

Report to: Planning Applications Committee
Date: 9th August 2023
Application No: SDNP/23/01760/FUL
Location: Former Bus Station, Eastgate Street, Lewes
Proposal: Section 73a retrospective application for the erection of temporary site hoardings and gates.
Applicant: Mrs A Vint - Generator (Eastgate Street) Ltd
Ward: Lewes Bridge
Recommendation: Grant Permission subject to conditions.
Contact Officer: **Name:** Robin Hirschfeld
E-mail: Robin.Hirschfeld@lewes-eastbourne.gov.uk

Site Location Plan:



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| 1. | Executive Summary |
| 1.1 | <p>It is noted that the objections received are partially concerned with the closure of the bus station and the impact that this has had on the local community. This issue should not form part of the assessment/merits of the application before Members.</p> <p>The development proposals are acceptable for a temporary period of 1 year.</p> <p>As a temporary consent it would allow the application the necessary time to secure the necessary permissions to redevelop the site.</p> <p>The granting of a temporary consent for 1 year would mean that a fresh application would need to be submitted if the boundary enclosure were to be needed for a longer period.</p> <p>As a temporary consent it is considered that the boundary enclosure would not have a significant harmful impact on the character of the site or surrounding area and is recommended for approval.</p> |

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| 2. | Relevant Planning Policies |
| 2.1 | <p><u>National Planning Policy Framework</u></p> <p>4. Decision making 12. Achieving well-designed places 15. Conserving and enhancing the natural environment 16. Conserving and enhancing the historical environment</p> |
| 2.2 | <p><u>South Downs Local Plan 2019 (Full text of the most relevant policies reported at the foot of this report)</u></p> <p>Policy SD1 Sustainable Development Core Policy SD2: Ecosystem Services Strategic Policy SD4: Landscape Character Strategic Policy SD5: Design Strategic Policy SD6: Safeguarding Views Strategic Policy SD12: Historic Environment; Development Management Policy SD15: Conservation Areas</p> |
| 2.3 | <u>Lewes Neighbourhood Plan:</u> |

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| | Policy HC3 A Heritage Protection of Landscape and Townscape Policy PL2 Architecture & Design |
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| 3. | Site Description |
| 3.1 | The application site is a former bus-station and café in Eastgate in Lewes. |
| 3.2 | The site is on a corner plot and located to the North of Lewes town centre - adjacent to Eastgate Street and East Street. |
| 3.3 | The site is within the South Downs National Park and the Lewes Conservation Area. |
| 3.4 | The boundary treatment (subject of this application) has been erected. |

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| 4. | Proposed Development |
| 4.1 | <p>The application seeks retrospective planning permission for the erection of temporary site hoardings and gates along the Eastgate Street and East Street boundaries.</p> <p>Following the submission of an initial scheme amendments were requested resulting in the proposal now seeking temporary 1 year consent.</p> <p>The application before the committee is only for the erection/retention of hoardings and a security gate around the former bus station and Zu café site. The former use of the site is not a material consideration of this application and the application before the committee should be assessed on its own merits.</p> <p>*It should be noted that application reference SDNP/23/02973/FUL for the 'Demolition of existing buildings and construction of mixed-use development comprising 3 houses (Class C3), 32 self-contained flats (Class C3) and 198m² of ground floor commercial space (Class E), with associated access alterations, landscaping and parking' is currently being assessed by the SDNPA Major applications team and has not yet been determined.</p> |
| 4.2 | <p>Materials are proposed to be:</p> <ul style="list-style-type: none"> - Timber hoardings currently painted grey. - Metal access gates; |
| 4.3 | The proposed hoardings will measure approximately 30 m wide in total and be 1.65 m deep and 2.4 m high - at their highest point. |

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| | The proposed gates will measure approximately 5.8 m wide and 2.4 m high. |
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| 5. | Relevant Planning History: |
| 5.1 | <p>SDNP/22/02197/FUL - Demolition of existing buildings and construction of mixed-use development comprising 3 houses (Class C3), 37 self-contained flats (Class C3) and 192m2 of ground floor commercial space (Class E), with associated access alterations, landscaping, and parking. - Refused 08.09.2022</p> <p>SDNP/23/02973/FUL - Demolition of existing buildings and construction of mixed-use development comprising 3 houses (Class C3), 32 self-contained flats (Class C3) and 198m2 of ground floor commercial space (Class E), with associated access alterations, landscaping, and parking - Validated 17.07.2023 and currently pending consideration with a determination date of 16.10.2023.</p> |

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| 6. | Consultations: |
| 6.1 | <p><u>Lewes Town Council – Objection</u></p> <p>OBJECT for the following reasons:</p> <p>The hoardings are not compliant with the requirements of the Lewes Conservation area.</p> <p>The hoardings are an unsightly redundant feature given that no planning permission has been granted for the demolition or change of use of the premises to which the hoardings purport to camouflage.</p> <p>The hoardings attract anti-social behaviour in the form of graffiti. The hoardings are covering a building of architectural value which has been registered as an Asset of Community Value</p> <p>The basis for much of the planning application is erroneous for example stating that the building behind the hoardings have not been used as a bus station since 2008 when it was functioning in 2022.</p> <p>The development on the north side of Phoenix Causeway has not yet acquired planning permission, so it cannot be called a provision in respect of another development.</p> <p>The 3 bus stops on School Hill should not be considered appropriate alternatives as they are neither safe for road users nor comfortable for</p> |

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| | <p>waiting travellers.</p> <p>Traffic turning left from the junction of Friars Walk and School Hill do not have adequate sight of buses pulling out of the stops. There have been several occasions where this has led to confusion and potentially dangerous incidents.</p> <p>In the rain, water is channelled over the feet of travellers waiting at the stops.</p> <p>There are no refreshment facilities or toilet provision for travellers and drivers.</p> |
| 6.2 | <p><u>Design and Conservation Officer</u></p> <p>No objection received</p> |

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| 7. | Other Representations: |
| 7.1 | <p><u>Lewes Conservation Area Advisory Group: Objection</u></p> <p>Comment: Lewes CAAG strongly objected to the previous (refused) application to close the Bus Station and redevelop this site. We also object to this retrospective application for temporary hoardings. They are unnecessary and unsightly and have a seriously negative impact on the Conservation Area on a key visitor route into the town.</p> <p><u>Friends of the South Downs Comment:</u></p> <p>We object to this application.</p> <p>The bus station served a valuable function in Lewes for many years and could and should have continued to do so unless and until a new use was agreed. We believe it was closed prematurely and that the applicant's current dilemma is entirely self-inflicted.</p> <p>As it is, the hoardings detract from the appearance of the Conservation Area; are right at the entrance to the town centre and serve to present visitors with an image of the town which is wholly at odds with what residents would want. A sorry piece of PR on the part of the applicants. Sadly, we may have to accept that like it or not and even though it may be of the applicants' own making, they do now face a serious dilemma. It may be that there is little option but to permit the hoardings, but if that is the case, can this please be for as short a period as is reasonably practicable. For instance, could the two-year period be from the date the hoardings were erected, rather than the date of any consent. Of course, if it could be for a yet shorter period, then so much the better.</p> |
| 7.2 | <p><u>Neighbour Representations:</u></p> <p>32 Objections Received. The objections are concerned with the following material considerations:</p> <ul style="list-style-type: none"> - Retrospective nature of application |

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| | <ul style="list-style-type: none"> - Compliance with planning policies - Out-Of-Keeping with Lewes Conservation Area - Reasoning for hoardings - Length of temporary period - Appearance of the hoardings - Visual impact <p>It is noted that the objections received are partially concerned with the closure of the bus station and the impact that this has had on the local community.</p> <p>The application before the committee is only for the erection of hoardings and a security gate around the former bus station and Zu café site.</p> <p>The former use of the site is not a material consideration of this application and the application before the committee should be assessed on its own merits.</p> |
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| 8. | Appraisal: |
| 8.1 | <p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that 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.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The site is located within the South Downs National Park and therefore determine by the SDNPA who further to the presumption in favour of sustainable development and sec 38 (4) of the statutory purposes and duty of the National Park are:</p> <ul style="list-style-type: none"> - Purpose 1: To conserve and enhance the natural beauty, wildlife, and cultural heritage of the area. - Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. - Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes. |
| 8.2 | <p><u>Design and Landscape Character</u></p> <p>The application site lies to the North of Lewes town centre and the proposed hoardings and gates would be sited along the East and North boundaries.</p> |

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| | <p>The application site is visible from the North and East but, due to the bend in the road and protrusion of the former bus station wall, there is limited visibility from the South. It would be seen in the wider context against Eastgate Baptist Church to the North and the former Stone Works and Waitrose store to the East.</p> <p>The proposed development is sited around the existing former bus station and Zu café for the purposes of maintaining security on the site - preventing illegal parking and access.</p> <p>Whilst the former bus site incorporates a red brick wall that is indicative of the material colour palette to the South of the site the proposed hoardings do not impact this element of the existing site.</p> <p>In terms of design, following officer concerns the proposed scheme was amended to promote a temporary consent to minimise the long-term impact of the proposal.</p> <p>In addition, the applicant has agreed to the 1-year consent to allow for a reassessment of the proposals to take place in order to assess any degradation or neglect of the hoardings and whether any potential development of the site requires the hoardings to remain in place.</p> <p>Within this context the proposed hoardings would surround the internal concrete courtyard/parking area of the site and the two utilitarian buildings which are currently in situ - which do not reflect the design of the heritage buildings within the local vicinity and are not considered to be of heritage design value in and of themselves.</p> <p>In addition, the proposed hoardings to the North of the site, along East Street, are not physically attached to the existing flint wall.</p> <p>As such, it is considered that the proposal, in terms of the scale, form and design, would relate to the existing site and surrounding area in visual terms without appearing unduly dominant or discordant.</p> |
| 8.4 | <p><u>Impact Upon Character and Setting of a Conservation Area:</u></p> <p>The council's design and conservation officer were consulted, and an objection was raised to an initial proposal due to the impact of the proposal on the Lewes conservation area.</p> <p>Following negotiations between the planning officer and the applicant, an amended scheme was received proposes the temporary period down to one year and, as such, addresses the concerns raised.</p> <p>Whilst the proposed works would be visible within the surrounding streetscene, following the amendments - and for the design reasons noted above - it is considered that the proposal will not have a detrimental impact on the character or historical value of the Lewes Conservation Area.</p> |
| 8.5 | <p><u>Other considerations:</u></p> |

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| | None. |
| 8.6 | <u>Planning Obligations:</u> There are no S106 Planning obligations associated with this proposal. |
| 8.7 | <u>Human Rights Implications:</u> The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010. |
| 8.8 | <u>Conclusion:</u> It is considered that the development proposals are acceptable for a temporary period and would not have a significant harmful impact on the character of the site or surrounding area. |

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| 9. | Recommendations |
| 9.1 | In view of the above the proposed development is recommended for approval. |

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| 10. | Conditions: |
| 10.1 | The development hereby permitted is granted for a limited period only expiring on 10 th August 2024. On or before this date, the development carried out in pursuance of this permission shall be demolished/removed from the site and the land restored in accordance with a scheme which has been submitted to and approved in writing by the LPA. Reason: The use hereby approved is not considered suitable as a permanent form of development. |
| 10.2 | 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. |
| 10.3 | The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars |

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| | and shall be retained permanently as such unless prior written consent is obtained from the Local Planning Authority to any variation. Reason: To safeguard the appearance of the building and the character of the area. |
| 10.4 | No external lighting shall be installed within the site unless otherwise agreed in writing by the Local Planning Authority. Reason: To enable the Local Planning Authority to control the development in detail in the interests of nighttime amenity, tranquillity and protect and conserve the International Dark night Skies. |

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| 11. | Plans: |
| 11.1 | This decision relates solely to the following plans: |

| | <u>Plan Type</u> | <u>Date Received</u> | <u>Reference:</u> |
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| | Proposed Site Plan | 13.07.2023 | PL-0012 A |
| | Location Plan | 13.07.2023 | PL-0011 A |
| | Proposed Eastgate Street Elevation and Typical Section | 13.07.2023 | PL-0013 A |

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| 12. | Appendices |
| 12.1 | None. |

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| 13. | Background Papers |
| 13.1 | Most relevant policies. |
| 13.2 | <p>Policy PL2: Architecture & Design of the Lewes Neighbourhood Plan states that:</p> <p><i>1) All new developments should be built to a high standard of design, having regard to the design principles set out in the Design Guidance Principles Inset Box (pages 106 — 107) and improve and enhance the built environment of the neighbourhood area.</i></p> <p><i>2) Support will be given for proposals that balance environmental considerations with a respect for traditional scale and materials, in the Lewes Conservation Area and in the Malling Deanery Conservation Area. Development proposals in the conservation areas should have regard to the relevant Character Appraisal and Management Plan.</i></p> |

5) *Proposals that demonstrate an imaginative sense of context and place, respecting and not overpowering the surrounding buildings, landscape and townscape will be supported.*

Strategic Policy SD4: Landscape Character of the South Downs Local Plan states that:

1. *Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:*

a) *They are informed by landscape character, reflecting the context and type of landscape in which the development is located;*

b) *The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern and evolution of the landscape;*

c) *They will safeguard the experiential and amenity qualities of the landscape*

Strategic Policy SD5: Design of the South Downs Local Plan states that:

1. *Development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high-quality design that makes a positive contribution to the overall character and appearance of the area. The following design principles should be adopted as appropriate:*

a) *Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals.*

c) *Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement pattern;*

d) *Create high-quality, clearly defined public and private spaces within the public realm;*

f) *Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing;*

i) *Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users;*

j) *Give regard to improving safety and perceptions of safety, and be inclusive and accessible for all; and*

k) *Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.*

Strategic Policy SD6: Safeguarding Views of the South Downs Local Plan states that:

1. *Development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the National Park, in particular by conserving and enhancing key views and views of key landmarks within the National Park.*

2. *Development proposals will be permitted that conserve and enhance the following view types and patterns identified in the Viewshed Characterisation & Analysis Study:*

a) *Landmark views to and from viewpoints and tourism and recreational destinations;*

b) *Views from publicly accessible areas which are within, to and from settlements which contribute to the viewers' enjoyment of the National Park;*

c) *Views from public rights of way, open access land and other publicly accessible areas*

Policy HC3 A Heritage Protection of Landscape and Townscape of the Lewes Neighbourhood Plan states that:

2) New development that contributes to the preservation or enhancement of the conservation areas of Lewes, including the distinctive townscape of the historic core of Lewes, Cliffe and Old Malling (defined on the Town Plan) will be supported. Developments that include the palette of materials identified in the relevant Conservation Area Appraisal will be supported.

Strategic Policy SD12: Historic Environment of the South Downs Local Plan states that:

1. Development proposals will only be permitted where they conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting.

2. Applicants will be required to provide a Heritage Statement sufficient to allow an informed assessment of the impact of the proposed development on the significance of the heritage asset(s).

3. Development proposals which affect heritage assets (whether designated or non-designated) or their setting will be determined with regard to the significance of the asset, including the long-term conservation and enhancement of that asset.

Development Management Policy SD15: Conservation Areas of the South Downs Local Plan states that:

1. Development proposals within a conservation area, or within its setting, will only be permitted where they preserve or enhance the special architectural or historic interest, character or appearance of the conservation area.