

Appendix I – Information concerning consideration of applications before committee

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

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

National Planning Policy Framework and the Vision & Circular 2010

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

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Major Development

Paragraph 183 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 183 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Paragraph 183 is undertaken in the Assessment Section of the main report.

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

Sections 58B, 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant.

Section 58B relates to the duty on Local Planning Authorities to have regards to certain heritage assets in granting permissions. In this case, a Scheduled Ancient Monument, therefore 'in considering whether to grant planning permission which affects a relevant asset or its setting, the local planning authority must have special regard to the desirability of preserving or enhancing the asset or its setting'. For the purposes of this section of the Act, 'preserving or enhancing a relevant asset or its setting includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset'.

Section 66 relates to the grant of planning permission and states 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 72 states ‘that in the exercise of any provisions of the planning acts, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

This application is also supported by an Environmental Statement as the proposals fall within the definition set out in Schedule 2, Infrastructure Project, 10(b) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017.

As set out in the above-mentioned regulations and the 'Planning Practice Guidance' which accompanies the National Planning Policy Framework, there are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment (EIA). This includes consideration of the adequacy of the information provided, consultation, publicity, and informing the public of the decision and the main reasons for it. The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining the planning application. Further assessment of the submitted Environmental Statement is made in the main body of this report.

Relationship of the Development Plan to the NPPF and Circular 2010

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

The South Downs National Park Partnership Management Plan 2020-2025

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

South Downs Local Plan and relevant made Neighbourhood Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019.

The Lewes Neighbourhood Plan 2015 – 2033 was made on 11 April 2019.

All development plan policies are taken into account in determining planning applications, along with other material considerations.

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

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

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Core Policy SD3 – Major Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 – Safeguarding Views
- Strategic Policy SD7 – Relative Tranquillity
- Strategic Policy SD8 – Dark Night Skies
- Strategic Policy SD9 – Biodiversity and Geodiversity

- Development Management Policy SD11 - Trees, Woodland and Hedgerows
 - Strategic Policy SD12 - Historic Environment
 - Development Management Policy SD13 - Listed Buildings
 - Development Management Policy SD15 - Conservation Areas
 - Development Management Policy SD16 – Archaeology
 - Strategic Policy SD17 - Protection of the Water Environment
 - Strategic Policy SD19 - Transport and Accessibility
 - Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
 - Strategic Policy SD21 – Public Realm, Highway Design and Public Art
 - Strategic Policy SD22 – Parking Provision
 - Strategic Policy SD23 – Sustainable Tourism
 - Strategic Policy SD25 - Development Strategy
 - Strategic Policy SD26 – Supply of Homes
 - Strategic Policy SD27 – Mix of Homes
 - Strategic Policy SD28 - Affordable Homes
 - Strategic Policy SD34 - Sustaining the Local Economy
 - Strategic Policy SD35 – Employment Land
 - Strategic Policy SD42 – Infrastructure
 - Development Management Policy SD43 – New and Existing Community Facilities
 - Strategic Policy SD45 - Green Infrastructure
 - Development Management SD46 – Provision and Protection of Open Space, Sport and Recreational Facilities and Burial Grounds / Cemeteries
 - Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
 - Strategic Policy SD49 – Flood Risk Management
 - Development Management Policy SD50 – Sustainable Drainage Systems
 - Development Management Policy SD54 – Pollution and Air Quality
 - Development Management Policy SD55 – Contaminated Land
 - Strategic Site Policy SD57 – North Street Quarter and Adjacent Eastgate Area, Lewes
- Policies of the Lewes Neighbourhood Plan which are of relevance to this application
- Policy LE1 – Natural Capital
 - Policy LE2 – Biodiversity
 - Policy HC2 – New Services and Facilities
 - Policy HC3 A – Heritage Protection of Landscape and Townscape
 - Policy HC3 B – Planning Application Requirements and Heritage Issues
 - Policy HC4 – The Working Town
 - Policy HC5 – Sustainable Tourism
 - Policy PL1 A – General Housing Strategy
 - Policy PL2 – Architecture & Design

- Policy PL3 – Flood Resilience
- Policy PL4 – Renewable Energy and the Resource and Energy Efficiency of New Buildings
- Policy AM1 – Active Travel Networks
- Policy AM2 – Public Transport Strategy
- Policy AM3 – Car Parking Strategy
- Policy SSI – Historic Streets
- Policy SS2 – Social & Civic Spaces
- Policy SS3 – Protection & Enhancement of Green Spaces
- Policy SS4 – River Corridor Strategy

Policy Documents (SPDs and TANs) which are of relevance to this application

- Design Guide, Supplementary Planning Document – adopted July 2022
- Dark Skies – technical advice note version 2, May 2021
- Parking for Residential and Non-Residential Development Supplementary Planning Document – adopted April 2021
- Sustainable Construction Supplementary Planning Document – adopted August 2020
- Affordable Housing, Supplementary Planning Document - adopted July 2020
- Biodiversity Net Gain – technical advice note, January 2022
- Ecosystems Services – technical advice note (non-householder)
- Lewes Conservation Area Appraisal and Management Plan – adopted October 2023

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.

Equality Act 2010

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

Crime and Disorder Implication

Attempting to reduce crime and disorder is a feature of good design. The development would create homes and community and commercial floorspace with good overlooking of public spaces and with a high quality, pedestrian friendly public realm. Designing out crime has been considered in the creation and then the assessment of the development proposal.