
Appeal Decision

Site visit made on 12 January 2018

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2018

Appeal Ref: APP/Y9507/W/17/3186182
Waitrose, Eastgate Street, Lewes BN7 2LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Waitrose Ltd against the decision of South Downs National Park Authority.
 - The application Ref SDNP/17/00499/FUL, dated 30 January 2017 on the application documents, was refused by notice dated 19 May 2017.
 - The development is a horticulture unit.
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Decision

1. The appeal is allowed and planning permission is granted for a horticulture unit at Waitrose, Eastgate Street, Lewes BN7 2LP in accordance with the terms of the application, Ref SDNP/17/00499/FUL, dated 30 January 2017 on the application documents.

Preliminary Matters and Main Issue

2. Consent was granted in 2014 for the installation of a horticultural unit at the site, consisting of various different structures. This consent was a temporary three year approval. The appellant then applied to extend this permission and sought a permanent consent in 2017.
3. The 2017 application was refused as the Authority considered that the unit, in conjunction with other existing nearby structures, caused harm to designated heritage assets, namely the Conservation Area and the setting of an adjacent Grade II listed building.
4. The main issue in this case therefore is the effect of the horticulture unit on the character and appearance of the Conservation Area, and on the setting of 6 Eastgate Street, a Grade II listed building.

Reasons

5. The appeal site, a Waitrose supermarket, lies within the Lewes Conservation Area (LCA). The LCA is a large one, centred on Lewes castle and covering much of the well preserved County town. As a large and fairly diverse area the LCA has various qualities, but much of the character of the area is derived from the setting of the town in a gap of the South Downs and on the River Ouse, the views that this topography affords, and the high quality street scape within the thriving town centre.

6. The 'horticulture unit' consists of a range of largely wood panelled structures. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of 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.
8. Policies ST3, H2 and H5 of the Local Plan¹ and Core Policy 11 of the Core Strategy² together state development should respect the scale, site coverage, and character of the local area and neighbouring buildings, with permission granted within conservation areas for developments which conserve or enhance the character or appearance of the area. A key strategic objective will be to conserve the high quality of the district's towns, ensuring all forms of new development are designed to a high standard, with consent not granted for any proposal which would adversely affect the setting of a listed building.
9. Eastgate Street is located on the northern fringes of the town centre. In the area of the site modern buildings, including Waitrose, but also the large bus station opposite and Baptist Church slightly further to the north have impinged upon the street scene, which is further detracted from by the busy one way street. An exception to this modern character is No 6 Eastgate Street, a Grade II listed three storey property currently in use as a restaurant. This attractive building is constructed in grey brick with red brick dressed surrounds to the rectangular sash windows on the 3rd floor and the round arched windows at ground and first floor. On the 1st floor there are 5 such coupled windows. A pedimented door at the ground floor is sited between the larger round arched windows. No 6 stands on its own, to the west of Waitrose, and this positioning contributes significantly to its setting, with the highly detailed façade of the building clearly visible in views from the town centre to the south.
10. Waitrose itself is a large red brick mainly flat roofed building. Although the property is of a substantial size, from Eastgate Street the building appears lower than No 6, and this, along with the screening provided by two large protected horse chestnut trees, helps to reduce the impact of the building on the street scene and the setting of No 6. The pavement in front of Waitrose is of a reasonable size with various pieces of street furniture and structures including the horticultural unit, as well as benches, bins, bus stops/signs and 2 large trolley bays.
11. The wooden nature and colour of the horticultural structures helps them to blend into the red brick of the shop unit behind, and their siting, primarily

¹ Lewes District Local Plan 2003

² Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030, May 2016

underneath a horizontal canopy up against the shop façade also lessens their impact on the street scene, and is in keeping with their location outside a supermarket. Sufficient space is retained between the units to allow access to the supermarket car park behind No 6, and overall the unit preserves the character and appearance of the LCA and does not cause harm to the setting and therefore the significance of No 6.

12. Concerns are raised over the amount of clutter in the area. However, while I agree that some of the street furniture and structures do raise concerns, for the reasons above I do not consider that the scheme in this case adds to any harm caused by such existing clutter.
13. I therefore conclude that the horticulture unit preserves the character and appearance of the Conservation Area and does not have an adverse effect on the setting of 6 Eastgate Street, a Grade II listed building. The unit complies with policies ST3, H2, and H5 of the Local Plan and Core Policy 11 of the Core Strategy.

Conditions and Conclusion

14. Two conditions are suggested by the Council in the event of an approval. One such condition concerns compliance with plans. However, the unit is already in place so such a condition is not required.
15. A further condition suggests a limited time period for the units to be in place before their removal. However, planning practice guidance states that a condition limiting use to a temporary period only, where the development complies with the development plan, will rarely pass the test of necessity. Furthermore, it also states that while a temporary permission may be appropriate where a trial run is needed in order to assess the effect of the development on the area, it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. I do not therefore consider that such a condition would be necessary or justified.
16. I have concluded that the unit preserves the character and appearance of the Conservation Area and does not have an adverse effect on the setting of the 6 Eastgate Street. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR