

Report to **Planning Committee**
Date **17 May 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/00499/FUL**
Applicant **Mr J Charlesworth**
Application **Proposed horticulture unit**
Address **Waitrose
Eastgate Street
Lewes
BN7 2LP**

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 Waitrose occupies a corner site towards the northern periphery of Lewes Conservation Area, opposite the bus station, with a large paved frontage which encompasses a bus stop, public seating areas, bike rack, supermarket trolley shelter, and entrance to the car park at the rear. Two mature trees are features of the site, one of which is a large Horse Chestnut subject to Tree Preservation Order (No. 25) 1976.

2 Proposal

2.1 Consent is sought for the renewal of SDNP/14/00020/FUL (Installation of horticulture unit at front and associated works). This permission encompassed:

- 1 x 3 bay "horticulture unit" - 4.3m wide x 1.35m deep x 2.7m high, with shelves to display plants and flowers, metal framed and clad with stained vertical softwood boarding;
- 1 x "compost pallet locker unit" - 1.5m wide x 1.36m deep x 1.21 high to store bags of compost for sale - secure metal box set within stained softwood cladding similar to horticulture units;
- 4 x "horticulture mobile cupboards" - .960m wide x .550m deep x 1.675m deep to display bedding plants and other gardening accessories - construction as horticulture units;
- 1 x mobile merchandising table 1.244m wide x .644m deep x .903 high to accommodate a mobile till - metal framed, colour grey (RAL 9007). *Officer note: No mention of a mobile till is made in the current application*

2.2 The purpose of the units is to allow customers to purchase plants and other similar merchandise separately outside of the store. The main horticulture unit is fixed to a concrete base; the other units are mounted on heavy duty swivel casters with brakes. The table will be taken into the store outside of opening hours.

3 Relevant Planning History

SDNP/14/00020/FUL - Installation of horticulture unit at front and associated works - Temporary three year approval granted 10th February 2014

4 Consultations

LE - Design and Conservation Officer

The context of the site is sensitive it being located within the Lewes Conservation Area and adjacent to Eastgate House, a grade II listed building. The land immediately to the east of the public entrance to Waitrose is a small open space created by the set back of the frontage of the supermarket from the highway. It is hard surfaced with seating, and two large mature trees, which help to break up the tight urban grain found generally within Lewes.

The proposal is for four Mobile Units, one Pallet Locker Unit, one Bay Pod and one table for use related to horticulture sales. The application is a renewal of application SDNP/14/00020/FUL which gave a temporary consent for the works.

Since approval SDNP/14/00020/FUL there has been an increase in the existing equipment and amenities to the frontage of Waitrose. At the time of the site visit there were three or more waste bins, one plastic bag recycling bin, two benches, two trolley shelters, a large bike rack, signage, as well as an additional five wheeled crates, which are also used for horticultural sales. It is considered there is now notable clutter to the frontage of Waitrose.

The cumulative impact of these works, of which the horticulture equipment subject to this application are part, is considered to undermine the character and appearance of the Lewes Conservation Area and the setting of the Listed Building. While most of the equipment and amenities outside Waitrose do not require planning permission it is considered important to carefully control works where possible to avoid detrimental clutter. For this reason objection is raised to the proposed works and it is recommended the application be refused

Lewes Town Council Consultee

Members OBJECTED to this proposal, raising concern at increase of 'clutter' in the immediate vicinity

5 Representations

5.1 Friends of Lewes - "...object to this application for units that are already in place. The horticulture units contribute to the generally cluttered appearance outside the store and make access between the car park and the main entrance difficult to traverse for wheelchairs, buggies and rollators."

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 Local Plan (2003)** and the following additional plan(s):

- Lewes District Council - The Core Strategy (Local Plan Part 1) 2014

- National Planning Policy Framework

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 and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also 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:

- NPPF - Ensuring the vitality of town centres

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 Local Plan (2003)** are relevant to this application:

- H5 - Within / Affecting Conservation Area
- ST3 - Design, Form and Setting of Development

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

- CPI1 - Built and Historic Environment and Design

The following policies of the **National Planning Policy Framework** are relevant to this application:

- NPPF - Ensuring the vitality of town centres

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 South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8 Planning Assessment

8.1 The external horticultural units currently in place at Waitrose, Lewes, are part of a retail strategy that Waitrose has put in place over most of its UK stores in the past few years. However, it is clear from the comments received by the Design and Conservation Officer, Lewes Town Council, and the Friends of Lewes, that problems exist over clutter to the supermarket frontage caused by the cumulative effect of the siting of additional mobile racking which, in themselves, do not require planning permission, but are a product of this additional retail offer.

8.2 Although the plans submitted with this application are identical to the previous consent therefore implying the acceptability of this renewal application, a site visit in February clearly showed the clutter and general impression of untidiness that the siting of mobile racks around the Horse Chestnut has engendered. These racks hold plants, and as stated earlier are closely associated with the horticultural products on offer in the fixed pods. It was also noticed during the visit that the mobile table was not sited where shown on the submitted plans, and this was brought to the applicant's attention.

8.3 One solution to the above concerns would be to ensure that racking is not placed around the horse chestnut, and instead runs in a straight line opposite the pods. This should leave a much more open and uncluttered area around the main door. Although not enforceable, it was made clear during the site meeting that any future renewal of consent would be dependent on this area around the tree remaining clear, and as an added incentive it was also made clear that a temporary consent for just one year would be recommended in this case allowing for an earlier review of the situation. As a result, and on balance, it is considered that the present situation can be overcome making the proposal acceptable in terms of Policy H5 (Development within or affecting Conservation Areas) of the Lewes District Local Plan.

9 Conclusion

It is recommended that temporary consent for one year 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. 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)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. **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.

3. The permission hereby granted shall be for a limited period expiring on 16/05/18 and the units shall be removed and the land restored to its former condition on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining having regard to policies ST3 and H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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: Mrs Alyson Smith
Tel: 01273 471600
email: alyson.smith@lewes.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

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Site Photographs -			30.01.2017	Approved
Plans - Location and site plan	11700-727-00		30.01.2017	Approved
Plans - Proposed plan and schedule of works	11700-727-01		30.01.2017	Approved
Application Documents - Design Statement	11700/PL/00/727		30.01.2017	Approved
Plans - General Assembly: 3 bay horticultural unit	2UN0763		30.01.2017	Approved
Plans - Mobile Merch table	3TB0020		30.01.2017	Approved
Plans - Mobile horticultural cupboard	3UN0036		30.01.2017	Approved
Plans - Compost unit	3UN2890		30.01.2017	Approved
Application Documents -	HERITAGE STATEMENT		10.02.2017	Approved

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