

Report to	Planning Applications Committee
Date	24 April 2019
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/19/00076/FUL
Applicant	Sophie Sneddon
Application	Change of use from D1 (Non-residential institutions) to a mixed use of A3 (Restaurants and Cafés) and D1 (Non-residential institutions)
Address	2 South Street Lewes East Sussex BN7 2BP

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

1 Site Description

1.1 The application site is a detached, single-storey building located on the corner of South Street and Cliffe High Street, Lewes. The building was originally constructed as a public convenience but fell into disuse. Change of use was granted in 1997 to use as a community facility, specifically a meeting place for young people, serving light refreshments.

1.2 The site is both within the Lewes Town Centre Boundary, as defined by the Lewes District Local Plan and the South Downs Local Plan, and within the Lewes Conservation Area.

2 Proposal

2.1 The proposal is to change the use of this property from D1 (non-residential institutions) to a mixed use of A3 (Restaurants and Cafés) and D1 (Non-residential institutions). No external changes are proposed as part of this application.

2.2 This application is being presented to the Committee as the applicant is Lewes District Council.

3 Relevant Planning History

LW/97/0333 - Change of use from disused public convenience to meeting place for young people serving light refreshments, small extension to rear of property - Approved

4 Consultations

Parish Council Consultee

Members regret the loss of an important community amenity

LE - Environmental Health

No comments.

LE - Design and Conservation Officer

No objection as no change to the buildings appearance.

5 Representations

None received.

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Council - The Core Strategy (Local Plan Part I) 2014** and the following additional plan(s):

- South Downs National Park Local Plan - Submission 2018

Other plans considered:

- Lewes Neighbourhood Plan

The relevant policies to this application are set out in section 7, below.

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 public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 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 also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- CP6 - Retail and Town Centres

The following policies of the **South Downs National Park Local Plan - Submission 2018** are relevant to this application:

- Development Management Policy SD37 - Development in Town and Village Centres
- Development Management Policy SD43 - New and Existing Community Facilities

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

The Draft South Downs National Park Local Plan

The Pre-Submission version of the **South Downs Local Plan (SDLP)** was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

The following policies are of particular relevance to this case:

- Development Management Policy SD37 - Development in Town and Village Centres
- Development Management Policy SD43 - New and Existing Community Facilities

8 Planning Assessment

8.1 The application property is currently vacant. Until June 2018 the site was operated by a charity (The Nutty Wizard Café) as a community facility, providing a centre for young people and offering training in its secondary purpose as a café.

8.2 The site is located on the corner of South Street and Cliffe High Street, which falls within the Lewes Conservation Area, as well as the Town Centre Boundary, as defined by the Lewes District Local Plan, The South Downs Local Plan and the Lewes Town Neighbourhood Plan.

8.3 The previous occupiers voluntarily vacated the site when their lease expired due to a lack of demand for the facilities they provided.

8.4 The proposed change of use would see the property change from one that is predominantly used by a single charity as a community facility, which occasionally provided ancillary café facilities, to a mixed use as a café on a more regular basis, which would also provide community facilities alongside this primary café use. No external changes to the building are proposed as part of this application.

8.5 The community facilities proposed to continue on site include cookery teaching and work experience for youths, along with providing language teaching and other community based activities, on a daily basis. This is in line with Policies SD43 of the South Downs Local Plan and HCI of the Lewes Town Neighbourhood Plan, which seek to retain existing community facilities within the town.

8.6 By combining the community aspect of the property with a more permanent café, the building will be brought into use on a more regular basis and it is hoped to have greater economic stability. As the site lies within a town centre boundary, this 'A' class usage is encouraged by Policies CP6 of the Lewes District Local Plan and SD37 of the South Downs Local Plan.

8.7 Lewes Town Council has commented that the loss of the community facility is regrettable, however, it should be noted that the previous occupiers vacated the site due to lack of demand for the service they provided. Furthermore, it is proposed to retain an element of community facility on the site, albeit alongside the primary café use. In addition, there are adequate additional community facilities within the immediate vicinity of the site, including All Saints Centre, The Turkish Baths, Thebes Annexe, The Linklater Pavilion and Malling Community Centre.

8.8 Although the site lies within the Lewes Urban Conservation Area, no external changes are proposed for the property, and therefore no impact is anticipated on the conservation area as a result of this change of use.

Summary

8.9 It is considered that the change of use of the building to a mixed A3/D1 use class is acceptable. The proposed café element will bring the currently vacant property into regular use, thus contributing to the vibrancy of Lewes Town Centre. The community facilities that will be provided alongside the café ensure that the proposal is not contrary to policy, and that it retains an important local facility within the town.

9 Conclusion

9.1 That planning permission be granted.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)

3. **Hours of opening**

No customer shall be permitted to be on the premises outside the following times:
8:00am-9:00pm Mon-Sat and 8:30-6:00pm Sun.

Reason: To protect the amenities of the occupiers of nearby properties to comply with Policy CPI I of the Lewes District Local Plan

4. No amplified or other music shall be played in the premises outside the following times
9:00am - 6pm Mon-Sun

Reason: To protect residential amenities having regard to CPI I of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

11. **Crime and Disorder Implications**

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

12. **Human Rights Implications**

12.1 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.

13. **Equality Act 2010**

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

14. **Proactive Working**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Russell Pilfold
Tel: 01273 471600
email: Russell.pilfold@lewes-eastbourne.gov.uk

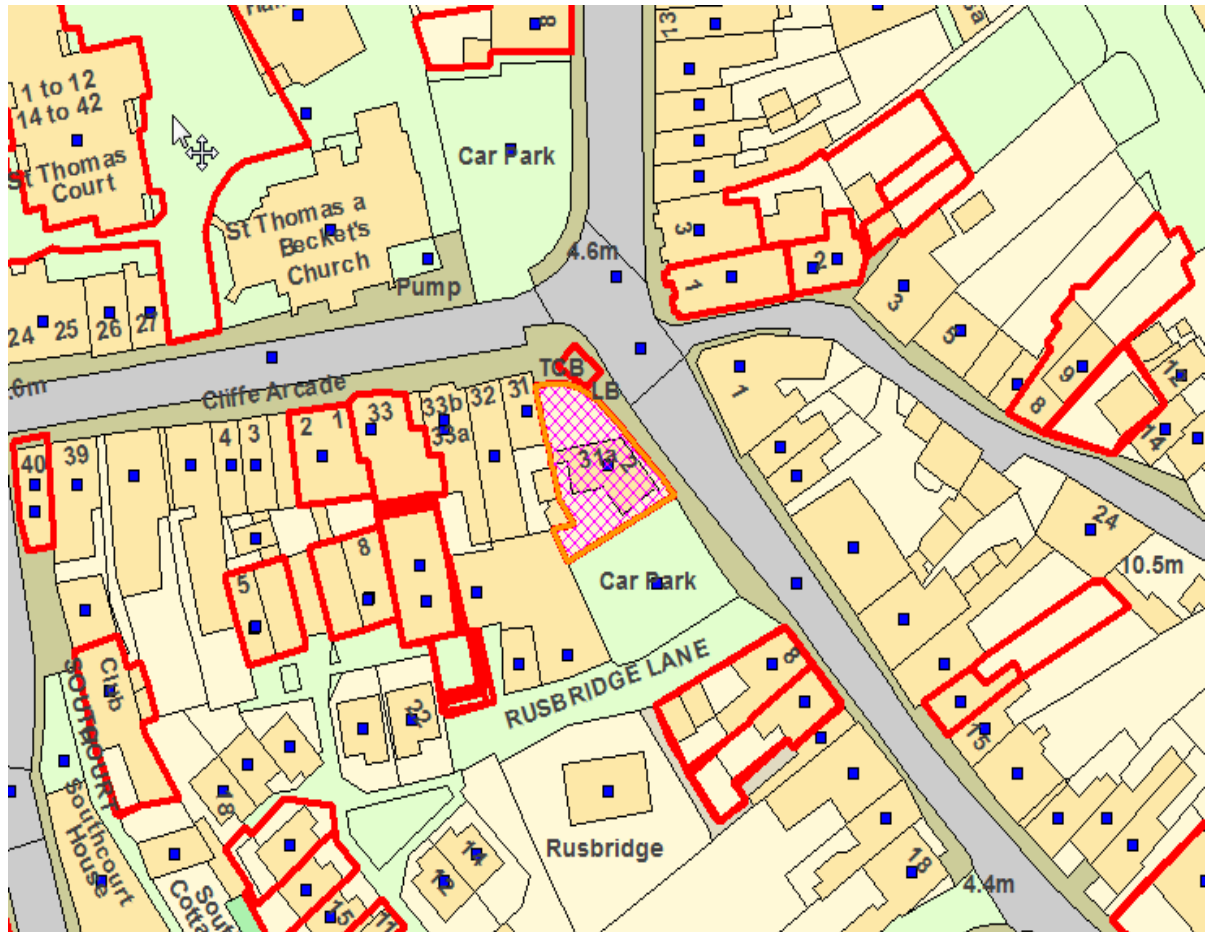
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

Planning Statement – 27.02.19

Plan I121.01.Rev A – 24.01.19