 spaces for non-residents visiting the development or accessing the wider Town (charged at local market rates) with EV charging infrastructure (passive or active);
 - 8 spaces for visitors to the Health Hub (charged at local market rates);
 - 12 spaces for Blue Badges Holders;
 - 45 spaces for Car Club all with EV charging infrastructure;
 - 2 spaces for Shuttle Buses;
 - 3 spaces for electric mobility cars;
 - A 'last mile' E-cargo bike delivery service;
 - EV car repair service, and
 - Parcel lockers / Click and Collect points (with 24 hr access).

3.25 In addition to the Co-Mobility Hub, the following is also proposed:

- A cycle hub providing safe, secure and convenient cycle parking, cycle hire (traditional, e-bike and e-cargo), and e-scooter hire and cycle repair services;
- Safe, secure and convenient cycle parking throughout the development including within individual parcels / blocks (secured through the Design Code);
- 15-minutes on street parking zones along North Street, Phoenix Place and Brook Street for pick-up and drop-off and smaller deliver vehicles;
- On-street Blue Badge spaces on North Street and Phoenix Place;
- 3 bus stops (and associated facilities) on the north side of the Phoenix Causeway;
- An electric shuttle bus between the Co-mobility Hub and the rest of the development;
- Digital wayfinding, providing information on key walking and cycling distances, public transport information etc and the use of digital technology – such as the use of apps to book the use of a car or last mile delivery service;
- A new bridge across the River Ouse for pedestrians and cyclists;
- A new pedestrian walkway (with cycling permitted along some of the route) along the river frontage with future possible connection under the Phoenix Causeway linking to the Wenban Smith Site and beyond;
- A financial contribution (secured through a Section 106 legal agreement) of £95,000 for improvements to Pells Footpath and £1,000,000 (max of £200,000 per year over 5 years) for the provision of an enhanced Public Transport Service (likely to be a shuttle bus service from the development to the Railway Station and other destinations within the Town), and
- The application also makes references to improvements to the forecourt at Lewes Railway Station (as referred to in the East Sussex Local Cycling and Walking Infrastructure Plan).

- 3.26 In order to ensure the control of car parking and promotion of the use of sustainable modes of transport, the following measures are proposed:
- To 'stop up' (i.e. remove the highway status) the current adopted highway within the site (under the provisions within the Town and Country Planning Act) to enable the proposed Site Management Company to introduce, manage and enforce:
 - Automatic Number Plate Recognition Cameras – These would be installed at appropriate locations across the site and would be used to record the number plate of vehicles parking on the site with unauthorised vehicles (i.e. vehicles with no parking permit or exceeding the period of 15 minutes without the need for a parking permit) being given a warning notification on first offence with more stringent penalties being applied on repeated offences; and
 - Parking Enforcement Patrol Control Beats – These would be undertaken by a parking enforcement officer (employed by the Site Management Company) who would undertake regular parking enforcement patrol beats across the site with unauthorised vehicles (i.e. vehicles with no parking permit or exceeding the period of 15 minutes without the need for a parking permit) being given a warning notification on first offence with more stringent penalties being applied on repeated offences.

The highway (and footways) proposed to be stopped up are North Street (from south of its boundary with the current Gorringes Auction House to the northern end / turning head adjacent to Pells Walk), Phoenix Place, Spring Gardens and Brook Street (between its junction with North Street and the boundary to Pells Recreation Ground).

- Provision of clear signage on parking restrictions on entry to the site from Phoenix Causeway, North Street, Phoenix Pace and Brook Street (e.g. Access for Permit Holders Only or short-term access);
- Provision of permanent parking permits for residents of the site that are classed as 'key workers' (e.g. doctors, nurses, social workers and emergency services). The parking spaces will be within the Co-Mobility Hub;
- Provision of permanent parking permits for businesses of the site where parking is deemed necessary for the operation of businesses on the site. The parking spaces will be within the Co-Mobility Hub;
- Provision of temporary parking permits for the longer stays such as for contractors, tradespeople, removal lorries and visitors; and
- Provision of short-term parking bays allowing parking for a period of 15-minutes.

Flood Defences / Drainage / Blue Infrastructure

- 3.27 The proposed flood defence is a 'flood wall' running the entire length of the river front (and beyond in some cases, such as around Pells Walk and Pells Pool Plant Room). The flood wall is either integrated within the proposed buildings, including the proposed Belvedere, or is a stand-alone structure. The defences will be at a height of 6.4m (AOD) at Willey's Bridge and 6.15m (AOD) at Phoenix Causeway Bridge (the difference is due to the gradient of the River). The flood wall also includes flood gates at 5 key locations across the site.
- 3.28 In addition to the flood defences on the main site, other flood defences include:
- The land in Pelham Terrace required for the flood defences is currently open space with a line of mature trees. The intention is that the existing trees will be retained with the new flood wall constructed to the south of the line of trees. In some locations along Pelham Terrace, this will result in the flood wall being stepped into the carriageway at Pelham Terrace requiring the removal of some of the existing on-street car parking bays (approximately 8 car parking spaces) to avoid the root protection areas of the retained trees. The proposed flood wall will be parapet wall constructed to a height of 5.4m (AOD) with a 'Dutchdam' 'dam-in-dam' demountable system (demountable defences are hidden within the wall) taking the height of the defences to 6.5m (AOD). The Dutchdam dam-in-dam system would only be deployed during flood events.

- The land required for the flood defences in Pelham Terrace and St John's Hill is the carriageway of the adopted highway. The defences would be a mixture of a Dutchdam 'Cento' demountable system that is only deployed when needed. The demountable defences will tie into a new permanent parapet wall (with a level of 6.5m AOD) at the bottom of St John's Hill. This would require the permanent removal of some of the existing on-street car parking bay (the equivalent of 3 car parking spaces), currently located on west side of St John's Hill.
 - The land in Talbot Terrace required for the flood defences is the existing fence line and landscaped area between the public footway and the boundary of the Railway Line. The proposed flood defences would require a section of the existing palisade fence (approximately 7m in length) to be replaced with a brick wall at a height of 6.5m (AOD). A like for like palisade fence will be installed on top of the brick wall to maintain the current height of the existing fence and security protection to the railway line. The existing secure pedestrian gate will be replaced like-for-like, with stanchions tied into the brick walls either side with slots to enable stop logs or a removable panel to be inserted to achieve the 6.5m (AOD) flood protection level.
- 3.29 Where the proposed final flood defences are embedded in buildings, temporary flood defences will be required until the buildings are constructed. It is proposed to install a permanent 'groundwater cut-off' sheet pile wall as the temporary defence. The wall will then be embedded into the foundations of future buildings.
- 3.30 In addition, it has been agreed with the Environment Agency that the existing flood wall at the end of Phoenix Place can be used as part of the temporary measures (due to it being in good condition) until the construction of the buildings in Phase 3.
- 3.31 The proposal also includes the requirement to move the existing Environment Agency's River level monitoring gauge, it will be moved approximately 70m upstream of its existing location. The water level data taken from the gauge is used to trigger flood warnings to the local community, operate existing flood gates and manage the erection of temporary flood defences within the river catchment. The data is also used for hydrological analysis and to support river modelling and flood level predictions.
- 3.32 It is the current intention that the applicant (through the creation of a site management company) will be responsible for the management and maintenance of the proposed flood defences on the main site, including having the primary responsibility for closing the flood gates on the issuing of a flood warning from the Environment Agency.
- 3.33 The application also states that the responsibility for storage, mounting and demounting the panels in Pelham Terrace / St John's Hill and operating the 'dam-in-dam' system in the event of a flood alert will be with the local resident community. Residents will be connected to the Environment Agency flood warning service, with the applicant (or their appointed management organisation) supporting the local residents in maintaining the demountable defences and ensuring that they are trained and prepared for a flood event.
- 3.34 The long-term management and maintenance of the defences in Talbot Terrace will revert to the landowner, Network Rail.
- 3.35 The submitted Design Code also refers to the flood wall stating it must not be a continuous tangential line along the river front, but it must 'step in and out' to reflect the historic flood defences and provide opportunities for ecological and biodiversity enhancements.
- 3.36 For surface water drainage, infiltration solutions as a primary disposal route are not an option given the ground contamination and poor infiltration rates on the made ground across the site. Therefore, the overall strategy is to enable all surface water drainage flows to be discharged to the River Ouse, with the creation of five new outfalls along the River frontage. Whilst attenuation and control of peak discharge is not required for discharging into the River Ouse (as it is tidal), there is a requirement to hold stormwater flows when the River levels are high. The drainage strategy therefore includes:
- In ground storage tanks across the site to deal with stormwater storage;

- Multi-functional water features across the site, to provide some ‘diffuse infiltration’ through soft landscaping / rain gardens including green roofs;
- Smart harvesting of rainwater to for the irrigation of the shared gardens and urban farm and flushing toilets in non-residential buildings, and
- Back-up stormwater pumping station.

3.37 For foul drainage, the proposal is to:

- Provide a new 225mm diameter foul sewer running north to south along North Street;
- Re-aligned 300mm diameter combined sewer running along Brook Street;
- Provide a new 150mm diameter foul sewer in the eastern part of Phoenix Place, and
- Retain the combined 300mm sewer in Spring Gardens.

3.38 All foul drainage flows will then be discharged through the existing 300mm combined sewer that runs parallel to the existing stormwater relief tunnel (built as part of the 2005 sewer improvement works following the October 2000 flood event).

3.39 The submitted Design Code also states that the drainage proposals must minimise underground engineering solutions such as pipes and tanks and maximise multifunctional SuDs features such as swales, rain gardens and ‘floodable’ spaces / play spaces (to allow the storage of water for short period of time) to create a meaningful relationship between people, water and the river.

Public Realm / Amenity Space

3.40 As referred to above, the whole approach to the development of this site, is the ‘circle of impact’ and part of that circle is ‘homes’ (creating compact neighbourhoods), ‘affordable living and community wealth’ (inc. shared spaces and services) and ‘public health and wellbeing’ (inc. designing compact neighbourhoods that reduce social isolation, loneliness and depression, promoting neighbourliness). Therefore, the approach to public realm and amenity spaces for the new residents and visitors is made of the following:

- The new streets, with some types of streets being specifically designed for ‘play space’ (for all ages) and the Design Code has a specific section on creating different types of play space and allowing for dementia-friendly spaces;
- Public spaces / squares at key street junctions or key buildings, such as the ‘Foundry Yard’ and ‘Ouse Place’ (connecting to the new Bridge across the River Ouse) and ‘Phoenix Gardens’, ‘River Gardens’ and ‘Foreshore Park’ (land and spaces around the Co-Mobility Hub and Health Hub);
- Communal residential gardens / courtyards within and around some of the proposed parcels, and
- Roof top gardens / spaces on the proposed Parcels.

3.41 The scheme is not proposing that each individual dwelling will have its own private garden / green space. The ethos of the scheme is for communal / shared spaces. Albeit the Design Code refers to some of the ground floor units may have some ‘private’ space immediate adjacent to front doors and upper floors providing balconies. This approach is demonstrated in the detailed design of Parcel 1.

Biodiversity, including TPO’d Trees

3.42 The proposal does include the removal of 32 individual trees and 8 groups of trees, including the two groups of TPO’d trees on the north side of the Phoenix Causeway. As part of the overall landscape strategy approximately 27 of the existing individual trees and 1 group of trees within the site (and adjacent to the proposed flood defences) will be retained. For example along the River Ouse frontage adjacent to the Phoenix Causeway and along Pelham Terrace.

- 3.43 Whilst the majority of the scheme is in ‘outline’, the overall landscape strategy (and as set out in the submitted Design Code) states that where ‘significant’ trees are to be removed, new trees should be planted which provide overall and equivalent ecological or amenity value to the trees lost. The Design Code also states that trees must be planted as part of all streets, gardens, courtyards and other areas of public realm and the scheme must include a number of ‘witness’ trees (such as English Oak or Tulip Trees) throughout the site.
- 3.44 The overall landscape and ecological strategy (secured through the Design Code) sets out to integrate biodiversity / ecological features into as many elements of the overall proposal as possible this includes:
- maximising the use of roof tops with green roofs of various types. The Design Code states at least 20% of available roof space must include permanent soil and vegetation, solar biodiverse roof or permanent areas for urban farming;
 - integrating opportunities into the fabric of buildings and structure such as bat and swift boxes and ensuring smaller amenity spaces such as balconies, terraces or front gardens are arranged to allow generous space for growing plants in containers, and
 - providing a species rich mosaic of natural and semi-natural habitats as well as protecting and enhancing the River Ouse corridor / wetland habitat.
- 3.45 The application is accompanied by a completed DEFRA Biodiversity Net Gain Metric (v3.1), which states, again whilst the majority of the scheme is in ‘outline’, the overall landscape strategy could provide a 38.55% net gain in habitat units and 6.34% net gain in river units.
- 3.46 For the details provided for the full element of this application (the 3 blocks on Parcel 1), the submitted metric shows a 161.99% net gain in habitat units.

Section 106 Legal Agreement

- 3.47 The applicant is also proposing a legally binding Section 106 agreement to secure the following:
- Securing that all applications for reserved matters shall be submitted in accordance with the Parameter Plans, Design Code, a Sustainability Strategy and Construction Strategy.
 - Securing the delivery of the development in line with the submitted Phasing Plans;
 - Setting out Sustainability Targets the scheme will use ‘reasonable endeavours’ to achieve, such as the LETI’s 2030 embodied carbon targets for residential and commercial buildings, energy use intensity (EUI) targets and procure the provision of renewable energy (via a green tariff or power purchase agreement) resulting in operational energy use emissions achieving Net Zero and predicted mains water consumption of no more than 90 litres per person per day;
 - To use ‘reasonable endeavours’ to ensure all timber and wood-based products from legal and sustainable sources, as defined by the UK Government Central Point of Expertise on Timber;
 - Securing the delivery of the proposed 206 affordable dwellings both in terms of tenure and size of dwelling as set in the table in paragraph 3.18;
 - Securing 1,352sqm of floorspace to be used for Cultural, Artistic and Artisan Uses, including a strategy to attract creators and makers to occupy that floorspace;
 - Securing the delivery of the bus stops (and associated facilities) on the north side of the Phoenix Causeway;
 - Securing the delivery of the Co-Mobility Hub and associated services, with 50% of the provision being provided before the occupation of any residential unit;
 - To use ‘reasonable endeavours’ to facilitate the early completion of the lease agreement for the Health Centre to the local primary care provider;

- Securing the delivery of the proposed Highway Works including a financial contribution of £95,000 towards the Pells Footpath Improvements and up to £1,000,000 (max of £200,000 per year for 5 years) for an enhanced public transport service;
- Creation of Management Company and management / maintenance plans for general estate management including roads, footpaths, drainage, lighting and landscape / ecological matters, and
- Creation of a construction workplace scheme and use 'reasonable endeavours' to provide local employment initiatives.

Environmental Impact Assessment

- 3.48 The application is accompanied by an Environmental Statement in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), further details are set out in the Planning Assessment of this report.

Amendments during the determination of the application

- 3.49 The scheme has also been subject to a number of amendments, including the removal of the Springman House site from the scheme and design amendments (including a reduction in the overall number of residential units from 700 to 685), and other amendments and further information in relation to a number of issues including sustainability and highways.
- 3.50 These amendments are reflected in the description of development / proposed scheme set out above and are also referred to within the Planning Assessment section of this report.

4. Consultations

- 4.1 The consultee responses below provide a summary of the latest comments received (i.e. they include any subsequent comments received following the submission of amended plans and information).
- 4.2 **Active Travel England** - have no comments to make as its statutory consultee remit applies only to qualifying applications that were made valid by the local planning authority on or after 1st June 2023.
- 4.3 **Air Quality (LDC)** – Objection, insufficient information and assessment, including:
- The model was only verified (checked to be working) on a downhill section of Lewes' Road network, outside of the Air Quality Management Area (AQMA). This likely resulted in a significant underprediction on sections of the model domain, which are in the AQMA, uphill only and in a canyon-like environment.
 - No emissions mitigation statement has been produced, in line with Sussex Air Quality Partnership guidance.
 - No dust monitoring regime is included in the Construction Environmental Management Plan (CEMP), as is recommended in the Environmental Statement Chapter 9.
 - By 2027, it is understood that up to 293 dwellings will be constructed. There is no robust assessment of whether fewer dwellings (+ construction vehicles) could have a significant effect. This is concerning as the Environmental Statement suggests that 2027 may be the year of greatest impact, in terms of trip generation (construction + operation).

It is recommended that further assessment and/or information is provided to address the concerns raised.

- 4.4 **Archaeology** - No objection subject to the imposition of conditions. The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the imposition of planning conditions.
- 4.5 **Conservation Officer** – Objection, by virtue of its proposed built form being of a scale and form:

- that is alien to the Lewes Conservation Area and therefore cannot be regarded as 'landscape-led';
- including that it is alien to the Lewes Conservation Area and its impact on important views out to its downland context, it would detract from the setting of the Conservation Area;
- including that it is alien to the Lewes Conservation Area, that part of the development that falls within the Conservation Area boundary would adversely affect the character of the Conservation Area;
- the development would detract from the setting of a number of listed buildings and non-designated heritage assets (namely Corporation Villas and Pells Pool).
 - Corporation Villas (the former Fire Station) can be regarded as non-designated heritage asset. They stand in a significant position terminating the view running down North Street from within the Conservation Area.
 - The Pells Pool was opened in 1861, making it the oldest public, freshwater swimming pool in the country whilst the surrounding Pells parkland was established as a pleasure ground in the 19th Century and should be regarded as a non-designated heritage asset.

4.6 **Contaminated Land (LDC)** – No objection, subject to conditions. The applicant has submitted a detailed contaminated land desk study report prepared by Hydrock (report ref: 20316-HYD-XX-XX-RP-GE-1000 dated 19/10/2021). It is also noted that the site will require intrusive site investigation and assessment, ground water risk assessment, landfill gas risk assessment, asbestos survey and further UXO survey (and we are aware of some previous site investigation works). Therefore, in principle, paragraph 5 (on page 35) 'Recommendation for further work' of the Hydrock Report is agreed.

4.7 **Design Officer** – Objection, there are still some issues where either the design is unacceptable or there is insufficient information.

The overall vision of a lively, attractive, green and sustainable new neighbourhood with a strong community focus remains very positive. In addition, the recent amendments have largely been positive.

However, examples of where the proposed design is unacceptable or there is insufficient and / or inconsistent information include:

- Parcel 1 (including the details set out in the full element)

The size of blocks, particularly Parcel 1A - Its height and length, in combination, creates a scale and mass which is too large and that does not respond in a locally characteristic way for countryside edge development in Lewes, which is generally more domestic in scale, less intense and more respectful.

Although the architectural treatment is varied and interesting, there is deep concern this will not 'disguise' the monolithic scale of this block. Recommend complete break in length of block and removal of top storey.

In addition, the central open space appears to be having to work very hard, given its relatively small size, its functions, the height and scale of the surrounding blocks and the number of people (44 units) that it serves. This is one of the reasons the ambitions for meaningful multi-functional SuDS here, and in Malling Lane have been significantly reduced, as there is not enough space.

- Parcel 2 and 9

These Parcels are mostly 5 storeys (with some elements of 6 storeys shown on Parcel 9), with a relatively mean central spaces (for the number of occupants and relative to massing of building) which will have overshadowing issues and an excessive overlooking character.

- Set backs around Pells Pool (Parcels 1D, 3 and 4)

Set backs for some of the southern ends of some of the parcels that abut the Pells Pool are insufficient to allow for substantial tree screening as proposed; the steps down in buildings are also well below a height of a storey (as low as only 1.0m); and the recent changes do not include the southern leg of 3A and Parcel 4A, which both still contribute to the visual impacts on the character of the Pells Pool.

- Impacts to Corporation Villas (Parcels 5C and 6F)

Design Code limits for the Parcels north and south of Corporation Villas (5C and 6F) are not sufficient to avoid oppressive nature of large and tall buildings either side; it is not demonstrated that they would ensure good internal daylighting standards; or would avoid excessive overlooking, including from elevated pedestrian approach above rear gardens of Corporation Villas from proposed river 'belvedere' (i.e. to 'Foundry Passage').

- Inconsistencies between application documents and Design Code, examples include:

- Parcel 7A has been repurposed as a residential block with an internal courtyard/lightwell. This is indicated on the Parameter Plan with a narrow rectangle which approximates to 21% of the total plot footprint. The Design Code requires this to be only at least 15% of the footprint and so the Parameter Plan depiction of this central space is misleading, as it could be much smaller and narrower.
- Unclear from submission if Parcel 8A (Phoenix House) is proposed for 2 or 3 floors, as Parameter Plans and Design Code contradict each other.
- Parcel 8C has a Wellington Street elevation which is approximately 77m long, this is larger than even the overgenerous 70m maximum set out in the Design Code.
- Parcel 10D measures on Parameter Plan at between 21 –26m wide and the Design Guide limits maximum plot depth to 22m. This depth of plot already would require single aspect dwellings. The measures to reduce overlooking of closely adjacent Parcel 8B (5m away on Parameter Plan) are likely to further compromise internal daylighting levels.
- Mews Streets should be shared surface designs and not conventional pavement and kerbed streets as proposed.
- The original vision for maximising multi-functional SuDS and minimising engineered underground surface water drainage solutions have now been withdrawn. There are some green roofs (at least 20%) and some rain gardens, but otherwise this is disappointing.

- Sustainability / Sustainable Construction (inc details for Parcel 1):

Operational net zero not achieved on site. Targeting only 86-99% of regulated energy emissions on site. Shortfall, including emissions from non-regulated energy use, is reliant on the supply of electricity from a proposed PV farm offsite.

On the Whole Life Carbon Assessment and associated targets for space heating and energy use, the principle is supported and, in some cases, appears to meet the associated LETI targets. However, the methodology and details of the assessment and predictions (including the details provided for Parcel 1) have been questioned by our consultant and needs clarifying.

Although BREEAM excellent targeted for non-residential buildings only very modest amount of energy credits being targeted which points to these buildings falling far short of net zero operational energy.

The overall commitment to a maximum of 90 litres/person/day mains water consumption is positive.

For the full details on Parcels 1A, 1B and 1C - Operational net zero not is achieved on site. Targeting only a 67% reduction for predicted emissions from regulated energy. The shortfall, plus all unregulated energy emissions are not accounted for. Plus no information

has been provided on energy use intensity, passive house standards and design stage water calculator

4.8 East Sussex Fire and Rescue - The Lewes Community Fire Station sits within the heart of the proposed development. It is excluded from this development and application boundary and remains part of the ESFRS estate.

Lewes is a Day Crewed station that serves the immediate and wider community, including the provision of water rescue services and relies on uninterrupted utility supply and vehicular access 24/7/365. The station is active throughout the day with training forming a core activity utilising the drill tower for water and foam spray and the RTC area for motor vehicle rescue. Drill nights occur in the evenings.

Our comments are focussed on the need to maintain our business-as-usual activity, both during construction and once the new phases of the development become occupied.

In summary, our concerns are:

- Impact of construction works on utility supply and access. It is essential that access is maintained to the station at all times and all supplies remain uninterrupted, the application does not provide sufficient detail as to how this will be achieved and what level of resilience will be put in place.
- Development of the site(s) adjacent to our existing Drill Tower - the potential for development adjacent to the Fire Station will frustrate and fetter our ability to continue wet training using the existing drill tower due to the risk of overspray, and that this would impact on our ability to ensure the competency and safety of our firefighters and the continued effectiveness of the fire station in addressing community risk.
- The introduction of a low traffic neighbourhood - we are concerned that this approach, plus the realignment of North Street will impact on our ability to mobilise safely and effectively under blue lights and for staff to travel to the station in response to their alerters affecting attendance times and safety and so reduce our response times.
- The proposed residential units to surround the existing operational Fire Station - we are concerned that the presence of a 24/7/365 operation site within a residential development, with proposed adjacent height parameters and potential overlooking, brings the risk of difficult relations with the new local community, which could lead to tensions and again impact on the operational effectiveness of the station, as the normal station activity includes noise and floodlight activity in antisocial hours . We are also concerned that an increased density of occupation in the area will increase the risk of security breach to the Station.
- Increasing public access to the River Ouse - the wider development of access to the River Ouse will bring with it increased water risk, increasing the number of incidents, water rescues and the risk of drowning. The Ouse is a tidal river, with fast flowing water and varying levels and has extensive mud banks. We have had a number of deaths and high-profile rescues in the river, and we believe that there should be designed in protection infrastructure and the provision of a water rescue jetty given the known risk.

We welcome the installation of the new flood defences.

If this application receives approval the Developer is also required to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main.

4.9 Ecology – Objection due to insufficient information and in some cases, such as inconsistencies between application documents in relation to how biodiversity net gain will be achieved, further clarification and or justification is required.

4.10 Education Authority (ESCC) – No comments received at time of writing report.

4.11 Environment Agency - No objection subject to a number of conditions and Section 106 legal agreement securing the details of the flood defences.

- 4.12 **Historic England** – The proposed development will harm several designated heritage assets. The development would be of considerably greater scale and massing than the surrounding historic townscape. This would introduce a dramatic change in the prevailing building heights, and contrasts with the historic character and appearance of the Conservation Area. Particularly in Parcels 7A and 11, which are within the Conservation Area, and in Parcel 8, which is in a prominent location adjacent to the boundary (so we recommend that you should seek amendments to the scheme to reduce the scale and massing of the buildings on parcels 7A, 8 and 11).

This development in the setting of several designated heritage assets is likely to be harmful to their significance.

The scale and massing of certain parcels would compete with the general historical small-scale of the existing buildings and distinctive silhouettes of the rooflines of the Conservation Area. It will also disrupt appreciation of the dramatic topography of the town (which falls from the Castle towards the River), and the townscape built upon it. This would be a consequence of an incongruent rise at the base of the slope, as well as the obstruction of key views of the downland beyond.

The application documents provided inadequate assessment of the effect of the proposed development on views from designated heritage assets. We recommend that further visualisations are provided by the applicant before the application is determined.

Impact to Green Wall (the Scheduled Monument)

The proposed development in the setting of the Green Wall will cause some harm to it. The Green Wall was constructed as the boundary to the medieval town, and largescale development would obstruct appreciation of its character as a boundary marking, the junction between the town on high ground and the marsh on low ground.

Construction of tall buildings (particularly Building 10C) will significantly blur this historic boundary, any river views from the Green Wall, and the remains of the historic morphology of the town.

However, the proposals do include plans that will help to transform the current appearance and legibility of the monument to the general public, including a program of regeneration that will provide an 11m buffer between the Scheduled Monument and building 10C. This will allow an improvement on the space the monument currently has.

Additionally, this space could be used to restore the profile of the Green Wall, create more of a green feature of it, and provide a footpath at its base to allow passage through the area. Along with information signage this will provide placemaking opportunities to inform visitors about the significance of the feature. These could greatly improve appreciation of this neglected monument.

Overall

We consider that due weight has not been given to conservation and there is scope for avoiding or minimising that harm, as required by the National Planning Policy Framework (NPPF).

We question whether the degree of harm proposed is clearly and convincingly justified by public benefits, as required by the NPPF.

- 4.13 **Landscape Officer** – Objection

This scheme puts forward some very positive and creative aspirations for the re-development of the riverside site at North Street. The broad principles of these ambitions; green roofs, verdant buildings, functional open spaces for example, are fully supported in landscape terms. When designed using landscape evidence, these interventions have the potential to deliver many positive outcomes for Lewes, its landscape and community.

Nevertheless, following a review of the application documents, I do not consider there are sufficient provisions made to demonstrate the successful delivery of these ambitions without

causing unnecessary negative effects upon the local landscape, its character and views. This objection broadly results from the following three interrelated effects of the proposal.

1) Building scale (block patterns, massing, height)

The amount of large-scale buildings proposed throughout the site and their similarity in form to one another. Whilst the site clearly has scope to receive some larger buildings, their location has not been sensitively selected, i.e. clearly informed by landscape and/or visual evidence. The scheme presents an overreliance upon roof articulation and elevation treatment to address the uncharacteristic massing, height and subsequent visual impact of these blocks. There is little demonstration that negative effects have been first avoided through design, instead the project heavily depends upon mitigation measures whose adequacy and likely success remains in question.

2) Poor relationship between the proposal and its neighbours

The application demonstrates insufficient sensitivity to context in the location, scale, form and massing of new buildings. Large-scale buildings adjacent to; historic buildings/features, important public spaces, the river and open countryside is likely to create in some cases a relentless and potentially overbearing character which is extensively expressed throughout the site and contrary (in its extent) to this part of Lewes' character. There is a heavy reliance upon design details, architecture and particularly soft landscaping (all of which are illustrated and considered to be positive ambitions) to mitigate for this effect, and these are not adequately controlled through the Design Code or provided for in terms of the amount of space designed into the layout.

3) Loss of key characteristic views and experiences

These lost views also contribute to characteristic 'Lewes' experiences and sense of place. For example, the view of Corporation Villas as a 'full stop' at the end of North Street, or key views towards open downland such as Malling Down. Their loss has been poorly avoided or mitigated for through the design process and there are a few, but insufficient characteristic replacement views.

The application requests permission for the parameters, to then be controlled by the Design Code to achieve the illustrative scheme. The large scale of the building parameters requested are considered uncharacteristic and are not in my view adequately controlled through the Design Code. I cannot therefore say with confidence that the positive principles set out in the application would be realised. Based upon the information provided I am also not convinced that the mitigation measures would successfully address the negative effects that result in part, due to a lack of a landscape-led approach demonstrated from the outset of the design.

4.14 **Lead Local Flood Authority (ESCC) – Objection due to insufficient information.**

The applicant has failed to meet the requirements to assess its acceptability in flood risk terms. Our concerns are about potential lack of storage for multiple storms, the location of SuDS components in the highway and more detail needed on how the system will perform during the design storm (without reliance on mechanical pumping) and how the flood water will be contained.

The Drainage Strategy designs and calculations should focus on (and assess) the 100 year (plus climate change) storm event. We would like to see modelling to demonstrate the design storm can be conveyed to the river when not in a tide locked scenario with typical high river / high tide levels.

For any greater pluvial event (or tide locked downstream conditions) mechanical pumps would discharge the storm water even at the worst-case river level. On this basis no formal attenuation provision has been proposed to be included.

It is noted that for the 100 year (plus climate change) event or greater, the site would surcharge / flood and it has been calculated that these flood volumes can be stored within streets and the basin features within the block courtyards without flooding reaching the building flood levels, without the assistance of mechanical pumping. This would however

create flooding of the adoptable highways and shared amenity spaces during the design storm, so the development is reliant on mechanical pumping for the design storm to avoid flooding the site.

There are several ways the development could have reduced reliance on mechanical pumping and could have stored the design storm temporarily in a tide locked scenario. The use of blue roof, siphons and surface or below ground attenuation being examples of such techniques.

Mechanical pumping would then either not be required, or only necessary for prolonged fluvial and multiple pluvial storm scenarios.

The assertion that surface water attenuation is not warranted due to carbon budgeting concerns needs to be set against a strategy that relies on the use of pumping in the scenarios outlined above for the lifetime of the development.

Designs based upon mechanical pumping are not looked on favourably by the LLFA unless there is compelling evidence demonstrating that there is no alternative.

The development must operate satisfactorily during the design storm without the need for mechanical pumping, which may then be used as a genuine back up system and to clear storage during prolonged high river levels.

In addition, the assessment of 'exceedance flow paths' is overly simplistic and based upon the assumption that any water in excess of the design storm event would simply be drained away via the surface water pumps.

More detail is required to demonstrate the extent of flooding during the design storm, for follow on storms, and for exceedance without reliance on pumping.

Notwithstanding that this application is predominantly at outline stage, the layout needs to demonstrate that both the quantum of development and the sustainable drainage proposals are feasible.

Further detail is also needed on the arrangements of SuDS features in the highway and Courtyards, particularly for any adoptable highways where the land is outside the applicant's control and subject to other approvals.

- 4.15 **Lewes District Council (Head of Planning)** - The application has been worked up in conjunction with LDC officers and are content that this application should, subject to the appropriate conditions, be approved.

The site has been considered suitable for development for some time and LDC accepted the principle of development of the North Street Quarter and Eastgate Area during development of the 2016 Joint Core Strategy.

The LDC planning team would like to note the positive inclusion of Lewes Low-Cost Housing within the wider affordable housing provision proposed in this application.

In terms of housing mix, there is an identified a need for smaller dwellings (i.e. 1 and 2 bed units) both in affordable and market housing and this has been discussed with the applicant.

Care has been taken to design buildings in such a way to maintain some views, and create new views through, to and from the site. The detailed design for Parcel One shows careful consideration, creating a streetscape which in the view of LDC does not dominate.

In the context of the Air Quality Management Area in Lewes town centre, LDC supports the creation of a low traffic neighbourhood which will reduce the impact of the development on air quality both in the Phoenix and in the wider town.

It will be vital that any necessary traffic mitigation measures and the proposed mobility strategy, including the co-mobility services and proposed Thomas Paine Bridge, are incorporated into a s106 agreement to ensure that the proposals are delivered, and at the appropriate times.

The proposed new health centre which will house the services provided by Foundry Healthcare will provide a more fit-for-purpose health facility and the building of the health

centre is a condition of the land sale with LDC. Delivery of the health centre must be enshrined in the s106.

We would expect particular account be taken over the existing trees and other environmental assets where they are established, high value and retention is proportionate when taking account of the overall scheme.

The scheme includes a substantial flood management strategy including the construction of a new flood wall and drainage strategy. This is a critical issue for the town given current vulnerabilities and projected sea level rises.

It is vital that the s106 agreement addresses and incorporates contributions, phasing and longer-term management issues which will ensure the successful development of the site.

4.16 Lewes Town Council – Support the following aspects:

- The application meets many of the objectives of the Lewes Neighbourhood Plan including the provision of Lewes Low Cost and affordable housing, energy saving, sustainable buildings that reduce carbon emissions and a good quality public realm with access to the river Ouse.
- The applicants have sought to foster a sense of community with shared facilities, in many cases housed in historic buildings that will be retained on the site. Employment generated by commercial and other activities in The Phoenix will benefit the town, particularly its young people.
- The emphasis on active travel - reducing congestion and pollution in Lewes - and access for elderly and disabled people are also positive elements of the application.
- The proposed flood defences and drainage schemes for the site provide protection for the town, while the recycling of water and other materials will reduce waste.
- Parcel 1 - the blocks are sensitively designed to reflect the look and fabric of the existing town. The staggered roofline and variety of shapes and finishes creates an organic feel with additional elements of continental Europe, in the square, the shuttered windows (which also protect from extremes of weather and restrict light spillage at night) and the outdoor community focus.
- Demolition aspect of the application with the observation that consideration be given to ensuring that strenuous efforts are made to reduce heavy traffic on narrow residential roads and the responsible recycling of materials.
- Outline aspect of the proposal with the observation that any deviation requires attention needs to be paid to future plans and viability issues.
- On the submitted amendments, support:
 - the moving of the Health Hub to a more accessible location;
 - the reduction in size and height of the properties overlooking the Pells to avoid overlooking and overshadowing;
 - welcome earlier phasing of the Co-Mobility Hub and
 - the over massing has been addressed.

However, they do object to the inclusion of 3 North Side Bus Stops without the express recognition that these would not constitute a replacement bus interchange.

In addition, they would like the SDNPA to be aware of the following concerns:

- ‘Lewes Low-Cost Housing targets broadly met but attention needs to be paid to future plans and viability issues.
- Access and mobility criteria were broadly met but identified a need for additional seating along pedestrian walkways. Attention needs to be paid to the accessibility of the bus stops and the inclusion of road crossings

- In terms of the flood defences, whilst there is a long-term maintenance plan designed to continue in perpetuity, this will require scrutiny to ensure that this is a robust service, and that the maintenance fee is apportioned proportionately at each phase and that there is no disadvantage to the early residents. This needs to be made clear to potential residents and would like to know when this information would be made available.
- While Lewes Town Council is reassured by Human Nature's intention to own the company that manages the development, we are also concerned about the possibility of escalating costs through the Service Charge function of the Management Company and ask how the early occupiers will be protected from unpredictable increases as the site is developed.

4.17 **Local Highway Authority (ESCC)** – Objection, the application as submitted has not demonstrated that the proposal is acceptable in terms of access, highway safety, accessibility and parking, and that the transport and highway impacts have been adequately assessed and mitigated. The development would be contrary to para 109 of the National Planning Policy Framework.

At this time, there remain a number of fundamental highway and transport matters that have not been adequately addressed within the formally submitted amended plans and documents, nor during discussions with the applicant and transport consultant.

Further work and agreement is required on the following highway aspects (please note this list is not exhaustive):

- Site access from the Phoenix Causeway – pedestrian, cycle and vehicular;
- Works on Little East Street and at Waitrose exit;
- Pedestrian and cycle connections to rest of Lewes town;
- Bus provision- level of contribution and agreement on provision of bus stops;
- Parking management strategy including further consideration of an extension to the Lewes CPZ (controlled parking zone);
- Trip rates in terms of proposed modal choice, trip distribution and therefore impacts on ESCC highway network. Agreement is still required on proposed 65% modal shift to non-car trips;
- Travel Plan including details of measures;
- Evidence to support stopping up of the adopted highway within the site, and
- Detailed plans of Phase I.

As set out in the original consultation response - The main highway and transport issue with the proposal relates to the expected modal shift from car use to active travel and bus use. The applicant is proposing that the vehicle trip rates will be very low at this site relying on a large modal shift.

The principle of achieving such a modal shift (in some cases 65% of trips expected by non-car modes) is welcomed. However, a usual achievable mode shift at development is between 5-10%. There is concern that a figure of 65% is not currently justified and therefore unrealistic given that the base data does not support the applicant's claim that the proposed modal shift is attainable in Lewes town.

The applicant has cited other development sites as an example of what can be achieved in terms of modal split, but the sites are not comparable to Lewes, a small market town location. The sites are in city locations e.g. BedZED in London which has a much greater offer in terms of public transport options, demand management and local services.

To achieve modal shift at any scale development needs to be supported by relevant infrastructure to enable those non car trips to be made. Very little by way of sustainable infrastructure is proposed (only footways, cycle connections and bus stops- only works on site and a Travel Plan). To enable new residents and site users to reduce car use and better

to connect to Lewes services (schools, retail, employment) links outside of the application site must be provided/upgraded, and facilities provided.

4.18 **Local Housing Authority (LDC)** – no comments received at time of writing this report.

4.19 **National Highways** - The amended and additional information submitted does not include the information we requested. It is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the Strategic Road Network, including the A27 near Lewes. Information requested, includes capacity analysis / existing traffic data, trip rates / trip generation, justification for proposed modal shift, junction assessments and a Travel Plan with full commitments / justification for the proposed modal shift.

In light of the above, National Highways currently recommends that planning permission is not granted (other than a refusal if the Authority so wishes) for a period of three months (until 7 December 2023) to allow the applicant to resolve the outstanding matters.

4.20 **Natural England** – No objection, subject to appropriate mitigation being secured.

4.21 **Southern Water** – It appears that the applicant is proposing to abandon / divert a 225 mm public foul sewer, 100 mm, 300 mm, 450 mm and 825 mm public combined sewer and 150 mm, 375 mm, 450 mm, 600 mm and 750 mm public surface water sewer. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act. An application should be made using Southern Water's Get Connected Service.

The proposed development will lie over an existing public foul sewer, public combined sewer and public surface water, which will not be acceptable to Southern Water.

- It might be possible to divert the 300 mm public foul sewer, 300 mm, 325 mm and 300 mm, 375 mm, 400 mm public surface water sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
- The 225 mm and 300 mm public foul sewer and 300 mm, 325 mm and 375 mm public combined sewers requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance. No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewers without consent from Southern Water.
- The 600 mm public surface water sewers require a clearance of 3.5 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance. No development or tree planting should be carried out within 3.5 metres of the external edge of the public gravity sewers without consent from Southern Water.
- The 825 mm public combined sewer and 750 mm public surface water sewers require a clearance of 4 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance. No development or tree planting should be carried out within 4 metres of the external edge of the public gravity sewers without consent from Southern Water.
- The 1200 mm public combined tank sewer require a clearance of 5 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance. No development or tree planting should be carried out within 5 metres of the external edge of the public gravity sewers without consent from Southern Water.
- The 6 inches, 100 mm and 150 mm water distribution mains and 9 inches water trunk mains require a clearance of 6 metres on either side of the water mains to protect it from construction works and to allow for future access for maintenance. No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water distribution mains without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout.

4.22 **Sport England** - The site is not considered to form part of or constitute a playing field. Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments.

4.23 **Sussex Police** – With the level of crime and anti-social behaviour in the Lewes district being below average when compared with the rest of Sussex, there are no major concerns with the proposals at the location.

However, there are additional measures to mitigate against any identified local crime trends and site-specific requirements which should be considered. This includes, where there are proposed bar and café restaurants and alcohol related premises being considered, the applicant and their partners are strongly advised to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.

We request that any consent for this or future applications for the proposed premises is conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters / waitresses. Substantial food shall be available at all times.

4.24 **The Victorian Society** - The North Street Industrial Estate is a brownfield site of some historical significance. Although, only a small part of the site is designated as part of the Lewes Conservation Area, the site contains several historic buildings associated with the Phoenix Works, and these should be considered non-designated heritage assets.

We welcome the general tenor of the proposals which seek to retain and reuse many of the historic buildings on the site as part of its redevelopment. However, we have some concerns.

Firstly, it appears that the remains of the Every Building (dated 1911) would be demolished as part of the proposals. It is a building of significance which plays an important role in the legibility of the former foundry, making a positive contribution to the context of the other surviving historic buildings. The Heritage Statement says that 'finding an appropriate use for buildings formerly associated with Phoenix Iron Works would constitute an overall benefit to the settings of several designated assets within the wider area.' Therefore, it is concerning that this building's demolition is proposed when it would harm the significance of the site.

We would urge the masterplan to be amended so that this important part of the former Phoenix Works can be retained.

While we realise that this application hybrid, however, it would be helpful to see at this early stage more detail and an assessment of the impact of the proposals on historic buildings on the site. The Design Code for Parcel 6 is encouraging in its reuse of the historic building it does not explain the approach in detail and therefore it is difficult to thoroughly assess their acceptability.

5. Representations

5.1 For the application as originally submitted, there have been a total of 357 outright objections (145 on a range of issues and 213 specifically about the loss of the TPO'd Trees on the Causeway many using a standard template response), 322 outright supports, and 96 'other or neutral' comments (this includes those who have expressed a neutral comment but with a support or an object to a specific element or have asked for further information, where

there is a clear objection or support to an element this has been listed under the relevant objection or support headings below).

- 5.2 Following the publication of the amendments to the scheme (and at the time of writing), there have been a further 61 objections (7 on a range of issues and 54 specially on the loss of the TPO'd trees via an updated standard template), 26 outright supports and 3 'other'. These comments are not necessarily all 'new' comments, it is mixture of new and those who have submitted additional or revised comments.
- 5.3 A summary of all the comments received, including those from organisations (such as Lewes Conservation Area Advisory Group, Pells Pool Community Association, Friends of South Downs, Friends of Lewes, Love our Ouse, Lewes Living Streets, Lewes Chamber of Commerce, Transition Town Lewes, Cycle Lewes and Lewes Swift Supporters) and individual Councillors from both the District and Town Council (including representations from the Green Party in Lewes) are set out below.
- 5.4 Officers are also aware of an online petition, hosted on a 3rd party website, objecting to the loss of the TPO'd trees on the north side of the Causeway. At the time of writing this report, the petition had over 87,300 signatories. The comments made on the online petition are reflected in the 'standard template response' (and the updated version) referred to above and are summarised below.

5.5 Objections

Design (including heritage impacts)

- Height, scale, massing of proposed buildings is too much;
- Scheme is overdevelopment;
- Scheme is too dense;
- Proposal is a deviation from Local Plan allocation (415 dwellings);
- Lewes is a county town not a city. Proposal is like an inner-city regeneration scheme (for example in London) that has been green-washed;
- No precedent for high buildings;
- 1 and 2 bed flats not suitable for families;
- Unsuitable as family homes due to the absence of safe private outdoor space;
- Out of keeping with character of area;
- Lewes is famed for its tiled pitched roofs so why is the proposed development dominated by flat roofs;
- Fails to enhance the character of the local area, including it is harmful to the Conservation Area and nearby Listed Buildings and other heritage assets;
- The layout and scale of the development would completely obscure the view of Lewes Castle from Malling Recreation Ground;
- Object to the loss of the industrial buildings (including the Every Iron Works frontage and its innovative crane);
- Loss of views through / across the site and loss of views for those already living in the site;
- Object to the scale, massing and visual impact of the proposed Co-mobility hub and associated buildings (Parcels 9 and 10);
- Scale and mass of Parcel 10A and 10C (Co-Mobility hub) is inappropriate and will harm the setting of Conservation Area;

- Streets and spaces will be oppressive, dark, lacking in sunlight and many of the courtyards and lower flats will be in shadow for most of the day due to the height and close proximity of the buildings;
- The proposed buildings in Parcel 1 form a triangular shape and seem to preclude much sunlight and daylight into the communal area;
- Parcel 1 (including the proposed Bridge House) has excessive height, is unsuitable and is out of keeping;
- Scheme will cause light pollution;
- Scheme will cause loss of privacy, overlooking, daylight and sunlight impacts to new residents;
- Scheme does not provide a new Fire Station (with many suggesting it should be moved to the Springman House site) and proposals will restrict / cause issues for the operational needs of the existing Fire Station;
- Existing infrastructure (schools, Dr's, roads etc) is already stretched – this will overburden existing services, and
- There is a lack of public spaces and spaces for the arts. Need to provide a new theatre / performance space.

Impact to existing residents (inc Corporation Villas, Spring Gardens, Waterloo Street and Green Wall)

- Little or no consideration for existing residents within the site;
- Lack of community engagement with current residents;
- Overlooking and loss of privacy to existing residents;
- Overbearing impact (particularly Parcels 5 and 6 surrounding Corporation Villas);
- Loss of daylight and sunlight (particularly 2-4 Green Wall, 1-3 Corporation Villas and 15-21 Spring Gardens);
- Increased noise and disturbance to existing residents – negative impact on quality of life;
- Loss of views;
- Loss of existing access and / or parking provision;
- Noise, pollution and disruption from years of building works. Building susceptible to percussion damage or subsidence damage caused by the major works taking place around existing buildings, and
- Want more assurance that Human Nature's position is correct, that existing residents will not be under the proposed Management Company and will not have to pay management and maintenance fees etc.

Impact to Pells Pool

- Overlooking of pool(s), changing rooms, sunbathing area and lawns – creating a safeguarding issue;
- Lack of privacy for users of the pool;
- Overbearing development;
- Loss of sunlight and daylight, overshadowing, Shading of sunbathing terraces and lawn;
- Any reduction in sunlight could impact water temperature for what is an unheated pool, heated only by sunlight;
- Loss of income and community benefits if events are limited due to proposed development;
- Negative impact on peace and tranquillity of the area;

- Loss of public parking (currently taking place on the North Street Industrial Estate / Brooks Street and Spring Gardens);
- Block views out of to the Downs, and
- Pells Pool should be considered as a Non-Designated Heritage Asset.

Health Hub – (Officer note: the scheme as originally proposed had the health hub on Parcel 7A, the scheme has been amended to move it to Parcel 10A)

- Site of Health Hub (on Parcel 7A) is the wrong side of the development with no bus access or parking, narrow uneven pavements and busy road. No pedestrian crossings and difficult to access;
- No guarantee will ever be built;
- Insufficient new health provision, and
- There should be a way of entering the medical hub without being on public view. People with mental health problems do not want to be asked why they were seen visiting it.

Affordable Housing

- Proposal is for expensive, non-affordable properties;
- Affordable Housing offered less than Policy requirement of 50%;
- Viability report is inaccurate;
- 80% affordable rent is not affordable;
- No provision for Social rent or other forms of low-cost housing;
- Affordable units don't comply with space standards;
- Flats will be attractive to buy-to-let investors – not affordable for local people, and
- Impact of other costs, such as management and maintenance fees – how affordable will these units actually be?

Sustainability

- The application is 'greenwashing' - Full of rhetoric and green ideals without declaring how they would actually meet these commitments, and crucially, how they would measure what good looks like and check that the scheme actually met these design stage commitments;
- Massing and orientation are not 'solar-intelligent'. Scheme lacks solar panels, off-setting renewables to another site is not preferable to providing renewables on-site;
- The methodology used for carbon accounting needs to be justified and carried out by a RICS member;
- Why hasn't Human Nature committed the scheme to the targets discussed in the RIBA 2030 Climate Challenge or the Whole Life Carbon decent Plan presented in LETI's Climate Emergency Design Guide that was supported by most construction groups (RICS, CIBSE, RIBA, IStructE, ICE, CLC, and many others);
- The suggested lower energy costs for the residents could be overridden by a high maintenance cost to accommodate the vast array of maintenance responsibilities;
- Who owns the energy centre supplying the energy back to these homes? Is this an ongoing relationship, or can this come into community ownership?
- All heated buildings should be built to Passive House standards;
- Overheating analysis needs to show that the fenestration without solar shading, particularly south facing, will not cause overheating. LETI targets for space heating of

15kWh/m2/annum should be used along with their energy use intensity targets for residential and commercial buildings and not a range as proposed, and

- Questions the longevity of proposed timber build buildings and highlights possible issues for buildings insurance etc.

Transport / Access / Parking

- Increased traffic congestion – existing local network will not be able to cope with more traffic on an already busy one-way system (generating more pollution and noise);
- Permanent access to the site off Phoenix Causeway is not appropriate – already congested, with pollution and air quality issues;
- Scheme lacks integration with Eastgate Street, Little East Street and wider Phoenix Causeway;
- Lack of parking given the scale of the development proposed;
- Scheme should be re-designed to include basement parking;
- Removal of existing, well used, public car parking areas and coach parking facility (including no replacement proposed);
- Co-mobility hub is insufficient both in terms of size / scale for level of development proposed and timing for its delivery (proposed to be the very last thing to be delivered);
- Phoenix Mobility Vision survey data was collected in London not Lewes;
- Unfounded and unrealistic modal shift projections, plus lack of thought of where residents will work and their likely travel patterns;
- Applicant should be asked to supply hard evidence from other UK towns where modal shift (car free zone) of this scale has successfully been achieved;
- Proposed car club is insufficient and does not reduce car usage just car ownership;
- Unrealistic expectations about vehicle access for delivery drivers, refuse collection, emergency services, contractors etc;
- Lack of any plan to integrate the new development with the rest of Lewes, in particular as regards traffic flows and traffic driving through the Conservation Area;
- Insufficient public transport provision to serve the development;
- Any re-allocation of ZONE B parking permits to residents of the new development will add to existing parking problems;
- Should be no increase in traffic through the narrow residential "rat runs" in St Johns Terrace, St Johns Hill, Abinger Place, and Sun St;
- Proposed access to Brook Street & North Street is unclear and potentially unsafe. Brooks Street is an essential access in winter (with snow and ice making other streets unusable). 'Restricted vehicular access' via Brook St is specified repeatedly in the proposal but nowhere is it defined. If Brook Street is not pedestrianised or restricted to Emergency Vehicles/cycles, a rat run will develop along St John's Hill & St John's Terrace, impacting the local environment particularly at the junction with Pelham Terrace where walkers and families with children congregate by the playground to enjoy the peace and tranquillity of the Pells Pond;
- Planned access arrangements do not provide for the safety of pedestrians and cyclists in what will become a busy area;
- Cycle paths are not adhered to, and mixed pedestrian / cycling can be hazardous to children and dogs;
- Cycle paths do not connect to the rest of the network;

- Lack of sufficient cycling infrastructure to securely leave bikes;
- Transport Assessment suggests all of Lewes is accessible in 5 mins cycle – inaccurate;
- Temporary access road / construction access is potentially unsafe;
- Proposed bus provision (both sides of the Phoenix Causeway) is not an acceptable replacement of the closed Bus Station;
- Proposed bus provision is unsafe (Road Safety Audit (Stage 1) identified 15 problems in relation to safety associated with the bus re-provision arrangements on the north side of Phoenix Causeway) and conflicts with new / relocated Health Hub on Parcel 10A;
- Delivery of Bridge link should be brought forward (together with the Co-mobility Hub) to help deliver the modal shift required;
- Required Infrastructure e.g. bridges, and the pathway to the Wenban Smith site must go in first to prevent undesirable travel habits developing amongst residents, and
- Another bridge link is not required, there are already two bridges.

Flooding

- Building 700 houses on a flood plain is inappropriate. Commercial buildings are more resistant to flooding;
- Proposed flood defences will not prevent a repeat of the year 2000 flood and could put Town Centre West at a higher risk of flooding in a flood event which is more probable with climate change;
- Applicant has been using out-dated data (so the flood risk assessment is flawed) and design of flood defences should be to standards for fluvial and tidal flooding (i.e. the Phoenix will be impacted by tidal flows as well as fluvial flows) so the design should be to a 1 in 200yr standard (not the 1 in 100yr standard);
- Given climate change, this project should also be subject sensitivity testing - looking at worsening climate change impacts (testing flood heights for different flood return periods and climate change scenarios);
- Government policy is that it will not pay for flood defence construction, maintenance and renewal for homes built after 1 January 2012, homeowners will be forced to pay, through the leaseholder management company, what are the future costs to new residents?
- Responsibilities for maintaining and operating the proposed flood defences (including flood gates and 'Dutch dam' systems) need to be clearly established and longer maintenance plans need to be in place;
- In light of the precautionary approach, should wait to see what happens with the climate crisis and incorporate flooding into local plan review first, before building on this site.

Biodiversity including Trees

- Indicates a 74% loss of trees on the site which includes an 86% loss of the trees considered in the British Standard (and by the tree consultant) to be Category A or B trees;
- Several trees listed to be retained are outside the application site;
- Has used an inappropriate Biodiversity Metric to calculate the baseline area habitat for the trees growing on the site and so has seriously underestimated the biodiversity value of this (and other) important habitat;
- The calculation presented has set the Strategic Significance of all the habitats on the site at Low. Given that this site is in a National Park, the Strategic Significance of the whole site, including all habitats, should be set to 'High Strategic Significance'. The proposal will result in a net biodiversity loss of 10.51%;
- Hard and soft landscaping includes unsuitable species and non-native species;

- The planting palette suggests that the specifier/designer lacks both knowledge and experience, e.g. Bramble in an urban/residential environment and it would not be available as a standard tree. Brambles and saplings are grossly inadequate replacements for the protective and life-sustaining canopy of healthy 20+ year old trees;
- The Design Code indicates an excavation down to 1500mm for a 400mm deep rootball (for Tree planting). This is likely to be prone to significant settlement over time which will cause the tree to 'sink' into the ground with the root flare buried - causing the death of the tree;
- No robust aftercare plan for the trees during the earlier years of their growth, including regular watering during periods of drought, or replacement of failed trees;
- Landscaping proposals for Parcel 1 are inadequate and inappropriate for the site / growing habits, and
- The soft landscaping proposed in Parcel 1 will require regular and long-term maintenance by skilled operatives.

Accessibility to the proposed buildings

- All housing should meet M4(2), Accessible and Adaptable;
- Communal stairs in blocks are not accessible;
- Lack of inclusion for wheelchair users, the proposed units are not adaptable, nor accessible;
- Lack of Disabled access, no dropped kerbs or designated parking proposed;
- All the proposed 1 bed units do not accommodate wheelchair users with families or carers, plus no outward opening bathroom doors, inappropriate size and layout, no wet rooms;
- Wheelchair units in blocks need appropriate lifts to be provided on ground floor level;
- Flats 40, 41 & 42 in Malling House are irregular shapes so do not lend themselves to wheelchair users – inability to position furniture and have provide clear access zones, and
- No Wheelchair charging points.

Commercial / Jobs

- Lewes does not need more retail and hospitality spaces (existing shops and pubs are closing);
- Lack of new employment space, and
- Existing community of creative businesses on-site is not integrated into the plans. All the artists and creators at pop up will become 'homeless'. No clear provision to existing businesses having first priority in any new creative studios.

Sewage / Contamination

- There must be explicit provision for sewerage, water, and other utilities. Current system is antiquated and there must assurances that sewerage will not flow into the water course;
- Site is heavily contaminated, but these plans do not propose a way of addressing this issue, and
- Ground works will undoubtedly lead to water run off entering the adjacent river causing contamination of both the waterway and local wildlife.

Other

- Applicant is inexperienced with no track record of building anything;
- The way the proposal has been put forward is confusing and difficult to understand;

- The way the application information has been presented has inconsistencies, is misleading and contradictory;
- Current proposed heads of terms for any Section 106 legal agreement are inadequate;
- Further demolition should be paused until development has taken place on the existing cleared sites;
- Concerns that all aspects of managing the site (access, transport, parking, refuse, flood defences etc etc) will be run by a private company who will charge for their services, and
- There has been no spiritual input into the proposals.

5.6 Objection to loss of protected trees – standard template response

- Loss of protected, well established, mature trees is unnecessary;
- Redesign the scheme / Consider setting back the multi storey car park to avoid the trees;
- The trees support wildlife (including bats);
- Trees have high amenity value, contributing to the beauty of Lewes;
- Trees help combat climate change and help deal with air pollution in this heavily trafficked area;
- The submitted reports are inadequate, for example only 4 are Ash trees and none are showing signs of Ash dieback;
- Technical Report on Biodiversity, dated February 2023, scores tree health in that area as 'Good', contrary to other statements that they are in a poor condition, and
- Bus lay-bys on a busy, polluted 'A' road like the Causeway are not an adequate replacement for the Lewes bus station. The planners and the Highways Authority should rethink and find a more sustainable solution that does not involve the destruction of all our mature TPO trees and that acknowledges the real threats of the climate crisis we are in.

5.7 Support

Design

- Will be an exemplar for the future;
- Provides much needed housing;
- Regeneration and transforming a run-down area;
- Provides a new distinctive neighbourhood that respects the local character;
- It is an appropriate scale;
- Will provide high-quality architecture and urban design;
- Revisions / amendments made adequately address the concerns raised;
- Welcome the relocation of the Health Hub to Parcel 10;
- Aims to deliver a block structure that is legible at both street level and townscape terms i.e. it connects people with places and successfully stitches new development into old – sensitively;
- The roofscape and edges are a strong feature of the scheme, which significantly reduce the visual dominance of the development;
- Support the range of dwelling types, massing, roofscape, style;
- Buildings are adaptable - ground floor that addresses the street meaning they can be residences, offices or shops;
- Sympathetic designs and materials;

- Sensitive to landscape of river frontage;
- Support the use of a Design Code to ensure each parcel of land developed will be coherent with the principles and format of a bigger place;
- Support the innovation, future-proof, imaginative, creative, inspirational, new approach, bold, showcase, ground-breaking, prototype for other schemes;
- Re-purposing existing buildings;
- Mix of uses proposed is appropriate;
- Will be creating inviting, accessible, safe public realm, and
- Parcel 1 sets a design quality that should set a standard to be maintained across the future phases of the scheme.

Impact to Pells Pool

- The Pells Pool Association campaign is misleading and fails to note that there are no windows overlooking the pool and the pool is already "overlooked" by existing buildings.

Affordable Housing

- Will benefit young people – a reason to stay in Lewes;
- Welcome the provision of co-housing;
- Housing will be 'Lewes affordable' and retained in perpetuity, and
- Proposed 1 and 2 bed units will be affordable.

Sustainability

- Will be sensitive to the planet / climate crisis;
- Delivering low-carbon, low-waste, low footprint sustainable homes;
- Support the use of timber for the buildings - local sustainable materials, and
- Welcome the reduced Utility bills, shared facilities and co-mobility services, together with reuse and repair libraries, will further reduce the everyday cost of living.

Transport / Access / Parking

- Support the overall 'green' transport provision and increased walking and cycling routes;
- Welcome putting pedestrians and cyclists first including pedestrian friendly streets between buildings;
- Will reduce commuter traffic;
- Lewes has excellent transport links;
- Welcome the enhanced sustainability proposed in the Co-mobility hub;
- Support the proposed bus re-provision;
- Car ownership will become redundant for some over the next 10 years and car ownership is not essential;
- Most of central Lewes does not have car parking;
- Less cars means safer for children to play;
- Support the temporary access for construction traffic subject to it being redesigned to enable more TPO'd trees to be retained;
- Support access to river, including public access for small boats, and
- New bridge will provide important route over the Ouse to Malling Recreation Ground.

Flooding / Drainage

- Support the proposed flood defences, and
- Support the use of rain gardens, swales and multi-functional sustainable drainage features.

Biodiversity including Trees

- Proposal will increase on-site biodiversity;
- Welcome the river enhancement / biodiversity improvements;
- Support the commitment to Swift boxes etc;
- Support the use of green roofs, species rich grasslands, meadows and marshlands;
- Accept the loss of trees is contentious however visual integration with neighbouring areas will be important, and an open vista into and from the site will facilitate that;
- Wider benefits to the town, community and landscape far out way the removal of the TPO'd trees;
- Many of the trees (including those on the Causeway) are damaged (windblow, decay cavities, dangerously forked) or diseased (ash-die back) and, with a few exceptions, most have little long-term value, and
- The annual average reduction in the CO₂ the trees would have taken from the air is the same as the annual CO₂ output of two average cars in the UK and the transport hub replacing the trees will save hundreds of car journeys every year, creating a big net improvement in CO₂ reduction.

Commercial / Jobs

- Welcome the new cultural and leisure facilities;
- New Health Hub is supported by Foundry Health Care, proposal aligns with their vision;
- Welcome the proposed Job creation, training opportunities, apprenticeships;
- Commercial opportunities;
- Welcome the circular economy approach being taken, and
- Increase in population will help struggling town centre.

Other

- Won't get anything better;
- Consistent with Local Plan policies;
- Community concerns have been addressed and the entire project is for the benefit of the community;
- Will create community interaction / Social inclusion, inclusive and intergenerational community, and
- Want to move to the new development once built.

5.8 Other / Neutral

- Can the existing site be cleared and left open as a park / town square / green open space at least whilst the planning process is ongoing;
- Need more information on the proposed Bridge;
- Should provide a shuttle bus;
- There needs to be evidence that homeowners and businesses can get affordable mortgages, building and home insurance in this flood zone area. And that owners will not be liable for any reinstatement costs following a flood, and
- How will commercial units be affordable, and rents kept low to retain existing artisans?

6. Planning Policy

6.1 Most relevant Sections of National Planning Policy Framework:

- Section 2 - Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

6.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (a longer list of other relevant policies can be found in Appendix 1)

- SD3: Major Development
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding Views
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD15: Conservation Areas
- SD19: Transport and Accessibility
- SD20: Walking, Cycling and Equestrian Routes
- SD22: Parking Provision
- SD25: Development Strategy
- SD28: Affordable Homes
- SD49: Flood Risk Management
- Strategic Allocation Policy SD57: North Street Quarter and Adjacent Eastgate area, Lewes

6.3 Policy SD57 allocates the site for a mixed-use development incorporating residential and commercial development. Key aspects of the policy are:

- To create a new neighbourhood with the following uses and broad quantum of development:
 - Approximately 415 dwellings;
 - At least 5,000sqm of Office and / or Light Industrial;
 - Other uses that are deemed to aid the successful delivery of a new neighbourhood – this could include Shops, Restaurants and Café, Drinking Establishments, Hot Food Takeaways, Hotel, Assembly, Leisure and Community uses;
 - Nursing or Care Home;
 - Non-residential institutions such as medical and health services, creches, and
 - New floorspace for other cultural, artistic and artisan uses.
- Provide appropriate flood mitigation measures;
- Facilitates linkages across the Phoenix Causeway and Eastgate Street to enable safe flow of pedestrians and the improved integration of the area of the north with the wider Town

Centre;

- Delivers enhancements to vehicular access and off-site highway improvements;
- Respects and enhances the character of the Town and achieve high standard of design;
- Is subject to analysis and appropriate recognition of the site cultural heritage and a programme of archaeology work to inform design and mitigation;
- Conserves and enhances biodiversity and GI network
- Incorporates a riverside shared foot / cycle route along the western bank of the River Ouse and provides additional pedestrian and cycle links to the rest of the Town
- Provides an appropriate level of public car parking provision;
- Makes a contribution towards off-site infrastructure improvements arising from the and related to the proposed development;
- Provides a connection to the sewerage and water supply systems as advised by Southern Water;
- Incorporates SuDs, and
- Ensures adverse impacts are avoided, if unavoidable are minimised through mitigation with any residual impacts being compensated for.
- Whilst a comprehensive redevelopment of the whole allocated site is wanted, the SDNPA recognises that application may come forward separately. Therefore applications will have to clearly demonstrate how the proposal accord with the key aspects above and are consistent with other planning permission granted or emerging proposals.

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

- HC3 A – Heritage Protection of Landscape and Townscape
- HC3 B – Planning Application Requirements and Heritage Issues
- PL1 A – General Housing Strategy
- PL2 – Architecture & Design
- PL3 – Flood Resilience
- PL4 – Renewable Energy and the Resource and Energy Efficiency of New Buildings
- AM1 – Active Travel Networks
- AM2 – Public Transport Strategy
- AM3 – Car Parking Strategy
- SS2 – Social & Civic Spaces
- SS3 – Protection & Enhancement of Green Spaces
- SS4 – River Corridor Strategy

6.5 Other relevant policy documents (including SPDs and TANs)

- Design Guide SPD
- Parking for Residential and Non-Residential Development SPD
- Sustainable Construction SPD
- Affordable Housing SPD
- Biodiversity Net Gain TAN
- Dark Skies TAN

- Lewes Conservation Area Management Plan

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

- Policies 1, 3, 9, 10, 24, 25, 29, 31, 32, 36, 37, 39, 40, 43, 48, 49, 50 and 57.

7. Planning Assessment

Principle of development / Major Development / Environmental Statement

- 7.1 This application is for major development within the National Park. Paragraph 177 of the National Planning Policy Framework (NPPF) and Policy SD3 of the South Downs Local Plan (SDLP) states planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. An assessment of any such application needs to consider (in summary), the need, the cost of and scope for developing outside the designated area and any detrimental effects on the environment.
- 7.2 The site forms a substantial part of a larger site allocated for ‘a sustainable mixed-use development’ incorporating approximately 415 residential units, commercial development and other suitable uses to aid the delivery of a new neighbourhood (Policy SD57 of the SDLP). This allocation carries substantial weight in the determination of any application. The evidence base for the SDLP sets out that this site offers one of very few appropriate opportunities within the National Park to provide a substantial number of new homes to address the housing needs of the area, particularly affordable homes, an issue which is considered to be in the public interest.
- 7.3 As well as being an allocated site in an adopted development plan, the site is also deemed to be a major ‘brownfield’ site, therefore in principle its redevelopment is in line with national planning priorities by directing development to ‘brownfields’ first.
- 7.4 The application is accompanied by an Environmental Statement (ES), in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). This describes the ‘Environmental Impact Assessment’, which assesses the potential environmental effects of the development during the construction and completed scheme (beneficial or adverse), the degree of impact, and mitigation measures to avoid, reduce or offset negative impacts. The issues covered are traffic and transport, noise and vibration, air quality, ecology and nature conservation, landscape and visual, heritage and archaeology, water environment and flood risk, ground conditions and contamination, socio-economic and community and climate change (some of these issues are discussed further in this report). The Statement concludes that, overall, the scheme is environmentally acceptable following implementation of the required mitigation.
- 7.5 Officers consider that the likely environmental impacts of the development have not yet been adequately assessed and further consideration of the impacts and mitigation measures is required before they are considered acceptable.
- 7.6 Whilst the principle of redeveloping the site is considered acceptable and there is no ‘in principle’ objection to increasing the number of proposed residential units from the 415 referred to in Policy SD57 (provided any quantum of development proposed is a product of contextually appropriate design / landscape-led approach as required by the policies in the SDLP). However, currently there is insufficient or inadequate information and / or mitigation measures to conclude that the scheme as submitted is in accordance with the NPPF, Policies SD1, SD2, SD3, SD25 and SD57 of the SDLP. Therefore, the application is recommended for deferral to give the applicant time to address these issues and Officers time to assess any revisions.
- 7.7 Further consideration of the details of the application (including the various ES Chapters) and its compliance with the details of Policy SD57 and other SDLP policies are set out in the following paragraphs.

Sustainability / Sustainable Construction

- 7.8 As set out in the proposal section of this report, the applicant's overall sustainability strategy under 'sustainable construction' is taking a 'whole life carbon' approach in responding to the requirements of Policy SD3 and the adopted Sustainable Construction SPD. A whole life carbon assessment is an assessment of the sum total of all building-related emissions (the amount of carbon) over a building's entire life. Whilst the assessment includes operational carbon emissions from day-to-day energy use and embodied carbon emissions (including sourcing materials, fabrication, maintenance and repair) much is made of the buildings(s) ultimate demolition and disposal (i.e. its whole life carbon).
- 7.9 Linked to this is the provision of an on-site 'energy centre', supplying a neighbourhood-wide energy grid supplying renewable heat and energy. The electricity will be generated through some rooftop PVs and by an off-site renewable energy facility. Heat would be provided by using ground source heat pumps around the site (and distributed across the neighbourhood). The buildings would be of timber construction (delivered through what is hoped to be a Sussex Timber supply chain) using a 'cassette' system (these are engineered components, usually created offsite, used in place of traditional walling and roofs).
- 7.10 The application documents are unclear / inconsistent, but it would appear that the scheme is proposing to use 'Passivhaus' principles rather than seeking actual Passivhaus certification albeit there are references to a commitment to certifying 10% of the units in line with planning policy.
- 7.11 To assist with the technical assessment of an 'whole life carbon assessment', Officers sought independent advice from an expert in this field. They have advised that the current application does not comply with British Standards and Industry Standards in terms of whole life carbon assessments (such as the RICS) and the current information is deficient in a number of ways (the expert identified 19 areas) including insufficient information, unconvincing figures used in the calculations and / or conflicting information.
- 7.12 For operational CO₂ emissions, at site-wide scale the applicant cannot commit to achieving net zero operational regulated energy. Albeit the application documents seem to suggest figures of 86-99% reduction of CO₂ for regulated energy might be achievable. The remaining emissions generated by unregulated energy (use of appliances etc) would be offset by the use of an off-site PV energy supply. Officers are not yet satisfied with this suggested approach (which is also linked to concerns about the whole life carbon assessment set out above) and the technicalities of how any off-site provision would be secured through a legal agreement.
- 7.13 The application also suggests that the proposed Energy Use Intensity target figures (as this relates to operational net zero) above the LETI targets for zero carbon performance (LETI is the industry standard / best practice) and space heating demand targets which are very good and would meet the LETI target. These targets could be secured through suitably worded planning conditions and obligations in a Section 106 Legal Agreement.
- 7.14 On 'Zero Waste' the approach to create an on-site recycling and re-use centre is commendable and supported and the general approach to waste management (as set out in the proposal section of this report) is supported. These elements could be secured through suitably worded conditions and obligations in a Section 106 Legal Agreement. On the issue of how this relates to zero carbon / waste from the construction of buildings, as set out above insufficient information has been provided to fully satisfy this approach is acceptable against Policy SD3.
- 7.15 On 'Sustainable Materials' the approach to create a 'Sussex Timber' supply chain and use timber construction methods for this development is commendable and supported. However, this approach is linked to the 'whole life carbon assessment' and as set out above insufficient information has been provided to fully satisfy this approach is acceptable against Policy SD3.
- 7.16 Under 'Sustainable Water' the commitment to achieve 90 litres / per person / per day (through a number of different measures), is welcomed and supported and the details can be

secured through suitably worded conditions and obligations in a Section 106 Legal Agreement.

- 7.17 Other matters listed under Policy SD3, such as sustainable transport, are covered in other sections of this report.

Health Hub / Hotel – BREEAM

- 7.18 The applicant has submitted information related to a BREEAM assessment for the Health Hub and Hotel Buildings. Both are aiming for ‘excellent’ threshold but an issue still to be resolved is whether BRE (creators of the BREEAM assessment) will allow the electricity supply from the proposed off-site PV farm to be included within the relevant energy credits awarded to the scheme, which could have an impact on the overall ‘excellent’ target.

Parcel I

- 7.19 For the details provided for Parcel I (the element seeking full permission). Operational net zero is not achieved on site. The applicant is targeting only a 67% reduction for predicted emissions from regulated energy. The current shortfall, plus all unregulated energy emissions are not accounted for.
- 7.20 For upfront embodied carbon (modules A1-A5 within the whole life carbon assessment) is predicted at 286 kgCO₂e/m². This is a good standard, but the methodology for calculating it has been questioned by the SDNPA’s expert advisor and needs clarifying, as referred to above.
- 7.21 The space heating demand is 19.62 kWh/m²/yr which is above the site wide minimum set out in the application documents. However, no Energy Use Intensity figure has been provided.

Conclusion

- 7.22 In summary, whilst the principle of using a ‘whole life carbon assessment’ could be supported and possibly outweigh the current requirements of Policies SD3, SD48 and the Sustainable Construction SPD, the application as submitted does not demonstrate the scheme will achieve ‘net zero’ (the overall aim of Policy SD3). This issue goes to the heart of the proposal (as it is intrinsically linked to the whole approach to construction, creating a compact neighbourhood and other sustainability measures, as well as justifying other variance from other planning policies or being the driver for such a dense scheme) so cannot be currently resolved through the imposition of suitably worded conditions or obligations in a Section 106 Legal Agreement. Therefore, the proposal does not currently accord with Policies SD3 and SD48. The recommendation is to defer the decision to enable the applicant time to resolve this issue and Officers time to assess any revisions.

Affordable Housing and Housing Mix

- 7.23 For a scheme of this size, the SDLP sets out a requirement for 50% affordable housing, subject to a viability assessment. In addition, Policy PL1 A of the Lewes Neighbourhood Plan sets out a requirement for a proportion of the affordable housing to be in the form of ‘Lewes Low-Cost Housing’.
- 7.24 The applicant has submitted financial viability statement (FVS), which states that 17.4% of affordable housing provision is marginally viable but a policy compliant scheme of 50% or a reduced rate of 30% is not a viable form of development. However, the applicant in acknowledging the risks and advice from their own financial advisor, has taken a commercial decision in offering an affordable housing provision of 30% or 206 dwellings, split between the following tenures:
- 92 units of Lewes Low-Cost Housing;
 - 62 units of affordable rent, and
 - 52 units of First Homes.
- 7.25 The above affordable housing offer includes 8 x 1-bed units shown within the 44 dwellings (i.e. 18% affordable) on Parcel I that forms part of the full permission albeit the precise

tenure (i.e. whether they are first homes or affordable rent) is yet to be confirmed and agreed.

- 7.26 The submitted FVS has been independently assessed by the SDNPA’s surveyors who have said, at time of writing, it cannot currently be justified why the scheme could not support more affordable homes (and work is still on-going). Particular regard has also been had to the sites’ brownfield status, the delivery of substantial flood defences and higher build costs when considering this issue. It is accepted, that given this, a 50% affordable housing provision will not be possible.
- 7.27 In addition, whilst the inclusion of 92 Lewes Low-Cost Homes (as part of the overall offer of 30%) is welcomed and supported, this is not sufficient to outweigh the deficiency in the overall requirement of Policy SD28 given the need for affordable housing remains high.
- 7.28 The scheme is therefore currently contrary to Policy SD28 of the South Downs Local Plan and Policy PLI A of the Lewes Neighbourhood Plan, and the application is recommended for deferral to enable Officers and the applicant to continue the viability assessments and negotiations on this issue.
- 7.29 In terms of housing mix, the tables below set out the housing mix for both the market and affordable units and how that compares to the requirements of Policy SD27. Please note the current proposal for the market housing is largely ‘illustrative’, with the exception of the details of Parcel 1 (the full element of the permission). Whilst it is acknowledged that the proposed mix does not precisely comply with Policy SD27 with regards to the mix for reasons principally of viability (to make the units more affordable) but also the local need (as supported by the comments from Lewes District Council), in the planning balance if all other matters were acceptable, including the overall density / number of units proposed and the affordable housing offer, the proposed housing mix with a higher proportion of 1 and 2 bed units (for which there is a significant need) would be considered acceptable.

Proposed Housing Mix and Affordable Housing Tenure

Size of Unit	Market Housing		
	Total number of units	Total %	Policy SD27 requirement, total % by size of unit
1 bed unit	120	25%	At least 10%
2 bed unit	192	40%	At least 40%
3 bed unit	119	25%	At least 40%
4 bed unit	48	10%	Up to 10%
Total	479		

Size of Unit	Affordable Housing				
	Number of Lewes Low-Cost Housing	Number of Affordable Rented	Number of First Homes	Total % by size of unit	Policy SD27 requirement, total % by size of unit
1 bed unit		54	52	52%	35%* *1-bed affordable may be

Size of Unit	Affordable Housing				
	Number of Lewes Low-Cost Housing	Number of Affordable Rented	Number of First Homes	Total % by size of unit	Policy SD27 requirement, total % by size of unit
					substituted with 2-bed
2 bed unit	54			26%	35%
3 bed unit	38			18%	25%
4 bed unit		8		4%	5%
Total	92	62	52		

Transport / Co-Mobility Hub (including parking)

- 7.30 As highlighted in the proposal section of this report, the applicant's key focus for this development is to demonstrate 'sustainable development' in all its forms. One of the biggest issues the applicant has sought to tackle is sustainable travel and in particular reducing the impact of private cars. This has resulted in a development which largely has 'car free' streets and spaces and the main design feature that nearly all cars / private vehicles (residents and visitors) will enter and leave the site via the proposed Co-Mobility Hub.
- 7.31 In addition, the total number of car parking spaces provided is significantly reduced (when compared to other developments and the SDNPA's own parking SPD). To support this approach the applicant is also proposing the delivery of the following:
- Other measures within the Co-Mobility Hub and adjacent Buildings to help encourage the use of other means of transport rather than the use of privately owned motor cars, including a car club, bike hire scheme and 'last-mile' delivery service (see proposal section above for the detailed breakdown);
 - The provision of three (3) bus stops on the north side of the Phoenix Causeway;
 - A new pedestrian walkway, with some areas allowed for cyclists, along the River frontage;
 - A new Bridge link across the River Ouse, and
 - Other 'off-site' measures in the form of a financial contribution to an '*enhanced public transport offer*' (suggested to be a bus shuttle service to and from the site to key destinations within the Town such as the Railway Station) and improvements to the footway along Pells Walk.
- 7.32 On the overall parking provision, the proposal is providing 304 spaces with the Co-Mobility Hub (there will be some additional on-street blue badge parking and short term 15 min drop off / unload spaces across the site). Those 304 spaces are proposed to be separated into:
- 132 car parking spaces for residents living in the development;
 - 104 spaces for non-residents visiting the development or accessing the wider Town;
 - 8 spaces for visitors to the Health Hub;
 - 12 spaces for Blue Badges Holders;
 - 45 spaces for Car Club, and
 - 3 spaces for electric mobility cars.

- 7.33 To enforce the parking restrictions / use of the Co-Mobility Hub, the applicant is proposing to 'stop up' (i.e. remove the highway status) the current adopted highways within the scheme to enable a private company (in this case the proposed Estate Management Company) to enforce parking restrictions through the use of ANPR cameras and parking patrols with the ability to issue parking permits and impose fines for any breaches.
- 7.34 Using the Authority's parking guidance the scheme would give rise to a demand of approximately 460-500 spaces for the proposed residential units. On top of this would be likely demand for all the other different types of uses, such as the Health Hub and Hotel uses (which typically have higher demand for parking spaces) and the specific requirement in Policy SD57 3(h) which states any redevelopment of the site '*provides an appropriate level of public car parking provision*' (the current public parking areas on site managed by Lewes District Council provide approximately 212 spaces).
- 7.35 As set out in the Authority's Parking SPD, the parking calculator is not a strict requirement and is intended to be a guide based on the site and scheme context. In this case, the level of parking proposed could be acceptable as the site is relatively accessible (by other means of public transport) and the other mitigation measures proposed (such as bus stops directly adjacent to the scheme, a car club provision, bike hire and other services).
- 7.36 As highlighted in the comments from the Local Highway Authority, the principle of achieving such a modal shift (in some cases 65% of trips expected by non-car modes) is welcomed and supported. However, a usual achievable mode shift from new developments is generally between 5-10%. Therefore, Officers are very concerned that the current proposal to achieve such a high change in modal shift is not currently justified and is potentially unrealistic given that the base data does not support the applicant's claim that the proposed modal shift is attainable in Lewes town.
- 7.37 In addition, and as Members are well aware due to other recent redevelopment schemes / proposals in Lewes, whilst there are other car parks in the area, parking stress in the surrounding streets is high. Therefore, Officers need to continue to explore with the applicant and Local Highway Authority whether future occupiers of the development could be 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 be possible through an amendment to the Lewes Parking Order (dated 28 December 2007).
- 7.38 On the proposed enforcement measures, there is no objection to the principle of stopping up all the current adopted highways (and the Local Highway Authority confirm no objection in principle, partly as the maintenance responsibilities would also pass to the Estate Management Company) and such a process is subject to a separate legal procedure through the Secretary of State for Transport.
- 7.39 However, and as highlighted by the objections received by the current residents living on site in Corporation Villas and Spring Gardens, and East Sussex Fire and Rescue Service (ESFRS), this would result in them losing their current, and unimpeded, access (including parking spaces) to and from their properties and the Fire Station. This could result in the residents of Corporation Villas and Spring Gardens being beholden to a private estate company which might seek services charges from them for the management and maintenance of estate roads, collection of rubbish etc. In addition, ESFRS are seeking assurances from the applicant that such a proposal will not impede their staff accessing the Fire Station at all hours.
- 7.40 Whilst it could be argued that this is not necessarily a 'planning issue' (it is mainly a private legal matter between the various parties) it is considered to be a material consideration as it goes to the heart of whether the actual proposals are achievable and deliverable without detrimental impacts to the highway network and residential amenities. Therefore, the recommendation is to defer the decision to enable the applicant, working with Officers and the Local Highway Authority, time to explore and find an acceptable resolution. The applicant has considerable work to do here on the detail of how this might work to address Officers' and public concerns.

- 7.41 To aid those discussions, it would be helpful if Members gave an indication as to whether they would support the principle (not the detail) of a stopping up order. The SDNPA will be formally consulted once an application is submitted and any objections to the draft order that cannot be resolved will result in the Secretary of State holding a public inquiry to fully consider the issues raised.
- 7.42 Concerns have also been raised about when the Co-Mobility Hub (and all of its reported benefits) will be delivered. As originally submitted the Co-Mobility Hub (Parcel 10B) was one of the very last parcels to be delivered. However, the applicant, accepting that to encourage modal shift, has suggested that Parcel 10B could be delivered in phases during Phases 2 and 3. The principle of this approach might be supported, together with 'temporary measures' provided during the phases of construction, and such details would have to be secured through obligations within a Section 106 Legal Agreement. This will also form part of the further discussions with the applicant, Local Highway Authority and Officers.
- 7.43 With regards to pedestrian and cycle routes. The scheme makes satisfactory provision for pedestrians and cycles by providing safe, legible routes within the site. In addition, the provision of the riverside walkway and bridge link across the River Ouse are positive features, providing a significant public benefit. Such provisions would be in accordance with the requirements of Policies SD20, SD21 and SD57 of the SDLP and Policy SS4 of the Lewes Neighbourhood Plan and if all other matters are resolved the details can be secured through suitably worded conditions and obligations within a Section 106 Legal Agreement.
- 7.44 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 and timely provision via an obligation within a Section 106 Legal Agreement.
- 7.45 With regards to replacement coach parking, the current site has parking facilities for 3 coaches to support the tourism and wider economy of Lewes town. The current application makes no re-provision for these spaces, either on site or via another off-site provision. This is currently unacceptable, and a solution needs to be provided by the applicant to ensure this important facility for Lewes town is maintained.
- 7.46 In terms of the new site access (off the Phoenix Causeway straight into the proposed Co-Mobility Hub) and associated highway changes with this access (and linked to the overall highway impacts from the scale of and types of uses proposed) and as set out in the comments from National Highways and the Local Highway Authority. The application as currently submitted has not demonstrated that the proposal is acceptable in terms of access, highway capacity and safety and the transport and highway impacts have been adequately assessed and mitigated (this also includes wider walking and cycling improvements to key destinations in the Town).
- 7.47 In terms of the provision of the three (3) bus stops on the north side of the Phoenix Causeway, the applicant's own transport assessment highlights that such a provision is a significant benefit to the scheme to help achieve the desired 'modal shift'. Therefore, such a provision is required to mitigate the potential impacts of this proposed development and also support the relocation of the Health Hub to Parcel 10A (to provide more convenient access to users of that facility). This application, within the Design Code, also makes specific references to the requirement for the provision of public toilets and kiosk / café facility on the ground floor of Parcel 10A which could be accessed by people using the bus facilities (and wider facilities within the scheme).
- 7.48 Objections have been raised to this specific element, stating that the provision of three bus stops on the north side of Phoenix Causeway should not be seen as a direct replacement for the now closed bus station on Eastgate Street (as Members may be aware the former bus station site whilst forming part of the wider site allocation of Policy SD57, is subject to a separate current planning application submitted by the owners of that particular site).
- 7.49 The provision of the three stops of the north side of the Causeway can be seen as part of the re-provision for those facilities lost on the former bus station site. The application being considered here would have to make a provision for buses regardless of the situation with the former bus station site to help achieve the modal shift proposed and to support a

reduction in on-site car parking spaces. Following discussions, which have included Lewes District Council confirming that none of their land is available to replace the facilities lost at former bus station site, East Sussex County Council who are the land owner of the land north of the Causeway and Local Highway Authority, together with Officers, have identified that the provision of three bus stops on the north side of the Phoenix Causeway, whilst not a re-provision of all the bus facilities lost by the closure of the bus station site, could be acceptable (subject to securing the details, including ensuring timely delivery, via suitably worded conditions and obligations within a Section 106 Legal Agreement).

- 7.50 The issue of the loss of the existing, and protected, trees in this location are discussed elsewhere in this report.
- 7.51 In summary, the overall design of the streets and spaces to be 'car free', prioritising walking and cycling, including the provision of the River walkway and new Bridge link, and providing other facilities to encourage a modal shift away from the use of privately owned motor cars (such as a substantial car club offer, bike hire and 'last-mile' delivery service) is welcomed and supported as it provides many positive benefits.
- 7.52 However, those benefits do not currently outweigh the significant concerns around:
- highway capacity and highway safety issues (including the new access arrangements on the Phoenix Causeway);
 - the potential impact of parking demand from the scale and types of uses proposed within the scheme and the loss of public car parking spaces;
 - whether the scheme sufficiently mitigates for those impacts including adequate and sufficient walking and cycling provision to and from the site,
 - the lack of re-provision for the 3 coach parking bays currently provided on site (which is an important facility to support the tourism economy of Lewes),
 - finding an acceptable and deliverable resolution regarding the proposed Stopping Up of the existing adopted highway within the site, and
 - if an acceptable solution can be found for all the issues raised, ensuring all the mitigation measures are secured through sufficiently worded obligations within a Section 106 Legal Agreement.
- 7.53 Therefore, the proposal is currently contrary to the NPPF, Policies SD3, SD19, SD20, SD21 and SD22 of the SDLP and Policies AM1, AM2 and AM3 of the Lewes Neighbourhood Plan. The recommendation is to defer the decision to enable the applicant, working with National Highways, the Local Highway Authority and Officers, time to address the concerns raised and attempt to find an acceptable resolution.

Landscape-led Design

- 7.54 As set out previously, the site is allocated for a residential-led mixed use development. In addition, there is no 'in principle' objection to increasing the number of residential units proposed from the overall number referred to in the allocation policy (Policy SD57 refers to 415 dwellings). The quantum of development, and in particular the number of residential dwellings, should be a consequence of good design principles, context and a landscape-led approach, which is at the heart of the SDLP.
- 7.55 In summary, the proposal cannot be said to be truly landscape-led in the way the site has been divided into 10 parcels and the maximum footprints and storey heights of those proposed Parcels (and their sub-plots) have been derived. However, the applicant has stated that other issues, such as their approach to sustainable development (and the 'circle of impact' principles), is sufficient to demonstrate they have created a contextually appropriate scheme and for other reasons, such as increased density on this brownfield site helps to prevent the loss of other greenfield sites to housing developments and to help with the overall viability of the scheme and / or there is sufficient 'control' to ensure a high quality development through the use of the Design Code.

- 7.56 In terms of the application as submitted and amendments made to the Design Code to address previous concerns raised, the following elements are supported by Officers:
- the ‘hybrid’ approach to seeking a planning permission and the use of Parameter Plans and a Design Code to guide future reserved matters applications;
 - the mix of uses proposed, including the new health facilities in the amended location of Parcel 10A (previously it was proposed to be on Parcel 7, which was not supported) and the overall intention of creating a vibrant new neighbourhood, including the relevant sections within the Design Code (including guidance on ‘active frontages’);
 - the principle of creating ‘car free’ streets and spaces, giving priority to walkers / cyclists within those proposed streets and spaces. The general guidance on placemaking, public realm, routes and public spaces set out in the Design Code is supported;
 - the principle of creating different types of streets and spaces with different characteristics as set out in the Design Code (and this would comply with Policy SD21 of the SDLP and Policy SS2 of the Lewes Neighbourhood Plan) – albeit Officers do have concerns about some of the details and precise wording in the Design Code;
 - the principle of creating some larger scale ‘parcels’ / buildings (in terms of footprint / layout and height). The proposal that some of the site allows for buildings that take their design cues from ‘Wharf’ style buildings has been established with the 2016, and extant, planning permission. That permission proposed parts of the site would be developed with buildings with larger footprints (similar to the industrial buildings currently on site) and up to 4 storeys in height;
 - the retention and re-use of some of the existing industrial and office buildings;
 - the use of Timber construction methods and principles of roof articulation, materials and fenestration as set out in the Design Code;
 - the principle of integrating green and blue infrastructure into the buildings and spaces, including the different character types proposed to be created, such as a ‘naturalistic character’ with the use of meadow planting or other habitats reflective of the riparian nature of the site (albeit see specific concerns related to ecology / biodiversity in separate section below);
 - the proposed flood defences in the form of a substantial wall along the River’s edge, with parts of the wall then being integrated into the new buildings;
 - the principle of using the roof space creatively and efficiently, with areas of roof used for amenity space / green roofs and PV – this is subject to addressing specific amenity issues on some of the Parcels;
 - the creation of a Riverside walkway – with different character areas along that route, and
 - the provision of a new Bridge link across the River Ouse to provide access to and from Malling Recreation Ground (and beyond).

7.57 Whilst the proposal has many positive design attributes, there are still significant concerns about the proposed scale, mass and form of some of the proposed Parcels and the Design Code as currently submitted does not given sufficient ‘comfort’ to alleviate those concerns and in some instances those concerns can be entirely avoided. In addition, the provision of the full details for a significant proportion of Parcel 1, to help demonstrate how the Parameter Plans and Design Code would work together for future reserved matters applications, does not alleviate Officer’s concerns and in some instances illustrates the very concerns we do have.

Views

7.58 As also referred to in the assessment section related to heritage assets, Lewes is an important historic downland settlement and the relationship, particularly visual, with the surrounding downland is very significant and a key part of its setting. For the most part, this is formed by significant views, both narrow and framed, and expansive, from within the

- historic town (including within the Conservation Area and without) out to the downs beyond. This is also one of the reasons why Lewes was included within the National Park designation (i.e. the close visual relationship between the Town and the Downs).
- 7.59 This important relationship and some of these typical and key views present across the site, such as the one identified in the Lewes Conservation Area Management Plan from Lancaster Street across the site out to Malling Down. Views from the River edge (including up to Lewes Castle and Brack Mount) and from Brook Street (when walking from Pells Recreation Ground), were not given due consideration when the site was originally divided into the 10 Parcels.
- 7.60 Whilst this is unfortunate, there are opportunities through the scale and form of some of the Parcels and the details within the Design Code for the applicant to address this issue and demonstrate a scheme which conserves and enhances this important characteristic (narrow, framed and expansive views) and sensitivity (and in the case of impacts to heritage assets, referred to below, preserves and / or enhances). However, the current Design Code (and other mitigation measures) proposed are not sufficient to outweigh the concerns raised. As demonstrated in the examples below.
- 7.61 An example is View 88 (identified in the LVIA work), the view along Brook Street. The application documents identify the key qualities of this view; openness, open skyline, view to a Lewes characteristic (i.e. open downs). This view and its qualities are shown (as demonstrated in the LVIA) as being totally lost to buildings.
- 7.62 The findings in LVIA addendum Appendix 7 are that the illustrative scheme showing better articulation of the building is a positive. Articulating roof forms (as set out in the Design Code) is universally relied upon to mitigate for lost views – even though in this case, the elements of the view that make it special remain unseen even with an articulated roof. The LVIA concludes that the *'the visual effect of the parameter scheme cannot be reduced by further mitigation applied: A Major / Moderate adverse and Significant effect is predicted to remain at year 15.'*
- 7.63 It is Officer's opinion that this is a good example of the lack of iteration in the layout, scale and massing of buildings (i.e. it is not landscape-led). This view could have successfully influenced the Parcels and street networks.
- 7.64 Another example is View P, the view from the existing properties and pedestrian walkway at Green Wall across the site. In the proposed scheme this would be the view across 'Waterloo Gap' between Parcels 10C and 10D. The current proposed building footprints and the Design Code currently fails to retain this important framed view.
- 7.65 There are examples, where the applicant has sought to address the concerns raised, including those by Historic England. Parcel 8C, on the corner of North Street and Wellington Street, has had a reduction in the proposed height (it is now a maximum of 4 storeys as opposed to 5 on this specific corner). However, this does not re-expose the key view to Malling Down (the view referred to above set out in the Lewes Conservation Area Management Plan) although this view is also partly obstructed by the scale of the proposed buildings behind Parcel 8.
- 7.66 Another example is View F from the Pells area across Pells Pool towards the proposed Parcels 3A and 3B. The application documents correctly acknowledge this highly sensitive view (across Pells to the open Downland beyond) and have proposed mitigation through tree planting and building height reduction. However, the deliverability of the tree planting in particular is questioned, largely due to space constraints. In addition, there have been minimal changes to Parameter Plans which means the magnitude of change remains high and ultimately the view will still be lost / significantly altered.
- 7.67 The application also has the ability to demonstrate how it can create 'new views' to mitigate and compensate for the 'lost' views. An example, provided in the application documents is the 'new' view created through Parcel I (out between Plots IA and IB – expressed View EE in the Design Code, glimpsed views out to Malling Down). However, the details provided for Parcel I demonstrate that this view might not necessarily be achievable due to the

narrowness and designed angles of the proposed buildings. As a result this puts into doubt what is actually achievable, and no section has been provided through this gap to demonstrate that the flood wall would not affect the availability of this view, which may be a view of trees in any case.

- 7.68 The overall conclusion is that further work is needed to the Parameter Plans and Design Code to ensure this key characteristic of Lewes is conserved and enhanced (and in the case of impacts to heritage assets, preserves and / or enhances) and where important views are lost is sufficiently mitigated and compensated for. This work might involve the creation of more 'cut backs' or 'gaps' in some of the Parcels.

Proposed Scale of some the Parcels

- 7.69 Officers have particular concerns that the depth of some of the proposed Parcels (such as Parcels 2 and 9) will have negative impacts and bring into question the 'useability' and success of the landscape / planting strategy for the proposed courtyard spaces internal to those blocks. In addition, the maximum depth of the Parameter Plan (i.e. the possible maximum a building footprint could be) could lead to increased number of single aspect units as well as leading to unacceptable daylight / sunlight impacts for new residents.
- 7.70 Also, following the most recent amendments to the scheme, the new Parcel 10D (this is a new build where previously the proposal was to retain the existing Soap Factory Building) there is a mixed increase in AOD height of between 4.6m-7.9m, resulting in a building that will step up from 3 to 4 and then 5 storeys. This increase has implications for quality of (narrow) spaces and the Design Code site-wide principle of achieving an urban grain appropriate to neighbouring built development, and its own neighbours in Parcel 8B.
- 7.71 The Design Code does not currently give sufficient 'comfort' that the potential impacts will be avoided and / or minimised (such as overlooking, loss of privacy, daylight and sunlight impacts) and the spaces between the proposed Parcels will achieve the 'high quality' we are all aiming for.

Edges / 'Duty of Care'

- 7.72 Another key issue is the 'edges' of the site and the 'duty of care' to the edges of the development around neighbouring properties and public spaces both inside and outside of the site. Key areas identified were the 'Pells' areas (including Pells Pool, Pells Walk and adjacent more open countryside / riparian character, which is also in the Lewes Conservation Area), the 'River Edge' (directly adjacent the River Ouse from the Phoenix Causeway around to Willey's Bridge) and Phoenix Causeway.
- 7.73 The issue of the scheme's relationship specifically to Pells Pool is covered in the heritage section below, in summary the current proposals for Parcels 3 and 4 do not adequately mitigate the harm identified to this non-designated heritage asset.
- 7.74 The issue of the scheme's relationship with the wider 'Pells' area is highlighted in the comments on the detailed proposals for Parcel 1, which is set out below.
- 7.75 With regards to the River's edge, the proposal provides a built form along its entire edge with the River Ouse with little or no recognition of how the character of the River changes as you travel from the Phoenix Causeway (the 'town centre' edge) to Willey's Bridge (the 'countryside' edge). As highlighted elsewhere in this report, the principle of 'larger' scale buildings or 'Wharf' style buildings is acceptable as it reflects the historic character of the site and Town and was a principle established in the 2016, extant, planning permission.
- 7.76 The issue is the current approach to provide large scale buildings the entire length of the River frontage with very few 'gaps', in combination with the current lack of controls within the Design Code and the heritage and other impacts identified (such as important and characteristic views), is not sufficiently justified.
- 7.77 Issues with the Design Code (whilst welcoming the addition of a 'duty of care' section within the Code itself) also includes the wording in the code which uses a lot of 'should' rather than 'must' when guiding the detailed form of the individual Parcels (such as massing, height and roofs). There is also a heavy reliance on 'roof articulation' (which is a characteristic of Lewes

and in principle is supported) as a form of mitigation and in some instances this type of mitigation is insufficient when it is the overall scale of the Parcel proposed which causes the harm.

- 7.78 It is Officer's opinion that the harm caused cannot currently be outweighed by the other benefits the scheme reports to bring (including, but not limited to, the delivery of new homes including affordable housing, and the delivery of much needed the flood defences). It is Officer's opinion that the scheme should have greater recognition, in the scale and form of the proposed Parcels, of the change in character the River edge has as it gets closer to the more open countryside edge of the Pells area. This issue is reflected in more detail in the comments below about the details of Parcel I.
- 7.79 On the issue of the Phoenix Causeway, and as also referred to in the transport section above and ecology / biodiversity section below, the proposed scheme will create a different 'townscape' in this location (i.e. the loss of trees / 'greenery' to be replaced with buildings and more 'hard' landscaping associated with the creation of a new access and other facilities). The principle of this approach, including the loss of the protected trees, was established by the 2016 extant planning permission (which also created a whole new access to the site in this location and also resulted in the removal of the trees).
- 7.80 It is Officer's opinion that the proposal to create more of a transition between the Town Centre, the new development and River character, through a development which provides a new access into the site, other highway / public transport improvements and buildings 'fronting' the Causeway, is acceptable. This is subject to addressing the transport / highways concerns highlighted above and ensuring sufficient details are within the Design Code to help deliver a high-quality public realm. The issue of the loss of the protected trees is referred to the ecology / biodiversity section below.

Parcel I (the full element of the permission being sought)

- 7.81 As highlighted above, the details for a significant part of Parcel I (Parcels IA, IB and IC are included as part of the full permission being sought, Parcel ID is not included) have been submitted to help demonstrate how the Parameter Plan and Design Code, working together, achieve a high-quality design delivering all the sustainability principles the applicant is seeking to achieve and at the same time having a 'Lewesian' character.
- 7.82 Firstly, it is Officer's opinion that the principle of some larger scale sub-parcels / plots could be acceptable across this Parcel. In particular, the idea of creating a 'full stop' (in the form of a taller building or a building with taller elements) along the River's edge at its junction with Willey's Bridge is an interesting idea which Officers have welcomed. In addition, and as highlighted elsewhere in this report, the provision of Riverfront connectivity through the use of a hardwood boardwalk and balustrade proposed along the Rivers edge as part of the continuous river walkway is a positive feature and is supported (albeit the details of this element do not actually form part of the full permission being sought).
- 7.83 Officer's concerns relate to the combination of scale and mass and the overall intensity of the proposed development at this more sensitive countryside edge, and in particular Parcel IA's elevation on its boundary to Pells Walk, causes unacceptable harm and will result in a significant reduction in the current 'rural solitude' of this part of the site. The articulation of the roof form, whilst positive, does not mitigate the harm sufficiently. The only other proposed mitigation for its impact upon tranquillity appears to be the colours of building facades that are stated to be '*respectful and appropriate to their natural context*'. This is considered to be inadequate and fails to demonstrate sensitivity towards the open countryside in this location.
- 7.84 The applicant's position is that this proposal is an extension of the urban centre of the town and the proposal forms a new 'town edge' at an appropriate scale and Parcel IA will have a more positive relationship with this edge and provides an appropriate, partially screened, foil to the wild nature of the Pells.
- 7.85 Officers had previously highlighted conflicts between the wording of the Design Code and detailed proposals for Parcel I. For example, in the original Design Code, it referred to Plots

must not exceed 70m without a break in the built form along a single elevation – the reason being to improve permeability and to reflect urban grain of Lewes. The elevation to Parcel IA has an ‘unbroken’ elevation of 80m.

- 7.86 The applicant has responded to this by amending the Design Code to include an exception to that ‘rule’ which now states ‘except where is not possible at site edges’. In addition, the amended Design and Access Statement states *‘The Design Coding for the 70m break was intended to ensure the permeability of movement and visual connections through the neighbourhood. Since no further development can take place beyond Parcel I, (and also because of the flood wall between Parcel IA and the Pells edge) there would be no purpose in breaking the terrace in the interests of urban grain, because the gap created would lead nowhere. We think it is entirely appropriate to create a long terrace in this location for reasons we have set out.... In addition, the length of this terrace is visually broken by the wider, lowered house at Unit 13’.*
- 7.87 Officer’s are still of the opinion that although the architectural treatment is varied and interesting this still does not disguise the monolithic scale of this elevation and there are very good reasons for the development respecting the rural, very public interface by reducing its intensity. It is Officer’s opinion that the harm caused could be reduced by removing one floor from Parcel IA and providing more meaningful visual gaps between this elevation, the internal courtyard and the Pells.
- 7.88 In addition, to the concerns about the built form, the large scale and arrangement of the buildings is likely to reduce the opportunity for successful planting within the proposed courtyard and close to the building as illustrated in the details, through a reduction in light and available water within these spaces. As also highlighted above, the building design does not demonstrate the successful creation of new views to mitigate for lost views elsewhere on the site. Overall, the character of this area fails to celebrate its riparian context.

Dark Night Skies

- 7.89 In terms of Dark Night Skies, the scheme includes a lighting strategy and other mitigation measures (such as minimising ecological impacts to the bank of the River Ouse). These are reasonable and acceptable and, if all other matters were acceptable, the final details could be secured through suitably worded conditions. Therefore, the proposal accords with Policy SD8 of the SDLP.

Recreation / Open Space

- 7.90 In terms of on-site ‘open space’, the scheme is providing a number of different shared amenity spaces such as internal courtyards, roof top amenity spaces, the use of the streets and other areas of public realm instead of each individual unit having their own dedicated private amenity / green space (albeit a number of the units will have balconies to provide some private / semi-private outdoor space).
- 7.91 In addition the Design Code provides guidance on making sure those shared spaces have different / multiple functions such as being suitable for play (for children of all ages) and providing sufficient meeting / dwell areas (to aid social interaction), including design features and areas that are suitable for an ageing population. Therefore, the scheme is not providing recreation / open space which would technically be compliant with Policy SD46 requirements / standards. However, they are proposing a new Bridge link across the River Ouse to provide access to and from Malling Recreation Ground. This is a significant positive benefit of the scheme and is considered a sufficient and an appropriate solution to the provision of recreation / open space on site in line with the National Park purposes and is sufficient to outweigh the technical requirements of Policy SD46 and would comply with Policy SS3 of the Lewes Neighbourhood Plan in this regard.

Conclusion

- 7.92 In conclusion, the proposal has a number of positive attributes, including the use of a Design Code (and many specific areas it covers), but there are still significant concerns about the scale and mass of some of the Parcels, including the details of Parcel I and the current version of the Design Code does not provide sufficient measures (including inconsistencies / conflicting information) and / or details that those concerns raised will be avoided or

mitigated. Therefore, the scheme is currently not in accordance with Policies SD3, SD4, SD5, SD6 and SD57 of the South Downs Local Plan and Policies HC3 A, HC3 B, PL1 A and PL2 of the Lewes Neighbourhood Plan. The recommendation is to defer the decision to enable the applicant time to attempt to address the concerns raised and Officers time to assess any revisions.

Impact to Heritage Assets (including Non-Designated Heritage Assets)

- 7.93 When it comes to ‘heritage assets’ (both designated and non-designated), 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). In addition, paragraphs 195 and 203 of the NPPF also refer to assessing the significance of the any heritage asset including development affecting its setting and taking into account the effect of development on the significance of any non-designated heritage assets.
- 7.94 The heritage context for this proposal can be summarised as:
- Impact on the setting of Lewes Conservation Area;
 - Impact on the character and appearance of Lewes Conservation Area;
 - Impact on the setting of a Scheduled Monument;
 - Impact on the setting of nearby Listed Buildings, and
 - Impact on the setting of non-designated Heritage Assets.

Impact on the setting of Lewes Conservation Area

- 7.95 The NPPF provides a definition of setting, which states *‘the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’*.
- 7.96 Historic England guidance explains that whilst views will play an important part in setting, it is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by understanding of the historic relationships between places.
- 7.97 For the setting of Lewes Conservation Area, it is useful to consider the nature of historic towns. The form of such towns was almost always influenced by topography.
- 7.98 In the specific context of Lewes, the location of the town was heavily influenced by the position of the river as it cuts through the Downs but the town itself was on higher land nearby. The town had a functional relationship with the river as a river port. The land immediately alongside the river was to a significant degree undeveloped for a long time, however from the early 19th century the site had a growing use for relatively low-value industrial uses, which were better able to cope with flooding than residential or other uses and uses which contributed the self-sufficiency of the town.
- 7.99 The development of this site forms an important element in the setting of the town by virtue of its historic role as an area of low-land values and low-value low-key (and generally low-rise) uses, reflecting periodic flooding.
- 7.100 As highlighted in the Landscape-led Design section above, Lewes is also an important historic downland settlement and the relationship, particularly visual, with the surrounding Downland is very significant and a key part of its setting. For the most part, this is formed by significant views from within the historic town (within the Conservation Area and without) out to the Downs beyond.
- 7.101 The way any new build is inserted into those views has the potential to have significant impact on that aspect of the Conservation Area’s setting.
- 7.102 The scale of the proposed development is significantly greater than the historic character of the site. As highlighted by Historic England, the development would be of *‘considerably greater*

scale and massing than the surrounding historic townscape. This would introduce a dramatic change in the prevailing building heights, and contrasts with the historic character and appearance of the Conservation Area’.

- 7.103 There are a number of examples, such as Parcels 1, 3, 4, 7 and 8 that illustrate where the juxtaposition of oversized new buildings with more modest, human-scale buildings within the Conservation Area would be so discordant as to harm the setting of the Conservation Area.
- 7.104 The same applies to the impact on the views out to the surrounding landscape.
- 7.105 Lewes was specifically included within the boundary of the National Park because of the close visual relationship between the Town and Downs, and views are key to this. As Historic England notes *‘the scale and massing of certain parcels would ... disrupt appreciation of the dramatic topography of the town ... would be a consequence of an incongruent rise at the base of the slope, as well as the obstruction of key views of the downland beyond’.*
- 7.106 The way in which the large buildings would intrude into key views (such as those highlighted in the representations of Brook Street, within Pells Pool, Wellington Street / Lancaster Street and from Malling Recreation Ground) that secure that relationship would, if anything, be more harmful to the setting of the Conservation Area.
- 7.107 Parcels 1, 3, and 4 have a boundary with the Conservation Area (and are a mix of 3, 4, and 5 stories in height) and the relationship of these parcels with the adjoining Conservation Area should be a key driver in any detailed design for them.
- 7.108 The Conservation Officer, as supported by other Officers, is particularly concerned that details of Parcel 1 have not be informed by the prevailing character of the Conservation Area and will contrast starkly and adversely.
- 7.109 As set out in the design section above, the scheme cannot be described as truly ‘landscape-led’ by virtue of its built form being of a scale and form (that is not sufficiently moderated by the current contents of the Design Code) that is alien to the Lewes Conservation Area and its impact of important views out to its Downland context, would detract from the setting of the Conservation Area.

Impact on the character and appearance of Lewes Conservation Area

- 7.110 Parcel 7, which is within the Conservation Area, is proposed to be a mix of 3 and 4 storeys to provide predominantly new residential units with some commercial uses on the ground floor across parts of the sites (both Parcel 7A and 7B). As originally submitted this Parcel was going to be the new ‘Health Hub’ but that has been moved to Parcel 10A.
- 7.111 The Design Code only makes reference to the design of Parcel 7B by stating it *‘must respond to the character of the Conservation Area’*, it is unclear if this a typo and it should refer to the whole of Parcel 7, in addition, no further guidance is provided about what those characteristics are and an indication of how they should be incorporated.
- 7.112 At the current time, and in light of concerns already highlighted above and in other sections, Officers are not convinced that there is sufficient mitigation and details within the Design Code to ensure the detailed design of this Parcel will relate well to the character and appearance of the Conservation Area.

Impact on the setting of a Scheduled Monument (the Green Wall)

- 7.113 As highlighted in the comments from Historic England, the proposed development will cause some harm to the setting of the Green Wall, through the construction of tall buildings immediately adjacent to it (namely Parcels 10C and 10D) which will significantly blur this historic boundary, any river views from the Green Wall, and the remains of the historic morphology of the town.
- 7.114 However, the Design Code does include mitigation and possible enhancement measures, including the provision of an 11m buffer between the Scheduled Monument and adjacent proposed buildings (Parcels 10C and 10D). This will allow an improvement to the Monument over the current situation.

- 7.115 In addition, the Design Code includes wording that the details 'should' seek opportunities to showcase the location of the Green Wall and interpretation measures 'should' also be included.
- 7.116 Officers would prefer the wording of the Design Code to be stronger in this regard, such as changing 'should' to 'must'. However, it is acknowledged that improvements to better reveal and explain the Green Wall (to explain to visitors the significance of this feature) could be secured through an obligation within a Section 106 Legal Agreement and in addition, any works to the actual Monument would require a separate Scheduled Ancient Monument Consent from Historic England (who do not object to this element of the proposal).

Impact on the setting of nearby Listed Buildings

- 7.117 Firstly, the deletion of the Springman House site (formerly Parcel 11) from the scheme has removed the negative and unacceptable harm the proposal would have on the Grade II listed walls of the Old Naval Prison.
- 7.118 However, there remains concerns on the impact to the setting of Listed Buildings namely St John Sub Castro (caused by Parcel 7) and the group of listed buildings in Little East Street, Lancaster Street and Waterloo Place (caused by Parcel 8 and 10).
- 7.119 The application has been amended in relation to Parcel 7A to have the greatest height (4 storeys) in the middle of the block with each end stepping down (to 3 storeys) and the removal of a storey from Parcel 8 on the corner of Wellingtons Street / North Street (it is now proposed to be 4-storeys rather than 5 storeys).
- 7.120 However, as a result of its scale, Parcel 7 will still appear overbearing and dominant in views and would cause harm to significance by competing visually with the prominence of the church. This will diminish the ability to appreciate the church's role as an important landmark in views.
- 7.121 Parcel 8 (again a storey has been taken off the corner) will still be of a scale that is considered completely out of keeping with the heights of the adjacent smaller domestic scale buildings that surround it as well as being unduly dominant in views. In particular, the proposed scale of development (both Parcel 8 and taller Parcels behind) will still reduce (and harm) a key view identified in the Lewes Conservation Area Appraisal from Lancaster Street across to the hills beyond.

Impact on the setting of non-designated Heritage Assets

- 7.122 Both Corporation Villas (a retained residential building, formerly the Fire Station) and Pells Pool are considered to be non-designated heritage assets.
- 7.123 Corporation Villas will be surrounded by Parcels 5 (5-storeys in height) and 6 (3 and 5 storeys in height) which are particularly unneighbourly and imposing, leading to unacceptable impacts (as also highlighted within other sections within this report).
- 7.124 Parcels 5 and 6 require further mitigation both in terms of maximum 'parameters' (footprint and building heights) and moderations within the Design Code.
- 7.125 Pells Pool is an attractive amenity area in which the influence of water is significant. The placing of continuous terraces and an end of terrace of most 4 storey, but also including 3 and 5 storeys, would have an overbearing impact on the quality of that area. The current moderations set out for Parcel 3 in the Parameter Plans (the building footprint of Parcel 3A and part of 3B have been pulled back slightly and the heights have been amended to refer to 'stepping up' in height away from the boundary with the pool, it is now 3, 4 and 5-storeys but there are still references to roof terraces / amenity spaces that could look directly over the Pool area) and Design Code are insufficient to address this issue.

Conclusions

- 7.126 As highlighted in the comments from Historic England and the SDNPA's Conservation Officer, the application underestimates the adverse effects of the proposed development on the historic core of the town including Lewes Castle (particularly Brack Mount) and the Lewes Conservation Area. However, overall, the harm identified to the significance of these,

and other heritage assets is considered to be 'less than substantial'. Therefore, in accordance with the NPPF, the harm caused should be weighed against the public benefits of the proposal.

- 7.127 In this case, the provision of new housing (on an allocated site within the SDLP), the provision of affordable housing (including some provision for Lewes Low-Cost Housing) the delivery of much needed flood defences and possible measures to better reveal and understand the Schedule Ancient Monument (i.e. the Green Wall), are considered to be such public benefits.
- 7.128 However, it is Officer's opinion that those benefits are currently not sufficient to outweigh the harm caused to the heritage assets and their settings (both designated and non-designated) and there is insufficient mitigation secured within the Design Code to mitigate the 'dramatic change' that the new development will create. Therefore, the proposal does not currently accord with the requirements of the NPPF, Policies SD12, SD13 and SD15 of the SDLP and Policies HC3 A and HC3 B of the Lewes Neighbourhood Plan. The recommendation is to defer the decision to enable the applicant time to address the concerns raised and Officers time to assess any revisions.

Flood Risk and Drainage

- 7.129 The overall Flood Defence Strategy and general design of the proposed flood defences (including incorporating the flood wall into the proposed buildings) is supported, and the Environment Agency (EA) do not object, subject to securing the details in suitable worded conditions and obligations within a Section 106 Legal Agreement (to ensure timely delivery of the proposed defences and management / maintenance responsibilities).
- 7.130 Officer's do have specific concerns about the practicalities of some of the flood defences in terms of management / deployment and maintenance and knock-on impacts of the proposed defences in Pelham Terrace and St John's Hill (i.e. the suggestion that the local residents will take on management and deployment responsibilities in these areas and the loss of on-street car parking spaces). The EA and East Sussex County Council (as both Lead Local Flood Authority and Local Highway Authority) have not raised these as specific concerns, and it is acknowledged that the management and maintenance details could be covered by suitably worded obligations within a Section 106 Legal Agreement. Therefore, if all other matters are resolved, the scheme is acceptable in fluvial and tidal flood risk terms and the scheme would accord with Policy SD49 of the SDLP and Policies PL3 and SS4 of the Lewes Neighbourhood Plan.
- 7.131 Many representations have expressed concerns about the potential management / maintenance costs that will be passed onto local residents within the scheme (as the proposal is that a Site Management Company will take on responsibility for the flood defences within the main part of the site and any new resident to the scheme will become part of that Management Company) and the associated services charges making the units unaffordable for local people. On the issue of service charges, for any proposed affordable rental unit the level of service charge is controlled under the Housing Acts to ensure the units remain affordable. For all other types of dwellings this is a matter for the market and not something the SDNPA, as the Local Planning Authority, can control.
- 7.132 In terms of risk of flooding from other sources which are not fluvial and tidal (i.e. surface and ground water) and the drainage strategy, including the assessment of the impacts of a pluvial (rainwater) event, the overall drainage strategy proposed is to enable all surface water drainage flows to be discharged to the River Ouse.
- 7.133 As set out in the comments from the Lead Local Flood Authority (LLFA), the applicant has currently failed to demonstrate the scheme is acceptable in flood risk terms. The outstanding concerns relate to the potential lack of storage for multiple storm events, the location of the proposed drainage within the highway, insufficient information on how the proposed system will perform during a storm event and how that flood water will be contained. This is also linked to concerns that the scheme, as currently presented, has a too great reliance on mechanical pumping (not just during extreme storm events).

- 7.134 The LLFA are not generally supportive of mechanical pumping solutions due to likelihood of failures (for example, during storm events the likelihood of power failures increases). Therefore, the preferred approach is to ensure that the development operates satisfactorily during the storm without the need for mechanical pumping and that such a pumping system is only used as a genuine back up system and to clear storage during prolonged high river levels.
- 7.135 Notwithstanding that this application is predominantly in outline form, the layout needs to demonstrate that both the quantum of development and the sustainable drainage proposals are feasible. Linked to this the Design Code does not currently address 'utility buildings' such as the required pumping station. The issue of the proposed drainage strategy and the potential conflicts and omissions with the Design Code (such as the provision of truly multi-functional SuDs having now been withdrawn and there is more reliance on standard engineering solutions) are also referred to the ecology and biodiversity comments below.
- 7.136 Southern Water have requested easements around existing pipes (i.e. no development or tree planting within so many metres of the different sized pipes). If the applicant was to follow all the requests this would have a extensive impact on the proposed development, and it would potentially 'sterilise' a very significant proportion of this allocated site for any redevelopment proposals. Therefore, the recommendation is to defer the decision to enable the applicant, working with Southern Water and Officers, time to try and find an acceptable solution that makes best use of land as well as making satisfactory provision for Southern Water.
- 7.137 In summary, the current proposal does in principle provide acceptable flood defences however there are real unaddressed issues in relation to risk from surface and ground water flooding and sustainable drainage systems. The overall proposals therefore do not accord with Policies SD3, SD49 and SD50 of the SDLP and Policy PL3 of the Lewes Neighbourhood Plan. The recommendation is to defer the decision to enable the applicant time to address the concerns raised and Officers time to assess any revisions.

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

- 7.138 Given the site's relatively self-contained location and surroundings, there are generally no significant impacts in terms of overlooking, loss of privacy and general noise and disturbance on wider residential amenities (including the existing properties along the Green Wall, Waterloo Place, Wellington Street and North Street) as a result of this proposal. However, there is an exception to this, the retained residential units within the site at Corporation Villas and Spring Gardens.
- 7.139 Corporation Villas and Spring Gardens will be directly affected by the proposed Parcels (namely Parcels 5, 6 and 7) adjacent to them and in the case of Corporation Villas, the proposed Belvedere / public space and bridge access across the River Ouse. Due to the proposed footprint and height of the Parcels (i.e. the parameter plans), and the location of the Belvedere / Public Space and proposed elevated new pedestrian route (referred to in the application as Foundry Passage), there would be a detrimental and unacceptable impact in terms of overlooking, loss of privacy, loss of daylight and sunlight and general noise and disturbance.
- 7.140 For example, the updated application documents highlight that for Corporation Villas only 15 out of the 41 existing windows will retain values within 0.80 times their exiting level for VSC (Vertical Sky Component) BRE criteria. The application documents also state '*Some recent planning decisions by the Mayor of London and Planning Inspectorate have suggested that retained levels of daylight (VSC) above 20% can be considered reasonably good and levels in the 'mid teens' should be acceptable for residential properties neighbouring new developments in Central London*'.
- 7.141 Officers would support the objection on behalf of the residents of Corporation Villas which states, '*whilst the level of impact has been reduced, these windows will still have VSC levels of less than the BRE recommended 27% as well retaining levels of daylight of around 65% of their former values (well below the recommended 80%). Even applying a flexible approach, this is an unacceptable impact. The development site is not in Central London where these low levels of daylight may have been considered acceptable*'.

- 7.142 In terms of the impacts to existing residents in Spring Gardens, concerns have been raised about the close proximity of Plots 7A and 7B to the existing dwellings (the issues raised about loss of parking / access to the properties is covered under the transport section above). However, there appears to be 'controls' in the form of the maximum storey heights on the Parameter Plans showing a 3-storey building directly opposite (albeit the submitted plan is unclear and would need to be updated to clarify) and within the Design Code there are requirements for building setbacks to help address any potential loss of privacy and overlooking issues and minimise any potential daylight / sunlight impacts. These 'controls' are acceptable (subject to clarifying the information on the Parameter Plan). In addition, such an arrangement and form of development and its closer proximity between 'fronts and backs' of dwellings is quite typical in the neighbouring terraces adjacent this development site.
- 7.143 However, Officers do still have concerns about the proposed 4th floor roof / shared amenity space and the location of the shared deck access / private balcony proposed for Parcel 7B. This is due to overlooking and loss of privacy impacts to the residents in Spring Gardens. The Design Code does propose 'controls' which state *'deck access and balconies must not encourage dwelling in areas which overlook rear gardens of 15-21 Spring Gardens and Roof terraces must be designed to prevent any overlooking'*. Officers are of the opinion that the use of such 'controls' indicate that the concerns raised can be avoided entirely with a more appropriate and 'neighbourly' design (in terms of scale and form). Therefore, the Parameter Plans and Design Code need to be amended.
- 7.144 In terms of layout, siting and orientation of the proposed dwellings within the site, the Design Code seeks to avoid and / or minimise the potential impacts in terms of overlooking, loss of privacy, noise and sunlight and daylight impacts on the proposed new residents. Officers do have concerns about the larger / deeper footprints of some of the Parcels, such as Parcels 2, 9 and 10D (and 10D's relationship with Parcel 8B) which could lead to daylight / sunlight impacts, overlooking and an increase in the number of single aspect units.
- 7.145 Whilst the Design Code has sought to mitigate these potential impacts, for example the Design Code refers to limiting maximum plot depth to 22m. However, Parcel 10D measures between 21m – 26m wide and it is only 5m away from Parcel 8B. These inconsistencies need to be addressed, together with further changes to the Parameter Plans and the Design Code to ensure satisfactory and appropriate living conditions for new residents (including limiting the number of single aspect units) and further limit the detrimental impacts on neighbouring amenities.
- 7.146 Another example is within Parcels 2 and 9 which allows for the potential for 4 additional extensions within each of these blocks. The current Design Code limits the deeper central build outs to 2 out of 4 potential locations. Whilst this is positive (i.e. limiting the number of additional build outs), Parcel 2 is mostly 5 storeys and Parcel 9 is 5 and 6 storeys. The Plot depth (apart from two exceptional corner locations) is limited to 8-12m which is acceptable if dual aspect units are to be created. However, Officers still have significant concerns about the oppressive nature and overshadowing of much of these internal courtyards. In addition, the Design Code states the 'Plot should maximise the number of dual aspect units', Officers are concerned that this is likely in practice to allow for many single aspect properties, if the full extent of parameters are realised for proposals.
- 7.147 In addition to the impact on existing residential properties, concerns have also been raised about impacts to Pells Pool (a non-designated heritage asset) and the operational use of the existing Fire Station and in particular the close proximity of Parcels 1, 3, 4 and 5 to those important community assets / facilities.
- 7.148 With regards to Pells Pool, this issue has already been highlighted in the Landscape-Led Design and Heritage sections above, however the proposed development would result in overlooking and loss of privacy issues associated with the use of Pells Pool. The applicant has sought to address these concerns through changes to the Parameter Plans by pulling the footprint of the buildings in Parcel 3 back slightly and 'staggering' the height of Parcel 3 to 3, 4 and 5 Storeys away from Pells Pool. However, in reality some of the changes (due to the change in ground level) might actually only be a reduction of approx. 1m in height. The

reductions in height need to be more meaningful both in terms of articulation and the actual height to the nearest elements to Pells Pool.

- 7.149 With regards to the Fire Station the issue is the close proximity and scale of Parcel 5 (and all of its sub-plots). The Design Code currently only refers to subplot Parcel 5D stating *'reasonable endeavours to minimise or move the effects of the activity of the Drill Tower should be explored with East Sussex Fire and Rescue Service before detailed design is completed to avoid restricting use of the Drill Tower for training'*.
- 7.150 The issues with the proposed Parcel (Parcel 5) are two-fold, the proximity of the new development to the Drill Tower, which the East Sussex Fire and Rescue Service have highlighted *'will frustrate and fetter our ability to continue wet training using the existing drill tower due to the risk of overspray, and that this would impact on our ability to ensure the competency and safety of our firefighters and the continued effectiveness of the fire station in addressing community risk'* and *'the proposed residential units to surround the existing operational Fire Station - we are concerned that the presence of a 24/7/365 operation site within a residential development, with proposed adjacent height parameters and potential overlooking, brings the risk of difficult relations with the new local community, which could lead to tensions and again impact on the operational effectiveness of the station, as the normal station activity includes noise and floodlight activity in antisocial hours'*. The current Parameter Plans and Design Code do not provide sufficient assurances that the proposed development will not have a detrimental and unacceptable impact on the operational requirements of the Fire Station, a critical facility.
- 7.151 Therefore, the proposal is currently contrary to Policy SD43 of the SDLP and Policy HCI of the Lewes Neighbourhood Plan and in the case of the Fire Station it puts their operational use at risk and such a risk is entirely avoidable.
- 7.152 The issue of potential land contamination risks raised by a number of 3rd parties is addressed further on in this report.
- 7.153 In summary, whilst this is an allocated development site within a Town, where higher density and tighter forms / grain of development could be reasonably expected, the current Design Code and Parameter Plans do not provide sufficient mitigation to ameliorate the harmful impacts identified and, in some examples, the harmful impacts identified are avoidable by creating a more appropriately designed solution (such as reducing the footprint and height of the proposed Parcels) adjacent to existing residential units and the proposed Parcels within the site.
- 7.154 Therefore, the current proposal does not currently accord with Policies SD5 and SD57 (4) of the SDLP and Policy PLI A of the Lewes Neighbourhood Plan. The recommendation is to defer the decision to enable the applicant time to address these concerns (including addressing inconsistencies / providing further clarification within the Design Code) and Officers time to assess any revisions.

Ecology / Biodiversity including loss of TPO'd Trees

- 7.155 The submitted reports accompanying the application state the site and its existing vegetation was found to have very low ecological value. For example, surveys concluded that the existing buildings and trees do not support bat roosts. The highest level of bat activity (foraging and commuting) was recorded to the north of site, adjacent to River Ouse.
- 7.156 The trees on site (including those on the Phoenix Causeway) were identified as suitable for nesting birds.
- 7.157 The application concludes that the overall landscape strategy for the proposed development will result in significant ecological benefits through the creation of new areas of habitats (including grassland, wetland habitats, green roof etc), enhancements to the River environment (incorporating structures and substrates along the river edge to provide opportunities for species to establish) and new street planting, including replacement tree planting. The submitted Biodiversity Net Gain Metric states that the overall net gain could be a 38.55% net gain in habitat units and 6.34% net gain in river units.
- 7.158 The overall approach to the different ecological and biodiversity measures proposed across the site, including those that would be integral to the overall building design, is welcomed

and supported. In addition, given the baseline position generally across this brownfield, industrial site, the addition of any green infrastructure will likely demonstrate a biodiversity net gain.

- 7.159 However, there are concerns about how feasible some of the proposed planting and ecological measures would be (and inconsistencies between application documents). Whilst the principle of the proposals is generally supported, Officers have concerns about whether the actual details in the Design Code are sufficient and can be relied upon. There are a number of concerns that have been brought out through the detailed design of Parcel 1 (at the norther end of the scheme, adjacent to Pells Walk) and ensuring sufficient tree replacement is provided (to compensate for the loss of the TPO'd Trees at the new entrance to the site on the Phoenix Causeway). Therefore, this does call into question whether all ecological and biodiversity benefits promoted are actually achievable and deliverable.
- 7.160 For example, the principle of tree planting in streets and spaces is welcomed and encouraged. However, the current wording in the Design Code (for example, the wording refers to *'where significant trees are to be removed, new trees should be planted within the application site which provide overall and equivalent ecological or amenity value to the trees lost'*) and the general landscaping strategy (the Design Code refers to a quite prescriptive requirement for only 25% native and 75% non-native trees throughout the site) currently fails to comply with Policies SD11 and SD57, the adopted Design Guide SPD and paragraph 1.31 of the National Planning Policy Framework as it fails to ensure the 'right tree in right place' and provide sufficient certainty that the loss of any TPO'd trees, including mature trees, is sufficiently compensated for.
- 7.161 In addition, and as highlighted in the design assessment section above, Officers are concerned that overall drainage strategy (which is largely a piped solution, with day-to-day rainwater quickly removed and discharged to the River) does not tie in with the Design Code requirements (which states drainage must minimise underground engineering solutions and maximising multifunctional SuDs). The details submitted for Parcel 1 illustrate that none of this water will be retained to support soft landscaping, or the new habitats being proposed within that Parcel. Only when the most significant storm events occur, water may be stored within the open space (some illustrations provided show no storage at all). However, the main habitats proposed are a series of distinct meadows. Based upon the sunlight study and proposed central witness tree, Officers, and as highlighted in some of the letters of objection, would question whether sufficient light will be available for the meadow to succeed. Additionally, on Parcel 1 ubiquitous and potentially dominant grass species are proposed for one meadow, which given the conditions likely (significant time in shade and minimal and insufficient variation in available water) have the potential to take over and homogenise the space over time, reducing benefits for wildlife, amenity and overall character. Sensitive species which require damp conditions such as ragged robin would simply be outcompeted. Further consideration needs to be given to these issues to ensure the proposed landscape strategy will be successful and will have sufficient management / maintenance to ensure their continued success.
- 7.162 Again as highlighted with Parcel 1, a 'naturalistic character' for the proposed landscaping is proposed and supported, but the application is yet to demonstrate it will be achieved. The application includes many illustrations of significant soft landscaping. Be it through verdant buildings / balconies, climbers and street trees along Malling Lane. However, Tree planting along Malling Lane is not committed to in the submitted Landscape Plans, nor are the climbing plants. There is no commitment / information in the Design Code or in the details for Parcel 1 to providing the physical framework for climbing plants, further reducing the likelihood of people introducing such planting themselves, nor is there a clear demonstration that façade materials have been chosen to cope well with plants.
- 7.163 As shown in Parcel 1, many small trees / shrubs are proposed within planters or the 'Trough'. This kind of constrained environment for such large and in some cases high water-needs trees, will require significant water. This does not appear to be provided for via the drainage design and so there is risk that individual owners would need to use potable water.

This does call into question how successful and deliverable the proposed landscaping / planting will be i.e. the subtle distinctions between the proposed habitats does rely upon controlling available water and sufficient overall management. Whilst it could be argued that this issue could be dealt with via conditions or obligations within a Legal Agreement, some of the concerns go to the heart of the overall design / proposals and currently there is insufficient or conflicting information within the Design Code to alleviate such concerns.

- 7.164 With regards to the loss of the TPO'd trees on the north side of the Phoenix Causeway, the principle of the loss of these trees has been established by the extant 2016 permission which has been lawfully implemented (which allowed for the majority of the same TPO'd trees to be felled to make way for a new access into the site and buildings creating a new townscape along the Phoenix Causeway). In the planning balance, this has been given substantial weight.
- 7.165 If all other matters can be satisfactorily addressed, including appropriate and sufficient access to the site (and other highway improvements in and around the site), and improvements to the Design Code to ensure suitable and sufficient tree planting (including replacements) then it is Officer's opinion that this would be sufficient to meet the requirements of Policy SD11 with regards to felling the TPO'd trees on the north side of the Phoenix Causeway. However, the loss of the TPO'd trees is a negative factor in the wider planning balance.
- 7.166 The site is hydrologically connected with Lewes Brooks SSSI, Offham Marshes SSSI and the Railway Land Lewes Local Nature Reserve (Local Wildlife Site). Therefore, there is potential for contamination runoff from the site to impact these protected sites. However, the overall drainage and flood risk strategy, the mitigation measures to deal with land contamination and the provision of on-site green and blue infrastructure has been designed to slow down and prevent such potential runoff. Therefore, subject to securing the details of the mitigation measures through suitably worded conditions, there would be no significant effect to these nationally and locally protected sites. Therefore, the scheme complies with Policy SD9 of the SDLP and Policy LE2 of the Lewes Neighbourhood Plan in this specific regard.
- 7.167 However, as highlighted, overall there are concerns about how feasible some of the proposed planting and ecological measures would be. Whilst the principle of the proposals is generally supported, Officers have concerns about whether the actual details in the Design Code are sufficient as there are a number of concerns that have been brought out through the detailed design of Parcel 1 and ensuring sufficient tree replacement is provided (to compensate for the loss of the TPO'd Trees). Therefore, this does call into question whether all ecological and biodiversity benefits promoted are actually achievable and deliverable. Therefore, the current proposal does not currently accord with Policies SD2, SD3, SD9, SD11 and SD57 (3f) of the SDLP and Policies LE1, SS3 and SS4 of the Lewes Neighbourhood Plan. The recommendation is to defer the decision to enable the applicant time to address these concerns and Officers time to assess any revisions.

Air Quality Impacts

- 7.168 Whilst the site is outside the currently designated boundary of the Lewes Town Centre Air Quality Management Area (AQMA), the applicant was advised that air quality assessment work (as part of the EIA) was required due to the potential for significant impacts give the scale of the development proposed and the proximity to the AQMA. Contributing factors to the existing AQMA is limited car parking causing cars to circulate the central gyratory around the Town Centre (and beyond) and the design of gyratory which sends traffic around several streets adjacent to this development site.
- 7.169 As set out in the response from the Air Quality Officer, whilst the overall approach to the scheme (to limit car use within the scheme) is supported, there is currently insufficient and / or inadequate information to enable an appropriate assessment in air quality terms. In addition, any air quality assessment work is dependent upon the outcomes of the transport / highway assessment work.
- 7.170 As it currently stands, the proposal would be contrary to Policy SD54 due to insufficient information and any assessment will need to be updated to reflect any changes to the transport / highway assessments. Therefore, the recommendation is to defer the decision to

enable the applicant time to address the concerns raised and Officers time to assess any revisions against the scheme's acceptability in air quality terms.

Provision of 'Other' Infrastructure (such as Health Care Provision and School Places)

- 7.171 The scheme includes a new 'Health Hub' (an integrated health services hub) to complement existing services and provide additional capacity to meet the needs of the existing population and anticipated growth resulting from this scheme. The applicant has been working with Lewes District Council and Foundry Healthcare Lewes (the intended occupier / tenant of the new health hub), both of whom specifically support this element of the proposal.
- 7.172 The Foundry Healthcare Lewes state in their letter of support that *'the new hub will enable the NHS to provide a wider range of services to better meet the needs of the local population'*. Therefore, if all other matters are resolved, this element could be secured through suitably worded conditions and obligations within a Section 106 legal agreement (to ensure timely delivery of the Health Hub building).
- 7.173 As part of the application documents, the applicant has provided a 'Education Capacity Study'. It concludes that there is likely to be surplus capacity in future years at both primary and secondary level. In relation to primary education, two local schools (Southover CE Primary School and Walland Community Primary School) have recently had their annual intake reduced, but the surplus accommodation is still in place and will be made available if pupil numbers rise.
- 7.174 At the secondary level pupil numbers are anticipated to fall towards the latter part of the decade and demand from Brighton and Hove (in recent years local schools have taken children from 'out of the area' such as from Brighton and Hove) is not expected to be at a level that will require all of the expected surplus capacity.
- 7.175 This is a local plan allocation, and no specific evidence was provided at the plan making stage or subsequently by the Local Education Authority in relation to this proposal that there would be adverse impacts to local education infrastructure. If planning permission is granted, the scheme would be providing a payment under the Community Infrastructure Levy and that could be used for evidenced infrastructure needs.
- 7.176 Therefore, the scheme currently accords with Policies SD42, SD43 and SD57 of the SDLP and Policy HC2 of the Lewes Neighbourhood Plan in terms of these specific types of infrastructure. The issue of transport related matters and associated infrastructure is addressed elsewhere in this report.

Other uses / Commercial Uses

- 7.177 The location and range of the other uses proposed (commercial, retail, hotel etc, as set out in detail in the proposal section of the report) is largely shown on the ground and first floors, with some exceptions such as the proposed Hotel (Parcel 6C, 5-storeys) and Health Hub (Parcel 10A, 4-storeys) which would be over more floors.
- 7.178 The mix of uses proposed, including space for cultural, artistic and artisan uses, is supported, would complement and support the creation of a new neighbourhood, would provide a flexible range of uses and employment (including helping to deliver the need for additional light industrial / office space) and would not necessarily compete or detract from the defined Town Centre (which is located to the south of the Phoenix Causeway).
- 7.179 However, in the interest of creating a vibrant neighbourhood, ensuring residential amenities are protected and ensuring the scheme delivers much needed smaller commercial units / workspaces and spaces to support the cultural / artistic / artisan community, it will be necessary to use suitably worded conditions and obligations within a Section 106 Legal Agreement to manage the distribution of uses across the site, limit (or in some cases provide more flexibility) in the use class options being applied for on specific Parcels (including ensuring the uses / limits applied avoid retail / leisure uses being lost in the defined Town Centre) and ensure the timely delivering of some of the commercial and cultural / artistic / artisan floorspace proposed.

- 7.180 Therefore, subject to securing the mitigation measures indicated above (including within a Section 106 Legal Agreement), the scheme would be in accordance with Policies SD34, SD35, SD43, SD57 (2) of the SDLP and Policies HC4 and HC5 of the Lewes Neighbourhood Plan.

Archaeology

- 7.181 The applicant has provided sufficient information to determine the potential archaeological impacts. As highlighted in the response from the County Archaeologist, the proposal will have an impact potential archaeological, but those impacts could be mitigated by conditions. Therefore, the scheme would accord with para. 194 of the National Planning Policy Framework and Policies SD16 and SD57 3e of the South Downs Local Plan and if all other matters are resolved to enable a positive recommendation to grant planning permission, then the details can be secured through suitably worded conditions, and in the case of the Green Wall, details secured through obligations within a Section 106 Legal Agreement.

Land Contamination

- 7.182 The application is also supported by a land contamination report. Whilst it highlights more detailed site investigation works are required, the information provided is sufficient at this stage and is acceptable given the scale and type of permission being sought (as supported by comments from the Contaminated Land Officer). Subject to suitably worded conditions including securing the precise details of the proposed mitigation and remediation measures there will be no significant detrimental impacts, including to the occupiers of the proposed development or existing residents, therefore the scheme would comply with Policies SD5 (on this specific issue) and SD55 of the SDLP.

8. Conclusion

- 8.1 The principle of the proposed scheme (a residential-led mixed use scheme, creating a new neighbourhood for Lewes), the overall ambitions of the applicant and the general approach they are taking to create a 'sustainable development' is highly commendable. This aligns with many of the South Downs National Park Authority's core policies, including the strategic site allocation policy (Policy SD57) and has been supported right from the start.
- 8.2 However, it is in the execution of, and the detailed matters associated with, the actual scale and form of the proposed development that means Officers are currently unable to fully support the application. The very real overall potential benefits the scheme does offer (including the delivery of new housing including affordable homes, the need for flood defences and the local need for 1 and 2 bed units and new health care facilities) are not sufficient to outweigh the current significant and important concerns (including concerns about insufficient / inadequate information to fully assess the potential impacts), which are shared by other key parties. Therefore, Officers are currently unable to make an overall positive recommendation.
- 8.3 The main areas of concern are:
- Sustainable Construction – currently insufficient, inadequate and / or conflicting information to justify the 'whole life carbon assessment' approach to clearly demonstrate the scheme will achieve 'net zero', particularly having regard to Policy SD3 in the Local Plan;
 - Affordable Housing Provision – insufficient information to justify less than 50% provision;
 - Transport – currently insufficient and inadequate information and justification
 - to demonstrate the scheme will not have a significant impact on highway capacity and highway safety issues (including the new access arrangements on the Phoenix Causeway);
 - to demonstrate the scheme will not have a significant impact of parking demand due to the scale and types of uses proposed within the scheme and the loss of public car parking spaces;

- as to whether the scheme sufficiently mitigates for those impacts including adequate and sufficient walking and cycling provision to and from the site;
- the lack of re-provision for the 3 coach parking bays currently provided on site, and
- to demonstrate an acceptable and deliverable solution with regards to enforcement measures i.e. the proposed Stopping Up of the existing adopted highway within the site.
- Design - including amendments to the Parameter Plans and Design Code and details of Parcel 1 to address inconsistencies / provide further clarification and to address concerns (for example in respect of bulk and scale) related to views, 'edges', heritage assets, amenity impacts, risks of flooding from surface water / ground water and ecological / biodiversity;
- Flood Risk – to address concerns related to risk of flooding from surface water, ground water and other sources which are not fluvial and tidal;
- Air Quality – currently insufficient and / or inadequate information to enable an appropriate assessment in air quality terms. Any air quality assessment work is also dependent upon the outcomes of the transport / highway assessment work, and
- Section 106 Legal Agreement – currently insufficient and / or inadequate information to ensure the proposed mitigation measures and other benefits critical to the scheme are secured through a legally binding agreement, including (but not limited to) ensuring all the stated committed to 'green credentials' are delivered, adherence to the Design Code and the timely delivery of the flood defences, healthcare facilities and other stated benefits.

8.4 The following issues have been satisfactorily assessed and the proposal complies with the relevant requirements of Policies SD8, SD16, SD27, SD46, SD49 (in terms of fluvial and tidal flood risk), SD55, SD57 (2), SD57 (3e) and SD57 (3g) of the South Downs Local Plan and the relevant sections of Policies HC1, HC2, HC3 B, HC4, HC5, PL2, PL3 (in terms of fluvial and tidal flood risk), AM1, AM2, SS2, SS3 and SS4 of the Lewes Neighbourhood Plan related to those specific issues.

8.5 Therefore, if all other matters set out above were resolved (and details secured through suitably worded conditions and or obligations within a Section 106 Legal Agreement) to enable a recommendation to grant planning permission, the details and required mitigation measures relevant to specific issues below could be secured with suitably worded planning conditions and / or obligations within a Section 106 Legal Agreement:

- Mix of uses, including securing new floorspace for smaller commercial units and artists / creators and the provision of new health facilities and a hotel;
- The proposed riverside shared foot / cycle route along the western bank of the River Ouse and new Bridge across the River Ouse;
- The general approach to Housing Mix to provide a higher proportion of 1 and 2 bed units;
- The overall Flood Defence Strategy in terms of fluvial and tidal flood risk and the location and form of the new Flood Defences;
- The provision of on-site amenity space in the form of streets / spaces and roof top terraces and private balconies, and the provision of a new Bridge link across the River Ouse to provide access to Malling Recreation Ground;
- The provision of three (3) bus stops (and associated facilities) on the north side of the Phoenix Causeway (subject to addressing the 'access' concerns set out in the main assessment section of this report);
- Dark Night Skies;
- Archaeology, and
- Land Contamination.

9. Recommendation

9.1 It is recommended that any decision on this application is deferred. Whilst this is an unusual recommendation, this will enable the applicant, working with Officers and Statutory Consultees and taking into account comments from other interested parties, time to consider further and address as many issues as possible raised in this report. The intention is to report the application back to Planning Committee for a decision at a later date. However, if the issues are not resolved or sufficient progress has not been made within 4 months of the 12 October 2023 Planning Committee Meeting, delegated authority is sought to enable the Director of Planning, in consultation with the Chair of Planning Committee, to refuse the application with appropriate reasons for refusal.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices:	<p>1. Information concerning consideration of applications before committee</p> <p>2. A selection of the proposed Parameter Plans</p> <p>Maximum building AOD and Parcel Heights (drawing reference 0080-PR-ZZ-DR-L-1006 Rev 014)</p> <p>Predominant land use at Ground Level (drawing reference 0080-PR-ZZ-ZZ-DR-L-1002 Rev 014)</p> <p>Predominant land use at First Floor Level (drawing reference 0080-PR-ZZ-ZZ-DR-L-1003 Rev 013)</p> <p>Predominant land use at Typical Upper Levels (drawing reference 0080-PR-ZZ-ZZ-DR-L-1004 Rev 013)</p> <p>Vehicular Access and Circulation (drawing reference 0080-PR-ZZ-ZZ-DR-L-1007 Rev 012)</p> <p>Indicative Parking Zones and Loading Bays (drawing reference 0080-PR-ZZ-ZZ-DR-L-1008 Rev 013)</p>
Background Documents:	<p>All planning application plans, supporting documents, consultation and third party responses -</p> <p>https://planningpublicaccess.southdowns.gov.uk/online-applications/</p> <p>South Downs National Park Partnership Management Plan</p> <p>South Downs Local Plan 2019</p> <p>Lewes Neighbourhood Plan 2019</p> <p>Supplementary Planning Documents and Technical Advice Notes</p>