

## SDNPA Planning Committee - 12 October 2023

### Planning Committee Update Sheet

Agenda Item	Page No	Para	Update	Source/Reason
6	11		<p><u>General Update</u></p> <p>Since writing the report the applicant has submitted amended / additional information on 29<sup>th</sup> September related to:</p> <ul style="list-style-type: none"> <li>• A revised Sustainability Strategy Addendum</li> <li>• A revised Whole Life Carbon Assessment for Parcel I</li> <li>• An addendum to Chapter 16 – Climate Change of the Environmental Statement</li> <li>• A revised Drainage Strategy Addendum</li> </ul> <p>In addition to the above, there have been on-going discussions regarding Affordable Housing and Viability.</p> <p>The detailed issues are referred to in the updates / amendments set out below, however, in summary:</p> <ol style="list-style-type: none"> <li>1. The previous concerns raised around Sustainable Construction have largely been addressed now we have further information and greater clarity. Whilst there are still some relatively minor matters to be resolved, it is now considered that the scheme accords with Policies SD3 and SD48 in respect of this matter.</li> <li>2. There has been much work on the affordable housing provision with new information received and assessed with all parties working hard to resolve differences. The Chartered Surveyors appointed by SDNPA to independently assess the provision of affordable housing thoroughly, having considered the new information and following detailed discussions, particularly in relation to build costs, has concluded that 30% affordable housing is viable and reasonable in this case. Officers consider the offer of 30% affordable housing (particulary recognising the provision of 92 Lewes Low-Cost</li> </ol>	Update

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			homes) acceptable, subject to a review mechanism to enable the delivery of more affordable housing should market conditions allow and especially given the build costs being relatively unknown, reflecting the ambitions of the proposal to use locally sourced timber.	
6	11		<p>On a procedural matter, this scheme is ‘EIA development’ (Environmental Impact Assessment) which brings with it specific requirements, especially around publication of information and consultation.</p> <p>The amendments recently received include a revision to a chapter of the ‘Environmental Statement’. This technically requires another 30-day formal consultation. However, it is Officer’s opinion that whilst the formal consultation will have to occur, the information received (including any updated comments from Statutory Consultees), does not alter the overall recommendation to defer any decision given that there are still a number of other issues to be resolved which we can work with the applicant on.</p> <p>Any formal 30-day re-consultation can occur as part of consulting on further amendments, such as any revised Transport Assessment which has been requested by National and Local Highway Authorities.</p>	Update
6	11-12	Recommendation	<p>In light of additional / amended information received regarding Sustainable Construction and Affordable Housing the recommendation is amended to the following:</p> <p><b>Recommendation:</b></p> <p><b>1) That a decision on this application be deferred to seek to resolve the following issues (with the application reported back to Planning Committee at a later date for a final decision):</b></p> <p><b>a) Transport – currently insufficient and inadequate information and justification</b></p>	Amendment

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			<ul style="list-style-type: none"> <li>• 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);</li> <li>• to demonstrate the scheme will not have a significant impact on parking demand due to the scale and types of uses proposed within the scheme and the loss of public car parking spaces;</li> <li>• as to whether the scheme sufficiently mitigates for those impacts including adequate and sufficient walking and cycling provision to and from the site, and</li> <li>• the lack of re-provision for the 3 coach parking bays currently provided on site.</li> </ul> <p>b) 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;</p> <p>c) Flood Risk – to address concerns related to risk of flooding from surface water, ground water and other sources which are not fluvial and tidal;</p> <p>d) 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</p>	

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			<p>e) <b>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.</b></p> <p>2) <b>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;</b></p> <p>3) <b>That the Committee confirm in reaching their decision that they have taken into account:</b></p> <ul style="list-style-type: none"> <li>• <b>the environmental information as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;</b></li> <li>• <b>all matters referred to in the Director of Planning’s report including comments received from statutory consultees and other interested parties, and</b></li> <li>• <b>all other material considerations, and</b></li> </ul> <p>4) <b>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.</b></p>	
6	14	Executive Summary 4 <sup>th</sup> Bullet Point	<ul style="list-style-type: none"> <li>• <del>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</del></li> </ul>	Amendment

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			<p><del>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;</del></p> <ul style="list-style-type: none"> <li>the 30% affordable housing being proposed (including Lewes Low-Cost Housing), based on a submitted viability information. This has been scrutinised by the SDNPA's surveyors (Bruton Knowles) who state that the scheme can support a 30% affordable housing provision whilst acknowledging a policy compliant provision of 50% is not viable;</li> </ul>	
6	14	Executive Summary 8 <sup>th</sup> Bullet Point	<ul style="list-style-type: none"> <li><del>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;</del></li> </ul>	Amendment
6	14	Executive Summary 9 <sup>th</sup> Bullet Point	<ul style="list-style-type: none"> <li><del>Affordable Housing Provision – insufficient information to justify less than 50% provision;</del></li> </ul>	Amendment
6	20	3.10	<p><u>Correction of typo on 3<sup>rd</sup> bullet point</u></p> <ul style="list-style-type: none"> <li>‘homes’ – creating compact but beautifully proportioned and well-lit, super <del>insulated</del> <b>insulated</b> homes, and</li> </ul>	Correction
6	20	3.14	<p><u>In light of the amended sustainability information received</u></p> <p>Therefore, the applicant is stating that the net Greenhouse Gas (GHG) impact of the proposed built elements will be circa <del>1,658 tCO<sub>2</sub>e (minus 1,685 tonnes of CO<sub>2</sub> equivalent)</del> <b>circa 797 tCO<sub>2</sub>e (797 tonnes of CO<sub>2</sub> equivalent) with sequestration</b></p>	Amendment

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			(biological carbon sequestration happens when carbon is stored in the natural environment. This includes when trees are growing as they sequester carbon from the atmosphere as part of photosynthesis. Therefore, as long as the timber in construction is in use the carbon is stored) over the lifetime of the development.	
6	21	3.13	<p><u>Update to 4<sup>th</sup> Bullet Point regarding Passivhaus</u></p> <p>Since writing the report, the applicant has re-confirmed on 4<sup>th</sup> October that they will commit to 10% of the dwellings being Passivhaus Certified albeit they are <i>'not able to confirm at this stage whether Parcel 1 buildings will be Passivhaus certified at this stage, and are not required to in order to commit to a 10% side-wide certification'</i>.</p>	Update
6	22	3.16	<p><u>In light of the amended sustainability information received</u></p> <p>For the parts of Parcel 1 seeking full permission, the net GHG impact will be <del>685,762 kg CO<sub>2</sub>e</del> <b>3,564,341 kg CO<sub>2</sub>e (kg of CO<sub>2</sub> equivalent) with sequestration.</b> This <b>also</b> includes, as set out in the application documents, the following mitigation measures:</p>	Amendment
6	22	3.18	<p><u>Affordable Housing Offer / Housing Mix / Space Standards</u></p> <p><del>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.</del></p> <p><b><u>The applicant's revised financial viability work states that the 'revised appraisal generates an outturn developer's profit of 10.27% of GDV when allowing for a 30% on-site affordable housing provision. The Applicant has opted to remain committed to offering 30% affordable housing and has disclosed this in writing to SDNPA. It is</u></b></p>	Amendment

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			<p><b><u>CBRE’s professional opinion that this offer must be made without prejudice, and at the applicant’s discretion and commercial risk, as it exceeds a level that is demonstrably commercially viable’. The applicant is offering an affordable housing provision of 30% or 206 dwellings, split between the following tenures and size of dwellings.</u></b></p> <p><u>Officer Comment:</u> The independent review carried out on behalf of the SDNPA has concluded that 30% affordable housing is viable.</p>	
6	32	4.9	<p><b>Ecology</b> – following receipt of amended information, the objection is maintained due to insufficient information having been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement. Given the relatively low ecological value of the majority of the site, the scheme has great opportunities to deliver significant ecological and green infrastructure benefits. However, at this stage, the ecological objectives are not sufficiently integrated into the design which informs both the full and outline applications.</p> <p><u>Officer Comment:</u> No change to the overall recommendation.</p>	Update
6	33	4.12	<p><b>Historic England</b> – The amended scheme has taken some steps to address the concerns raised previously by reducing the scaling and massing in certain areas of the scheme, including reducing the impact to the Green Wall. Although there would still be some harmful impacts to heritage assets and to key views in the town.</p> <p>We welcome the amendments to the scheme and the additional visualisations. Both the changes to scale and massing on plots 7a and 8c, and the removal of parcel 11 from the scheme, are an improvement over the previous scheme in terms of reducing the level of harm caused to the heritage assets.</p> <p>However, on Parcel 7A (adjacent St John Sub Castro and its Churchyard), the new development would still be prominent in views from the churchyard and in very close</p>	Update

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			<p>proximity to the boundary where this is not the case currently. In addition, there would still be some expanses of elevational walls containing windows visible which would enable occupiers of the new properties to directly overlook the churchyard. This would cause harm to the appreciation and use of the churchyard as a contemplative and spiritual space.</p> <p>We advise that the development on this plot would need to be of a scale where the views out from the churchyard were largely across rooftops and that there would be no direct overlooking of the churchyard from the new development. In addition, sufficient space should also be left around the listed wall so that it can still be appreciated.</p> <p>On Parcel 8C - the reduction in scale of development on this corner (from 5 storey to 4 storey) will help to reduce some of the harm caused but, even with the reduced scale, it would still block views across to the Downs beyond.</p> <p>We also do not see the necessity of a taller pop-up element on the corner for orientation and advise the removal of this as the prevailing townscape ascends in scale down the hill.</p> <p>For this scheme to be successful it should knit into the existing fabric of the town rather than overly stand out and all efforts should be made to reduce the harm as much as possible, as required by paragraph 195 of the NPPF.</p> <p>Whilst the applicant has tried to minimise conflict between the proposed development and the conservation of heritage assets, the proposal, because of its overall greater scale and massing than that of the existing buildings in the Conservation Area, would continue to still cause some harm to the significance of the Conservation Area.</p> <p>The development would compete with the general historical small-scale of the existing buildings and distinctive silhouettes of the rooflines of the Conservation Area. It would also disrupt an appreciation of the dramatic topography of the town (which falls from the castle towards the river). 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 from within</p>	



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			<p>the edges of the new development.</p> <p>We do note that the work to provide a view of Lewes Castle from the River through the new development does, however, provide an opportunity to capture a new key view of the castle, speaking to its significance of visual command over the river from the town.</p> <p>The buffer zone for the Green Wall, is also huge opportunity to improve the fortune of a Scheduled Monument that has suffered from harm and neglect from previous works. This presents an opportunity to enhance an important monument within the town.</p> <p>However, we question whether the remaining harm, to the significance of the heritage assets, is clearly and convincingly justified. There are heritage benefits within the application, and they should be taken into account in justifying the harm in any decision, although, we question if further heritage benefits could be sought across the development.</p> <p><u>Officer Comment:</u> No change to the overall recommendation.</p>	
6	38	4.18	<p><b>The Local Housing Authority (Lewes District Council)</b> - Support the principle. Welcome the overall contribution of new homes to meet local need and it is encouraging to see a focus on providing a mix of affordable ownership and rented products in the scheme, and the delivery of Lewes Low Cost Rented Housing brings added value to the proposition.</p> <p>The Council recognises that the market is changing, and that finance and the ongoing review of financial viability may impact on the unit mix, but within this we are keen to maintain the proposed tenure balance of the development, including the prioritisation of affordable housing.</p> <p>Lewes District Council are keen to maintain engagement, and look forward to sharing discussions about the tenure, unit and size mix of homes, as well as the scheduling of its delivery, as full planning applications and accompanying section 106 agreements progress.</p>	Update

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			<u>Officer Comment:</u> No change to the overall recommendation.	
6	39	4.23	<p><b>Sussex Police</b> have provided the following additional comments:</p> <p>Nothing further to add to previous comments other than to confirm that ‘Secure By Design’ Commercial Document has been updated and came into effect from 1<sup>st</sup> August 2023.</p> <p>In addition, on 5<sup>th</sup> October, further comments were received requesting a financial contribution of a minimum of £71,563.16 in order to mitigate against the impact of the proposed housing growth. This is because <i>‘the proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town’.</i></p> <p><u>Officer Comment:</u> No change to the overall recommendation. Officers and the applicant need further time to consider the recent response from Sussex Police and how they have formulated the financial contribution.</p>	Update
6	40	5.2	<p><u>Update to the number of representations received since writing the report.</u></p> <p>Following the publication of the amendments to the scheme (and at the time of writing), there have been a further <b>155</b> objections (<b>20</b> on a range of issues and <b>135</b> specifically on the loss of the TPO’d trees via an updated standard template), <b>84</b> outright supports and <b>9</b> ‘other’. These comments are not necessarily all ‘new’ comments, it is mixture of new and those who have submitted additional or revised comments.</p> <p><u>Officer Comment:</u> No substantially new issues have been raised (the issues raised are already set out in the report) with the exception of the following:</p> <ul style="list-style-type: none"> <li>• Supporters of the scheme are critical of the Local Highway Authority (LHA) and their current objection to the scheme. Claiming the LHA’s thinking is based on the out-dated</li> </ul>	Update

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			<p>‘predict and provide’ which should be abandoned for the ‘decide and provide’ approach being taken by the applicant;</p> <ul style="list-style-type: none"> <li>• This application should be considered together with the current application to redevelop the former Bus Station site (application reference SDNP/23/02973/FUL) and the applications should not be determined independently due to the implications for bus provision in Lewes;</li> <li>• There is no reasonable cause to defer or refuse the outline planning application which is built on sound, well established principles of sustainable development and should, therefore, be in accordance with the policies in the Development Plan;</li> <li>• The final recommendation within the report is putting the overall development finances at risk as the option for a refusal delegated to the Director of Planning and Chair of Planning Committee based on ‘appropriate reasons’ or ‘not sufficient progress is made in resolving the issues’ is causing uncertainty, and</li> <li>• A member of Pells &amp; St Johns Neighbourhood Association has subsequently said they offer to take on the deployment responsibilities for the flood defences in Pelham Terrance and St John’s Hill (as per the previous scheme). In addition, they have confirmed that they support the retention / protection of the trees and provision of the flood wall over the loss of some parking spaces.</li> </ul> <p><u>Officer comment:</u></p> <p>In response, Officers, including those from the LHA, have from the beginning supported the ‘decide and provide’ approach as this is the current approach to transport assessments generally. The issues still to be resolved with this application, as set out in paragraphs 7.30 – 7.53 of the report, is how deliverable and achievable the applicant’s ambitious targets are in the context of Lewes and whether sufficient mitigation measures are being provided.</p>	

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			<p>As set out in the 14<sup>th</sup> bullet point of paragraph 6.3, Policy SD57 acknowledges that whilst the SDNPA would prefer to see a comprehensive redevelopment of the whole allocated site, it recognises that planning applications may come forward separately. This is particularly relevant when there are different landowners involved (as in this case).</p> <p>With regards to the final recommendation, it is Officer's opinion that this recommendation is appropriate as there cannot be an indefinite period to try to resolve the outstanding issues.</p> <p>There is no change to the overall recommendation.</p>	
6	40	5.3	<p>The Friends of Lewes have provided comments on the amendments to the application. They are now objecting to the scheme due to scale and massing of the blocks (Particularly Parcels 9 and 10) and its lack of integration with its immediate setting and the rest of Lewes – highlighting the importance of 'edges' and 'key views'.</p> <p>Their comments have been included in the overall objection number referred to above (see update to paragraph 5.2).</p> <p>However, the SDNPA has also received correspondence on behalf of 11 individuals stating they are members of the Friends of Lewes but that the objection received is 'not in their name' and they in fact support the application (the letters of support have also been included in the updated figures within paragraph 5.2).</p> <p><u>Officer comment:</u> No new issues have been raised and the issues raised are already addressed within the report.</p> <p>With regards to the complaint about how the Friends of Lewes formulated and submitted their formal comments, this is a governance issue for the Friends of Lewes and not a matter for the SDNPA.</p>	Update

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6	40	5.4	<p><u>Update to the number of signatories to the online petition since writing the report.</u></p> <p>Officers are also aware of an online petition, hosted on a 3<sup>rd</sup> 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 <b>87,461</b> 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.</p> <p><u>Officer Comment:</u> No overall change to the summary of representations and recommendation.</p>	Update
6	52	7.10	<p><del>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.</del></p> <p>Since writing the report, the applicant has re-confirmed on 4<sup>th</sup> October that they will commit to 10% of the dwellings being Passivhaus Certified albeit they are <i>'not able to confirm at this stage whether Parcel 1 buildings will be Passivhaus certified at this stage, and are not required to in order to commit to a 10% side-wide certification'</i>.</p> <p>The commitment to Passivhaus Certify 10% of the proposed dwellings, can be secured through suitably worded conditions and obligations within a Section 106 Legal Agreement.</p>	Update and amendment
6	52	7.11 – 7.12	<p><del>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.</del></p>	Update and amendment

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			<p>For operational CO<sub>2</sub> 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 CO<sub>2</sub> 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.</p> <p>Since writing the report, the applicant has provided a revised Sustainability Strategy, which seeks to address the issues raised by the SDNPA's independent advisor.</p> <p><b><u>In summary, the proposed development does not meet the operational CO<sub>2</sub> emissions requirement of Policy SD3 (albeit figures suggest a reduction of 86%-99% in CO<sub>2</sub> for regulated energy) and there is a reliance for off-setting some of the CO<sub>2</sub> emissions via an off-site PV provision. However, when using the Whole Life Carbon Assessment approach (focusing on reducing embodied carbon) the applicant has demonstrated that during its whole life (including demolition and disposal) the scheme would perform very well (when compared to a more 'usual' build).</u></b></p> <p><b><u>SDNPA advisor, an expert in the field of Whole Life Carbon Assessments, has stated that there are still anomalies in the data and how it is reported, such as it not entirely clear how double counting has been avoided in parts of the assessment. However, they have stated that, on balance, the revised reports appear to provide a more reliable indication of the whole life carbon impacts of the project than originally reported. When comparing the revised figures to the LETI targets (the Industry Best Practice) it would equate to an 'A rating' for upfront embodied carbon (upfront emissions from products and construction) and an overall 'B rating' for the whole life cycle embodied carbon</u></b></p>	

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			<p><u>(including end of life carbon emissions when the buildings are deconstructed / demolished and disposed of).</u></p> <p><u>Importantly, it should be noted that the Whole Life Carbon Assessment provided would be expected to save more carbon than Policy SD3 requirements.</u></p> <p><u>Therefore, in terms of Sustainable Construction, the scheme is considered acceptable and would accord with Policies SD3 and SD48 subject to securing the details of the sustainable construction targets and the technicalities of how the off-site PV provision can be secured via obligations in a Section 106 legal agreement.</u></p>	
6	53	7.19-7.21	<p><u>Since writing the report, the applicant has provided a revised Sustainability Strategy:</u></p> <p><b><u>Parcel 1</u></b></p> <p>For the details provided for Parcel 1 (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 <b><u>on site. However, the applicant is seeking to offset the site wide energy emissions through the use of an off-site PV provision.</u></b></p> <p>For upfront embodied carbon (modules A1-A5 <b><u>for the construction elements</u></b> within the whole life carbon assessment) is predicted at <del>286</del> <b><u>262</u></b> kgCO<sub>2</sub>e/m<sup>2</sup> <b><u>excluding sequestration.</u></b> This is a <b><u>very</u></b> good standard, <b><u>falling within the ‘A Rating’ of the LETI 2030 Design Target, and could be secured through obligations within a Section 106 Leal Agreement.</u></b> <del>but the methodology for calculating it has been questioned by the SDNPA’s expert advisor and needs clarifying, as referred to above.</del></p>	Update and amendment

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			<p>The space heating demand is 19.62 kWh/m<sup>2</sup>/yr which is above the site wide minimum set out in the application documents. However, no Energy Use Intensity figure has been provided. <b><u>Albeit the applicant refers to the site wide targets above the LETI targets. These targets could be secured through suitably worded planning conditions and obligations in a Section 106 Legal Agreement.</u></b></p> <p><b><u>Therefore, the details provided for Parcel 1 (the element seeking full permission) accord with Policies SD3 and SD48 subject to securing the details via suitable worded conditions and securing the details of the sustainable construction targets and the technicalities of how any off-site PV provision can be secured via obligations in a Section 106 legal agreement.</u></b></p>	
6	53	7.22	<p>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.</p>	Amendment
6	53	7.24	<p>The applicant has submitted <b>revised</b> financial viability <b>work</b> 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 <b>that 30% affordable housing provision</b> 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</p>	Update



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			housing provision of 30% or 206 dwellings, split between the following tenures (and this is what is before Members):	
6	54	7.26 – 7.28	<p><del>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.</del></p> <p><del>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.</del></p> <p><del>The scheme is therefore currently contrary to Policy SD28 of the South Downs Local Plan and Policy PL1 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.</del></p> <p>Since writing the report, discussions regarding affordable housing have been on-going.</p> <p><b><u>The submitted revised viability work has been independently assessed by the surveyors appointed by the SDNPA who have said that having regard to the sites' brownfield status (including the presence of contamination on site), the delivery of substantial flood defences and higher build costs due to the proposed method of construction and sustainability credentials being sought, it is accepted a 50% affordable housing provision would not be possible. However, the independent review has shown that a 30% affordable housing provision is financially viable (with an appropriate commercial return for the developer) and could be acceptable subject to securing a review mechanism (to enable more affordable housing to be provided should viability improve</u></b></p>	Amendment

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			<p><b><u>over the lifetime of constructing the scheme) and other legally binding obligations to ensure the scheme is constructed in the way, and with the materials, the applicant is stating. The applicant has provisionally agreed to the imposition of a review mechanism. The review mechanism would not allow for the proportion of affordable housing to be reduced.</u></b></p> <p><b><u>The inclusion of 92 Lewes Low-Cost Homes (as part of the overall offer of 30%) is welcomed and is considered to provide a significant positive benefit in the overall planning balance.</u></b></p> <p><b><u>Subject to securing the details referred to above (including the proposed tenure for the affordable housing units) via obligations within a Section 106 Legal Agreement, the scheme would comply Policy SD28 of the South Downs Local Plan and Policy PL1 A of the Lewes Neighbourhood Plan.</u></b></p>	
6	66	7.119	<p><u>Correction of typo in paragraph</u></p> <p>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 <del>Wellingtons</del> <b>Wellington</b> Street / North Street (it is now proposed to be 4-storeys rather than 5 storeys).</p>	Correction
6	67	7.127	<p><u>Correction of typo in paragraph</u></p> <p>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 Scheduled Ancient Monument (i.e. the Green Wall), are considered to be such public benefits.</p>	Correction

Agenda Item	Page No	Para	Update	Source/Reason
6	68	7.136	<p><u>Correction of typo in 2<sup>nd</sup> Sentence</u></p> <p>If the applicant was to follow all the requests this would have a <b>an</b> extensive impact on the proposed development, and it would potentially ‘sterilise’ a very significant proportion of this allocated site for any redevelopment proposals.</p>	Correction
6	74	7.181	<p><u>Correction of typo in second sentence of paragraph</u></p> <p>As highlighted in the response from the County Archaeologist, the proposal will have an impact <b>on</b> potential archaeological, but those impacts could be mitigated by conditions.</p>	Correction
6	74	8.3	<ul style="list-style-type: none"> <li>• <del>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;</del></li> <li>• <del>Affordable Housing Provision — insufficient information to justify less than 50% provision;</del></li> </ul>	Amendment
6	75	8.4	<p>The following issues have been satisfactorily assessed and the proposal complies with the relevant requirements of Policies <b>SD3 (in relation to Sustainable Construction)</b>, SD8, SD16, SD27, <b>SD28</b> SD46, <b>SD48</b>, 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, <b>PL1 A (in terms of the provision of affordable housing and Lewes low-cost homes)</b>, 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.</p>	Amendment

Agenda Item	Page No	Para	Update	Source/Reason
6	75	8.5	<p>Additional bullet points to reflect the amendments received regarding Sustainable Construction and Affordable Housing.</p> <ul style="list-style-type: none"> <li>• The provision of 30% Affordable Housing, including 92 Lewes Low-Cost Homes;</li> <li>• The approach to Sustainable Construction through a 'whole life carbon assessment' including the commitment to deliver to LETI 2030 Design Targets.</li> </ul>	Update