

**Agenda Item 11**  
**Report PC24/25-40**

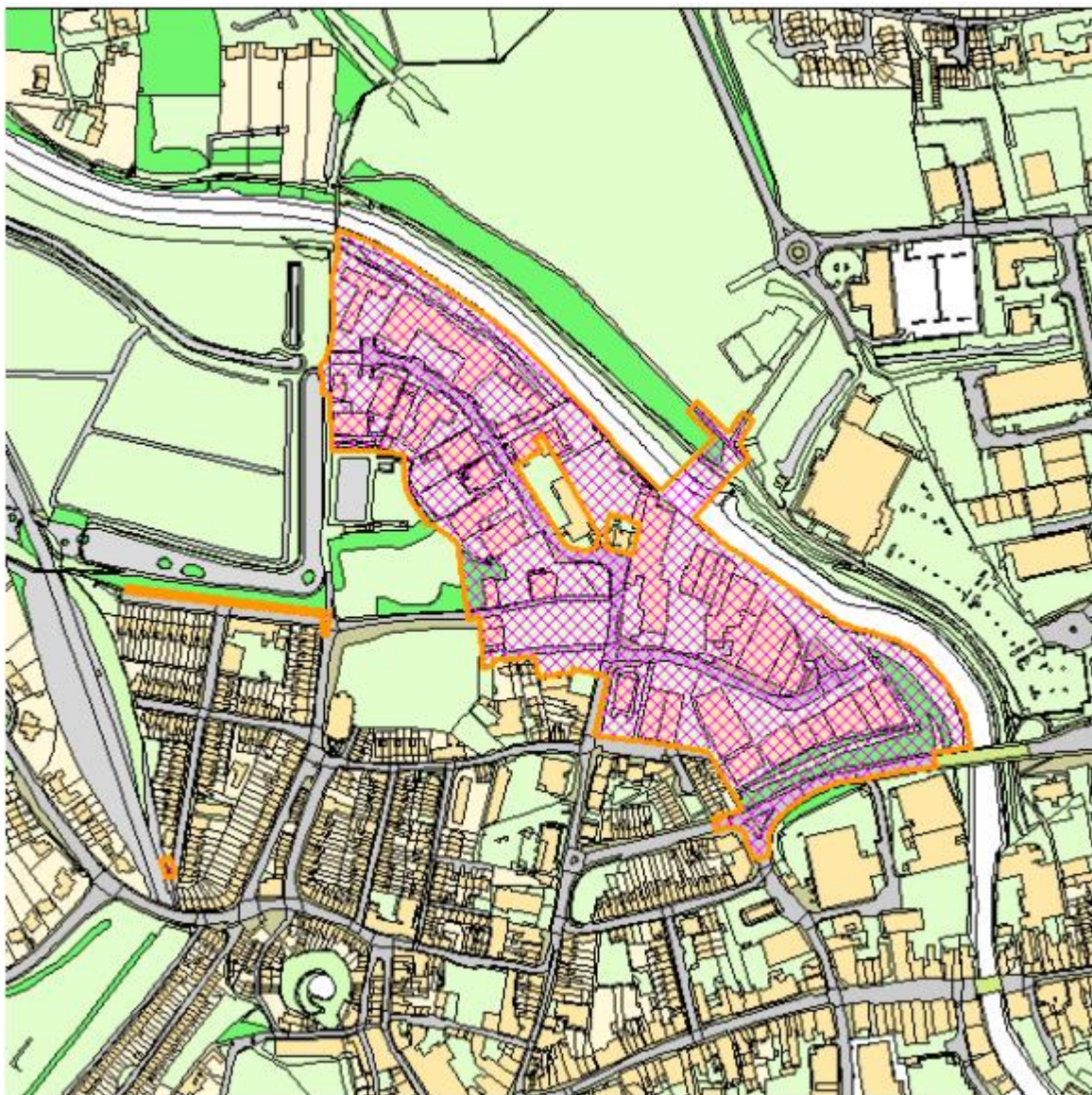
Report to	<b>Planning Committee</b>
Date	<b>8 May 2025</b>
By	<b>Director of Planning</b>
Application Number	<b>SDNP/23/00526/OUT</b>
Applicant	<b>Human Nature (Lewes) Ltd</b>
Application	<p><b>Hybrid planning application for the redevelopment of the North Street Industrial Estate, North Street, Lewes for a residential-led, mixed use development.</b></p> <p><b>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</b></p> <p><b>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 3,568m<sup>2</sup> 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.</b></p>
Address	<b>North Street Industrial Estate, North Street, Lewes, East Sussex</b>

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**Recommendation:**

1. That the updates contained in this report are noted by the Planning Committee.
  2. That, subject to the quashing of the Planning Permission reference **SDNP/23/00526/OUT**, authority be delegated to the Director of Planning, in consultation with the Chairman of the Planning Committee, to consider and redetermine the planning application and take any other necessary associated decisions.
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**Site Location Map**



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## Executive Summary

The application was considered by Members on 12 October 2023, where it was agreed to defer the application.

On 15 February 2024, Members of the Planning Committee resolved to delegate authority to the Director of Planning (in consultation with the Chairman of the Planning Committee) to grant planning permission.

In summary, the officer recommendation was for approval subject to:

- The consideration of further consultation responses from the Local Highway Authority, National Highways or the Secretary of State for Transport.
- The conditions and informatives set out in Section 9 of the committee report and update sheet.
- A section 106 legal agreement.

The committee also confirmed that:

- They in principle support the 'stopping up' of the existing adopted highways and;
- In reaching their decision they have taken account of the environmental information submitted, all matters referred to in the Director of Planning's report and all other material considerations.

Delegation was also provided to the Director of Planning in consultation with the Chair of the Planning Committee to refuse the application if a section 106 legal agreement is not completed and/or the Secretary of State for Transport requires that the application be refused.

The 15 February 2024 committee report is included as Appendix 1.

Since that time, all parties have been working to finalise the section 106 legal agreement. The document is now in final form, is on the planning portal, and is ready to be signed.

It is necessary to provide an update to Members for the following reasons:

- An erroneous Decision Notice for this planning application was uploaded to the planning portal due to technical error and is the subject of High Court proceedings. It is likely to be quashed by the High Court. Once quashed a decision on the application will be required.
- The National Planning Policy Framework has been updated since the 2024 resolution to approve.
- The Local Planning Authority has reached Regulation 18 stage of the South Downs Local Plan Review since the resolution to approve.
- Further consultation responses have been received from National Highways and the Local Highway Authority.
- Guidance on seeking to further the purposes of Protected Landscapes (section 245 duty) was published on 16 December 2024.
- Land ownership

No changes have been made to the application itself.

This report therefore provides Members with the necessary updates and provides a recommendation that subject to the quashing of the planning permission that authority is delegated to the Director of Planning, in consultation with the Chairman of the Planning Committee, to consider and redetermine the planning application at the appropriate time and to take all associated decisions.

Each update will be taken in turn.

**1. Decision Notice Dated 12 March 2025**

- 1.1. Due to a technical error, a draft decision notice was uploaded to the public file. This decision notice, being in draft form, did not include relevant condition updates and was uploaded prior to the signing of the s106. Whilst in draft form and uploaded in error, this resulted in the formal issuing of planning consent.
- 1.2. Upon taking advice, legal proceedings have commenced to quash this erroneous decision notice. Whilst formal confirmation of the quashing is awaited, the process is being undertaken with the agreement of the developer who supports this course of action. At this stage the quashing of the decision notice appears uncontested.
- 1.3. If the permission is quashed it will be necessary to take the decision on the application again. It is proposed that the reconsideration and determination of the application is delegated to the Director of Planning, in consultation with the Chairman of the Planning Committee. The reconsideration and determination will take into account the relevant condition updates and all other necessary updates as set out in the report.

**2. National Planning Policy Framework Update**

- 2.1. At the time of the February 2024 resolution, the relevant National Planning Policy Framework (NPPF) was the December 2023 version. The committee report and resolution were drafted on this basis.
- 2.2. The NPPF was revised in December 2024 (with additional minor updates in February 2025).
- 2.3. The application and its details have been reviewed considering the most up to date version of the NPPF. The revisions made do not alter the assessment which has been previously made. A detailed assessment will be undertaken at the appropriate time when the Director of Planning re-considers the application following the quashing of the permission.

**3. South Downs Local Plan Review**

- 3.1. The Local Planning Authority has completed the Regulation 18 public consultation on the South Downs Local Plan Review, the future plan is therefore currently called the Regulation 18 Plan. The consultation period expired on 17 March 2025.
- 3.2. The Regulation 18 Plan proposes revised wording for policy SD57, which outlines the expectations of development on this site. Policy SD57 has been updated in the Regulation 18 plan so its requirements are informed by the land uses and the quantum and type of development in the current application.
- 3.3. At the time of writing, the comments received are being reviewed and further public consultation at Regulation 19 stage is expected in 2026. Submission to the Secretary of State for examination is expected during 2026. The Regulation 18 plan is in the early stages of production, and therefore can only be attributed very limited weight.
- 3.4. The relevant Local Plan policies to consider therefore continue to be those with the Adopted South Downs Local Plan (2014 – 2033). These policies have been considered in the February 2024 committee report and resolution and no updates are required. The position will be revisited at the appropriate time when the Director of Planning re-considers the application following the quashing of the permission.

**4. Local Highway Authority Consultation and Land Ownership**

- 4.1. Following the February 2024 resolution, a final response was received from East Sussex County Council as Local Highway Authority dated 20 February 2025 which is available on the public file. This follows previous responses in June and September 2023 raising concerns.
- 4.2. The response notes that since the Committee meeting, the Highway Authority and SDNPA have discussed and completed further assessments. These relate to mitigation measures

required to ensure the development would be suitably accessible. The applicant has submitted further details of mitigation measures and transport impacts.

- 4.3. The response concludes that the Highway Authority accept the package of mitigation measures and raise no objection subject to the imposition of conditions and obligations within the s106.
- 4.4. Conditions will therefore be amended in response, and obligations included within the completed s106, East Sussex County Council are also a signatory to the legal agreement.
- 4.5. National Highways also provided a response dated 11 September 2024 requesting the provision of a Travel Plan (which is secured by the s106). Following receipt of further information, a final response dated 6 February 2025 was received. No further comment was provided on the submitted information.
- 4.6. A detailed assessment of the highway requirements will be undertaken at the appropriate time when the Director of Planning re-considers the application following the quashing of the permission.
- 4.7. The application site contains a number of ownerships and necessary agreements will be required to ensure that the conditions and obligations of the development can be met. In such cases, a condition can be used which requires land outside of the developer's control to be bound by obligation before the specific part of the site can be developed, these are referred to as an 'Arsenal Condition'. Given the land ownership status of parts of the application site, the Director of Planning will consider, at the appropriate time, whether it is necessary to include such a condition for this application.

## **5. Guidance on Section 245 Duties**

- 5.1. On 16 December 2024, guidance was provided for relevant authorities (such as the SDNPA) on seeking to further the purposes of protected landscapes.
- 5.2. This outlines that authorities must now 'seek to further' the statutory purposes of protected landscapes, replacing the previous duty to 'have regard to' their purposes.

A detailed assessment will be undertaken at the appropriate time when the Director of Planning re-considers the application following the quashing of the permission.

**Tim Slaney**

**Director of Planning**

**South Downs National Park Authority**

Contact Officer: Kelly Porter  
Tel: 01730 819314  
email: [kelly.porter@southdowns.gov.uk](mailto:kelly.porter@southdowns.gov.uk)  
Appendices: Appendix 1 – Report PC23/24-20 – 15 February 2024 Committee Report  
SDNPA Consultees: Director of Planning, Legal Services  
Background Documents: [All planning application plans, supporting documents, consultations 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