

Report to **Planning Committee**
Date **15 February 2024**
By **Director of Planning**
Application Number **SDNP/23/00526/OUT**
Applicant **Human Nature (Lewes) Ltd**
Application **Hybrid planning application for the redevelopment of the North Street Industrial Estate, North Street, Lewes for a residential-led, mixed use development.**

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 1A, 1B and 1C forming part of Phase 2), and

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 up to 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

Address **North Street Industrial Estate, Lewes, East Sussex**

Recommendation:

- 1) That authority be delegated to the Director of Planning, in consultation with the Chair of Planning Committee, to grant planning permission subject to:**
 - a) Consideration of the further consultation response of the Local Highway Authority, National Highways or in its absence the Secretary of State for Transport in accordance with the 2018 Direction on Trunk Roads. This is on the proviso that any response from National Highways or the Local Highway**

Authority does not require any substantive changes to the proposal. If substantive changes are required as a result, the application will be reported back to Planning Committee for a decision; and

- b) The conditions and informatives set out in Section 9 of this report and the update sheet which may be amended to accommodate responses from the Local Highway Authority, National Highways or the Secretary of State for Transport; and**
- c) A Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the items set out below and to include any additional appropriate requirements of the Local Highway Authority, National Highways / Secretary of State:**
 - **30% affordable housing including the provision for Lewes Low Cost Homes, Affordable Rent and First Homes;**
 - **Securing scheme delivery in accordance with the Design Code;**
 - **Sustainable Construction measures and targets, including LETI targets, BREEAM ‘Excellent’ for commercial floorspace, renewable energy provision, water efficiency, waste management and the use of timber in the construction of the scheme;**
 - **A package of on-site and off-site Transport Mitigation Measures (including the 3 bus stops on north of Phoenix Causeway, a new Riverside Walkway, New Bridge, re-provision of the 3 coach parking spaces, a ‘transport performance bond’ and financial contributions for Traffic Regulation Orders) and Travel Plan;**
 - **Timing and delivery of other key infrastructure, such as the Flood Defences, Co-Mobility Hub and Health Hub;**
 - **The provision of Public Rights of Way and permissive routes across the site;**
 - **A financial contribution towards Sussex Police;**
 - **The provision and delivery of cultural, artistic and artisan workspaces;**
 - **Securing the delivery of biodiversity net gain;**
 - **The provision of a Community Liaison Group and Estate Management Company;**
 - **The provision of Estate Management Plans (to include the maintenance and management of the flood defences, streets and spaces, drainage, lighting, landscape and ecological management measures, operational management of commercial spaces etc), and**
 - **The provision of local employment and skills training.**
- 2) That the Committee confirm 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 for planning permission with appropriate reasons if:**
- a) **The Section 106 legal agreement is not completed, or sufficient progress has not been made, within 6 months of the Planning Committee meeting of 15 February 2023; and / or**
 - b) **The Secretary of State for Transport requires that the application be refused (in accordance with the 2018 Direction on Trunk Roads).**

Site Location Plan – as set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet.

Executive Summary

October 2023 Planning Committee

A decision on this application was deferred at the 12 October 2023 Planning Committee meeting to resolve the following issues:

- a) Transport – 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 on 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.
- b) Design - including amendments to the Parameter Plans and Design Code and details of Parcel I 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;
- 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;
- d) Air Quality – 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
- e) Section 106 Legal Agreement – 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.

Current Position

As set out below in this report, with the exception of transport, the other issues subject to deferment at October planning committee have now been satisfactorily addressed. In particular, the design amendments made have evolved the scheme positively. Flood risk and air quality have now been addressed satisfactorily and there are no objections from the Environment Agency, Lead Local Flood Authority and Air Quality Advisor in these respects. The sustainability credentials of the scheme are strong and would now be appropriately secured in the Section 106 legal agreement. The provision of 30% affordable housing, including a proportion of Lewes Low Cost Homes, is the maximum amount of affordable housing that this scheme can support.

Key Considerations

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 (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;
- the proposal's design (including the impact on landscape and townscape character, heritage assets and neighbouring amenity);
- 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 legally binding agreement.

Reason for Recommendation

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). This is an important consideration.

However, there are still outstanding concerns, as set out in the responses from both National Highways and the Local Highway Authority, with regards to the applicant's ambitious modal shift targets (to reduce the dependence on the private car) and its potential impacts to both the Strategic Road and Local Road Network. The issues still to be fully resolved can be summarised as:

- An agreed trip rate and distribution scenario;
- Acceptance of the transport modelling for Lewes Town and A27;
- The detail and deliverability of an associated mitigation package, and
- A proposed and agreed monitoring methodology of development impacts on the highway network and trigger points for delivering mitigation measures.

It is considered that there is a satisfactory solution achievable, and the applicant needs more time to resolve these issues. In all other respects, recognising the scheme is more dense than originally planned for in the South Downs Local Plan but that there are many other benefits such as flood prevention measures and viability needs to be addressed, the proposed scheme is acceptable.

Therefore, the recommendation is to delegate authority to the Director of Planning, in consultation with the Chair of Planning Committee, to resolve to grant planning permission subject to the satisfactory resolution of these specific highway / transport issues and the consideration of any further response from both National Highways (or the Secretary of State in accordance with the 2018 Direction on Trunk Roads) and the Local Highway Authority.

However, if those discussions and / or further responses would result in substantial changes to the overall proposal (such as changes to the design of the scheme), those changes would be subject to further public consultation and would be reported back to Planning Committee for consideration.

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.

1. **Site Description** – as set out in Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet.
2. **Relevant Planning History**
 - 2.1 As set out in Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet.
 - 2.2 A decision on this application was deferred at the 12 October 2023 Planning Committee meeting to resolve the following issues:
 - a) 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 on 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.
 - 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;
 - 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;
 - 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
 - e) 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.
3. **Proposal**
 - 3.1 The full details of the proposal are set out in Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet.
 - 3.2 In summary, the proposal is a residential-led mixed use scheme (for up to 685 dwellings), 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). This new neighbourhood for Lewes would be predominately car free.
 - 3.3 The site has been divided into ten (10) parcels (with each parcel sub-divided into a number of plots) which includes a ‘Co-Mobility Hub’ (including parking for a total of 304 cars).
 - 3.4 The application is seeking a ‘hybrid’ permission i.e. part full and part outline.
 - 3.5 As part of the full application, permission is sought for new flood defences, creation of new access to the site from the Phoenix Causeway and the construction of three buildings up to 5-storeys comprising 44 dwellings (referred to as Parcel 1).
 - 3.6 As part of the outline application (inc. up to 641 dwellings and range of other commercial uses and health facilities), 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 revised 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.

3.7 The following paragraphs set out what changes have occurred to the scheme since the 12 October 2023 Planning Committee. This includes the submission of revised and additional plans and documents (including amendments to the relevant chapters of the submitted Environmental Statement).

Affordable Housing

3.8 The applicant has reconfirmed their commitment to delivering 30% affordable housing (up to 206 dwellings) based on the following tenures and size of dwelling. This is to be secured in suitably worded obligations within a Section 106 legal agreement.

| Proposed affordable housing by tenure and size | Total (up to) | 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 | 54 | 38 | 8 |

Sustainable Construction

- 3.9 The applicant has provided a clearer commitment (to be secured by a legal binding Section 106 agreement) to use timber in the construction of the buildings and achieve certain LETI (whole life / embodied carbon emissions targets) and other targets in relation to operational CO₂ emissions, energy use, water use and site waste management. For example, the current draft of the Section 106 Legal Agreement has replaced the commitment to use ‘best endeavours’ to achieve certain targets to say the scheme ‘will’ achieve those targets, removing uncertainty.

Transport / Co-Mobility Hub

- 3.10 A revised Transport Assessment (and associated framework Travel Plan and Construction Environmental Management Plan) has been submitted which seeks to address the previous concerns raised (including comments from both National Highways and the Local Highway Authority).
- 3.11 The applicant is also proposing the following mitigation measures (to be secured through obligations within a Section 106 Legal Agreement and Section 278 Highway Agreement):
- widening and surfacing works to the existing Pells Footway to enable a shared footway / cycleway with appropriate signage;
 - upgrade / conversion of the junction of the High Street / Eastgate Street to a raised table with grey block paving and pedestrian crossing studs in metal to assist with guiding pedestrians across the junction;
 - improvements for pedestrians (dropped kerbs and tactile paving) at various junctions across the Town to improve key walking routes to and from the proposed development;
 - an E-bike / E-cargo bike hire scheme (similar to a ‘Beryl’ hire bike scheme operating in other Towns / Cities across England), operated from the ‘Co-Mobility Hub’ on site and managed via a consolidated mobility services app and telephone, to service both the proposed development and the wider Town;
 - upgrading existing cycling parking at various locations across the Town (to be agreed with SDNPA and ESCC). Specific areas allocated across the town for the parking of E-bike / E-cargo hire bikes (‘Virtual’ parking locations) at various locations (to be agreed with SDNPA and ESCC). This includes a specific area located in the car park at Lewes Railway Station (a ‘Virtual’ parking location) which is currently being considered by Greater Thameslink Railway (GTR) who are the Train Operating Company at Lewes Railway Station;
 - the Co-Mobility Hub will include an E-car club / Car hire scheme with a fleet of 45 vehicles (with electric charging facilities), for the use of residents of the site and existing residents within Lewes, and managed via a consolidated mobility services app and telephone;
 - the provision of a bus service (for clarity this is referred to as the ‘shuttle bus’ service in this report) to operate within the proposed development (to and from the Co-Mobility Hub), and for residents within the Proposed Development and key destinations in Lewes (such as the Railway Station);
 - the provision of 3-bus laybys on the northern side of the Phoenix Causeway, with associated bus shelters, Real Time Passenger Information (RTPI) boards, a toilet and a kiosk as part of the proposed development, and
 - increasing the crossing time at the junction of Nevill Road / Western Road / Winterbourne Hollow / Brighton Road from 90 seconds to 120 seconds.
- 3.12 In addition, the applicant is now offering a £1.25m ‘transport performance bond’ to deliver a series of measures should the overall modal shift aims not be achieved at certain points in time / stages of occupation of the development. This money could then be used by the applicant or another relevant party (in agreement with SDNPA, National Highways and / or East Sussex County Council) to deliver:

- extending the route of the shuttle bus service to more key destinations across Lewes, to offer more connections between residents / staff to further key amenities;
- extending the operating hours and frequency of the shuttle bus service to key destinations across Lewes to further incentivise use;
- a financial contribution towards improving the frequency of existing bus services in Lewes;
- a possible extension of Controlled Parking Zone (CPZ) with two possible interventions - extending the hours of existing nearby CPZs which border the site from 9am-5pm to 9am-8pm, and geographic extension of the CPZs to include Landport;
- increasing the value of the sustainable travel vouchers (above the initial value/period of use) within the Travel Plan to encourage extended use of public transport, car club and cycling.
- having engagement events to meet with residents/staff etc of the scheme to address queries and promote the measures within the Travel Plan, and
- Offsite works at the junction of the A27 / Brighton Road / Ashcombe Hollow (Ashcombe Roundabout) to signalise the most easterly of the A27 westbound arms of this junction, and at the junction of the A26 / A27 (Southerham Roundabout) to remove the northerly flare on the southbound section of the A27, and the western flare on the eastbound section of the junction.

3.13 With regards to the relocation of the existing 3 coach parking spaces on site, the current draft of the Section 106 Legal Agreement provides that a temporary provision will be retained on site until such time as an alternative location off-site is provided (an alternative location has not yet been proposed).

3.14 In response to the concerns raised about the use of a Stopping Up Order (to enable the estate management of the proposed streets and spaces and control of car parking), the applicant is also proposing that a number of the proposed routes in and across the site are dedicated either as Public Rights of Way (so people can pass and repass over them at any time) or as a series of permissive routes (people can pass and repass over them at the consent of the landowner but may be closed / have restricted access at certain limited times). These rights of way / permissive routes would be secured through obligations within a legally binding Section 106 agreement – the current draft proposed rights of way and permissive routes are shown on a plan within **Appendix 2**.

Design

3.15 The following design changes have been made since the October Planning Committee:

Parcel I (the element seeking full permission)

3.16 Three of the proposed residential units within Parcel IA have been reduced in height by approximately 2.27m, 5.15m and 1.1m respectively, with the aim of reducing the visual mass of buildings along the edge to Pells Walk and to introduce more roof articulation.

3.17 The overall proposed number of units of 44 remains unchanged, as does the number of affordable dwellings, however the dwelling mix proposed has changed. These changes are set out in the table below.

| Size and Type of Unit | Number of Market Units | Number of Affordable Units | Change since 12 October 2023 |
|-----------------------------------|------------------------|----------------------------|------------------------------|
| 1 bed flat | | 8 | - |
| 3 bed flat | 1 | | - |
| 3 bed duplex (flat over 2 floors) | 15 | | -1 |

| Size and Type of Unit | Number of Market Units | Number of Affordable Units | Change since 12 October 2023 |
|---------------------------------------|------------------------|----------------------------|------------------------------|
| 4 bed duplex (flat over 2 floors) | 2 | | +1 |
| 4 bed triplex (flat over 3 floors) | 1 | | - |
| 2 bed house | 7 | | +2 |
| 3 bed house | 1 | | - |
| 4 bed house | 9 | | -2 |
| Total | 36 (82%) | 8 (18%) | |

Parcel 1D and Parcel 3 - Adjacent to Pells Pool

- 3.18 The flood wall has been realigned to be integrated into the southern gable ends of Parcels 1D, 3A and the west wing of 3B and set further back from the boundary with Pells Pool.
- 3.19 The resulting space between the new flood wall location and the boundary to Pells Pool has become a 'green buffer zone', providing a visual amenity, ecological corridor and screening to Pells Pool. This zone could also provide more space for the proposed tree planting south of Parcel 3A.
- 3.20 The Design Code has been amended to include new rules that 'must' happen (such as having pitched roofs / gable ends, further clarification around measures to avoid overlooking, window orientation, location of balconies etc), details for the 'green buffer zone' and specific references to the adjacent Conservation Area.

Parcel 5C and 5D

- 3.21 There are now 'options' for Parcel 5C depending on whether Corporation Villas remains in a residential use (the Options are shown on the Plan in Appendix 2). If Corporation Villas is in a residential use then the 'maximum parameters' for Parcel 5C will be as follows:
- the maximum height would be predominantly 3 storeys with an element of 4 storeys adjacent to the Belvedere / River Frontage;
 - a 'horseshoe cutout' has been incorporated into the building footprint parameter, with the intention to avoid windows directly overlooking Corporation Villas, and
 - the proposed public access through the 'Foundry Passage' behind Corporation Villas has been removed.
- 3.22 However, if in the future Corporation Villas is no longer in a residential use, then the permission sought is that the reserved matters application for Parcel 5C can then be designed to the original maximum parameters proposed of up to 5 storeys across the whole Parcel, no 'horseshoe cutout' and the public access through 'Foundry Passage' reinstated.
- 3.23 The Design Code has been amended to reflect these options, to protect the existing residents from overlooking, daylight and sunlight impacts and protecting their access by stating vehicular access to Corporation Villas must be maintained and highlighting the various considerations that will need to be given to detailed design of 'Every Lane'. In addition, further 'rules' have been included to protect the use of East Sussex Fire & Rescue Services' Community Fire Station.

Parcels 6D and 6E

- 3.24 The maximum parameters (building heights and footprints) have now been reconfigured to open up a view of Malling Down from Brook Street and to enhance the framed view of Lewes Castle from the proposed Thomas Paine Bridge. The height of 6D has been reduced to 2-storeys with further height restriction rules set out in the Design Code to limit the heights of any structures on the proposed roof garden.
- 3.25 The possible maximum height of the eastern wing of Parcel 6E has been increased from 4-storey to 5-storey. This change together with an increase to the maximum building footprint (for example there is no longer an external space / courtyard within the middle of the plot) is to balance the loss in residential floorspace from the changes to Parcel 6D.
- 3.26 The previous external space / courtyard has been replaced by an adaptable events space proposed within the new building, with the Design Code indicating the potential for bringing natural daylight into the new building through openings in the roof.
- 3.27 The Design Code also now includes a requirement for a pitched gable end to Parcel 6E facing the Thomas Paine Bridge to respond to the character of the existing retained industrial buildings around it.

Parcel 7

- 3.28 For Parcel 7B, the maximum parameter height across the whole parcel has been reduced from 3 and 4 storeys to 3 storeys only.
- 3.29 The Design Code now makes specific reference to this part of the site being within the Conservation Area and provides further guidance on how to preserve and enhance the Conservation Area. In addition, further guidance / clarification has been provided on how to reduce overlooking, daylight and sunlight impacts to the existing residential properties in Spring Gardens (including the removal of any reference to having amenity space on the roof of Parcel 7B).

Other changes to the Design Code

- 3.30 In addition to the specific design changes set out above, the Design Code document itself has also been amended to ensure consistency, integration with the evidence and mitigation measures identified in other assessments (such as the LVIA, Heritage / Conservation assessments and ecology / biodiversity work) and address other issues raised by Consultees and other 3rd Parties. Examples include:
- the Design Code summarises the LVIA and the mitigation and other specific measures designers will need to give consideration to as the detailed plans are drawn up. In addition, Parcel / Plot specific mitigation measures (such as building articulation) are then set out under the relevant Parcel chapter;
 - specific overarching guidance has been provided for any development within (and within the setting of) the Conservation Area and there are additional references within the relevant parcel sections;
 - additional sections on the vision / character of the different types of spaces / courtyards within the Parcels / Plots have now been provided, and
 - the ecology assessment identified the importance of maintaining a dark corridor for wildlife along the river edge. Therefore, the Design Code now acknowledges when drawing up the detailed designs of the buildings and spaces along the river, this corridor should *‘remain unlit or light levels should not exceed 1 lux (equivalent to a full moon) and that any spill from adjacent lighting is also avoided’*.

Ecology and Biodiversity

- 3.31 Linked to the design changes set out above and to address issues raised by the SDNPA’s Ecological Advisor, the applicant has also submitted an addendum to the Environmental Statement and revised biodiversity net gain calculations (the BNG Metric). In summary, the revised BNG Metric shows the following ‘net gains’.

| Metric | Net Gain (Habitat Units) | Net Gain (River Units) |
|-------------------------------|--------------------------|------------------------|
| Detailed Phase I calculations | 93.84% | 6.34% |
| Outline Phase calculations | 36.64% | |
| Site-wide calculations | 37.99% | |

Flood Risk

- 3.32 The applicant has submitted an addendum to the drainage strategy to address the concerns related to risk of flooding from surface water, ground water and other sources (i.e. those that are not fluvial and tidal).
- 3.33 This included undertaking some infiltration tests at Parcel I (the part of the scheme seeking full permission). The results of those tests reflected the varied nature of the ‘Made Ground’ known to be on the site, and unfortunately did not provide conclusive evidence that infiltration drainage from permeable pavement systems would be feasible on Parcel I.
- 3.34 In addition, the nature and extent of a ‘blue grey’ layer found at the base of both trial pits needs to be confirmed with further ground investigation works as this could affect the draining of water. Therefore, the permeable pavement systems within Parcel I have been designed to hold surface water runoff (without any infiltration) and release to a pipe drainage network and river outfall (when the tide recedes, and gravity discharge is possible).
- 3.35 The hydraulic modelling of the proposed drainage system has been updated. The permeable pavement areas previously assumed to drain to ground have been converted to ‘tanked’ permeable pavement systems, where the granular sub-base is used for surface water storage until the tide recedes and gravity discharge to the river is possible.
- 3.36 This assumes no infiltration to the ground. Therefore, the following design criteria has been adopted for the design of the proposed surface water drainage system:
 - No flooding for 1:30 year + 40% for climate change event;
 - No flooding of buildings, essential infrastructure, and streets for the 1:100 year + 45% for climate change event (‘design event’);
 - The downstream boundary condition for both above events is the Mean High Water Spring (MHWS) tide, allowing for climate change: “2125 MHWS”. This accounts for the Higher Central allowance with sea level rise by 1.2m by 2125, and
 - No reliance on mechanical pumping for the ‘design event’, but back-up mechanical pumping is proposed as an approach to deal with events in exceedance of the above criteria, and in particular for events ‘in combination’ with fluvial and tidal effects.

Air Quality

- 3.37 The applicant has submitted an ‘Emission Mitigation Statement’ which concludes that using a ‘damage cost analysis’ for the operational phase of the proposed development, it is recommended that £315,696.00 is spent on mitigating the emissions associated with the proposed development (those emissions would be nitrogen dioxide and particulate matter associated with road traffic). However, the ‘costs’ of the proposed highway / transport mitigation measures (as set out in paragraphs above) would greatly exceed the required amount. Therefore, the proposed highway / transport mitigation package, together with the overall design of the scheme, would not result in any conflict with national or local planning policy when it comes to air quality.

Environmental Impact Assessment

- 3.38 The application is also accompanied by an Environmental Statement in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), various chapters have been amended or addendums have been provided to

address the design and other changes that have occurred since October's Planning Committee.

4. Consultations

4.1 Consultation responses are as set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet.

4.2 However, the consultee responses below are a summary of those comments received since the 12 October 2023 Planning Committee and take into account the subsequent amendments and additional information submitted by the applicant since December 2023 when another formal 30-day consultation period took place.

4.3 **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.

4.4 **Air Quality (LDC)** – No objection subject to securing a package of transport / highway mitigation measures.

4.5 **Archaeology** – As previous comments, 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.

4.6 **Conservation Officer** – Objection, can see that some attempt has been made to address some of the previous comments but it is not believed that these are such that original comments and overall conclusions need to be revised.

Officer Note: In summary the previous comments highlighted that the proposal was alien to the Lewes Conservation Area, would detract from the setting of the Conservation Area and a number of listed buildings and non-designated heritage assets (namely Corporation Villas and Pells Pool) and therefore could not be regarded as 'landscape-led'.

4.7 **Design Officer** – Objection, in summary despite some real public gains, the scheme described by a combination of the parameter plans and a Design Code which fails to provide enough moderation of the former, in terms of scale and mass in particular, cannot be fully supported as an appropriate extension to the town on the edge of the river, the countryside and the Lewes Conservation Area. As demonstrated with the details of Parcel 1, which despite some attractive architecture, cannot be fully supported due to its scale and massing, particularly with regard to Plot 1A.

The main concerns with the overall scheme:

- *Layout* – The proposed layout has some positive aspects, which include new and continuous riverside access; new pedestrian/cycle river crossing; buildings addressing streets in a consistent manner; relatively car-free streets, with most car parking restricted to the multi-storey car park on the southern edge; creation of a series of 'yard' spaces; clear route hierarchy, with North Street and Phoenix Street preeminent.

The layout has not been fully informed by important design principles from the beginning, which include: the need to retain or enhance or replace as many key views out from, into and across the development; prioritise the layout to facilitate easy, direct and safe cycle movement across the site from other parts of the town; allow for sufficient space between buildings to allow for appropriate numbers of ultimately large trees that would reflect the Lewesian character of built form.

The layout is based on the formation of large blocks, enclosing internal spaces. While blocks of this length do exist in some of the terraced streets of Lewes, the combination of block length and the number of storeys is not a Lewesian typology.

- *Site Edges* –
Riverside Edge

While relatively large buildings may be appropriate along the river edge, the riverside character should acknowledge a transition from the eastern (urban) end to the countryside end at The Pells, but this is not acknowledged in the Design Code and is not reflected in the parameter plan layout.

Pells Edge

Parcel 1A (80m long block) will create an abrupt and massive new edge to the countryside. This has latterly been partially moderated with a modest reduction in height for some mid-block units, but the point remains.

The relationship of the new development with the adjacent Pells Pool has been improved with a minimum block setback, some screen planting and a reduction in block height, using gables at the most closely adjacent ends, although the dense development cannot be completely disguised.

Conservation Area Edge

The development will likely be too large in scale in this part of the site to properly respect the Conservation Area.

Phoenix Causeway Edge

The largely green appearance of this busy corridor into the town, provided by the existing mature trees here will be transformed into an intense development and the removal of most, or all the trees.

- *Massing* – The combination of block scale and storey height creates massing that is not characteristic of residential areas of Lewes. The scale and mass of blocks is also out of proportion with the scale of the communal spaces defined by them.
- *Dual Aspect* - The Design Code states that all dwellings *should* be dual aspect. While the Design Code seeks to provide guidance on dual aspect the current wording is not sufficient.

Sustainability / Sustainable Construction – there are many positive and impressive targets, particularly the LETI target for embodied carbon emissions and BREEAM ‘excellent’ (for the non-residential buildings) these should be secured through conditions and obligations within a Section 106 Legal Agreement.

With regards to operational net zero, this is not achieved on site. The scheme is targeting only 86-99% improvement of regulated energy emissions on site. The shortfall, including emissions from non-regulated energy use, is reliant on the supply of electricity from a proposed PV farm offsite.

There is a failure to meet the Sustainable Construction SPD and Policy SD3 requirements for net zero carbon operational energy, however, the very low embodied carbon target will mean that the Whole Life Cycle carbon emissions will be significantly lower than relying on net zero carbon operational energy alone.

- 4.8 **East Sussex Fire and Rescue** – *Officer note: no formal response received on the amendments. However, Officers have been made aware of correspondence with the applicant which acknowledges the discussions which have been taking place between the parties and the changes made to the Design Code. It concludes by stating that the Fire Services will not be making a formal objection to the application. However, in the absence of direct written communication to the SDNPA to this effect the Fire Service objection (as set out in Appendix 3 – 12 October Planning Committee Report) remains.*
- 4.9 **Ecology** – further comments awaited.
- 4.10 **Environment Agency** – As per previous comments, no objection subject to a number of conditions and Section 106 legal agreement securing the details of the flood defences.
- 4.11 **Historic England** – As the amendments present no material change to the impacts on the designated heritage assets, we do not wish to offer any further comments. We consider our previous comments are still relevant to this case.

Officer Note: In summary, Historic England's previous comments were that 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.

In addition, this development in the setting of several designated heritage assets is likely to be harmful to their significance.

Overall they considered that due weight had not been given to conservation and there was scope for avoiding or minimising that harm, as required by the National Planning Policy Framework (NPPF) and they questioned whether the degree of harm proposed was clearly and convincingly justified by public benefits, as required by the NPPF.

4.12 **Landscape Officer – Objection**

The 'ask' in this National Park is not only to create i) distinctive places, but to create ii) distinctive places that fit into their context. This scheme achieves (i) without doubt and the application includes many positive choices, alongside supported aspirations and ambitions. However, it frequently fails to achieve (ii) largely as a result of early decisions to create urban-inspired blocks of large and tall buildings throughout the site.

As this application has progressed many supported ambitions have now been shown to be undeliverable (e.g. spaces achieving multiple benefits, conserving key views, genuine at-surface SuDS or green walls). Equally other positive ambitions are inadequately controlled by the Design Code (e.g. tree-planting, street clutter, bird/bat bricks/tiles and habitat creation). As a result, negative landscape and visual effects continue to be caused and poorly mitigated for and are not adequately avoided or minimised by the parameters or the recent amendments to the Design Code.

The concerns can be summarised:

- *Building scale (block patterns, massing, height) -* The amount of large-scale buildings, 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. There is little demonstration that negative effects have been first avoided, instead there is a reliance upon mitigation measures and relatively minor details in the Design Code.
- *Poor relationship between the proposal and its neighbours -* The application continues to demonstrate insufficient sensitivity to context and sensitive edges in the location, scale, form and massing of new buildings. Some small amendments have been undertaken, but large-scale buildings adjacent to; historic buildings / features, important public spaces, the river and countryside fail to react to the different character expressed and are 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.
- *Loss of key characteristic views and experiences -* These lost views also contribute to characteristic 'Lewes' experiences and sense of place. Many can be summarised as 'town to downs' (and vice versa), but other key views include the view of Corporation Villas as a 'full stop' at the end of North Street (one of the oldest routes in Lewes) or key views towards Malling Down. Their loss has not been avoided or poorly mitigated for through the design process and there are a few, but insufficient characteristic replacement views.
- *Design Code -* The Design Code remains over-complicated and it is a difficult document to use. Landscape character, space design, GI and ecological matters in particular have been an afterthought in what should have been a holistic design-approach.

The Design Code has undergone a series of minor amendments and many of these have been generally positive. However, it does not address landscape concerns around bulk, mass and heights of buildings, except for 6D where a view to the Downs will be interrupted less by the removal of one storey, instead it will be seen over/past a roof terrace.

In more detailed terms, the Design Code insufficiently controls building design to allow adequate space for tree planting and new habitat creation.

4.13 **Lead Local Flood Authority (ESCC)** – We are able to remove our objection to this application based upon the recent submission and on the basis of further design and calculations at reserved matters stage for the outline planning application phases, and technical design submissions for approval of detailed application to discharge planning conditions covering sustainable drainage aspects. Therefore, no objection subject to conditions (securing the details).

4.14 **Lewes Town Council** – Generally supportive of the changes. The main issues not addressed are coach parking, loss of car parks, parking issues and increased traffic which could be eased by traffic calming measures. A strategic transport plan is needed in collaboration with ESCC.

4.15 **Local Highway Authority (ESCC)** – Objection due to insufficient information.

In principle the Highway Authority supports the applicant’s vision for a non-car led development and this approach to development should be commended. It follows the principles of the Decide and Provide approach to development as promoted by TRICS and includes a commitment to monitoring development impacts over time to determine the need for further highway interventions.

However, a number of transport matters are not fully resolved at this time and require further discussion and resolution, notably:

- An agreed trip rate and distribution scenario;
- Acceptance of the transport modelling for Lewes town (and A27 as required by National Highways);
- The detail and deliverability of an associated mitigation package, and
- A proposed and agreed monitoring methodology of development impacts on the highway network and trigger points for mitigation measures.

The applicant has sought to show the impacts of different travel scenarios, full modal shift (65% and 44% for the residential and employment elements respectively) with sensitivity tests for lower percentages, at our request. In working with the applicant to achieve a lower traffic development, we have assessed the trip scenarios and can agree in principle that an interim mode shift scenario (33% and 18% for the residential and employment elements respectively) could be achievable and indeed should be aimed for to support Human Nature’s aspirations for the development.

However, that agreement in principle does require a package of effective mitigation works and it is the lack of detail and agreement on the proposed package of measures to date that is of concern.

The principle of monitoring development impacts in line with the Decide and Provide approach to Transport Assessment is accepted, but this requires that the junction modelling, monitoring methodology, the schemes themselves and triggers for implementation be agreed before grant of planning permission.

The applicant has proposed that a bond be in place from which funds can be drawn to deliver mitigation measures. As we do not yet have high level design and cost details for the various mitigation measures proposed, the Local Highway Authority cannot comment as to the suitability of the bond figure only to say that with highway works, Travel Plan measures and contributions covered by it, the proposed £1.25M bond is almost certainly not going to be enough.

Notwithstanding that, the Local Highway Authority will in any event expect the applicant / landowner to be responsible for the delivery of all highway works and mitigation measures whether they are ultimately agreed to be delivered as part of the development construction or part of a later package of works determined by triggers.

In summary, some of the highway and transport matters have been suitably addressed e.g. site access, but further information, justification and clarification is required (as set out above).

4.16 **National Highways** - It is still 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 (SRN), including the A27. Information requested, includes:

- how do the transport characteristics of the ‘exemplar sites’ and their surrounding areas (promoted as sites which demonstrate the delivery of high modal shift targets) compare to Lewes and critically what mode split are these exemplar sites achieving in practise?
- Trip distribution / assignment and its impacts on the SRN;
- junction assessments and modelling - to better reflect the actual profile of traffic through these junctions in the peak hours, and
- until the modal shift evidence is provided, they are unable to comment upon whether all the proposed mitigation measures (including the performance bond) would be sufficient and acceptable.

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 six months (until 23 July 2024) to allow the applicant to resolve the outstanding matters.

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

4.18 **Southern Water** – The applicant is now in discussions with Southern Water about the sewer diversions. These diversions need to be agreed and approved by Southern Water before commencement of works on site.

Other comments regarding the clearance requirements either side of any sewers and having no swales, watercourse or any other surface water retaining or conveying features located within 5 metres of public or adoptable gravity sewers, rising mains or water mains, remain unchanged.

4.19 **Sport England** - Do not wish to raise any further comments in relation to this application.

4.20 **Sussex Police** – Previous crime prevention comments and request for a financial contribution still apply.

5. Representations

5.1 Representations received are as set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet.

5.2 However, since the 12 October 2023 Planning Committee and before the submission of the amendments in December 2023, a further 6 objections and 32 supports were received. These did not raise any new issues that were not already summarised in the 12 October 2023 Planning Committee Report and Update Sheet.

5.3 Since December 2023, and subsequent receipt of amended plans and documents (when there was another formal 30-day consultation period), the following have been received: 50 objections (17 on a range of issues and 33 specifically on the loss of the TPO'd trees), 166 supports and 11 other / neutral (these actually include those who have expressed a ‘neutral’ comment but are supporting or objecting to a specific element, these have been listed under the relevant objection or support headings below). The comments below have been summarised together with those from organisations (such as Lewes Conservation Area Advisory Group, Pells Pool Community Association, Friends of South Downs, Friends of Lewes and Cycle Lewes) and individual Councillors from the District Council.

5.4 Objections

Design (including heritage impacts)

- Height, scale, massing of proposed buildings is too much;

- The scale and massing of the Co-Mobility Hub is totally inappropriate in such a sensitive location;
- Object to size and orientation of Parcels 9 and 10;
- Health Hub should not be built adjacent to River but on higher ground (to reduce risk of flooding);
- Scheme is overdevelopment;
- Scheme is too dense;
- Proposal is a deviation from Local Plan allocation (415 dwellings);
- Out of keeping with character of area;
- The scheme fails to integrate with the Town;
- 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;
- It is unclear what the impacts to the Green Wall;
- Parcel 1A is still of an excessive height;
- Doesn't meet space standards;
- Loss of views through / across the site and loss of views for those already living in the site;
- Scheme will cause loss of privacy, overlooking, daylight and sunlight impacts to new residents;
- Conflicts and inconsistencies between Parameter Plans and Design Code, and
- Conflicts with all SDLP policies.

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

- Overlooking and loss of privacy to existing residents;
- Loss of views;
- Overbearing impact (particularly Parcels 5 and 6 surrounding Corporation Villas);
- Parcel 5C should be reduced to a maximum of 3-storeys across the whole parcel;
- Loss of daylight and sunlight (particularly 2-4 Green Wall, 1-3 Corporation Villas and 15-21 Spring Gardens);
- Impacting on existing resident's 'Right to Light';
- Increased noise and disturbance to existing residents (especially from Parcel 6A – proposed creative workspaces and taproom) – negative impact on quality of life;
- Loss of existing access and / or parking provision, and
- Parcel 7A – whilst welcome the height reduction, would prefer if the whole Parcel was a maximum of 3 storey (2 storey with roof accommodation) – to reduce the impacts on the amenity of residents to Spring Gardens.

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;
- Application is moving in the right direction as far as its relationship with the Pells Pool edge, but the relationship is not satisfactory at present. In particular, the 20m setback of

the 4th storeys remains somewhat arbitrary, as (crucially) does the area within the Pool defined as “sensitive for overlooking” on Page 153 and 166 of the Design Code, and

- The treatment of the landscaping area south of the flood wall needs further thought, in particular in relation to drainage matters and potential impacts of Pells Pool.

Health Hub

- The Health Hub should have its own dedicated car park.

Affordable Housing

- Affordable Housing offered less than Policy requirement of 50%, and
- The proposed housing will not be affordable.

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);
- Scheme lacks integration with Eastgate Street, Little East Street and wider Phoenix Causeway;
- Lack of parking given the scale of the development proposed;
- Removal of existing, well used, public car parking areas and coach parking facility (including no replacement proposed);
- Modal shift aims are unrealistic – especially underlined by the 2011 Census with almost half of Lewes residents working outside Lewes Town;
- Opposed to the loss of public rights of way through the site;
- Lack of sufficient cycling infrastructure and provision has been made for cyclists (including routes through the site);
- Proposed bus provision (both sides of the Phoenix Causeway) is not an acceptable replacement of the closed Bus Station;
- Scheme does not re-provide 3 coach parking bays;
- 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
- Access via Brook Street and North Street is still required for residents in the surrounding streets of this site.

Flooding

- Questions whether building on the floodplain is right and / or the proposed flood defences will not be adequate.

Biodiversity including Trees

- The loss of the protected trees on Phoenix Causeway (protected by a current TPO), and
- The loss of the trees is detrimental to the environment and wildlife.

Commercial / Jobs

- No need for any more commercial / business space.

Other

- The Environmental Statement fails to have regard to the cumulative impacts with other developments;
- Unacceptable impact on Tranquillity and Dark Night Skies;
- The way the amendments have been put forward is confusing and difficult to understand;

- There are insufficient school places to support this development;
- Don't need any more business space;
- Further demolition should be paused until development has taken place on the existing cleared sites;
- Surface water drainage design is not acceptable with a pumping station that will not meet the standards for adoption by Southern Water;
- Development will not get insurance for building on flood plain.

5.5 Support

Design

- Redeveloping a brownfield site;
- Type of mixed use development the Town needs;
- Provides much needed housing;
- Regeneration and transforming a run-down area;
- Views have been enhanced, and
- Revisions / amendments made adequately address the design concerns raised.

Affordable Housing

- Support the provision of affordable housing;
- Welcome the provision of Lewes Low Cost Homes;
- Housing will be 'Lewes affordable' and retained in perpetuity, and
- Proposed 1 and 2 bed units will be affordable.

Sustainability

- Good sustainability and will reduce emissions.

Transport / Access / Parking

- Lack of car parking will not be an issue;
- Support all the proposed transport mitigation measures (both on and off site) and increased walking and cycling routes;
- Welcome putting pedestrians and cyclists first including pedestrian friendly streets between buildings;
- Welcome the enhanced sustainability proposed in the Co-mobility hub, and
- Support the proposed bus re-provision.

Biodiversity including Trees

- Will provide green spaces and tree-planting that will compensate for the loss of the trees on the Causeway.

Other

- The amendments made have addressed the concerns;
- Will provide 381 jobs to the local economy;
- Won't get anything better;
- Building on brownfield will take pressure off building on greenfields;
- Want to move to the new development once built.

6. **Planning Policy**

6.1 Most relevant Sections of the 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 the 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 'sustainable urban drainage systems' (SuDs), and
- Ensures adverse impacts are avoided, or if unavoidable that they 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 applications may come forward separately. Therefore applications will have to clearly demonstrate how the proposal accords 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 As set out in more detail in Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet:

- the application is for major development within the National Park, therefore Paragraph 183 of the National Planning Policy Framework (NPPF) and Policy SD3 of the South Downs Local Plan (SDLP) applies;
- the site forms a substantial part of an allocated 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), and this allocation carries substantial weight in the determination of any application;
- 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;
- 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, and
- the application is accompanied by an Environmental Statement (ES), in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The Statement concludes that, overall, the scheme is environmentally acceptable following implementation of the required mitigation.

7.2 In conclusion, 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. Therefore, in this regard, the scheme would accord with the NPPF and requirements of Paragraphs 129-130 (efficient use of land) and 183 (considering applications for major development within a National Park) and Policies SD1, SD3, SD25 and SD57 of the SDLP.

7.3 Further consideration of the details of the application (including the various ES Chapters, its likely environmental impacts and proposed mitigation measures) and its compliance with the details of Policy SD57 and other SDLP policies are set out in the following paragraphs.

Sustainability / Sustainable Construction

7.4 As set out in Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet, 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).

7.5 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).

- 7.6 In summary, the proposed development does not meet the operational CO₂ emissions requirement of Policy SD3 (albeit figures suggest a reduction of 86%- 99% in CO₂ for regulated energy) and there is a reliance for off-setting some of the CO₂ 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).
- 7.7 The SDNPA's advisor, an expert in the field of Whole Life Carbon Assessments, has 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 (including end of life carbon emissions when the buildings are deconstructed / demolished and disposed of).
- 7.8 In addition, the amended reports provided for Parcel I demonstrate that it would meet the site-wide embodied carbon targets and would achieve a LETI 'A' rating for both upfront and embodied carbon.
- 7.9 Importantly, it should be noted that the Whole Life Carbon Assessment provided would be expected to save more carbon than Policy SD3 requirements and the development scheme is highly sustainable in this regard.
- 7.10 As also set out in Appendix 3 - 12 October 2023 Planning Committee Report
- '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 is supported. These elements would be secured through suitably worded conditions and obligations in a Section 106 Legal Agreement.
 - 'Sustainable Materials' - the approach to create a 'Sussex Timber' supply chain and use timber construction methods for this development is commendable and supported. The applicant has also agreed to a firmer commitment to construct the scheme in timber, this will be secured through obligations in the Section 106 Legal Agreement (previous draft of the Section 106 Legal Agreement referred to using 'best endeavours').
 - '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 will be secured through obligations in a Section 106 Legal Agreement.
- 7.11 Other matters listed under Policy SD3, such as sustainable transport, are covered in other sections of this report.

Health Hub / Hotel – BREEAM

- 7.12 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.

Conclusion

- 7.13 In terms of sustainable construction, the scheme (including the details for Parcel I) is highly sustainable 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.

Affordable Housing and Housing Mix

- 7.14 As set out in detail in the Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet.

- 7.15 The applicant has reconfirmed their commitment to deliver 30% of affordable housing on site (this would equate to up to 206 dwellings) and this would be split between the following tenures.
- 92 units of Lewes Low-Cost Housing;
 - 62 units of affordable rent, and
 - 52 units of First Homes.
- 7.16 For a scheme of this size, the SDLP sets out a requirement for 50% affordable housing, subject to a viability assessment. The applicant has submitted a financial viability assessment setting out why the scheme could not provide 50% affordable housing.
- 7.17 That viability assessment 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 that a 50% affordable housing provision would not be possible here. However, a 30% provision of affordable housing (proposed by the applicant) would be achievable. The independent review is clear that no additional affordable housing beyond the 30% could be supported by the scheme.
- 7.18 The inclusion of 92 Lewes Low-Cost Homes (as part of the overall offer of 30%) is welcomed and is considered to provide a substantial positive benefit in the overall planning balance.
- 7.19 Therefore, subject to securing the details of the 30% affordable housing (including the proposed tenure) via obligations within a Section 106 Legal Agreement, the scheme would comply with Policy SD28 of the South Downs Local Plan and Policy PLI A of the Lewes Neighbourhood Plan.
- 7.20 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 previously received from Lewes District Council), the proposed housing mix with a higher proportion of 1 and 2 bed units (for which there is a significant need) is 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 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)

- 7.21 As set out in Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet, 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.
- 7.22 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;
 - The provision of three (3) bus stops on the north side of the Phoenix Causeway;
 - A new pedestrian walkway, with some areas / sections of the route allowed for cyclists, along the River frontage;
 - A new Bridge link across the River Ouse, and
 - Other ‘off-site’ measures including improvements to the footway along Pells Walk, improvements for pedestrians and cyclists at key crossing points around the Town Centre, a bus service within the development and a ‘transport performance bond’ – for full details see the proposal section above.
- 7.23 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.
- 7.24 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.
- 7.25 Using the Authority's parking guidance the scheme would ordinarily 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).
- 7.26 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 all the other mitigation measures proposed (such as bus stops directly adjacent to the scheme, very good car club provision, bike hire and other services).
- 7.27 As highlighted in the comments from National Highways and the Local Highway Authority, the principle of achieving such a modal shift (in some cases 65% of trips by non-car modes are targeted) is welcomed and supported. Achieving such a modal shift would have important benefits in terms of sustainability, air quality, health, public transport usage and the effective use of brownfield land.
- 7.28 However, there is concern about whether such an ambitious target is attainable in the context of Lewes (and its public transport provision) and a usual achievable mode shift from standard new developments is generally between 5-10 percentage points. The applicant has sought to allay these concerns through a significant package of transport mitigation measures both on and off-site and the provision of a 'transport performance bond' which can be used in the future should the modal shift targets not be reached, and further mitigation measures are required.
- 7.29 At the time of writing this report, both National Highways and the Local Highway Authority were requesting further information to evidence that the modal shift is achievable, that there would be no detrimental impact to the Strategic Road Network and local roads, and further specific mitigation measures should the targets not be achieved – this is line with the 'Decide and Provide' approach.
- 7.30 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 have sought 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 further discussions with the Local Highway Authority it may be possible through an amendment to the Lewes Parking Order (dated 28 December 2007).
- 7.31 On the proposed enforcement measures, Officers have 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.
- 7.32 However, and as highlighted by the objections received by the current residents living on site in Corporation Villas and Spring Gardens, and previous comments from 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. 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.
- 7.33 The applicant has sought to engage with existing residents and ESFRS to alleviate their concerns and have amended the Design Code, where relevant, to identify that any final designs need to take into account the access to these properties and Fire Station.
- 7.34 In terms of planning, the applicant has made acceptable amendments to the Design Code to safeguard access to these properties and the issues are private legal matters for the parties to resolve separately. In addition, and as set out above, the Stopping Up Order is subject to a separate legal procedure (and 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 for Transport holding a public inquiry to fully consider the issues raised.
- 7.35 Concerns had also been raised about when the Co-Mobility Hub (and all of its reported benefits) would 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. The principle of this approach can be supported, together with 'temporary measures' provided during the phases of construction, and such details can be secured through obligations within a Section 106 Legal Agreement.
- 7.36 With regards to pedestrian and cycle routes. The scheme makes good provision for pedestrians and cycles by providing safe, legible routes within the site, including specific routes to be made 'Public Rights of Way' and 'permissive routes' to prevent the scheme becoming a 'gated community'. In addition, the provision of the riverside walkway and a new 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 the details can be secured through suitably worded conditions and obligations within a Section 106 Legal Agreement.
- 7.37 The proposed cycle parking and Electric Vehicle Charging provision are acceptable and the details could be secured through suitably worded conditions and timely provision via an obligation within a Section 106 Legal Agreement.
- 7.38 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 application makes no re-provision for these spaces on site and the current draft of the Section 106 Legal Agreement provides that a temporary provision will be retained on site until such time as an alternative location off-site is provided (the alternative location has not yet been proposed). Whilst this is not ideal, it is acceptable that the reprovision of 3 coach spaces can be secured through an obligation in a Section 106 Legal Agreement and there is sufficient time for the applicant, working with other landowners (such as Lewes District Council) to provide a suitable relocation (and the delivery of such a reprovision could be tied to a particular construction phase of this scheme). Therefore, it is not considered that a reason for refusal on this very specific issue could be sustained.
- 7.39 As set out in the comments from the Local Highway Authority, the further amendments to the proposed new site access (off the Phoenix Causeway straight into the proposed Co-Mobility Hub) and associated highway changes with this access are now acceptable subject to securing the details in suitably worded conditions and obligations in a Section 106 Legal Agreement. However, there are still some technical concerns about how the temporary construction access will work in practice if the applicant is trying to also deliver the Co-mobility hub in phases. The operation of the access will need further careful consideration as part of the Construction Traffic Management Plan.
- 7.40 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).

- 7.41 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).
- 7.42 The provision of the three stops on 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 the former bus station site, East Sussex County Council who are the land owner of the land north of the Causeway and Local Highway Authority, 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, would be acceptable (subject to securing the details, including ensuring timely delivery, via suitably worded conditions and obligations within a Section 106 Legal Agreement).
- 7.43 The issue of the loss of the existing, and protected, trees in this location are discussed elsewhere in this report.
- 7.44 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.
- 7.45 Therefore, the proposal complies with many aspects of the relevant transport / highway policies in the NPPF, Policies SD3, SD19, SD20, SD21 and SD22 of the SDLP and Policies AM1, AM2 and AM3 of the Lewes Neighbourhood Plan. However, there are still outstanding concerns from both National Highways and the Local Highway Authority to be resolved to ensure there is no overall detrimental impact to the efficient and safe operation of the road network (including the Strategic Road Network) and that any such impacts are sufficiently mitigated. It is considered that these issues are resolvable, and the applicant should be given more time to find an acceptable solution for all parties concerned. Therefore, the recommendation is to give delegated authority to the Director of Planning, in consultation with the Chair of Planning Committee, to grant planning permission subject to resolving this matter with a satisfactory and appropriate solution.
- 7.46 However, there are two exceptions to this recommendation, firstly if the solution would result in substantial changes to the overall proposal (such as design changes) those would be subject to further public consultation and the consideration of those changes would be brought back to Planning Committee for a decision.
- 7.47 Secondly, if the applicant cannot offer a solution which would be acceptable to National Highways, and the Local Planning Authority were still minded to approve the scheme, the Secretary of State for Transport under the 2018 Direction on Trunk Roads (within a 21 day notice period) can serve a direction that permission should be refused. Therefore, the recommendation set out at the start of this report provides for that possible outcome.

Landscape-led Design

- 7.48 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.

- 7.49 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.
- 7.50 As set out in Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet, the following elements were supported:
- 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) – at the time of writing this report, further amendments to the details and precise wording of the Design Code are expected to address previous concerns;
 - 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).

7.51 At the time of the 12 October 2023 Planning Committee, whilst the proposal had many positive design attributes, there were still significant concerns about the proposed scale, mass and form of some of the proposed Parcels and the Design Code did not give sufficient ‘comfort’ to alleviate those concerns. The report highlighted four areas of concern, views; the proposed scale of some of the parcels; edges / ‘duty of care’ and the details of Parcel 1.

7.52 The proposal section above sets out the subsequent changes to the design of the scheme including the amendments to the Design Code. The following paragraphs focus on the subsequent changes in relation to the four areas of concern highlighted previously.

Views

7.53 As set out in Appendix 3 – 12 October 2023 Planning Committee Report, Lewes is an important historic downland settlement and the relationship, particularly visual, with the surrounding downland is 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).

7.54 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 Appraisal and 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 arguably not given due consideration when the site was originally divided into the 10 Parcels.

7.55 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*).

7.56 The Design Code has been amended so that it now includes specific references to key views under the relevant Parcel sections as well as other mitigation measures (such as the need for roof articulation). Examples include:

- for 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. For Parcel 6D, the Parameter Plan for maximum building heights has been amended to 2-storeys (previously this block was 2 and 3 storeys). In addition, the Design Code now for Parcel 6D includes an additional ‘rule’ which states the design of this Plot will have a ‘height restriction zone’ from the corner of North Street and Brooks Passage and any temporary rooftop structures must not exceed a maximum height of 3m (measured from the maximum parameter height) and any rooftop structures must not exceed 11.05m AOD to avoid interference with the view of Malling Down from View 88;
- for 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 Design Code for Parcel 10D now states *‘the Plot must be setback from 10C northern façade by a maximum of 9m along Soap Passage, a minimum setback distance should be determined by the maintenance of the view corridor looking east’*.

7.57 These changes are welcomed but they are considered to be modest given the context of the scheme. Ultimately, the applicants own LVIA demonstrates the lack of iteration in the layout, scale and massing of buildings (i.e. it is not landscape-led). Earlier use of the LVIA (and its evidence) would have resulted in a more successful outcome in conserving and enhancing this key characteristic.

- 7.58 However, it is also acknowledged that the new River Walkway and Bridge will open up new views and this is clearly a positive element to the scheme.

Proposed Scale of some the Parcels

- 7.59 Linked to the issues set out above, Officers still 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 an increased number of single aspect units.
- 7.60 Also, some amendments to the scheme (such as Parcel 10D and changes to Parcels 6D and 6E where the heights have been increased) has implications for quality of (narrow) spaces and the Design Code site-wide principle of achieving an urban grain appropriate to neighbouring built development.
- 7.61 The applicant has provided some additional and amended text in the Design Code to try to avoid / minimise the potential impacts (such as overlooking, loss of privacy, daylight and sunlight impacts), including further guidance on ensuring ‘dual aspect’ units and a vision for the different types of spaces between the proposed Parcels. For example, for Parcel 2 there is now a ‘code’ for a ‘visible sky angle to be 70°’ (how much sky can be seen from the centre point of the courtyard). Again, these changes and additions are welcomed but do not alleviate all the concerns and the potential harm that the overall scale (footprint and height) that some of the Parcels create.

Edges / ‘Duty of Care’

- 7.62 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.
- 7.63 The issue of the scheme’s relationship with the wider ‘Pells’ area is highlighted in the comments on the detailed proposals for Parcel 1 set out below and its relationship specifically to Pells Pool is covered in the heritage section.
- 7.64 With regards to the River’s edge, the proposal provides a built form along its entire edge with the River Ouse with little 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 set out previously, 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.
- 7.65 The issue is that this proposal is to provide large scale buildings the entire length of the River frontage with few ‘gaps’ and the associated heritage and other impacts identified (such as important and characteristic views), cause harm.
- 7.66 Whilst the further amendments to the Design Code to try to ameliorate these concerns has been welcomed, there is 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.
- 7.67 However, to be considered alongside this, it is also recognised that the proposed River Walkway and new Bridge link across the River will provide significant wider public benefits which weighs positively in the overall planning balance of this scheme.
- 7.68 As set out in Appendix 3 – 12 October 2023 Planning Committee Report, on the issue of the Phoenix Causeway, 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).

- 7.69 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. The issue of the loss of the protected trees is referred to in the ecology / biodiversity section below.

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

- 7.70 As highlighted in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet, 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.
- 7.71 The principle of some larger scale sub-parcels / plots is 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 welcome. 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).
- 7.72 Officer’s concerns related 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, which causes harm and would result in a significant reduction in the current ‘rural solitude’ of this part of the site. The articulation of the roof form, including the recent further changes (to further reduce the height of three of the proposed buildings), whilst positive, are relatively modest and does not mitigate all of the harm.
- 7.73 It is 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 than exists with the existing building on site and provides an appropriate, partially screened, foil to the wild nature of the Pells.
- 7.74 Officers are still of the opinion that although the architectural treatment is varied and interesting this still does not disguise the scale of this elevation and this, together with the arrangement of the buildings may reduce the opportunity for successful and significant planting within the proposed courtyard and close to the building, through a reduction in light and available water within these spaces.

Dark Night Skies

- 7.75 As set out in Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet, 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 the final details can be secured through suitably worded conditions. Therefore, the proposal accords with Policy SD8 of the SDLP.

Recreation / Open Space

- 7.76 As set out in Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet, 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).

7.77 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, a new Bridge link across the River Ouse is proposed to provide access to and from Malling Recreation Ground. This is a significant positive benefit of the scheme and is considered a sufficient and 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

7.78 In conclusion, the overall ‘design’ of the proposal has a number of positive attributes and accords with many of the aims of the South Downs Local Plan. The further changes made since October Planning Committee are welcomed, albeit they modest in the context of the whole scheme. In many respects the scheme accords with the NPPF and 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. However, the scale, form and layout of some of the proposed Parcels is harmful, but it is considered that there are significant public benefits to the scheme which outweigh this harm.

7.79 It is considered that the delivery of much needed flood defences, new homes including affordable housing (and specifically a substantial number of Lewes Low Cost Homes), the re-use of brownfield land and the efficient use of that land, the strong sustainable construction credentials for the new homes, a new River walkway and new Bridge (for pedestrians and cyclists) across the River are public benefits which, in this case, outweigh the harm identified.

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

7.80 When it comes to ‘heritage assets’ (both designated and non-designated), special attention has to be paid to preserving or enhancing certain heritage assets or their setting (in this case the Scheduled Monument), 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 58B, 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990). In addition, paragraphs 201 and 209 of the NPPF also refer to assessing the significance of any heritage asset including development affecting their setting and taking into account the effect of development on the significance of any non-designated heritage assets.

7.81 As set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet 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

7.82 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*’.

7.83 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.

- 7.84 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.
- 7.85 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.
- 7.86 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.
- 7.87 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.
- 7.88 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.
- 7.89 The scale of the proposed development is significantly greater than the historic character of the site. As highlighted by Historic England's previous comments, 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'*.
- 7.90 There are a number of examples, such as Parcels 1, 3, 4, 7 and 8 that illustrate where the juxtaposition of larger new buildings with more modest, human-scale buildings within the Conservation Area would be discordant.
- 7.91 The same applies to the impact on the views out to the surrounding landscape.
- 7.92 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'*.
- 7.93 The way in which the large buildings would intrude into key views (such as those previously highlighted of Brook Street (although now improved since October Planning Committee), Wellington Street / Lancaster Street and from Malling Recreation Ground) that secure that relationship would be harmful to the setting of the Conservation Area.
- 7.94 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.
- 7.95 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.
- 7.96 As set out in the design section above, and acknowledging the applicant has made some, what are considered to be relatively modest changes and has sought to provide additional 'rules' within the Design Code. The scheme cannot be described as truly 'landscape-led' by virtue of its built form being of a scale and form, that is arguable discordant with the Lewes Conservation Area and its impact on 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

- 7.97 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).
- 7.98 The Design Code now includes specific references and ‘rules’ for schemes within and adjacent to the Conservation Area, again these are welcomed and supported as is the amendment to ensure Parcel 7B is only 3 storeys, which is not dissimilar to other development within the Conservation Area.
- 7.99 In respect of Parcel 7A, the Conservation Officer and Historic England have said that 3 and 4 storeys are harmful to the Conservation Area. However, having considered Officers take a different view and are broadly satisfied with the potential scale of the building given that it is 3 storeys adjacent to the Churchyard and as it will be read as part a larger comprehensive site development. The development will also have a better relationship to the Conservation Area than the existing poor quality car park (albeit any development of the site should achieve this). It is Officer’s judgement the scale of the proposed building on Parcel 7A will preserve the character of the Conservation Area and there are sufficient ‘controls’ within the Design Code to ensure an appropriate form of development.

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

- 7.100 As highlighted in the previous 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.
- 7.101 However, the Design Code does include mitigation and possible enhancement measures, including the provision of a 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.
- 7.102 The 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

- 7.103 There remain 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)
- 7.104 Earlier amendments to the application resulted in Parcel 7A having 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). Subsequently the Design Code has also been amended to make specific references to the Conservation Area in relation to these two parcels and provide additional ‘rules’ to Parcel 7A on its immediate boundary to the Churchyard.
- 7.105 However, as a result of its scale, Parcel 7 is still considered to be dominant in local views and would cause some 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. However, it must be recognised that the impact on the Listed Church is mitigated by the fall in land levels between the Church and Parcel 7A.
- 7.106 It is still considered that Parcel 8 is of a scale that is considered 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

- 7.107 Both Corporation Villas (a retained residential building, formerly the Fire Station) and Pells Pool are considered to be non-designated heritage assets.
- 7.108 Corporation Villas will be surrounded by Parcels 5 and 6 which causes a degree of harm to this non-designated heritage asset (the residential amenity impacts of these Parcels are discussed within other sections within this report).
- 7.109 Pells Pool is an attractive amenity area in which the influence of water is significant. Again, acknowledging that the applicant has sought to address concerns by amending the maximum 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) and amending the Design Code to ensure pitched roofs and gable ends. These changes are welcomed and in some cases are more reflective of the characteristic of the Conservation Area. However, the overall scale, mass and bulk of these proposed Parcels are considered to cause some harm to this non-designated heritage asset.

Conclusions

- 7.110 As highlighted above, at the time of writing this report, further amendments to the Design Code have been requested to provide further specific rules for Parcels within the Conservation Area and how the final designs will be more reflective of the key characteristics of the Conservation Area.
- 7.111 However, due to the layout, scale and form of some of the Parcels there will be some harm to the significance of the heritage assets identified and set out above. This harm is considered to be 'less than substantial'. Therefore, in accordance with the NPPF, the harm caused should be given great weight and weighed against the public benefits of the proposal.
- 7.112 In this case, the provision of new housing (on an allocated site within the SDLP), the provision of affordable housing (including provision for Lewes Low-Cost Housing) the delivery of much needed flood defences, a new River walkway and new Bridge across the River and possible measures to better reveal and understand the Scheduled Ancient Monument (i.e. the Green Wall), are considered to be such public benefits that outweigh the harm caused.
- 7.113 Therefore, the proposal broadly accords 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 subject to securing the details and mitigation measures in suitably worded conditions and obligations within a Section 106 Legal Agreement.

Flood Risk and Drainage

- 7.114 As set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet. The overall Flood Defence Strategy and general design of the proposed flood defences (including incorporating the flood wall into the proposed buildings) is supported. The Environment Agency (EA) do not object, subject to securing the details in suitably worded conditions and obligations within a Section 106 Legal Agreement (to ensure timely delivery of the proposed defences and management / maintenance responsibilities). Therefore, 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.
- 7.115 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 service 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.
- 7.116 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.

- 7.117 As set out in the comments from the Lead Local Flood Authority (LLFA) and the proposal section above, the applicant has provided further information (including some initial infiltration testing) and has satisfied the previous concerns raised. Therefore, the LLFA has withdrawn their objection subject to securing all the details via suitably worded conditions and / or obligations within a Section 106 Legal Agreement.
- 7.118 Southern Water have requested easements around existing pipes (i.e. no development or tree planting within so many metres of the different sized pipes). In terms of buildings, this requirement could have an impact on Parcel 1C and the detailed design of Parcel 5D and the provision of trees / planting within the proposed streets. However, the applicant is already in discussions with Southern Water about the diversion of the various pipes (as part of their diversion application process) to enable the scheme to be delivered. Therefore, it would not be reasonable to refuse this application on the grounds of Southern Water's easement requests given the applicant is in discussions with Southern Water to divert the pipes and the outline part of the scheme will be subject to further reserved matters applications.
- 7.119 In conclusion, the proposal is now acceptable and would accord with Policies SD3, SD49 and SD50 of the SDLP and Policy PL3 of the Lewes Neighbourhood Plan.

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

- 7.120 As set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet, 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.
- 7.121 Corporation Villas and Spring Gardens will be 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. The previous Committee Report identified that 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 (the issues raised about loss of parking / access to the properties is covered under the transport section above).
- 7.122 To address these issues and at Officer request, the applicant has made further amendments to the form and scale of Parcel 5C, to provide 'options' should Corporation Villas remain in a residential use – see the proposal section of this report for the details. The reduction in height from 5 storeys to 3 and 4 storeys and the 'cut out' is welcomed and helps to address the issues previously identified.
- 7.123 The location and scale of the proposed buildings (Parcel 5C and 6F) will result in a different outlook and setting for Corporation Villas, albeit to some degree this is inevitable given the size of the development and Corporation Villa's location within an allocated development site.
- 7.124 It is also acknowledged that the updated Daylight and Sunlight Report states that the amendments to Parcel 5C result in very minor improvements to the daylight / sunlight impacts (for example there are still windows which fall short of the BRE criteria on 'Vertical Sky Component i.e. the existing windows will not retain values within 0.80 times their exiting level for VSC). The most affected windows are to the rear of the properties.
- 7.125 However, in light of the amendments made to Parcel 5C, including the reduction in height and 'horseshoe cut out' (which improves the outlook from Corporation Villas and potential overlooking issues) and wording in the Design Code which makes specific reference to any reserved matters / detailed design work must be designed to avoid harmful impact on the amenity to Corporation Villas, it is considered that, on balance, the proposal is acceptable.

- 7.126 In terms of the impacts to existing residents in Spring Gardens, concerns have been raised about the close proximity of Parcels 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 are ‘controls’ in the form of the maximum storey heights on the Parameter Plans showing a 3-storey building directly opposite (Parcel 7A is 3 and 4 storeys) 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. In addition, such an arrangement and form of development and its closer proximity between dwellings is quite typical in the neighbouring terraces adjacent this development site.
- 7.127 With regards to Parcel 7B, the maximum height parameter has been amended to 3-storeys (previously it was 3 and 4 storeys) and the references to any roof terraces / shared amenity space on top of this Parcel has been removed and additional text has been added to refer to the design of any balconies ensuring there is no overlooking to 15-21 Spring Gardens. These changes are welcomed and overcome the concerns regarding overlooking / loss of privacy previously raised.
- 7.128 3rd party representations have also raised ‘Right to Light’ issues to the properties along the Green Wall. However, this is not a planning consideration as ‘Right to Light’ is a private legal matter controlled by separate legislation.
- 7.129 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. As set out previously, Officers do have concerns about the larger / deeper footprints of some of the Parcels, such as Parcels 2, 9, 6E and 10D (and 6E’s relationship with Parcel 6C 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.
- 7.130 However, the Design Code has been amended to further mitigate these potential impacts, for example the Design Code now refers to ‘*dwellings should be dual aspect*’ and where single aspect dwellings are unavoidable, they ‘*must not be north facing*’, ‘*must be restricted to one and two bedrooms*’ and ‘*must demonstrate good levels of ventilation, daylight and privacy will be provided for each habitable room and kitchen. Internal daylight and sunlight studies must be provided and...must be in line with guidance for new dwellings*’ (making reference to the relevant BRE Guidance in relation to daylight and sunlight). Again, these changes are welcomed and will improve the amenity of the new dwellings.
- 7.131 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.
- 7.132 With regards to Pells Pool, this issue has already been highlighted in the Landscape-Led Design and Heritage sections above, however the changes made to the proposal now reduce the potential impacts of overlooking and loss of privacy issues associated with the use of Pells Pool (such as ‘rules’ around location of windows and balconies and roof forms). It is considered, that together with the amendments to location of the flood wall and the creation of ‘green space’ between the boundary of Pells Pool and the new buildings, the changes made are acceptable.
- 7.133 With regards to the Fire Station, the Design Code has been amended to provide further ‘rules’ to protect the use of the Fire Station and the amenity of future residents. These provide sufficient ‘safeguards’ for when the detailed designs are drawn up (such as safeguarding the use of the Drill Tower and boundary treatments, which would be subject to future reserved matters applications). In addition, there is an element of ‘buyer beware’ for any future purchaser looking to acquire a unit directly adjacent to a fully functioning Fire Station.
- 7.134 Therefore, the proposal complies with Policy SD43 of the SDLP and Policy HCI of the Lewes Neighbourhood Plan.

- 7.135 In summary, this is an allocated development site within a Town, where higher density and tighter forms / grain of development could be reasonably expected, the Design Code does provide some mitigation to ameliorate the impacts identified. In some examples, the impacts identified are avoidable by reducing the footprint and height of some of the proposed Parcels. However, for other material considerations, such as viability and delivering of significant flood defences and good proportion of affordable housing on a brownfield site, the applicant is unable to make further changes.
- 7.136 Therefore, it is considered that the proposal does accord with Policies SD5 and SD57 of the SDLP and Policy PL1 A of the Lewes Neighbourhood Plan, in this respect.

Ecology / Biodiversity including loss of TPO'd Trees

- 7.137 As set out in Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet, 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.
- 7.138 The trees on site (including those on the Phoenix Causeway) were identified as suitable for nesting birds.
- 7.139 The application documentation 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 revised Biodiversity Net Gain Metric states that the overall net gain could be a 37.99% net gain in habitat units and 6.34% net gain in river units.
- 7.140 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.
- 7.141 At the time of writing this report, further comments from the SDNPA's ecology advisor, were still awaited. However, the Design Code has been amended to address previous concerns, such as ensuring the 'right tree in the right place' and providing further guidance around the vision / type of spaces that should be created.
- 7.142 In addition, at the time of writing this report, Officers had requested further changes to try to further alleviate some of the concerns about whether all ecological and biodiversity benefits promoted are actually achievable and deliverable and ensuring the mitigation measures and other benefits are truly integrated as the detailed designs are drawn up. However, concerns do remain about whether some of the proposed landscape strategy will be successful, these are a result of concerns about the overall footprint and height of some of the proposed Parcels.
- 7.143 With regards to the loss of the TPO'd trees on the north side of the Phoenix Causeway (and as set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet), 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.
- 7.144 The Design Code has been amended to address previous concerns and seeks to ensure for new tree planting it is the 'right tree in the right place'. It is Officer's opinion that this is 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 clearly negative factor in the wider planning balance.

- 7.145 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.
- 7.146 In most respects the proposal does accord with Policies SD2, SD3, SD9, SD11 and SD57 (3f) of the SDLP and Policies LE1, SS3 and SS4 of the Lewes Neighbourhood Plan. Therefore, it is considered that the concerns identified can be outweighed by other public benefits, including clear Biodiversity Net Gain.

Air Quality Impacts

- 7.147 As set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet, 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 given 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 the gyratory which sends traffic around several streets adjacent to this development site.
- 7.148 As set out in the proposal section of this report and comments from the Air Quality Officer, the applicant has sought to demonstrate the scheme's acceptability via a 'damage cost analysis' which concludes the costs of all the proposed transport / highways mitigation measures far exceeds the recommended amount of money that should be spent on mitigating the emissions associated with the proposed development. Given the context of the scheme and its location within Lewes, this is considered to be a reasonable approach and conclusion subject to securing the details of the proposed transport / highways mitigation measures. Therefore, the proposed development on this allocated site complies with Policy SD54.

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

- 7.149 As set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet, the scheme is providing a new 'Health Hub' (an integrated health service hub / building) which is supported by Foundry Healthcare Lewes, the scheme does not need to generate a financial contribution or a physical provision towards school places and following correspondence with Sussex Police, the applicant is now offering a financial contribution towards policing.
- 7.150 Therefore, subject to securing the details via suitably worded conditions and ensuring timely delivery through obligations within a Section 106 Legal Agreement, the scheme would accord 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.

Other uses / Commercial Uses

- 7.151 As set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet, the mix of uses proposed, including space for cultural, artistic and artisan uses, is supported. These uses 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).
- 7.152 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.

- 7.153 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

- 7.154 As set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet, the scheme would accord with para. 194 of the National Planning Policy Framework and Policies SD16 and SD57 3e of the SDLP. In addition, 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

- 7.155 As set out in Appendix 3 - 12 October 2023 Planning Committee Report and Update Sheet, 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 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). This is an important consideration.
- 8.2 As highlighted in the main body of this report, it cannot be said the proposal has been entirely 'landscape-led' in its design at all times and in some instances the actual scale and form of the proposed development is considered to cause some harm. However, the harm identified can be outweighed by the other substantial benefits the scheme does offer, such as the delivery of new housing (including affordable homes and more specifically Lewes Low Cost Housing), the need for flood defences that serve the wider area as well as the scheme itself, the local need for 1 and 2 bed units, the strong sustainable construction credentials for the new homes and buildings, new health care facilities, the provision of a River Walkway and a new Bridge (for pedestrians and cyclists) across the River to Malling Recreation Ground.
- 8.3 Therefore, with the current exception of the outstanding highway / transport issues, on balance, the proposal complies with the relevant requirements of planning policies and other material considerations, particularly the National Planning Policy Framework, Policies SD1, SD2, SD3, SD4, SD5, SD6, SD7, SD8, SD9, SD11, SD12, SD13, SD15, SD16, SD17, SD23, SD25, SD26, SD27, SD28, SD34, SD35, SD42, SD43, SD45, SD46, SD48, SD49, SD50, SD54, SD55, SD57 of the South Downs Local Plan, Policies LE1, LE2, HC1, HC2, HC3 A, HC3 B, HC4, HC5, PL1A, PL2, PL3 SS1, SS2, SS3 and SS4 of the Lewes Neighbourhood Plan and would conserve and enhance the South Downs National Park.
- 8.4 However, further work is needed regarding transport / highway issues to ensure further compliance with relevant requirements of the National Planning Policy Framework, Policies SD3 (in relation to sustainable transport), SD19, SD20, SD21 and SD22 of the South Downs Local Plan and Policies AM1, AM2 and AM3 of the Lewes Neighbourhood Plan.

9. Recommendation

- 9.1 It is recommended that delegated authority be given to the Director of Planning, in

consultation with the Chair of Planning Committee, to grant planning permission subject to resolving the outstanding transport / highway issues.

9.2 However, there exceptions to this recommendation:

- if the transport / highway solution would result in substantive changes to the overall proposal (such as substantive design changes) those changes would be subject to further public consultation and the consideration of those changes would be brought back to Planning Committee for a decision, and
- if the applicant cannot offer a solution which would be acceptable to National Highways, and the Local Planning Authority were still minded to approve the scheme, the Secretary of State for Transport under the 2018 Direction on Trunk Roads (within a 21 day notice period) can serve a direction that permission should be refused. Therefore, planning permission would be refused.

9.3 In addition, the recommendation is that any planning permission granted is subject to the conditions and informatives set out below and the completion of a Section 106 Legal Agreement to secure the following (to also include any additional conditions or obligations required as a result of the further transport / highway discussions):

- 30% affordable housing including the provision for Lewes Low Cost Homes, Affordable Rent and First Homes;
- Securing the scheme delivery in accordance with the Design Code;
- Sustainable Construction measures and targets, including LETI targets, BREEAM 'excellent' for the commercial floorspace, renewable energy provision, water efficiency, waste management and the use of timber in the construction of the scheme;
- A package of on-site and off-site Transport Mitigation Measures (including the 3 bus stops on north of Phoenix Causeway, a new Riverside Walkway, New Bridge, reprovision of the 3 coach parking spaces, a 'transport performance bond' and financial contributions for Traffic Regulation Orders) and Travel Plan;
- Timing and delivery of other key infrastructure, such as the Flood Defences, Co-Mobility Hub and Health Hub;
- The provision of Public Rights of Way and permissive routes across the site;
- A financial contribution towards Sussex Police;
- The provision and delivery of cultural, artistic and artisan workspaces;
- Securing the delivery of biodiversity net gain;
- The provision of a Community Liaison Group and Estate Management Company;
- The provision of Estate Management Plans (to include the maintenance and management of the flood defences, streets and spaces, drainage, lighting, landscape and ecological management measures, operational management of commercial spaces etc), and
- The provision of local employment and skills training.

9.4 Planning Conditions and Reasons

Conditions applicable to both Full and Outline elements of this permission

General

- I. The parts of the development hereby permitted in full on Parcel I (as shown within the blue line on drawing PHO-003 Rev 4 - Proposed Block Plan: Parcel I) and associated flood defences, and access arrangements for the whole development (as shown on drawings 7315-GA-001 Rev P22 – Highways Parameter Plan and 1249-EXP-5001 Rev P03 – Proposed Temporary Construction Access Road Plan) shall be begun before the expiration of three years from the date of this permission.

No part (herein referred to as ‘Phase’) of the development hereby permitted in outline shall commence until the details of appearance and landscaping related to that Phase of the development have been submitted to and approved in writing by the Local Planning Authority (herein referred to as the Reserved Matters Application).

The first Reserved Matters Application for the outline part of the development shall be made to the Local Planning Authority within three years of the date of this permission. The last Reserved Matters Application shall be made no later than five years from the date of this permission.

The commencement of each Phase of the development subject of a Reserved Matters Application shall begin before the expiration of three years from the date of the approval of that Reserved Matters Application.

Reason: To comply with the provisions of Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended).

2. The development, or any Phase of the development, hereby permitted shall be carried out in accordance with the plans and documents listed below under the heading ‘Plans and Documents Referred to in the consideration of this application’ including the following plans (herein referred to as the Flood Defence Plans and Phasing Plans).

- Drawing Reference: 1249-EXP-1001 Rev P04 – Flood Defence Phase 1 Key Plan
 - Drawing Reference: 1249-EXP-1002 Rev P04 – Flood Defence Phase 1 Plan Sheet 1
 - Drawing Reference: 1249-EXP-1003 Rev P03 – Flood Defence Phase 1 Plan Sheet 2
 - Drawing Reference: 1249-EXP-1004 Rev P01 – Flood Defence Phase 1 Plan Sheet 3 – Pelham Terrace
 - Drawing Reference: 1249-EXP-1005 Rev P02 – Flood Defence Phase 1 Plan Sheet 4 – Talbot Terrace
- Drawing Reference: 1249-EXP-1006 Rev P03 – Flood Defence Phase 2 Key Plan
 - Drawing Reference: 1249-EXP-1020 Rev P01 – Flood Defence Plan Parcel 1
- Drawing Reference: 1249-EXP-1010 Rev P04 – Flood Defence Plan Permanent
- Drawing Reference: 0080-PR-ZZ-ZZ-DR-L-1101 Rev 011 – Phasing Strategy Phase 1
- Drawing Reference: 0080-PR-ZZ-ZZ-DR-L-1102 Rev 011 – Phasing Plan Phase 2
- Drawing Reference: 0080-PR-ZZ-ZZ-DR-L-1103 Rev 011 – Phasing Plan Phase 3

Any Reserved Matters Application for the development hereby permitted in outline shall be submitted in accordance with the approved Parameter Plans, Design Code, Accommodation Schedule and Flood Defence Plans, and in broad accordance with the Phasing Plans.

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

3. No development, or Phase of the development, shall commence until details, including plans and cross sections of the existing and proposed ground levels, including finished floor levels, associated with the development or Phase of the Development, have been submitted to and approved in writing by the Local Planning Authority. The development, or Phase of the development, shall not be completed other than in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings and reduce risk to flooding.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification):
 - No buildings, structures, works or minor operations as defined within Part 1, classes A-H and Part 2, classes A-G of Schedule 2, shall be erected or undertaken on the site, and

- No changes of use of the uses hereby permitted (as shown in drawings 0080-PR-ZZ-ZZ-DR-L-1002 Rev 015, 0080-PR-ZZ-ZZ-DR-L-1003 Rev 014, 0080-PR-ZZ-ZZ-DR-L-1004 Rev 014) as defined within Part 3, shall be undertaken on the site.

Classes of use are as defined in the Town and Country Planning (Use Classes) Order 1987, as amended, and this condition shall apply notwithstanding any Order revoking or re-enacting the provision of that Order.

Unless permission is granted by the Local Planning Authority pursuant to an application for that purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interests of the character and appearance of the area, in the interest of amenity and to ensure the safe operation of the local road network.

Flood Defences and Impacts to River Ouse (and other controlled waters)

5. The development, or any Phase of the development, hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated 01 February 2023 and the Flood Defence Strategy (FDS) dated 02 February 2023 and the following mitigation measures detailed therein:
 - All finished floor levels which include sleeping accommodation shall be set no lower than 5.8 metres above Ordnance Datum (AOD) in accordance with sections 6.6 and 10.1 of the submitted FRA.
 - The proposed flood defence crest levels between Phoenix Causeway and Brook Street should be set between 6.2 – 6.5 metres AOD in accordance with section 6.6 and Figure 12 of the submitted FRA and section 4.2 and Figures 7 & 8 of the submitted FDS.
 - The proposed concrete flood defence wall at Pelham Terrace should be set no lower than 5.4m AOD and the associated demountable barrier should have a minimum installed height of 6.5m AOD in accordance with section 6.6 and Figure 12 of the submitted FRA and section 5.2 and Figure 8 of the submitted FDS.
 - The proposed removable flood defence at the southern end of Talbot Terrace shall have a minimum installed height of 6.5m AOD in accordance with section 5.3 of the FDS and Figure 12 of the submitted FRA.
 - The proposed flood defences shall be constructed in accordance with principles set out in the cross sections and plans contained within Appendix F of the FDS.
 - Access must be provided for the inspection, maintenance and replacement of the flood defences in accordance with section 8 of the FDS.

These mitigation measures shall be fully implemented prior to occupation of the development, or Phase of the development, in accordance with those details approved and shall be retained and maintained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure the long term maintenance and replacement of the flood defence structures.

6. No development, or Phase of the development, hereby permitted shall commence on site until the design and profile of any of the retained flood defences (as noted on the drawings contained within Appendix F of the Flood Defence Strategy dated 02 February 2023) associated with the development or Phase of the development have been submitted to and approved in writing by the Local Planning Authority.

The development, or Phase of the development, shall be carried out in accordance with the approved details and shall be retained and maintained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure the long term maintenance and replacement of the flood defence structures.

7. No development, or Phase of the development, hereby permitted shall commence on site until

- the details of the demountable flood barriers – as shown on drawings I249-EXP-1010 Rev P04 and I249-EXP-1004 Rev P01;
- the details of the flood gates – as shown on drawing I249-EXP-1010 Rev P04, and
- the details of the flood defence improvement works in Talbot Terrace – as shown on drawing I249-EXP-1005 Rev P02

have been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall be in accordance with the details approved under Conditions 2 and 5.

The development, or Phase of the development, shall be carried out in accordance with the approved details and shall be retained and maintained thereafter.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interests of the character and appearance of the area and to reduce the risk of flooding to the proposed development and future occupants and to ensure the long term maintenance and replacement of the flood defence structures.

8. No development hereby permitted shall commence on site until the details of the exact location and timing of works for the relocation of the Environment Agency’s River Level Monitoring Gauge (as noted in Section 9 and Appendix E of the Flood Defence Strategy dated 02 February 2023) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency.

The development shall be carried out in accordance with the approved details and shall be retained and maintained thereafter.

Reason: The existing river level monitoring gauge provides important data and is used to trigger flood warnings to the local community, operate existing flood gates and manage the temporary flood defences within the river catchment. As such, the relocation must be managed to ensure continuous coverage and when relocated, allowing the Environment Agency to have 24/7 access for maintenance or emergency activities.

9. No development, or Phase of development, hereby permitted shall be occupied until the temporary flood defences (as shown on drawings references set out in Condition 2) for the development, or Phase of the Development, have been constructed on site and thereafter maintained until the permanent flood defences are constructed on site and fully operational.

Any changes to the proposed phasing of the temporary and / or permanent flood defences must be agreed in writing by the Local Planning Authority prior to installation.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure the long term maintenance and replacement of the flood defence structures.

10. Piling or any other foundation designs using penetrative methods required for the development shall not be permitted other than with the express written consent of the Local Planning Authority.

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

Reason: To safeguard water quality and biodiversity.

11. Notwithstanding the details of Condition 10, any percussive piling works in or within 10 metres of the bank of the River Ouse must not take place during the period 1 October and 31 July inclusive (the key migration periods for Sea Trout and Eels).

Reason: To safeguard protected species and biodiversity.

New Riverfront Walkway

12. Notwithstanding the details of Condition 2, no development, or Phase of the development, hereby permitted shall commence until the detailed design of the ‘Riverfront Walk’ (as shown on Drawing 0080-PR-ZZ-ZZ-DR-L-1007 Rev 013) associated with the development, or Phase of the development, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development of the Riverfront Walkway shall be undertaken in accordance with the approved details and thereafter retained.

Reason: to ensure the details of River Walkway are designed to avoid increasing flood risk and harm to the riverine environment.

Construction Management

13. No development or Phase of the development, shall commence on site, including any site clearance works, works of demolition or ground works, until an updated Construction Environmental Management Plan (CEMP), to be updated for the relevant Phase of the development, which shall include details of the following:
- Be in accordance with approved Draft Construction Environmental Management Plan (Amended), Drawing Reference: I249-EXP-5001 Rev P03 (Proposed Temporary Construction Access Road Plan) and Drawing Reference: I249-EXP-5002 Rev P03 (Proposed Temporary Construction Access Road Section);
 - A programme for carrying out the works;
 - The parking of vehicles by site operatives and visitors;
 - The location of site office and welfare facilities, and sales office;
 - The timings of deliveries to site;
 - The method of access and routing of vehicles during construction;
 - Loading and unloading of plant, materials and waste;
 - Storage of plant and materials used in construction of the development;
 - The erection and maintenance of security hoarding;
 - phased programme of demolition and construction works;
 - The anticipated number, frequency and types of vehicles used during construction;
 - Measures to minimise the noise (including vibration) generated by the demolition / construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers;
 - Measures to control the emission of dust and dirt during the demolition / construction process, including details of the dust management plan;
 - Tree protection works during construction;
 - A scheme for recycling / disposing of waste resulting from demolition and construction works;
 - Wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders where necessary);
 - Measures to manage flood risk during construction;
 - Measures to prevent contamination of protected and controlled waters;
 - Measures to prevent the spread of Japanese knotweed during any operations;
 - Measures to ensure continued safe access to East Sussex Fire and Rescue Community Fire Station and existing residents (namely Corporation Villas and Spring Gardens);
 - Any lighting, including location, height, type and direction and that lighting has been in accordance with the approved Environmental Statement / Ecological Reports and recommendations (as referred to in Condition 2);
 - Any necessary mitigation for protected species, including otters, and
 - Public engagement both prior to and during the construction works.

has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Environmental Management Plan shall be adhered to throughout the construction period. The development or Phase of the development shall not be carried out otherwise than in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in the interest of maintaining a safe and efficient highway network, in the interests of amenity, to conserve and enhance the landscape character and biodiversity of the area, to reduce the flood risk and protect from contamination to controlled waters.

14. No construction works, including piling, demolition, earth works and the use of heavy plant, shall be undertaken on site except between the hours of:

- 08:00 hours to 18:00 hours Monday to Friday,
- 08:00 hours to 13:00 hours on Saturday, and
- no work shall be undertaken on Sundays, Bank and Public Holidays.

Reason: To enable the Local Planning Authority to control the development in the interest of maintaining a safe and efficient highway network and in the interests of amenity.

15. No development, or Phase of the development, including any site clearance works, demolition works or ground works, shall commence on site until a final Tree Works / Removal and Protection Plan, indicating which trees are to be removed and / or pruned and how the remaining trees will be protected during construction of the development, or Phase of the development, has been submitted to and approved in writing by the Local Planning Authority.

The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development, or relevant Phase of the development, and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

For the purposes of this condition the term 'tree' means any existing tree or hedge / hedgerow.

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

Reason: In the interests of amenity and the landscape character of the area.

Contaminated Land

16. No development, or Phase of the development, including any site clearance works, demolition works or ground works, shall commence on site until a site remediation (contaminated land) report has been submitted to and approved in writing by the Local Planning Authority.

The report shall detail all additional site investigation works and sampling on site, together with the results of the analysis. The findings shall also include a risk assessment for any identified contaminants and shall give full details of the remediation measures (Remediation Scheme) required and how they are to be undertaken and a verification plan setting out any requirements for longer term or on-going monitoring and maintenance arrangements.

A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. Thereafter, the approved Remediation Scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity, to protect health and to ensure that risks from land contamination to neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

17. The development, or Phase of the development, hereby permitted shall not be occupied until a Verification Report for the approved Remediation Scheme, as required by Condition 16, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination.

18. In the event that contamination is found at any time when carrying out the approved development, or Phase of the development, that was not previously identified, it must be reported in writing within 24 hours to the Local Planning Authority.

An investigation and risk assessment must be undertaken and where remediation is necessary a Remediation Scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved Remediation Scheme, a Verification Report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, to protect health and to ensure that risks from land contamination to neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

Archaeology

19. No development, or Phase of the development, hereby permitted, shall commence on site until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The details of any archaeological works shall also include a preservation in-situ method statement relating to any significant archaeological remains.

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

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded.

20. No development, or Phase of the development, shall be occupied or brought into use until the archaeological site investigation and post investigation assessment for the development, or each respective Phase, has been completed in accordance with the programme for the development, or each Phase, as set out in the Written Scheme of Investigation approved under Condition 19, and that provision for analysis, publication and dissemination of results and archive deposition has been secured in accordance with the approved scheme.

Reason: To ensure that the archaeological and historic interest of the site is safeguarded and recorded.

Drainage

21. No development, or Phase of the development, hereby permitted, shall commence on site until full details of the proposed means of foul drainage disposal (including the details of any diversion works) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development, or Phase of the development, shall be undertaken in accordance with the approved details and no occupation of any of the development, or Phase of the development, shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: In order to secure a satisfactory standard of development.

22. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

The development, or Phase of the development, shall be carried out in accordance with any approved details.

Reason: To ensure that risks from land contamination to neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

23. No development, or Phase of the development, hereby permitted, shall commence on site until the detailed design for the surface water drainage system (including the details of any diversion works) has been submitted to and approved in writing by the Local Planning Authority.

The detailed design for the drainage system shall be based upon the design set out within the Expedition Drainage Strategy Document: 'Project Phoenix Lewes December 2023 Drainage Strategy Addendum', dated 13 December 2023, and shall incorporate the following aspects:

- Surface water modelling based upon outfall to the downstream condition in the River Ouse of 2125 Mean High Water Springs tide for all rainfall events, including those with 1 in 100 (+45% climate change allowance) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
- The details of the outfall of the proposed tide locking attenuation storage features (pond/tank/permeable pavement) and how they connect to the watercourse or sewer should be provided as part of the detailed design. This should include cross sections and invert levels.
- The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- The design of any proposed shallow infiltration shall be supported by infiltration testing at a similar location and depth to the infiltration feature undertaken in accordance with BRE Digest 365 (2016) together with groundwater monitoring between autumn and spring.
- The detailed design of the proposed attenuation ponds / tanks / permeable pavements should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
- The design shall meet or exceed the requirements for mitigation of pollution from drainage set out within the Ciria SuDS Manual (C753).

Thereafter, the development, or Phase of the development, shall be undertaken in accordance with the approved details and no occupation of any of the development, or Phase of the development, shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: In order to secure a satisfactory standard of development and to ensure risks of flooding are minimised.

Sustainability / Sustainable Construction

24. No development, or Phase of the development, above slab level shall commence until a final whole life carbon assessment and sustainability report for the development, or Phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The whole life carbon assessment and sustainability report shall include:
- Confirmation that upfront embodied carbon (A1-A5), excluding sequestration, for dwellings, is no greater than 300 kgCO₂e/m² (GIA) (the LETI residential 2030 Design Target);
 - Passive house certification for at least 10% of the dwellings across the development;
 - Evidence, through SAP data, that the predicted CO₂ emissions from operational energy in buildings will be 86-99% improved on the 2021 Part L baseline, or all the emissions from regulated and unregulated energy use will be reduced or offset;
 - Confirmation that the space heating demand for all buildings will be no greater than 15 kWh/m²/yr;
 - Confirmation that the Energy Use Intensity for the new dwellings will be no greater than 35-65 kWh/m²/yr and 55-75 for the non-residential buildings;
 - Details of measures to minimise construction and operational waste;
 - Details of how overheating inside buildings is being minimised;

- Sustainable material strategy;
- Likely product specifications;
- The details of the water efficiency measures and rainwater / greywater harvesting systems to be installed which demonstrates, via a BRE water calculator, water consumption of no more than 90 litres / person / day for the new dwellings, and
- Provides at least 10% green roofs (in accordance with the approved plans).

Thereafter, the development, or Phase of the development, shall be carried out in full accordance with the agreed details.

Reason: To ensure the development demonstrates a high level of sustainable performance and contributes to the mitigation of, and adaptation to, predicted climate change.

25. Within 6 months of first occupation or use of the development, or Phase of the development, hereby approved to submit to the Local Planning Authority for written approval a post completion whole life carbon assessment and sustainability report. The report shall demonstrate that the development has complied with the details and requirements of Condition 24.

The development, or Phase of the development, shall continue to be occupied or used in accordance with the agreed details and the details will thereafter be retained.

Reason: To ensure an acceptable level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

26. All non-residential buildings hereby permitted shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability.

A post completion certificate (or equivalent certification) confirming that the development, or Phase of the development, has been completed in accordance with the required BREEAM 'Excellent' rating shall be submitted to the Local Planning Authority for approval within three months of the first occupation or use of non-residential buildings within the development, or Phase of the development, (or other timeframe as agreed first in writing by the Local Planning Authority).

The development, or Phase of the development, shall be occupied in accordance with these details and these details will thereafter be retained.

Reason: To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction.

Access, Parking and other facilities

27. No development shall commence on site until a final phasing plan and details for the delivery of the new access arrangement north of the Phoenix Causeway and associated 'Co-Mobility Hub' (and its facilities) for both the construction and operational phases of the development has been submitted to and approved in writing by the Local Planning Authority

The final phasing plan and details shall:

- Be in accordance with:
 - The approved Design Code;
 - Drawing reference: 7315-GA-001 P22 (Highways Parameter Plan);
 - Drawing reference: 0080-PR-ZZ-ZZ-DR-L-1002 Rev 15 (Parameter Plan – predominant land use at Ground Level);
 - Drawing reference: 0080-PR-ZZ-ZZ-DR-L-1007 Rev 13 (Parameter Plan – Vehicular Access and Circulation);
 - Drawing reference: 0080-PR-ZZ-ZZ-DR-L-1008 Rev 14 (Parameter Plan – Indicative Parking Zones and Loading Bays Phoenix Place Level);

- Drawing reference: 0080-PR-ZZ-ZZ-DR-L-1011 Rev 13 (Parameter Plan – Public Realm Areas);
- Drawing reference: 0080-PR-ZZ-ZZ-DR-L-1012 Rev 14 (Parameter Plan – Green Infrastructure), and
- Drawing reference: 0080-PR-ZZ-ZZ-DR-L-1020 Rev 008 (Parameter Plan – Construction Yard and temporary construction access).
- Set out the location and timing of car parking provision and other sustainable travel measures to be provided on site during the construction phase(s) and operational phase(s);
- Be in accordance with any details approved under Condition 13 (CEMP) in relation to construction workers parking facilities;
- Set out the details and timing of the delivery of the Co-Mobility Hub (and its associated facilities) and the provision of three bus stops (and its associated facilities including public toilets), and
- Set out the final details, specifying the alignment, width, gradient, visibility splays, type of construction, materials for the access onto the Phoenix Causeway. The details shall also include the location and details of the three bus shelters, pedestrian crossings, cycle routes, signage and other landscaping details (both hard and soft landscaping details).

The development shall be carried out in accordance with the approved phasing plan and details and the requirements of any Section 278 Agreement (under the provisions of the Highways Act 1980).

Reason: In the interests of road safety and to provide alternative travel options to the use of the car and meet the objectives of sustainable development in accordance with SD19.

Cycle Parking

28. Notwithstanding the details shown on the approved plans and documents, before the development, or Phase of the development, hereby permitted is first brought into use, details of covered and secure cycle parking facilities for both within the proposed buildings and in external / public spaces within the development, or Phase of the development, shall be submitted to and approved in writing by the Local Planning Authority.

The approved cycle parking facilities shall be implemented prior to the occupation of the development, or Phase of the development, and thereafter be retained.

Reason: To provide alternative travel options to the use of the car and meet the objectives of sustainable development in accordance with SD19.

Accessible Dwellings

29. No development, or Phase of the development, hereby permitted, shall commence on site until the details which demonstrate 10% of all dwellings will be 'wheelchair user dwellings' and that all other dwellings are 'accessible and adaptable dwellings' in accordance with the most up to date Building Regulations, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development, or Phase of the development, shall be carried out in full accordance with the agreed details.

Reason: To ensure a suitable standard of accommodation to meet local needs.

Lighting and Dark Night Skies

30. No development, or Phase of the development, above slab level shall be commenced until a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority for the development or Phase of the development.

The scheme shall:

- be in accordance with approved Lighting Impact Assessment dated January 2023 produced by DFL and Technical Note: Ecology and Nature Conservation, dated December 2023 produced by Ecology Solutions;
- demonstrates how it complies with the requirements of the SDNPA's Technical Advice Note on Dark Skies (May 2021), and
- specify the type and location of all external lighting to be installed throughout the development, or Phase of the development.

Thereafter, the lighting shall be installed and retained in full accordance with the approved details.

Reason: In the interests of amenity and to protect the South Downs International Dark Skies Reserve and protected species.

Refuse / Recycling

31. Notwithstanding the details shown on the approved plans and documents, before the development, or Phase of the development, hereby permitted is first brought into use, details of refuse and recycling storage facilities for both domestic and non-domestic waste relevant to the development, or Phase of the development, shall be submitted to and approved in writing by the Local Planning Authority.

The approved refuse and recycling storage facilities shall be implemented prior to the occupation of the development, or Phase of the development, and thereafter be retained.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials and to protect the character and amenity of the area.

Utilities and Telecommunications

32. All new electricity and telephone lines shall be laid underground.

Reason: To safeguard the landscape character of the site.

33. No development, or Phase of the development, above slab level shall be commenced until details of how superfast broadband connection will be provided (or an equivalent alternative technology) and installed on an open access basis (including the location and appearance of any above ground equipment), have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development, or Phase of the development, shall be carried out in full accordance with the approved details.

Reason: To provide satisfactory broadband connection for new residential units and businesses and to protect the landscape character of the area.

Signage Strategy

34. No development above slab level shall be commenced until a Signage Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the position and design of any estate signage (including directional and information signs) and parking enforcement measures (including ANPR cameras) and other estate wide CCTV facilities. The development should be carried out in accordance with the approved details.

Reason: To conserve and enhance the landscape character of the area, in the interest of amenities and the quality of the development.

Conditions applicable to the Outline elements of this Permission

Design / Landscape

35. The appearance particulars to be submitted in accordance with Condition 1 shall include a schedule of architectural details, materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes, which shall be submitted to and approved in writing by the Local Planning Authority. Details to include, but not be limited to:

- External walls;
- Roofs;

- Photo voltaic panels (including fixtures and fittings);
- Eaves, fascias and soffits;
- Rainwater goods;
- Windows and openings including glazing, head, sill, lintel and depth of reveals;
- Doors;
- Flood Defences (in accordance with Conditions 2 and 5), and
- Ecological Mitigation and Enhancement measures (in accordance with the approved Design Code and Ecological Reports – see Condition 2).

Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the development in the interest of conserving and enhancing the landscape character of the area and the quality of the development.

36. The landscaping particulars to be submitted in accordance with Condition 1 shall include details of hard landscaping which shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include, but are not limited to the following:
- Treatment of external surfaces, paths, access ways, courtyards, seating areas, patio areas and parking spaces, including their appearance, depth and permeability, kerbs, edges, steps and ramps, spot levels, finished floor levels, upstands and demarcation;
 - Drainage proposals including swales, rock rivers, attenuation basins, above ground rainwater harvesting solutions, gullies, surface covers, surface water channels, surface levels and falls and section plans (in accordance with the details required under Conditions 23 and 24);
 - Proposed and existing levels and falls, including any land / bank alterations (including section plans and in accordance with details required under Condition 3);
 - Construction details, sections and treatment of external surfaces for the proposed retaining walls;
 - Location, height and materials / construction technique for all boundary treatments and other built means of enclosure including any gates, bollards, railings and fencing;
 - Location, height and design of any street furniture, including fire hydrants, bins, lighting, signage, water butts, estate wide CCTV, other utilities equipment and parking enforcement measures (such as ANPR cameras) (in accordance with the details required under Conditions 2, 30, 33 and 34);
 - Tree grilles and tree pit surfaces;
 - Tree protection measures (in accordance with details required under Conditions 13 and 15);
 - Flood Defences (in accordance with Conditions 2 and 5), and
 - Ecological Mitigation and Enhancement measures (in accordance with the approved Design Code and Ecological Reports see Condition 2).

Reason: In the interests of amenity and to conserve and enhance the landscape character.

37. The landscaping particulars to be submitted in accordance with Condition 1 shall include details of the soft landscaping, including provision of the green roofs, which shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include, but are not limited to, the following:
- Detailed schedule of plants, hedgerows and trees, noting species, sizes and proposed numbers / densities;
 - Tree protection measures (in accordance with details required under Condition 13 and 15);
 - Planting methods including soil depth and support proposals (underground guying etc);

- Tree guards, staking and tree-pit construction information;
- Ground preparation;
- Surface dressing, where appropriate;
- Grassing / turfing operations;
- Seed mixes;
- Written specification for soil amelioration including cultivations, planting methodology, establishment and maintenance operations;
- Ecological Mitigation and Enhancement measures (in accordance with the approved Design Code and Ecological Reports – see Condition 2);
- Proposed and existing levels and falls (in accordance with the details required under Condition 3);
- Any bunding or land alterations (including cross-sections), and
- Surface water drainage features and above ground rainwater harvesting solutions details (in accordance with the details required under Conditions 23 and 24).

Reason: In the interests of amenity and to conserve and enhance the landscape character.

38. All hard and soft landscape works shall be carried out in accordance with the approved details (in accordance with Conditions 36 and 37).

All hard landscaping shall also be carried out in accordance with the approved details prior to the development hereby permitted first being brought into use or in accordance with a programme to be agreed in writing by the Local Planning Authority.

All soft landscaping shall be carried out in accordance with the approved details and in the first planting and seeding season following when the development hereby permitted is first occupied. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of ten years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by Local Planning Authority.

Reason: In the interests of amenity and to conserve and enhance the landscape character.

Thomas Paine Bridge

39. Notwithstanding the details of Condition 2, the construction of the Thomas Paine Bridge and Zone for Bridge Abutment Integration (as shown on Drawing 0080-PR-ZZ-ZZ-DR-L-0106 Rev 005) shall not commence until the details of the Thomas Paine Bridge have been submitted to and approved in writing by the Local Planning Authority.

The Thomas Paine Bridge shall be clear span across the River Ouse and the soffit of the bridge will be built at a minimum of 6.60m AOD (as specified in Section 6.7.5 of the Flood Risk Assessment, dated 1 February 2023).

Thereafter, the development of the Thomas Paine Bridge and Zone of Bridge Abutment Integration shall be undertaken in accordance with the approved details.

Reason: to ensure the details of Bridge are designed to avoid increasing flood risk and harm to the riverine environment.

Noise and Hours of Operation

40. Notwithstanding the details of Condition 2, the construction of Parcels 2, 5C, 6C, 6D, 6E, 6F, 10C, 10D and 10E shall not commence until details have been submitted to and approved in writing by the Local Planning Authority addressing any proposed noise mitigation / protection measures that will be used on site to protect the living conditions of existing and new residents on site.

The details shall be prepared by a competent person for the purpose of assessing potential noise nuisance to surrounding residential properties. The agreed details shall be fully implemented before the use hereby approved is commenced and the measures shall be installed, operated and maintained in accordance with the approved details and shall be retained thereafter.

Reason: In order to protect the character and amenities of the local area.

41. Notwithstanding the details of Condition 2, Parcels 6A and 6B shall not be brought into use until details have been submitted to and approved in writing by the Local Planning Authority addressing any proposed noise mitigation / protection measures that will be used on site to protect the living conditions of the existing and new residents on site.

The details shall be prepared by a competent person for the purpose of assessing potential noise nuisance to surrounding residential properties. The agreed details shall be fully implemented before the use hereby approved is commenced and the measures shall be installed, operated and maintained in accordance with the approved details and shall be retained thereafter.

Reason: In order to protect the character and amenities of the local area.

42. Customers shall not be permitted within the Class E, F or Sui Generis premises (as shown on drawings 0800-PR-ZZ-ZZ-DR-L-1002 Rev 015, 0800-PR-ZZ-ZZ-DR-L-1003 Rev 014 and 0800-PR-ZZ-ZZ-DR-L-1004 Rev 014) before 07:00 or after 23:00 each day.

Reason: In order to protect the living conditions, character and amenities of the local area.

Ventilation and Extraction Equipment

43. The development hereby permitted shall not be brought into use until details have been submitted to and approved in writing by the Local Planning Authority addressing any proposed ventilation and / or extraction system that will be used on the site (including any commercial kitchens), including the required maintenance regime for any system.

The details shall be prepared by a competent person for the purpose of assessing potential odour and noise nuisance to surrounding properties. The agreed details shall be fully implemented before the use hereby approved is commenced and the equipment shall be installed, operated and maintained in accordance with the approved details and shall be retained thereafter.

Reason: In the interest of the amenities of the local area.

Conditions applicable to the Full elements of this Permission

Design / Landscape

44. Notwithstanding the details shown on the approved plans, no development above slab level shall commence on Parcel 1 until a schedule of architectural details, materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes have been submitted to and approved in writing by the Local Planning Authority. Details to include, but not be limited to:

- External walls;
- Roofs;
- Photo voltaic panels (including fixtures and fittings);
- Eaves, fascias and soffits;
- Rainwater goods;
- Windows and openings including glazing, head, sill, lintel and depth of reveals;
- Doors;
- Flood Defences (in accordance with Conditions 2 and 5), and

- Ecological Mitigation and Enhancement measures (in accordance with the approved Design Code and Ecological Reports – see Condition 2).

Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the development in the interest of conserving and enhancing the landscape character of the area and the quality of the development.

45. Notwithstanding the details shown on the approved plans, no development above slab level shall be commenced on Parcel I until details of hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The plans shall include, but are not limited to the following:
- Treatment of external surfaces, paths, access ways, courtyards, seating areas, patio areas and parking spaces, including their appearance, depth and permeability, kerbs, edges, steps and ramps, spot levels, finished floor levels, upstands and demarcation;
 - Drainage proposals including swales, rock rivers, attenuation basins, above ground rainwater harvesting solutions, gullies, surface covers, surface water channels, surface levels and falls and section plans (in accordance with the details required under Conditions 23 and 24);
 - Proposed and existing levels and falls, including any land / bank alterations (including section plans and in accordance with details required under Condition 3);
 - Construction details, sections and treatment of external surfaces for the proposed retaining walls;
 - Location, height and materials / construction technique for all boundary treatments and other built means of enclosure including any gates, bollards, railings and fencing;
 - Location, height and design of any street furniture, including fire hydrants, bins, lighting, signage, water butts, estate wide CCTV, other utilities equipment and parking enforcement measures (such as ANPR cameras) (in accordance with the details required under Conditions 2, 30, 33 and 34);
 - Tree grilles and tree pit surfaces;
 - Tree protection measures (in accordance with details required under Conditions 13 and 15);
 - Flood Defences (in accordance with Conditions 2 and 5), and
 - Ecological Mitigation and Enhancement measures (in accordance with the approved Design Code and Ecological Reports see Condition 2).

Reason: In the interests of amenity and to conserve and enhance the landscape character.

46. Notwithstanding the details shown on the approved plans, no development above slab level shall be commenced on Parcel I until the final details of the soft landscaping, including provision of the green roofs, have been submitted to and approved in writing by the Local Planning Authority. The plans shall include, but are not limited to, the following:
- Detailed schedule of plants, hedgerows and trees, noting species, sizes and proposed numbers / densities;
 - Tree protection measures (in accordance with details required under Condition 13 and 15);
 - Planting methods including soil depth and support proposals (underground guying etc);
 - Tree guards, staking and tree-pit construction information;
 - Ground preparation;
 - Surface dressing, where appropriate;
 - Grassing / turfing operations;
 - Seed mixes;

- Written specification for soil amelioration including cultivations, planting methodology, establishment and maintenance operations;
- Ecological Mitigation and Enhancement measures (in accordance with the approved Design Code and Ecological Reports – see Condition 2);
- Proposed and existing levels and falls (in accordance with the details required under Condition 3);
- Any bunding or land alterations (including cross-sections), and
- Surface water drainage features and above ground rainwater harvesting solutions details (in accordance with the details required under Conditions 23 and 24).

Reason: In the interests of amenity and to conserve and enhance the landscape character.

47. All hard and soft landscape works on Parcel 1 shall be carried out in accordance with the approved details (in accordance with Conditions 45 and 46).

All hard landscaping shall also be carried out in accordance with the approved details prior to the development hereby permitted in full on Parcel 1 first being brought into use or in accordance with a programme to be agreed in writing by the Local Planning Authority.

All soft landscaping shall be carried out in accordance with the approved details and in the first planting and seeding season following when the development hereby permitted in full on Parcel 1 is first occupied. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of ten years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by Local Planning Authority.

Reason: In the interests of amenity and to conserve and enhance the landscape character.

48. Prior to the first occupation of the development hereby permitted on Parcel 1, unless otherwise agreed in writing by the Local Planning Authority, the temporary and permanent car parking and other facilities to be approved under Condition 27, shall be constructed and made available in full accordance with the approved plans. The car parking spaces, together with the other facilities, shall thereafter be retained for their designated purpose.

Reason: To ensure an adequate standard of parking provision and to provide alternative travel options to the use of the car and meet the objectives of sustainable development in accordance with SD19.

Informatives

1. Environmental Impact Assessment Regulations

The Local Planning Authority confirms that, in granting this permission, it has taken into the consideration the information contained within the submitted Environmental Statement (and its addendums) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

2. Section 106 Legal Agreement

This permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) dated **(TBC)**.

3. Community Infrastructure Levy

The proposed development referred to in this planning permission is liable to pay the Community Infrastructure Levy (CIL).

In accordance with CIL Regulations 2010 (as amended), the South Downs National Park Authority will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable.

Please note that failure to comply with the CIL Regulations may result in you forfeiting any reliefs which might be available.

Further details on CIL can be found on the South Downs National Park Authority website. If you have any further questions, then please email CIL@southdowns.gov.uk.

4. Phased Development / Avoidance of doubt

For conditions 3, 6-9, 12-13, 15-17, 19-21, 23-31 and 33-34

The information required to be provided, approved and implemented will be for each and every Phase of the development.

5. Pre-commencement Conditions

This permission contains pre-commencement conditions which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development / works cannot be made until the particular requirements of the pre-commencement conditions have been met.

Please be advised that a formal consent will need to be made to discharge the details of these conditions. This process may be subject to a fee.

Please also note that this approval process may take up to 8 weeks from the date of the request.

6. Approved Plans

The development hereby permitted must be carried out in accordance with the approved plans and specifications unless the prior approval in writing of the Local Planning Authority has been obtained.

If changes are proposed, you should first contact the Local Planning Authority to obtain the necessary approval. Any changes carried out without permission may render the applicant / developer liable to enforcement, stop notice or other legal proceedings in order to rectify the matter.

7. Wildlife and Countryside Legislation

Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000 and Wildlife and Countryside Act 1981 (as amended) and in particular to Sections 1 and 9. These make it an offence to:

- kill or injure any wild bird,
- damage or destroy the nest of any wild bird (when the nest is being built or is in use),
- damage or destroy any place which certain wild animals use for shelter (including all bats and certain moths),
- disturb certain wild animals occupying a place for shelter (again, all bats and certain moths).

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September.

You are advised to contact Natural England for further information.

8. Highway Works (Section 59 and Section 278 Agreements)

The applicant is advised to enter into a Section 59 Agreement under the Highways Act 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic.

Due to the nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges/footways. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage.

The applicant is also advised that the proposed highway improvements works hereby permitted require alterations to the existing highway network and must be undertaken by the Highway

Authority or its appointed agents. An agreement under Section 278 of the Highways Act 1980 will be required.

Prior to the commencement of development, the applicant should contact East Sussex County Council's Transport Development Control Team on 01273 482254 to arrange a photographic survey and joint inspection of the local highway network (for the Section 59 Agreement) and commence the process on the Section 278 Agreement.

9. Public Rights of Way

At no stage during the works should the adjoining public rights of way be disturbed, restricted or obstructed at any time and while the development is underway, safe & convenient public access must be available at all times across the full width of the rights of way.

The routes must not be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals during any works, and should be protected throughout the course of development by clear demarcation including signs, fencing or surfacing as necessary.

If during construction closure of any of the public rights of way is considered necessary for public safety, this can be applied for, at a cost, from East Sussex County Council.

If the surfaces of the routes are considered damaged as a result of the development, then the applicant will be liable and will be required to make good the surface to a standard satisfactory to East Sussex County Council.

10. For Conditions 5 – 9 relating to Flood Risk and Proposed Defences

Demountable Flood Barriers and Flood Gates

The Environment Agency are unable to provide resources to operate the demountable flood barriers and flood gates when flood events are anticipated. Their role will be to issue flood alerts / warnings via their Flood Warning Service. They recommend that the intended site management organisation is up and running before the demountable flood barriers and flood gates are installed, that suitable training is in place for operators and that arrangements are future-proofed in terms of resources and funding for training personnel, maintenance activities (including regular inspection), repairs and upgrades as necessary.

Relocation of the Environment Agency River Level Monitoring Gauge

The Environment Agency states that the submitted Flood Defence Strategy sets out a good basis for the relocation of the River Level Monitoring Gauge, but the exact details of location and timings will need to be agreed with them before it takes place.

The Environment Agency also require a dedicated parking space along with reasonable space for laydown of materials will be provided in close proximity to the relocated river level monitoring gauge. The construction sequencing should ensure that there is no period during which the Environment Agency has no access to an operational monitoring station.

Flood Risk Activity Permit(s)

The Environmental Permitting (England and Wales) Regulations 2016 require a permit (called a Flood Risk Activity Permit) to be obtained from the Environment Agency for any activities which will take place on or within 16 metres of the tidal River Ouse measured from the rear of the existing river wall; or in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

When issuing a permit, conditions can be applied to the timing and method of working. The applicant should be aware that it is likely that a condition will be applied in respect to protecting migratory fish and eel movements, similar to the planning condition imposed. Should the applicant wish to discuss this further with the Environment Agency, they recommend early engagement with them.

Further details about Flood Risk Activity Permits can be found on the gov.uk website using the following link –

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit.

To enquire about the permit application process, the Applicant should contact the Environment Agency's National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. The Environment Agency's flood warning service is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>

11. For Conditions 10-11 (restriction on percussive piling works) and 13 (CEMP)

Both sea trout and eels are protected by current legislation and can be at risk from some activities, including percussive / vibrational piling in close proximity to the river, as noise and vibration can disturb migration patterns.

In addition, Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 3 and located upon a Principal Aquifer. It is also immediately north of the Pells Swimming Pool which is fed by springs for its water supply. In light of this, the proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed.

It should be noted that in 2023, otters were recorded using this stretch of the River Ouse. As a protected species, otters must be given due consideration during construction as this is the phase that may cause the most disturbance to their movements.

12. For Conditions 16 to 18 relating to contaminated land and Condition 23 (SuDs).

This site is in a location where groundwater and surface waters are very sensitive to contamination and need to be protected. It is located on the chalk bedrock, designated as a Principal Aquifer and adjacent to the River Ouse. It is also within the Source Protection Zone 3 for Southern Waters Public supply borehole at Southover.

In addition, there is a licensed abstraction at Pells Swimming Pool which will have a default 50 metre Source Protection Zone around it.

The previous use of the proposed development site as an industrial and commercial estate presents a high risk of contamination that could be mobilised during construction to pollute controlled waters.

In addition the applicant is reminded that:

- You should ensure that the report required under Condition 17 is undertaken in accordance with current BS references within the Code of Practice for Investigation of Potentially Contaminated Sites, and
- You should ensure that the reports required under Conditions 17-19 are undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

13. Asbestos

You should have regard to the Control of Asbestos Regulations 2012 and be aware that it may be necessary to notify, or obtain a licence from, the relevant enforcing authority. Further information is available online at <http://www.hse.gov.uk/asbestos/detail.htm>.

14. For Condition 39 – Thomas Paine Bridge and conditions relating to drainage and land remediation

The applicant is advised that the design of ‘Thomas Paine Bridge’ including its foundations should take into account the need to ensure that there is no detrimental impact on the land drainage system and any historic landfill in the vicinity, Information to be submitted for the discharge of land contamination remediation conditions and the design or diversion of drainage should refer to the footbridge design and works where there may be any such impact.

15. For Condition 43 – any Commercial Kitchens

For Condition 43, the details should be drawn up with regard to the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA.

16. Building Regulations

Compliance with the Building Regulations will be required and before commencing works, it is recommended that discussions take place with the Building Control section of Lewes District Council.

Where a building regulations approval differs from your planning permission, you should discuss this matter with the Local Planning Authority.

17. Proactive Working

In reaching this decision the South Downs National Park Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included pre-application discussions to ensure that the development brought forward conserves and enhances the natural beauty, wildlife and cultural heritage of the National Park.

18. Crime and Disorder Implications

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

19. Human Rights Implications

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

20. Equality Act 2010

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

Mike Hughes
Director of Planning (Interim)
South Downs National Park Authority

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Email: Kelly.porter@southdowns.gov.uk

Appendices: Appendix 1 – Information concerning consideration of applications before committee

Appendix 2 – A selection of the amended proposed Parameter Plans

- Maximum building AOD and Parcel Heights (drawing reference 0080-PR-ZZ-DR-L-1006 Rev 017)

- Predominant land use at Ground Level (drawing reference 0080-PR-ZZ-ZZ-DR-L-1002 Rev 015)
- Predominant land use at First Floor Level (drawing reference 0080-PR-ZZ-ZZ-DR-L-1003 Rev 014)
- Predominant land use at Typical Upper Levels (drawing reference 0080-PR-ZZ-ZZ-DR-L-1004 Rev 014)
- Vehicular Access and Circulation (drawing reference 0080-PR-ZZ-ZZ-DR-L-1007 Rev 013)
- Indicative Parking Zones and Loading Bays (drawing reference 0080-PR-ZZ-ZZ-DR-L-1008 Rev 014)
- PHX-00-HN-D-08-001 – Draft Proposed Rights of Way and Permissive Rights

Appendix 3 – 12 October 2023 Planning Committee Report and Update Sheet

Background documents: [All planning application plans, supporting documents, consultation and third party responses](#)

[South Downs National Park Partnership Management Plan](#)

[South Downs Local Plan 2019](#)

[Lewes Neighbourhood Plan 2019](#)

[Supplementary Planning Documents and Technical Advice Notes](#)

[Planning Committee 12 October 2023 - South Downs National Park Authority](#)