



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 10.30 am WEDNESDAY, 16 FEBRUARY 2022

COUNCIL CHAMBER, COUNTY HALL, LEWES

++THE COMMITTEE WILL MEET IN PERSON ++

MEMBERSHIP - Councillor Tom Liddiard (Chair)
Councillors Barry Taylor (Vice Chair), Abul Azad, Kathryn Field,
Eleanor Kirby-Green, Pat Rodohan and Trevor Webb

AGENDA

1. Minutes of the meeting held on 19 January 2022 (*Pages 3 - 4*)
2. Apologies for absence
3. Disclosures of interests
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
4. Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.

Cross Border Application - report by the Director of Communities, Economy and Transport

5. New hospitality suite within the existing winery and the creation of a new alfresco area with associated landscaping. Ridgeview Wine Estate, Fragbarrow Lane, Ditchling Common, BN6 8TP (Cross border application) - ESCC/2020/002/CB (*Pages 5 - 40*)
Report by the Director of Communities, Economy and Transport

Traffic Regulation Orders - report(s) by the Director of Communities, Economy and Transport

6. Traffic Regulation Order - Eastbourne Borough Parking Review (*Pages 41 - 48*)
Report by the Director of Communities, Economy and Transport
7. Any other items previously notified under agenda item 4

NOTES:

- (1) *Members are reminded that copies of all representations received are available for inspection in the Members' Room*
- (2) *NOTE: As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website and the record archived. The live broadcast is accessible at: www.eastsussex.gov.uk/yourcouncil/webcasts/default.htm*

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

8 February 2022

Contact Simon Bailey, Democratic Services Officer,
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PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 19 January 2022.

PRESENT Councillors Abul Azad, Kathryn Field, Eleanor Kirby-Green, Tom Liddiard (Chair), Barry Taylor (Vice Chair) and Trevor Webb

ALSO PRESENT BY TEAMS Councillor Pat Rodohan

OTHER MEMBERS PRESENT Councillor Godfrey Daniel and Councillor Julia Hilton

15. MINUTES OF THE MEETING HELD ON 15 DECEMBER 2021

15.1 The Committee approved as a correct record the minutes of the meeting held on 15 December 2021.

16. APOLOGIES FOR ABSENCE

16.1 Councillor Rodohan was not present in the Chamber but joined the meeting via MS Teams. He participated in the debate but did not vote on the items under discussion.

17. DISCLOSURES OF INTERESTS

17.1 Councillor Godfrey Daniel declared a personal interest in item 5 as the holder of a Blue Badge. He did not consider this to be prejudicial.

17.2 Councillor Trevor Webb declared a personal interest in item 5 as a Cabinet member on Hastings Borough Council which had requested a number of the proposed changes in parking restrictions. He did not consider this to be prejudicial.

18. REPORTS

18.1 Reports referred to in the minutes below are contained in the minute book.

19. HASTINGS PARKING REVIEW 2020-2021

19.1 The Committee considered a report by the Director of Communities, Economy and Transport.

19.2 The following Local Members spoke on the following sites detailed in the report:

Site	Local Member
3 – Castle Hill Road	Daniel
4 – Dane Road	Webb
8 – Holmesdale Gardens	Daniel
9 – Hughenden Rd	Daniel
10 – Hughenden Rd	Daniel
11 – Mount Pleasant Road	Hilton
13 – South Street	Webb
14 – St Margarets Road and White Rock Road	Daniel
15 – Stone Street	Daniel

19.3 In respect of Site 6 – Hare Way, Councillor Kirby-Green reported that the Local Member, Councillor Pragnell, was in support of the officer's recommendation.

19.4 The Committee requested that all County Councillors are reminded of the need to engage in the Traffic Regulation Order process and inform officers whether they agree with the recommendation(s) or not for proposals in their areas when contacted on this matter.

19.5 The Committee has considered the officer's report and the comments of the local Members and agree with the conclusions and reasons for recommendations as set out in paragraph 2 of the report.

19.5 The Committee RESOLVED to (1) not uphold the objections to the draft Order; and

(2) recommend to the Director of Communities, Economy and Transport that the Order be made as advertised with a minor amendment to the written description as set out in paragraph 2.3 of the report.

The meeting ended at 11.35 am.

Committee: **Regulatory
Planning Committee**

Date: **16 February 2022**

Report by: **Director of Communities, Economy and Transport**

Proposal: **Cross boundary application - New hospitality suite
within the existing winery and the creation of a new
alfresco area with associated landscaping**

Site Address: **Ridgeview Wine Estate, Fragbarrow Lane, Ditchling
Common, BN6 8TP**

Applicant: **Ridgeview Wine Estate**

Application No. **ESCC/2020/002/CB**

Key Issues: **Use of access and highway**

Contact Officer: **Jeremy Patterson – Tel: 01273 481626**

Local Member: **Councillor Sarah Osbourne**

SUMMARY OF RECOMMENDATIONS

1. To grant planning permission subject to conditions as indicated in paragraph 9.1 of this report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Introduction

1.1 The County Council is considering this proposal because the application site bisects the administrative boundary of the South Downs National Park Authority (SDNPA) and Lewes District Council (LDC), making it a 'cross boundary' planning application requiring the relevant authorities to deal with 'duplicate' applications. In this case, rather than LDC dealing with a duplicate application alongside the SDNPA, the County Council is required to deal with it. This is because The Town and Country Planning Act 1990 under Schedule 1 (Distribution of Functions for Local Authorities) states in Section 1 (1) (i) that 'the carrying out of operations in, on, over or under land, or any use of land, which is situated partly in and partly outside a National Park' is a county matter. The County Council can only consider and determine that part

of the proposed development that is within its administrative area¹ and except for the use of the access, all the proposed physical development is within the National Park.

2. The Site and Surroundings

2.1 The Ridgeview Wine Estate is to the west of Common Lane (B2112) and is accessed via Fragbarrow Lane (which is also a public right of way), which also serves several residential properties, including a children's home. Another public right of way (Burgess Hill 59) links Fragbarrow Lane to the town of Burgess Hill to the north and the village of Ditchling is to the south. Residential properties are also present along Common Lane to the north of its junction with Fragbarrow Lane. A new housing development is nearing completion on land adjacent to the north of the Wine Estate.

2.2 The Wine Estate comprises vineyards, various buildings, parking and circulation space and woodland. Some development has planning permission which has not yet been implemented. In broad terms, the southern part of the site is where the winemaking takes place (grapes are received, pressed, fermented and bottled) and the northern part is where production is undertaken (wine is bottle aged in cellar, disgorged, labelled and packaged for shipment). A 'wine garden' has been provided to the south of the main winery building and has been in use since 2019 but without the benefit of planning permission. This currently comprises a cold food and drinks servery, a marquee with under cover seating and outdoor seating in a paved patio area. Generally, the location is rural in character with much of the land in the area being Registered Common Land, forming part of the wider Ditchling Common, with the first part of Fragbarrow Lane and the land adjoining this part to the north and south being identified as such. The southern part of the Estate is within the National Park.

3. Site History

3.1 The Estate was founded in 1995 and granted planning permission by LDC in 1996 (ref. LW/96/0682) and produces internationally acclaimed English sparkling wine. It was extended in 2007 (ref. LW/07/1313) and development within the central and northern parts of the site was granted permission (ref. LW/16/0681), although this has only partly been implemented. A second 'cross boundary' application has recently been approved by the County Council as a delegated matter (ref. ESCC/2020/001/CB), which relates predominantly to an extension of the Winery 1 building on its western side to accommodate an increase in wine production. The SDNPA has determined its duplicate application on the current proposal (in November 2021), which it approves subject to conditions and a copy of the officer's report is included at Appendix 1. The applicant is also currently seeking an amendment with LDC on Condition 1 (relating to plans) of permission LW/16/0681 to change the layout of the central car park

¹ Noting that Section 4A(2) of the Town and Country Planning Act 1990 states that "the National Park Authority shall be the sole local planning authority for the area of the Park."

and circulation arrangements, the design of the vineyard store and position and design of the pallet store (ref. LW/21/0133).

4. The Proposal

4.1 As highlighted above, all the proposed 'built' development is located within the National Park. The SDNPA is the appropriate planning authority for that part of the development and has already determined its duplicate application for approval. The County Council will need to consider the suitability of the access for this development and the effects on the highway. However, to provide context, a description of the proposed development in the National Park is necessary.

4.2 Ridgeview was established in 1995 and has been successful in terms growth and reputation both nationally and internationally. The applicant has sought to maximise the use of the existing hospitality facilities for private functions, wine tasting, vineyard tours and retail shop sales, but has reached a point where it is now falling behind competitors in terms of the quality and experience it can offer customers and visitors. The proposal would allow the applicant to compete more effectively with new entrant local vineyards, who have invested significantly in hospitality services within their estates.

4.3 The proposal comprises a new hospitality suite, which would consist of a modest extension to the southern side of the existing Winery building and the creation of a new alfresco dining area, including a building, with associated landscaping to the south of the Winery building. The extension would accommodate a wine tasting room, a small café and a retail area on the ground floor with the first floor hosting a meeting space, tasting rooms and provision for a small balcony and pergola. The new alfresco area would include provision for outside dining involving 3 'pavilions' (each standing at 3m in height and covering an area of 42sqm), with associated hard and soft landscaping, while the associated building would be double storey with the lower level hosting a kitchen, bar and toilets and the upper level used as an open terrace seating area with a retractable canvas roof and open sides above balustrade height. The proposal would increase the number of covers by 22 and would be open for business year-round between the hours of 11.00 and 22.00, except for the roof terrace, which would only be open between the months of April and September. It is forecast that there would be an increase in the number of visits to the site, with a 'worst case' being up to 32 (or 64 two-way trips) on Saturdays, which is the busiest day. No additional parking provision is proposed.

4.4 The applicant notes that the site will continue to operate as it currently does with the hospitality element focused on the alfresco bar and wine garden and the tours, tastings and retail being run from inside the building where the existing tasting room is located. These services will continue to be largely seasonal, as vineyards are dormant over the winter, with peak demand during the summer. Private corporate hire would cross over both areas but is less seasonal in nature, tending not to peak in the summer. The proposals enable the applicant to operate hospitality independently from the production facilities

while enhancing the experience of customers. As such, they are needed to reflect the premium nature of the brand.

4.5 The application is supported by various documents, including an arboricultural impact assessment and method statement, a preliminary ecological appraisal, drainage assessment, landscape visual appraisal, noise statement, transport statement and a travel plan.

5. Consultations and Representations

5.1 Lewes District Council raises no objections.

5.2 Ditchling Parish Council raises no objections but notes that the gap to the west of the existing Winery building should be considered regarding additional screening on the east and south-east to minimise landscape impact and to comply with Ditchling, Streat and Westmeston Neighbourhood Plan.

The area to the west of the Winery building referred to is within the National Park and is a matter for consideration by the SDNPA.

5.3 The Highway Authority raises no objections and recommends that conditions are included regarding improvements to the access with the B2112, the implementation of a turning area within the Estate, the provision of additional car and cycle parking spaces and the submission of details on how the booking of parking spaces and minibus provision would be managed.

5.4 Flood Risk Management ESCC raises an objection. The applicant should provide details of how surface water runoff from the proposal would be managed to avoid increasing flood risk on or off site. This should include supporting information on detailed hydraulic calculations, how flows would be managed if they exceed the drainage system capacity and maintenance responsibilities.

However, the area of the new hospitality suite, alfresco dining area and associated landscaping are not within the administrative area of ESCC and are matters that have been considered by the SDNPA in the determination of its duplicate application.

5.5 Ditchling Beacon and Commons Trustees note that the section of land running from the B2112 and forming part of Fragbarrow Lane for about 30 metres forms part of the Common. The proposal is considered not to have a material or adverse effect on the Common but the Trustees would expect that any consent conditions and limits the activities promoted by the Estate.

5.6 NatureSpace notes that the site is within a red impact zone for Great Crested Newts (GCN) where it is considered likely that the species is present. Although no objections are raised, it is recommended that an informative is included on any permission to remind the applicant to provide the necessary protection for GCN while the development is being undertaken.

5.7 Other representations: Representations from the occupiers of four residential properties in the locality and a fifth representation from a third party, have been received raising concerns and objecting to the proposal. Occupiers from two properties to the south-east of the site object on the grounds of drainage from the vineyard, noise, loss of privacy, effect on dark skies and adverse effects on wildlife. Occupiers from a property to the east of the site object on the visual effect of the development, light pollution, noise, lack of justification for the scheme and lack of information on ecological impact.

These properties to the south-east and east of the site are within the National Park and the concerns raised relate to matters which the SDNPA have considered in the determination of its duplicate application.

Occupiers of a property along Fragbarrow Lane raise objections on the grounds of noise and the use of Fragbarrow Lane as the access. In terms of the latter, it is noted that the Lane is the sole access to the Wine Estate and is single track, flanked by deep ditches with no barriers, and that it is not suitable for an increase in vehicles being only 3.5m wide. The Lane is used by children and services a children's home. The increase in potential visitors will make it more difficult to use the Lane and the front garden will be used as a passing or turning point. The Lane is already used by other large vehicles, including those to support the packaged sewage treatment plants and fuel deliveries to residential properties, as they are not connected to mains services.

The fifth representation supports the objections of the above representation from Fragbarrow Lane. It reiterates the existence of ditches to the sides of the Lane and that there is a blind bend on the approach to the Estate, as well as its narrow width and that it serves residential properties, including a children's home. The development proposes fewer parking spaces than required. The application suggests promoting walking and cycling but there is no footway provision along Common Lane and the Estate has placed notices at the beginning of the Lane stating that cycling is prohibited. The noise assessment has not included increased vehicle noise.

Fragbarrow Lane is outside the National Park and within the administrative area of ESCC. The issues raised on the use of the access are matters which are relevant to the consideration and determination of this application.

6. The Development Plan and other policies of relevance to this decision are:

6.1 Lewes District Local Plan Part 1: Joint Core Strategy 2016: Core Policies 4 (Economic development and regeneration), 5 (Visitor economy), 10 (Natural environment and landscape character) and 13 (Sustainable travel).

6.2 Lewes District Local Plan Part 2: Site Allocations and Development Management Policies 2020: Policies DM9 (Farm diversification) and DM11 (Existing employment sites in the countryside).

6.3 South Downs Local Plan 2019: Although this Plan relates to the National Park and therefore does not form part of the Development Plan for this application, the following policies provide some context for that part of the proposed development within the Park: Strategic Policies SD4 (Landscape character), SD25 (Development strategy) and SD34 (Sustaining the local economy); and Development Management Policies SD11 (Trees, woodland and hedgerows) and SD39 (Agriculture and forestry).

6.4 National Planning Policy Framework (NPPF) 2021: Parts 9 (Promoting sustainable transport), 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment) are relevant.

7. Considerations

Introduction

7.1 As previously noted, except for the use of the access, the proposed development predominantly lies within the administrative boundary of the SDNPA. That Authority has now determined its duplicate application (ref. SDNP/21/00398/FUL) for approval, subject to conditions. One of the conditions requires issues relating to the access to be agreed first with the County Council, as Highway Authority. In determining its duplicate application, the County Council can only consider matters relevant to its administrative area.

Use of highway and access

7.2 The Ridgeview Wine Estate is accessed from the western end of Fragbarrow Lane (some 300 metres in length), which tracks westwards from its junction with Common Lane (B2112). Common Lane is a fairly wide rural road and is subject to a 60mph speed limit, with a weight restriction of 7.5 tons, except for loading, to reduce heavy vehicle movements through the village of Ditchling to the south. It has no footways, although there are grass verges on both sides. The applicant states that the route usually taken by the Estate's vehicles is onto the B2112 northwards via Wivelsfield to the A272 at Haywards Heath, then west to the A23, with no vehicles travelling south from the access road.

7.3 The applicant has noted that pedestrians and vehicles would continue to access the site via Common Lane and onto Fragbarrow Lane. The latter has several full width speed bumps along its length (although some are in a poor state of repair) and two passing places, as it is narrow being 3.5 metres in places. The Lane is also a public right of way (Footpath Ditchling 18) and serves up to seven residential properties. Although most of Fragbarrow Lane appears to be in the ownership of the applicant, the easternmost part incorporating a length of about 30 metres to its junction with Common Lane is common land and in a different ownership.

7.4 Fragbarrow Lane is the sole access for vehicles entering and exiting the Wine Estate and has acted as such since its founding in the 1990s. The

Estate generates vehicle movements through its winemaking activities and from visitors and any expansion would be likely to result in additional trips. The access is also shared with seven residential properties and serves as a public right of way, and so there is other, non-Estate vehicular and pedestrian activity along it. In terms of the current application, the main issues to consider relate to the potential effect of the increase in vehicles along the access and the suitability of the junction of the access with the public highway (B2112) to accommodate this increase. A Transport Statement (TS), which provides details on these issues, supports the application and has been subject to revisions since it was first submitted.

7.5 Forecasting the number of potential additional visits to the Estate associated with the proposal has not been straightforward, due to variables such as market demand and the weather. However, the latest revision to the TS provides information on the actual number of visitors during June to August 2021, which is considered a robust reflection of 'typical' visits, as this was when a period of lockdown associated with the Covid-19 pandemic was easing, and when numbers in the hospitality industry nationally were up on pre-pandemic numbers (according to the Office of National Statistics). The recorded data confirms that Saturdays are the busiest days with up to 131 visits (or 262 two-way trips), although this accounts for only 71% capacity for the venue. Using this data, the proposal could increase the numbers of customers by 32 and if they all arrived separately, it could generate an increase of up to 64 two-way vehicular trips, resulting in 326 trips on Saturdays. However, this figure is at the higher end of the scale, as it does not take into account shared trips or persons travelling by foot or cycle. Moreover, the applicant has indicated that a minibus-shuttle service would be provided from the site to Burgess Hill Railway Station during the peak season on weekends and bank holidays, which could assist in reducing the overall number of vehicle movements at the busiest times. A condition is recommended which requires details on how that would be managed.

7.6 Most visits to the Estate are pre-booked, enabling the applicant to manage starting times for tours and table reservations. As such, it can also manage demand for parking. There are currently 32 parking spaces for visitors, 24 spaces for staff and 10 unallocated spaces, which are available for visitors, and staff parking spaces would be available to visitors outside office hours. A parking accumulation exercise with a similarly sized restaurant has been carried out for the applicant, which demonstrates that 26 parking spaces would be required at the busiest time, which suggests that there is sufficient on-site parking to meet demand from the proposal. While the proposed development is not directly comparable to a restaurant, it does give an indication of the number of spaces that could be generated. Despite that, the use of parking spaces will need to be managed carefully during the busiest times to avoid any overspill onto the access. One issue, however, which the TS does not appear to address is the allowance for parking for the additional 20 temporary staff who would be required during the summer months. However, due to this type of employment, it is unlikely that all staff will be using cars and therefore, the requirement for additional spaces is not considered to be significant. Nevertheless, a condition is recommended which

requires the applicant to identify any additional car parking spaces, which could cater for an increase in demand.

7.7 Although the Estate has been accommodating visitors for many years, this proposal provides an opportunity to examine the on-going suitability of the junction in terms of its radii and visibility. Plans showing vehicle tracking have been provided for both left-out and right-in manoeuvres depicting the swept path for an articulated vehicle. This would be the largest type of vehicle using the site and the plans demonstrate that such a vehicle can enter and leave the access safely. As such, coaches would also be able to safely access the site. Currently, all vehicles over 7.5 tons enter and exit the site from the north, and would continue to do so, to avoid the weight restriction through Ditchling village to the south. The TS indicates that the required visibility splays of 2.4m x 160m and junction radii of 6m for this site can be achieved. However, the visibility splays encroach onto third party common land. Although the splays are not wholly within the ownership or control of the applicant, it is understood that the applicant currently maintains the verges on the west side of the B2112, either side of the access, and has done so for about 20 years. The Ditchling Beacon and Common Trustees allow this maintenance to take place and permit the cutting of branches on common land to the north of the access to maintain visibility. Although controls cannot be placed on maintaining the openness of the splays, the applicant has maintained the splays for a considerable period for the benefit of all users of the access and will continue to do so.

7.8 As well as the Estate, the access is also used by the occupiers of up to seven residential properties, including associated service vehicles. Consequently, the area of the junction radii at the intersection of the access and B2112 has become worn in places. Given the regular use of the junction by vehicles associated with operations at the Estate, the applicant has indicated a willingness to repair the junction and a condition is included accordingly. Moreover, speed humps have previously been constructed along the access to slow vehicles and safeguard other users. However, some of these are now worn. In order that they remain effective, they should also be repaired, and a condition is included requiring remediation.

7.9 The applicant wishes to promote sustainable travel and the submission of a travel plan, including provision of a minibus-shuttle service, is evidence of that. Moreover, the company's website also seeks to promote 'greener' ways of travelling to and from the site. Therefore, in this light, the applicant should consider removing existing signage which prohibits cycling along the access, as this jars with the promotion of its aims and an informative is recommended highlighting this point.

7.10 Although there will be an increase in visitors associated with the development, it is unlikely that there will be an unacceptable effect on residential amenity. The access has been used over many years by both the Estate and residents and the wine business has grown during this period. The access is physically constrained, and it will be the responsibility of the applicant to manage its use while being mindful of the needs of the residents

who live along it. Considering the number of increased trips would be outside peak network times, as well as the intention of the applicant to reduce vehicle trips and the requirement to improve the junction radii of the access, the development is considered, on balance, to be acceptable, subject to conditions.

8. Conclusion and reasons for approval

8.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The proposal is seeking to upgrade its facilities to reflect the premium nature of the Ridgeview brand so that it can compete more effectively with new entrants into the winemaking business. The development would enable the functions of production and hospitality to be more distinct, thereby giving customers an enhanced experience, with staff enjoying a more focused and safer environment to work in. The Estate has attracted visitors for many years and this proposal will result in additional visits, although there will be measures to manage car usage and improvements made to the access. Residents along the access may notice a difference in numbers of visitors, particularly during the busiest times, but it is unlikely to be significant compared to the existing arrangements. The applicant runs an important business in the locality and the proposal will help to maintain its success. Overall, the proposed development is considered to be acceptable and supported by policies in the Development Plan and NPPF in promoting economic development and employment and the visitor economy, while not conflicting with policies to safeguard amenity or the natural environment.

8.3 In considering this planning application, the County Council has worked with the agent and applicant in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

8.4 The SDNPA has granted planning permission, subject to conditions, for its duplicate application and is a material consideration, together with the other material considerations noted above. These have been assessed against relevant policies in the Development Plan and the decision should be made in accordance with those policies.

9. Recommendation

9.1 To recommend the Planning Committee to grant planning permission subject to the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the drawings and documents listed in the Schedule of Approved Plans.

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

3. The use hereby permitted shall not commence until details of improvements to the access and the specification for the construction of the access, which shall include details of the improved junction radii, have been submitted to and approved in writing by the Director of Communities, Economy and Transport and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the agreed improvements and specification.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

4. The use hereby permitted shall not commence until a turning space for heavy goods vehicles has been provided and constructed in accordance with the approved Vehicle Tracking drawing no. 10910/1170 Rev P6 in the Transport Statement, dated June 2021, by GTA Civils and Transport and the turning space shall thereafter be retained for that use and shall not be obstructed.

Reason: in the interests of safety for both pedestrians and drivers of vehicles within the Wine Estate.

5. The use hereby permitted shall not commence until details of works to repair the speed humps along the Fragbarrow Lane access, including a timetable for implementation, have been submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved details shall be carried out in full.

Reason: In the interests of the amenity and safety of nearby residents and other users of the access.

6. The development shall not be occupied until additional parking spaces have been provided in accordance with details which have been submitted to and approved in writing by the Director of Communities, Economy and Transport and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles, unless otherwise agreed in writing with the Director.

Reason: In the interests of the safety of persons using the site.

7. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Director of Communities, Economy and Transport and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In the interests of the safety of persons using the site and to demonstrate that the site is accessible by non-car modes of transport and to contribute to meeting the objectives of sustainable development.

8. The development shall not be occupied until details of a parking booking scheme and a scheme for the provision of a minibus service have been submitted to and approved in writing with the Director of Communities, Economy and Transport and the approved schemes shall thereafter be implemented and maintained.

Reason: In order that the development is accessible by non-car modes of transport and to contribute to meeting the objectives of sustainable development.

INFORMATIVES

1. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these Acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
2. The applicant should consider removing the signage at the access which refers to the prohibition of cycling along it.

Schedule of Approved Plans

Travel Plan Statement, ref. 10910B, January 2021, GTA Civils & Transport, LXA-1502-001 D - Site Location Plan, LXA-1502-002-C - Site Block Plan, Vehicle Tracking - 10910/1170 Rev P6, Transport Statement dated June 2021, Transport Statement Addendum, ref. 10910, October 2021, GTA Civils & Transport

RUPERT CLUBB

Director of Communities, Economy and Transport
7 February 2022

BACKGROUND DOCUMENTS

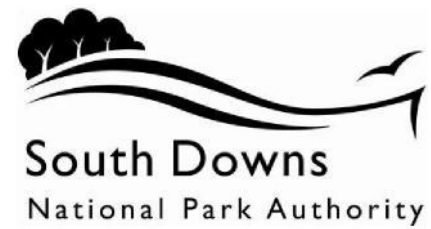
Applications ESCC/2020/002/CB and ESCC/2020/001/CB

SDNPA and Lewes DC planning permissions and outstanding applications

The Development Plan

National Planning Policy Framework 2021

APPENDIX 1



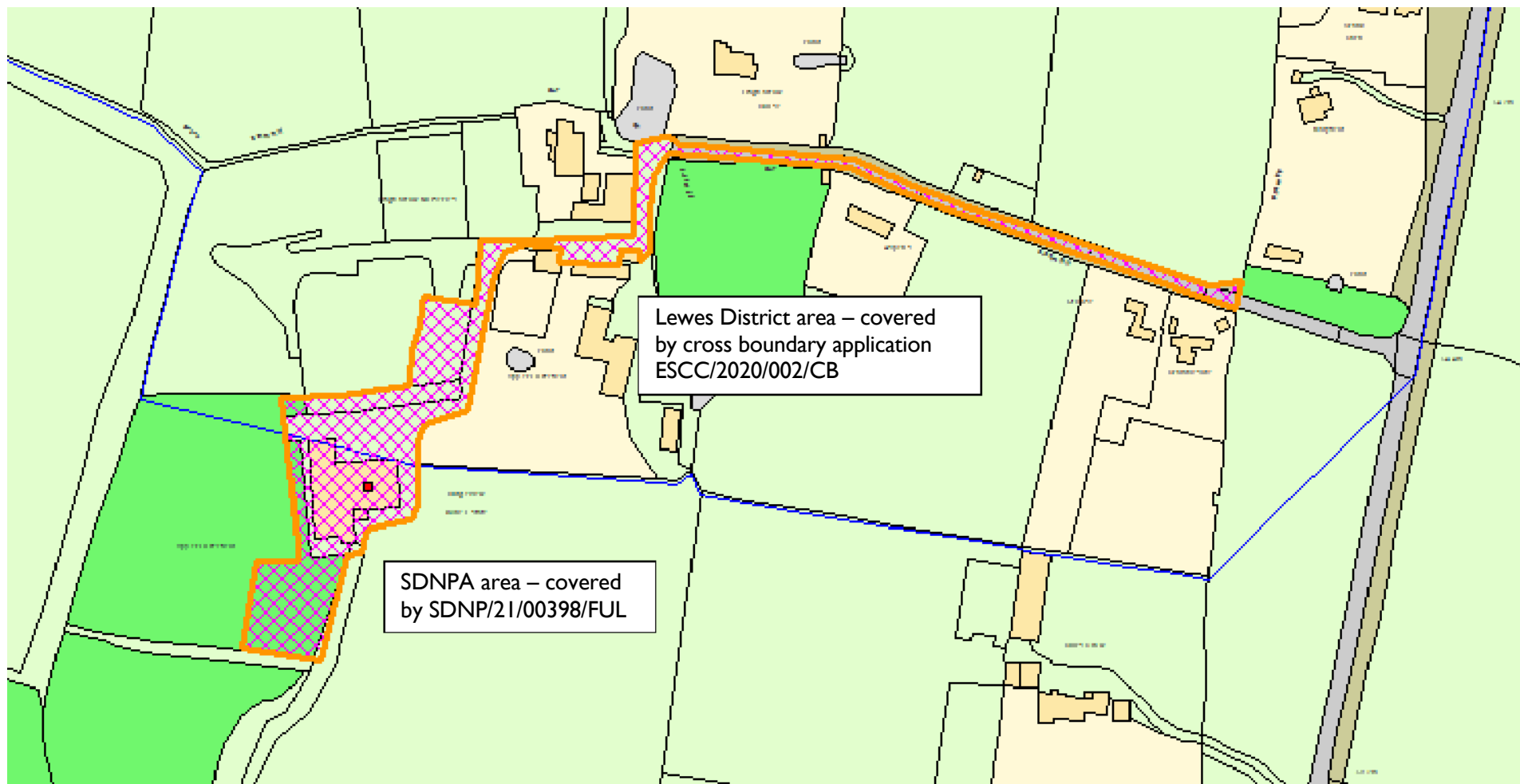
Agenda Item 11 Report PC 21/22-27

Report to	Planning Committee
Date	11 November 2021
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/21/00398/FUL
Applicant	Ridgeview Wine Estate
Application	New hospitality suite within the existing winery and the creation of a new al fresco area with associated landscaping.
<hr/>	
Address	Ridgeview Winery, Fragbarrow Lane, Ditchling, East Sussex

Recommendation:

- I) That permission be granted, subject to**
 - i) The conditions set out at paragraph 10.2; and**
 - ii) The determination of planning application reference ESCC/2020/002/CB by East Sussex County Council, in relation to access and parking, and delegation to the Director of Planning to amend the conditions as necessary so that they operate in accordance with the planning permission granted by ESCC.**
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Site Location Map



NB Blue line denotes the South Downs National Park boundary.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2012) (Not to scale).

Executive Summary

Key Matters

- The application site crosses the administrative boundary of the National Park, with the main winery building and outdoor hospitality area falling within the SDNP and the site access and car park falling within Lewes District outside the National Park;
- A concurrent cross boundary application ESCC/2020/002/CB relating to the parking and access is being determined by East Sussex County Council;
- The proposal includes a new restaurant use, which would be subsidiary to the existing winery and vineyard operation and would provide a service for visitors taking part in the wine tours which are an established part of the winery business;
- Tranquillity amenity and ecology can be managed via conditions although precise details are awaited;
- The proposal is therefore considered to be capable of conserving and enhancing this part of the National Park, and complying with the relevant development plan policies.
- The scheme would accrue rural economy and tourism benefits that align with the National Park's second statutory Purpose and Duty;
- The design of the scheme has been primarily led by the needs and priorities of the business;

1. Site Description

- 1.1 The Ridgeview Wine Estate is located a short distance south of Burgess Hill, just north of the northern boundary of the SDNP, with the access, parking and most of the associated buildings falling within Lewes District on the site of the former Fragbarrow Nurseries. It is one of 51 commercial vineyards currently operating in the National Park, and one of only 11 with a winery, processing grapes both from the Estate and other local vineyards. Access to the site is provided via Fragbarrow Lane, which is also a public right of way. The access and car park fall outside the National Park but within Lewes District.
- 1.2 The main winery (the building subject of the current proposal) was originally approved by Lewes District Council under application LW/96/0682 in July 1996, and now falls almost wholly within the National Park. The original building was extended under planning permission LW/07/1313, in December 2007, and further extended under permission SDNP/20/05772/FUL in May 2021 to provide an expansion of the wine production area. It is a large, functional, metal-clad building which currently houses winemaking tanks, a small retail area, a mezzanine space for wine tour tastings and corporate meetings and a basement for wine ageing.
- 1.3 A wine garden has been provided to the south of the winery building and has been in operation since 2019 without the benefit of planning permission. This currently comprises a cold food and drinks servery; a marquee with under-cover seating; and outdoor seating in an approximately 60m² paved patio area.
- 1.4 There is an area of priority woodland habitat to the west and south of the building which has been partially cleared to provide the winery building and wine garden. To the east there is a vineyard, beyond which there are a number of residential dwellings. Ditchling Common Site of Special Scientific Interest (SSSI) lies approximately 555m to the north-east and Brambleside Meadow Local Wildlife Site (LWS) lies approximately 326m to the east.

2. Relevant Planning History

- 2.1 Being sited on either side of the SDNP boundary, the site (winery building, parking and access) falls within both the SDNP and Lewes District local planning authority areas. The planning history of the site, as determined by the relevant planning authority, is as follows:
 - LW/96/0682 (Lewes DC) Demolition of old barn and the erection of a winery for the pressing and fermentation of grapes and juice Approved 26.06.1996
 - LW/07/1313 (Lewes DC) Extension to existing winery. Approved 04.12.2007

- SDNP/13/03184/APNB (SDNPA) Steel framed extension clad with box profiled metal cladding. No objection 30.07.2013
 - LW/16/0681 (Lewes DC) Proposed development of winery, associated buildings and landscaping (revised scheme to approved LW/15/0625) Approved 17.10.2016
 - SDNP/20/05506/PRE (SDNPA) Proposed extension to winery together with enhanced hospitality spaces. Advice provided 29.12.2020
 - SDNP/20/05772/FUL (SDNPA) Extension to existing winery with associated access and landscaping. Approved 28.05.2021 Concurrent cross boundary application being assessed by ESCC under application ESCC/2020/001/CB pending consideration
- 2.2 There is a concurrent cross boundary application ESCC/2020/002/CB for the part of the site that falls within Lewes District, which includes the site access and car park. There is also a further concurrent proposal being assessed by Lewes DC under application LW/21/0133 for the variation of plans approved under application LW/16/0681 (which relates to other estate buildings within Lewes District) to amend the layout of the car park and circulation arrangements, the design of the vineyard store, and the position and design of the pallet store.

3. Proposal

- 3.1 The application seeks to extend the winery building along a section of the southern elevation to provide a hospitality suite consisting of a wine tasting room, small cafe and retail area on the ground floor; and a meeting space, tasting rooms and an open wrap-around balcony area on the first floor. The gross internal area (GIA) would increase by 25sqm. The balcony would have a retractable canvas roof and non-reflective glazed balustrade, and the building would be refurbished externally with locally sourced, vertical timber cladding.
- 3.2 Within the wine garden, a number of structures would be provided including 3No 'pavilions' and a 2-storey 'al fresco building' which is essentially an outdoor kitchen and toilet block with an upper roof terrace. This area would function as a restaurant, with the pavilions open year round, and the roof terrace open from April to September. The al fresco building would be 6.3m high with a 110.4sqm footprint, providing 4No toilets, a catering kitchen and covered external bar, and open terrace seating on the upper floor. It would be clad in locally sourced, vertical timber, with a knapped Sussex flint rear wall, and the upper terrace area would be constructed from a grey aluminium frame with a non-reflective glazed balustrade. Steps to the upper floor would be provided to the rear of the building. The pavilions would be 3m high and have footprints of 42sqm, with galvanised steel pillars, slatted steel roofs and retractable canvas sides. A total of 18No external speakers would also be provided, which would play low-level, ambient music.
- 3.3 The outside seating area was formerly an area of broadleaf woodland, which was cleared prior to the wine garden being installed. A single tree (C category field maple) in the southern part of the site is proposed for removal. [*Officer Note: Other trees proposed for removal in the submitted tree survey pertain to the previous application SDNP/20/05772/FUL.*].
- 3.4 The applicant has provided additional information during the course of the application to address ecology, noise and landscape concerns and inconsistencies in numbers, and clarify how the two hospitality areas would operate. 'Classic' wine tasting tours have been undertaken within the winery building, which is also used year round for corporate hire, since its construction in the late '90s. The interior space is also used for seasonal 'vineyard' tours, and the indoor retail area for wine tasting 'flights,' which are self-guided. The wine garden has been operating since 2019, and whilst an 'existing use' is being carried on, this is not currently lawful. The wine garden is primarily used for self-guided wine tasting 'flights' which are bookable online, and to provide after tour refreshments. All of the uses are seasonal to a greater or lesser degree, apart from the year-round corporate hire. The proposed seasons and operating hours for the various uses are as follows:

Table 1: Seasons and Operating Hours of Hospitality Uses				
	Use	Season	Hours	Days
Indoor Use	Classic Winery Tours	Apr-Sep	11am-6.30pm	M/T/F/S/S
		Oct-Mar	11am-3.30pm	M/F/S/S
	Vineyard Tours	Apr-Dec	1.30pm-5.30pm	F/S/S/M
	Private Tours and Tastings	Year-round	When tours not being run	
	Corporate Room Hire	Year-round	8am-10pm	T/W/Th
	Shop (with seated and standing wine 'flight' capacity)	Jan-Mar	11am-4pm	7 days p/w
Apr-Dec		11am-6pm	7 days p/w	
Outdoor Use	Wine Garden with roof terrace	Apr-Sep	11am-10pm	7 days p/w
	Wine Garden pavilions only	Oct-Mar	11am-10pm	7 days p/w

3.5 The number of covers has been somewhat reduced during the course of the application in response to initial concerns raised by officers in regard to the intensity of the proposed use, and impacts on noise and tranquillity. A summary of the 'existing' vs proposed uses in terms of maximum numbers and overall capacity is provided at **Appendix I**.

3.6 In addition, there would be a number of live music events with a finishing time of 9pm. The events are stated to be as follows:

- Annual 'Ridgefest' event on August Bank Holiday (since 2017) which includes live music, local food vendors and a silent disco (capped at 650 people);
- 2x Our View Wine Club member events (food, wine, music) during English Wine week (June) and summer prior to harvest (active Club members currently number 350);
- State of the Union staff and family BBQ event in July.

3.7 The applicant has advised that all of the proposed operations are booked in advance, other than the shop and approximately 10% of the wine garden covers to allow capacity for walk-in customers. Pre-bookable parking spaces would be implemented when needed.

4. Consultations

4.1 **Dark Night Skies:** No objection, subject to condition.

4.2 **Design Officer:** No objection, subject to conditions. Comments:

- Little evidence that the scheme has been landscape led, or to support design choices relating to materials, planting, structural heights, noise impacts and key views;
- Concerns that intensity of activities could negatively impact tranquillity; however this could be controlled via suitable conditions;
- The use of sustainable materials and energy improvements should be secured via condition;
- Flintwork should be traditionally laid field flint not pre-fabricated blocks;
- Glazing should be non-reflective and measures are required to mitigate for light spill;
- Sustainable travel should be actively promoted.

4.3 **Ditchling Parish Council:** No objection. Comments:

- The lack of screening to the south and east of the site should be re-considered due to the intensification of the use.

4.4 Ecology: No objection, subject to conditions:

- The loss of woodland habitat is acceptable, but must be compensated through planting of native trees and scrub elsewhere on the site;
- Appropriate mitigation/compensation/enhancement measures for loss of woodland, reptiles and Great Crested Newts are still required; proposed measures have already been considered and approved for previous winery extension application and cannot be double counted;
- Proposed woodland shaw is supported, and species proposed acceptable, however needs to be wider;
- Soft landscaping should be exclusively native and on-site pond restored to achieve biodiversity net gain;
- Proposed lighting strategy will impact bat foraging areas and commuting zones.

4.5 Environmental Health (Noise): No comments provided *[Officer Note: In the absence of any comments from the Lewes Environmental Health (Noise) officer, the Authority has sought advice from an independent noise consultant who has raised no concerns. Following positive discussions additional noise details have been submitted which, in the absence of any Environmental Health objection, are considered to be acceptable.]*

4.6 Environmental Health (Food Safety): No objection.

4.7 Landscape Officer: Neutral response. Comments:

- A low key wine tasting area is supported, however negative effects on local perceptual landscape qualities arising from the design and quantum of visitors remain unmitigated;
- Design of external spaces, including first floor terrace and wrap-around balcony, has not responded to the sensitivities of this landscape;
- Material choices reflect the industrial winery building, however will not deliver ecosystem services benefits; locally characteristic, natural materials would better minimise negative visual effects against the woodland backdrop;
- Extent and amount of external lighting, which includes uplighters and lights within trees, will have harmful impact tranquillity, landscape character and ecology;
- Amended landscaping plan still lacks ecology and net gain enhancements;
- Proposed woodland boundary planting is supported, however only fills in some gaps; instead a wide 6-10m shaw should be provided;
- Lack of detail regarding proposed permeable surfacing and discharge to a watercourse; opportunities to sustainably drain the site and provide wildlife and amenity benefits, have not been taken;
- Will put pressure on the narrow access road, which is also a public right of way;
- No EV charging points proposed.

4.8 Planning Policy and Thrive Team: No objection.

- Tourism is a key priority sector that has been adversely impacted by the pandemic;
- Vineyards and wineries contribute £24.5 million directly to the South Downs economy, and £54 million to the wider economy;
- Measures should be secured to ensure the application can benefit the natural environment.

4.9 **Tree Officer:** No objection, subject to condition.

4.10 **Woodland Officer:** Comments:

- A wooded shaw will provide habitat connectivity and net gain, and adequate mitigation for the loss of woodland; however should be wider than proposed;
- The piecemeal and disjointed approach to the planning applications submitted by the applicant fails to take the sensitivities of the landscape into consideration making it difficult to assess the cumulative impact of the various projects.

5. Representations

Objections

5.1 Five letters of objection and two neutral representations have been received, raising the following concerns:

Principle

- Expansion to a major event and hospitality destination is inappropriate in this location;
- Not supported by a business plan;
- Unclear how scheme would contribute to the special qualities or meet Purpose 1;

Design and Landscape Impacts

- Will expand industrial and visually harmful form of development, particularly in winter months;
- Will cause light pollution;
- Risk of water run-off;

Amenity, Noise and Disturbance Impacts

- Noise will impact residential properties especially during summer months;
- Failure to give neighbours notice of noisy events;
- Unclear how noise levels would be controlled;
- Live music events and private parties should be prohibited;
- Impacts from overlooking and loss of privacy from raised seating areas;
- The landscaping will not adequately mitigate for visual or noise impacts along eastern boundary;

Traffic and Access [Officer Note: issues of highway safety will be considered by ESCC under application ESCC/2020/002/CB]

- Narrow access route with blind corner will have to accommodate increased HGV deliveries and visitor traffic;
- Insufficient parking spaces for proposed restaurant and cafe use;
- No pedestrian access from Burgess Hill train station.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is the South Downs National Park Local Plan (2014-33). The relevant policies are set out in section 7 below.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;

- 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, Purpose 1 has greater weight. There is also a duty upon the Local Planning Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

6.3 The National Planning Policy Framework (2021) is considered holistically although the following sections are of particular relevance to the applications:

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment.

6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) (2021). The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 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. Any development within their setting should also be sensitively designed to avoid or minimise adverse impacts on the designated area.

Major Development

6.5 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 177 of the NPPF, and accompanying footnote 60, advising that ‘major development’ in designated landscapes is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. In this case, the proposal is for a new hospitality use associated with the existing winery, and officers are of the view that adverse impacts on the designation as a result of development would not be so significant as to be deemed major development.

The South Downs National Park Partnership Management Plan 2020-25

6.6 The South Downs National Park Partnership Management Plan (SDPMP) (2020-25) is a material consideration in the determination of planning applications, as outlined in national planning practice guidance, and has some weight. It outlines a vision and long term outcomes for the National Park. Policies 1, 3, 4, 5, 17, 19, 25, 29, 30, 32, 41, 43, 44 and 55 are relevant.

7. Planning Policy

The Ditchling, Streat and Westmeston Neighbourhood Development Plan (2016)

7.1 The Ditchling Cluster NDP has been adopted by the SDNPA and forms part of the Development Plan. Whilst the plan does not contain any development policies relating to the provision of new housing, it states a community aspiration to work with the SDNPA to restrict development outside of permitted settlement boundaries. Relevant policies include:

- DSI Development Strategy
- CONS 2 Set standards for design of new development
- CONS 6 Conserve landscape and important views
- CONS 7 Protect important gaps between settlements
- CONS 8 Preserve dark night skies
- CONS 9 Protect and enhance habitats and biodiversity

- CONS 15 Enhance ecological networks
- CONS 12 Safeguard and enhance green infrastructure
- BIZ 2 Support appropriate rural enterprise diversification

The South Downs National Park Local Plan (2014-33)

7.2 Whilst the South Downs Local Plan must be read as a whole, the following policies are particularly relevant to the principle of development:

- SD4 Landscape Character
- SD5 Design
- SD7 Relative Tranquillity
- SD8 Dark Night Skies
- SD9 Biodiversity and Geodiversity
- SD11 Trees, Woodland and Hedgerows
- SD25 Development Strategy
- SD23 Sustainable Tourism
- SD34 Sustaining the Local Economy
- SD40 Farm and Forestry Diversification
- SD54 Pollution and Air Quality

Supplementary Planning Documents and Technical Advice Notes

7.3 The following are considered to be relevant:

- SDNPA Dark Night Skies Technical Advice Note (May 2021)
- SDNPA Sustainable Construction SPD (Aug 2020)
- SDNPA Viticulture Technical Advice Note (Apr 2021)

8. Planning Assessment

8.1 The main considerations to be determined as part of this application are:

- The principle of a new hospitality use;
- Landscape and ecology impacts;
- Noise, tranquillity and amenity impacts;
- Highways and access, and impacts on the National Park setting.

Principle of development

8.2 Policy SD25 exceptionally supports development outside settlement boundaries where it complies with relevant policies in the Local Plan, responds to the context of the relevant broad area, and there is an essential need for a countryside location. Policy DSI supports small-scale development in countryside locations supporting an existing rural business; or providing facilities for low-key countryside recreation and tourism, particularly those promoting use of the National Park.

8.3 Policy SD34 supports proposals that foster the economic well-being of local communities and promote businesses linked to farming and tourism, both of which are key business sectors in the National Park. The Authority has also issued a COVID-19 Planning Position Statement setting out how it plans to assist local businesses during the pandemic in line with its Duty. Policy SD23 supports sustainable tourism facilities outside settlement policy boundaries where these positively contribute to the natural beauty, wildlife and cultural heritage of the National Park; and are part of farm diversification schemes.

- 8.4 Viticulture is defined as agriculture under Section 336 of the Town and Country Planning Act 1990. Policies SD40 and BIZ 2 support farm diversification proposals where these contribute to the first purpose of the National Park in providing long-term benefit to the operation of the farming business; are of an appropriate scale and location, and are subsidiary to the agricultural or forestry operation, in terms of physical scale and environmental impact. Policy 13 of the South Downs Partnership Management Plan (SDPMP) (2020-25) also supports the financial viability of farm businesses through appropriate infrastructure and diversification developments. The SDNPA Viticulture TAN clarifies that ancillary shops and cafes should not compete with village and town centres.
- 8.5 Concerns have been raised that the proposal is overdevelopment of the site, and would expand the business to a major event and hospitality destination that would negatively impact the special qualities of the National Park.
- 8.6 The application is supported by a statement from the applicant setting out how hospitality is an important and integral part of the winemaking business. The reason for the proposal is to allow the Ridgeview Estate to compete with new entrant local vineyards, who have invested significantly in their hospitality offer, as a tourism destination promoting its local products. The outdoor seating and hospitality area currently in operation and expanded as a temporary solution during the pandemic has proven popular with visitors. The proposal seeks to regularise the outdoor use and expand upon the existing facilities to attract more visitors to the Estate. The applicant has also secured a grant from the Coast to Capital Business Recovery Fund for catering equipment for a fully operational commercial bar and kitchen to allow hot and cold food to be prepared on site.
- 8.7 It is clear the scheme would accrue rural economy and tourism benefits that align with the National Park's second statutory purpose and duty. The provision of an improved/extended hospitality offer accords in principle with policies SD34 and SD23, and is supported by the SDNPA's COVID-19 Position statement. However, the in-principle acceptability of the proposal is dependent on the further consideration of SD40, and key matters relating to:
1. The scale of the new hospitality use, and whether this would still be subsidiary to the rural business;
 2. Whether the proposal is capable of meeting Purpose 1 in terms of its physical scale and environmental impact and ability to positively contribute to the natural beauty, wildlife and cultural heritage of the National Park.
- 8.8 In terms of the scale of the proposed hospitality operation, it is acknowledged that the existing winery business at Ridgeview is large and well established both nationally and internationally. Permission has also recently been granted for the expansion of the wine making facilities to allow the business to process more grapes. The proposal is considered to be a medium scale restaurant use, which would also service visitors taking part in the wine tours which are already an established part of the winery business. As such, the hospitality use is considered to be subsidiary to, and of a scale commensurate with, the existing rural business as a whole.
- 8.9 Material considerations relating to Purpose 1 and impacts on landscape, tranquillity, noise and ecology are considered in more detail below.
- Design and Landscape Impacts
- 8.10 Policies SD2, SD4 and SD5 require the design of development to deliver multiple ecosystem services benefit as far as possible; conserve and enhance existing landscape character features; and be of a scale and nature appropriate to the character and function of the settlement in its landscape context. Policies CONS 6 and CONS 7 require development to conserve and enhance the distinctive landscape, views and scenic beauty of the Neighbourhood Development Plan area and settlement gap between Ditchling and Hassocks.
- 8.11 Concerns have been raised that the development would expand built form into the National Park, and would have negative visual impacts unless better screened. Design and Landscape concerns were also initially raised with regard to the lack of any evidence to demonstrate

that the scheme had been landscape led, or to support design choices relating to materials, planting, structural heights, noise impacts and key views.

- 8.12 The applicant has advised that the pavilions are prefabricated and there is no ability to amend the materials. The provision of three small pavilions also avoids a single dominant structure and allows for planting between. Amendments have been made to the al fresco building, to include a knapped Sussex flint feature wall and locally sourced timber cladding, to better reflect local character. A formerly proposed covered canopy structure has also been removed to reduce the overall scale. The raised seating spaces (outside al fresco terrace and winery building balcony) are required by the applicant to provide visitors with a view over the vineyards. The application is also supported by a revised hard and soft landscaping plan, and proposed mitigation for the loss of woodland by way of a native woodland shaw (belt) along the eastern boundary of the adjacent vineyard.
- 8.13 The SDNPA Landscape officer supports the principle of a low key wine tasting area, and agrees that visual impacts here will be limited; however has submitted a neutral response due to retained concerns regarding the number of proposed visitors in combination with the design, which has missed opportunities to provide ecological enhancements and biodiversity net gain; or ensure visitors would experience awareness, understanding and enjoyment of the National Park's special qualities. Concerns are also raised that the application has not yet demonstrated that potential tranquillity impacts and light pollution would be appropriately mitigated.
- 8.14 The Design Officer considers that whilst there is little evidence that any of the design choices have been landscape-led, any potentially harmful impacts such as noise or loss of tranquillity are modest and could be controlled via suitably worded conditions. Similarly, the use of sustainable materials, energy improvements and dark skies mitigation could be secured via condition.
- 8.15 It is acknowledged that the structures, layout, landscaping and lighting are largely functional in design, reflecting the needs and priorities of the business. There are also shortfalls in terms of the landscaping information as submitted. However, the form and design of the new structures would largely reflect the character of the site's context and industrial style of the existing building. The pavilions would also be light-weight, visually permeable structures. Officers are also of the view that an appropriate landscaping and external lighting scheme, providing locally-appropriate, all-native planting, multifunctional drainage solutions and measures to mitigate for light spill, would allow the design of the scheme to conserve this part of the National Park and enhance the site's current condition.
- 8.16 In summary, the scheme is considered to be acceptable, on balance, in terms of landscape and design, subject to suitably worded pre-commencement conditions to secure appropriate hard and soft landscaping and external lighting schemes to ensure biodiversity net gain, and protection of dark skies and wildlife.

Noise, Tranquillity and Neighbour Amenities

- 8.17 SD7, SD54 and CONS 2 requires proposals to conserve and enhance relative tranquillity and avoid unacceptable levels of noise pollution that would have a significant negative effect on people and the natural environment, taking into account cumulative impacts and any mitigation.
- 8.18 Concerns have been raised with regard to noise and disturbance and impacts on the amenity of neighbouring dwellings as a result of overlooking.
- 8.19 The application is supported by a Noise Assessment, and additional noise information confirming that the proposed speakers would provide low level ambient music. This would be controlled remotely meaning that the volume could not be adjusted by staff on site. Assessment has also been made of the noise of patrons leaving, which would be below background sound level for all residential properties in the locality. The Noise Assessment sets out that the performance of occasional live music within the external hospitality area should be limited to a noise level of 82 dB (A) at 1m to remain below the noise criteria in

the relevant guidance (Good Practice Guide on the Control of Noise from Places of Entertainment (draft issue 2016)).

- 8.20 The level of ambient music, which would be provided at all times other than live music events, is of a level that is not considered to have a material impact on noise and disturbance. It is acknowledged that the four live music events would emit a higher level of noise; however providing noise levels are strictly limited to 82 dB (A) at 1m and the number of events restricted, it is not considered that impacts on amenity in terms of noise and disturbance would be unacceptable.
- 8.21 In terms of overlooking, the nearest dwellings are located approximately 250m from the site. It is acknowledged that the proposal will result in raised seating structures, however given the relative distance any impacts as a result of overlooking are considered to be minor and a refusal could not be sustained on this ground. The roof terrace above the outdoor kitchen would also only be open from April to September. In time, the wooded shaw along the eastern vineyard boundary would also provide visual and auditory screening.
- 8.22 In summary, the scheme is considered to be acceptable in terms of noise and disturbance and neighbouring amenities, subject to conditions restricting live music events and noise levels and securing a site management plan to ensure noise and disturbance is kept to a minimum.

Trees, Ecology and Woodland Habitat

- 8.23 Policies CONS 9, SD9, SD11 and SD45 support proposals that conserve and enhance biodiversity, trees and woodland, and green infrastructure; retain, protect and enhance features of biodiversity and supporting habitat, and identify and incorporate net gains for biodiversity and green infrastructure.
- 8.24 The hospitality area is located in an area demarcated as priority woodland habitat which was cleared some years previously. The proposal would therefore result in the permanent loss of c. 400m² woodland habitat, understood to have mainly comprised of ash trees and sparse bramble scrub. A single tree (C category field maple) is proposed for removal in order to accommodate the southernmost pavilion, which is considered to be of limited aesthetic value.
- 8.25 In terms of loss of woodland habitat, both the Tree officer and the Authority's ecologist have advised that this is acceptable. However, this loss should be compensated by suitable and appropriate off-site mitigation, as well as biodiversity net gain within the development site.
- 8.26 The application is now supported by an amended landscaping plan, and details of a native woodland shaw (belt) along the eastern boundary hedgerow of the adjacent vineyard by way of off-site mitigation have since been submitted. The Authority's ecologist, landscape officer and woodland officer support the provision of a woodland shaw and the species list proposed; however the shaw as proposed would only provide limited infill benefits, and should be widened to approximately 10m. The amended landscaping plan includes a higher proportion of native species; however the planting should be exclusively native to achieve biodiversity net gain. Ecological concerns are also retained in regard to the proposed external lighting (see consideration of Dark Night Skies below).
- 8.27 Whilst there are some shortfalls in terms of the ecological information provided, it is the view of the Authority's Ecologist that the scheme is capable of complying with relevant policies and legislation, subject to conditions securing an amended Ecological Design Strategy for the protection of retained trees and habitats, creation of new semi-natural habitat and provision of biodiversity net gain; an exclusively native soft landscaping plan; and a Lighting Design Strategy for biodiversity.

- 8.28 In summary, subject to the above measures being secured, it is considered that the proposal is capable of mitigating for the loss of woodland habitat and securing biodiversity net gain, in accordance with the relevant policies.

Dark Night Skies

- 8.29 Policies SD8 and CONS 8 require proposals to take all opportunities to reduce light pollution, and ensure that the measured and observed sky quality in the surrounding area is not affected.
- 8.30 The site falls within zone EI(a), or 'intrinsic rural darkness,' which is classified as 'dark sky' and includes isolated areas that may not be connected to the main core. Concerns have been raised that the proposal will increase light pollution.
- 8.31 The application is supported by an external lighting strategy, with details of internal and external lighting. The applicant has also confirmed that the external balcony and roof terrace would not be in use/lit during non-daylight hours.
- 8.32 The Dark Skies officer has advised that the external lighting scheme is broadly compliant with the SDNPA Dark Skies TAN. Whilst there would be a large number of lights to achieve ambience and safety requirements, these would be low level, downwards pointing and on proximity and timer circuits to minimise light pollution. The use of blinds would also assist in reducing light spill from the glazed elevations. Whilst there would be some negative impact from new lights and glazing, this would be minimised and within the 'domestic' scale of impact.
- 8.33 However, the Authority's ecologist and the Landscape officer have both raised concerns in regard to the amount and extent of external lighting proposed, which includes planting lights, uplit trees and high level 'moon lighting.' The resultant light spill would negatively impact bat flight zones and foraging areas, and night-time tranquillity. It is also unclear whether the existing festoon lighting is proposed to be retained.
- 8.34 Whilst the external lighting scheme as proposed is not considered to be acceptable it is the view of the Authority's Ecologist that an amended lighting scheme would mitigate impacts on bats. It is therefore considered that the proposal is capable of complying with SD8 and SD9 subject to conditions securing an appropriate Lighting Design Strategy for biodiversity and other dark skies mitigation including automated black out blinds and low-transmission glazing.

Neighbour Amenity

- 8.35 Policies SD19 and SD22 seek to promote sustainable modes of transport; and a level of parking provision that is appropriate to the site's needs and proximity to facilities and services, and of a location, scale and design that reflects its context. SD21 seeks to promote the safety and amenity of all road users, and prioritise and support existing safe, direct, walking and cycling routes. SD23 requires the design and location of development to minimise the need for travel by private car and encourage access and/or subsequent travel by sustainable means.
- 8.36 As Fragbarrow Lane and the access associated with the proposal falls within Lewes District area, matters relating to access and highways are being considered and determined by East Sussex County Council (ESCC) under the tandem cross boundary application ESCC/2020/002/CB. However, the Authority needs to be satisfied that any consent for hospitality infrastructure is capable of being safely accessed and that parking arrangements and traffic volumes would not negatively impact the setting of the National Park.
- 8.37 The amended Transport Statement (GTA, Oct 2021) sets out that the applicant will provide and promote a minibus service to/from Burgess Hill Railway Station on weekends and bank holidays between June-August. Data has been provided (from Jun-Aug 2021) confirming that Saturdays are the Estate's busiest day with up to 262 two-way vehicular trips. The TRICS assessment suggests this could increase to a maximum of 326 two-way trips (+64 trips), with a lower increase in trips on the other days of operation. In terms of parking provision, there are 32 visitor parking space, 24 staff parking spaces and 10 unallocated spaces that are accessible to visitors. The staff parking spaces are also available to visitors after office hours.

The TRICS data has been used to carry out a parking accumulation exercise, which demonstrates that the existing onsite parking is sufficient to meet the demand generated by the proposed development.

8.38 The Transport Statement will be assessed by ESCC Highways, however for the purposes of this application is considered to satisfy the need for information to demonstrate the increase in vehicular movements over that existing, and parking arrangements. Although there would be some increase in vehicular movements, the provision of a minibuses services will assist in reducing the overall number of vehicular movements during the busiest summer months. Given the ability to stagger vineyard tour starting times and manage table reservations, it appears that the existing parking would be sufficient to meet demand. The car parking spaces would however need to be carefully managed during busy times to avoid the risk of amenity impacts and/or inappropriate overspill parking along Fragbarrow Lane, and it is noted that the applicant has offered to implement pre-bookable parking spaces.

8.39 It is considered appropriate to secure details of the minibuses service and the management of parking spaces by way of a site management plan, via a suitably worded condition. It is also considered appropriate to restrict commencement of development until means of access details have been agreed with East Sussex County Council, as Highway Authority, by way of a suitably worded pre-commencement condition.

9. Conclusion

9.1 It is acknowledged that the design of development has been led in large part by the needs of the business, albeit there have been some revisions. Although further information is required to fully overcome some concerns with regard to impacts on tranquillity, amenity and ecology, it is considered that these details, which relate primarily to planting, external lighting, and noise control, can be secured via suitably worded conditions. This is not unusual in terms of the nature of the matters the conditions are required to manage. The proposal is therefore considered capable of conserving this part of the National Park, and complying with the relevant development plan policies, such that there is not a significant conflict with the first Purpose.

9.2 As set out above, the proposal would accrue significant rural economy and tourism benefits that align with the National Park's second statutory purpose and duty.

9.3 The application is therefore recommended, on balance, for approval.

10. Reason for Recommendation and Conditions

10.1 Conditions 4-11 relate to the control of noise and disturbance. Conditions 16-21 seek to secure measures relating to landscaping, ecology and dark night skies, to ensure the proposal is capable of meeting Purpose 1. The remainder of the conditions follow standard wording for conditions but are required to make the development acceptable.

10.2 The application is recommended for approval subject to the following conditions:

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) and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans unless otherwise approved in writing by the Local Planning Authority.

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

3. The development hereby permitted shall not commence until the means of access details and parking arrangements associated with planning application reference ESCC/2020/002/CB determined by East Sussex County Council are implemented as approved.

Reason: In the interests of amenity and highway safety.

4. The use of the indoor hospitality area as defined on the approved hospitality suite ground and first floor plans shall be limited to the following:
 - Corporate room hire 8am-10pm Tues-Thus;
 - Shop 11am-4pm 7 days per week Jan-Mar; 11am-6pm 7 days per week Apr-Dec;
 - Wine tours 11am-6.30pm Fri-Mon;

Reason: In the interest of amenity and to enable the Local Planning Authority to regulate and control the development and use of land.

5. The use of the external hospitality area as defined on the approved Site Block Plan shall be limited to the following:
 - Wine garden, pavilions, kitchen and roof terrace 11am-10pm Apr-Sep;
 - Wine garden, pavilions and kitchen 11am-10pm Oct-Mar.

Reason: In the interest of amenity and to enable the Local Planning Authority to regulate and control the development and use of land.

6. Deliveries to the site associated with the indoor and outdoor hospitality uses shall only take place between the hours of 8am-6pm Mon-Fri and 9am-5pm on Saturdays. No deliveries shall take place on Sundays or Bank/Public Holidays.

Reason: In the interest of amenity.

7. The number of visitors on site shall not exceed 239, which is the maximum number of covers provided by the indoor/outdoor areas, at any one time, with the exception of the live music events permitted by Condition 8. The owners/operators shall keep a record of visitor numbers, and shall make this information available to the Local Planning Authority upon request.

Reason: In the interest of amenity and to enable the Local Planning Authority to regulate and control the development and use of land.

8. The use of the external hospitality area as defined on the approved Site Block Plan for events shall be strictly limited to the following:
 - i. 1x annual event on August Bank Holiday (limited to no more than 650 people);
 - ii. 2x annual wine club member events (1x during English Wine week (June) and 1x in summer prior to harvest);
 - iii. 1x annual staff and family BBQ event in July.

The owners/operators shall keep a record of event attendees, and shall make this information available to the Local Planning Authority upon request.

All live music shall be strictly limited to a noise level of no more than 82db at 1 metre.

Reason: In the interest of amenity and to enable the Local Planning Authority to regulate and control the development and use of land.

9. The sound system shall be tested to ensure compliance with Condition 8 prior to the commencement of any live music event.

Reason: In order to protect the amenity of the surrounding area

10. Subject to Condition 8, live music shall only be played between the hours of 3pm and 9pm.

Reason: In order to protect the amenity of the surrounding area

11. Within three months of the date of this permission, a Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to, details of:
 - i. Measures to control noise and disturbance, to include

- a) Patron arrival and departure;
 - b) Staff arrival and departure;
 - c) Operational noise levels for indoor and outdoor hospitality use;
 - d) Noise levels during live music events;
 - e) Management of car parking spaces during busy times;
 - f) Promotion of car sharing;
 - g) Minibus service to/from Burgess Hill station between June-August.
- ii. A complaints procedure, including management contact details during operational hours of the site, to be displayed prominently on the proprietor's website. All complaints and actions must be logged and made available to the Local Planning Authority on request;
 - iii. Provision of reasonable notice to neighbours of all live music events, which shall be limited to those permitted by Condition 7;
 - iv. A member of management to be available when patrons are in attendance.

Thereafter the development shall be undertaken in full accordance with the agreed details.

Reason: In the interests of amenity.

12. From the date of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order amending or revoking and re-enacting this Order, no further buildings, structures or means of enclosure shall be erected or installed at the site without prior planning permission from the Local Planning Authority.

Reason: In the interests of amenity, and to prevent unsustainable development that would not comply with planning policy.

Construction

13. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- i. An indicative programme for carrying out the works;
- ii. The anticipated number, frequency and types of vehicles used during construction;
- iii. The method of access and routing of vehicles during construction;
- iv. The parking of vehicles by site operatives and visitors;
- v. The loading and unloading of plant, materials and waste;
- vi. The storage of plant and materials used in construction of the development;
- vii. The erection and maintenance of security hoarding;
- viii. No burning of construction materials on site;
- ix. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders where necessary);
- x. Measures to minimise the noise (including vibration) generated by the demolition/construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers;

- xi. No work to be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work to be undertaken on Sundays, Bank and Public Holidays;
- xii. Details of any flood lighting, including location, height, type and direction;
- xiii. Measures to control the emission of dust and dirt during demolition/construction;
- xiv. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- xv. A method to record the quantity of recovered material (re-used on site or off site);
- xvi. Details of public engagement both prior to and during the construction works.

Reason: In the interests of highway safety and the amenities of the area. This is required to be a pre-commencement condition because it is necessary to agree such details prior to commencing works.

Design and Materials

14. Prior to the commencement of the development hereby permitted, a schedule of architectural details, materials and finishes, which shall include samples where appropriate (including a sample flint panel to be made available on site), and including the canvas cover to the balcony, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development. This is required to be a pre-commencement condition because it is necessary to agree such details prior to commencing works.

15. Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating appropriate sustainable construction measures, including:
- i. A green energy strategy to achieve 20% carbon reduction;
 - ii. A strategy to reduce construction and operational waste;
 - iii. The use of substituted, re-used, recycled or other 'green' materials including 'Grown in Britain' or FSC timber.

Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To ensure sustainable building design and construction in response to the challenges of climate change. This is required to be a pre-commencement condition because it is necessary to agree such details prior to commencing works.

16. Prior to the commencement of the development hereby permitted, a detailed scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development on the site. The scheme shall include details of:
- i. Retained areas of grassland cover, scrub, hedgerow, and trees;
 - ii. Proposed planting plans and strategy, which shall exclusively consist of appropriate native species, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment; schedules of plants and trees noting species, sizes; and proposed numbers/densities where appropriate;
 - iii. Details of an appropriate wooded shaw along the eastern boundary of the vineyard;
 - iv. Tree guards, staking and tree-pit construction;

- v. Location, height and materials/construction technique for any boundary treatments and other built means of enclosure;
- vi. Treatment of surfaces, paths and access ways, including appearance, depth and permeability;
- vii. Any signage;
- viii. Sustainable drainage solutions, to include provision of new pond(s) and pond restoration;
- ix. A timetable for implementation of the soft and hard landscaping works.
- x. A schedule of landscape maintenance for a minimum period of 5 years to include details of the arrangements for its implementation.

Thereafter the development shall be undertaken in full accordance with the agreed details.

All soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building, or the completion of the development, whichever is the sooner. All shrub and tree planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of ten years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To achieve an appropriate landscaping scheme in the interests of amenity and landscape character, and conserve and enhance biodiversity. This is required to be a pre-commencement condition because it is necessary to agree such details prior to commencing works.

Ecology and Trees

17. All ecological measures and/or works shall be carried out in accordance with the details contained in Appendix IV of the approved Ecological Impact Assessment (PJC Consultancy, Jul 2021).

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to avoid any offences under wildlife legislation, and to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

18. Prior to the commencement (including any demolition, ground works, site clearance) of the development hereby permitted, an Ecological Design Strategy (EDS) addressing the protection of retained trees and habitats, compensation for the loss of habitat for protected species, creation of new semi-natural habitat and long term woodland management to provide biodiversity net gain, and the restoration of the dry pond on site, shall be submitted to and approved in writing by the local planning authority.

The EDS shall include the following:

- i. Purpose and conservation objectives for the proposed works;
- ii. Review of site potential and constraints;
- iii. Detailed design(s) and/or working method(s) to achieve stated objectives;
- iv. Extent and location /area of proposed works on appropriate scale maps and plans;
- v. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- vi. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- vii. Persons responsible for implementing the works;
- viii. Details of initial aftercare and long-term maintenance;

- ix. Details for monitoring and remedial measures;
- x. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006. This is required to be a pre-commencement condition because it is necessary to agree such details prior to commencing works.

19. Prior to the commencement the development hereby permitted (including any demolition, site clearance or delivery or storage of any equipment, machinery or materials), an updated Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The updated AMS shall include
- i. Full details of all new and upgraded utilities and services associated with the approved development;
 - ii. A detailed schedule of arboricultural site supervision and record keeping prepared by a suitably qualified arboricultural consultant. The schedule shall include:
 - a) Identification of individual responsibilities and key personnel.
 - b) Induction and personnel awareness of arboricultural matters.
 - c) Supervision schedule, indicating frequency and methods of site
 - d) Visiting and record keeping.
 - e) Procedures for dealing with variations and incidents.

The approved AMS shall be implemented and adhered to in full throughout the entire construction period.

Written site supervision reports, including photographic evidence, shall be submitted to the Local Planning Authority within 5 working days of each site monitoring visit, demonstrating that the supervision has been carried out and that the tree protection is being provided and maintained in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included.

Reason: To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

Dark Night Skies

20. Prior to development above slab level, a suitable scheme of external lighting (to include details of existing external lighting to be retained) shall be submitted to, and approved in writing by the Local Planning Authority. The lighting scheme shall:
- i. Comply with the guidance set out in the SDNPA's Dark Night Skies Technical Advice Note;
 - ii. Identify and avoid those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in areas used for breeding, resting or foraging;
 - iii. Clearly demonstrate that areas to be lit will not disturb or prevent bats using the habitat on site.

The lighting shall be installed, maintained and operated in full accordance with the approved details. No other external lighting shall be installed unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, and the protection of wildlife, and to protect the South Downs International Dark Skies Reserve.

21. Prior to the commencement of the development hereby permitted, details of low transmission, non-reflective glazing and automated black-out blinds shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and retained in full accordance with the approved details.

Reason: In the interests of amenity and to protect the South Downs International Dark Skies Reserve. This is required to be a pre-commencement condition because it is necessary to agree such details prior to commencing works.

Informatives

1. Attention is drawn to the provisions of the Countryside and Rights of Way Act 2000 and Wildlife and Countryside Act 1981 (as amended) and in particular to Sections 1 and 9. These make it an offence to:
 - i. Kill or injure any wild bird,
 - ii. Damage or destroy the nest of any wild bird (when the nest is being built or is in use),
 - iii. Damage or destroy any place which certain wild animals use for shelter (including all bats and certain moths)
 - iv. Disturb certain wild animals occupying a place for shelter (again, all bats and certain moths).

The onus is therefore on the applicant to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. The applicant is advised to contact Natural England for further information (tel: 0845 601 4523)

2. The site lies within the red zone of the impact risk maps for the forthcoming District Licence scheme, indicating that the area is highly suitable for Great Crested Newts and within one of the most important areas for the species. The applicant may wish to consider entering the District Licensing scheme with NatureSpace, although it should be noted that whilst a licence application is currently being considered by Natural England and is expected to be issued imminently, the licence has not yet been secured.
3. The site lies within the red zone of the impact risk maps for the forthcoming District Licence scheme, indicating that the area is highly suitable for Great Crested Newts and within one of the most important areas for the species. The applicant may wish to consider entering the District Licensing scheme with NatureSpace, although it should be noted that whilst a licence application is currently being considered by Natural England and is expected to be issued imminently, the licence has not yet been secured.
4. The applicant is encouraged to provide electrical vehicle charging points in the car parking area.

11. Crime and Disorder Implication

- 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

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer: Stella New

Tel: 01730 819216

email: stella.new@southdowns.gov.uk

Appendices I. Maximum Peak-Time Capacity of Proposed Uses

SDNPA Consultees Legal Services, Development Manager.

Background Documents [All planning application plans, supporting documents, consultation and third party responses](#)

[National Planning Policy Framework \(2021\)](#)

[South Downs Local Plan \(2014-33\)](#)

[South Downs National Park Partnership Management Plan 2020-25](#)

[South Downs Integrated Landscape Character Assessment](#)

[2020 South Downs Tranquillity Study \(2017\)](#)

[SDNPA Dark Night Skies Technical Advice Note \(May](#)

[2021\) SDNPA Sustainable Construction SPD \(Aug 2020\)](#)

[SDNPA Viticulture Technical Advice Note \(Apr 2021\)](#)

[SDNPA COVID-19 Position Statement](#)

Maximum Peak-Time Capacity of Proposed Uses ¹								
	Apr-Aug Weekend	Apr-Aug Mid-week	Sep Weekend	Sep Mid-week	Oct- Dec Weekend	Oct-Dec Mid-week	Jan-Mar Weekend	Jan-Mar Mid-week
INDOOR AREA								
Classic wine tours (year round) (M/T/F/S/S Apr-Sep and M/F/S/S Oct-Mar)	20	20	20	20	20	20	20	20
Vineyard tours (to be 'staggered' with classic tours) (M/Th/S/S) Apr-Dec only	20	20	20	20	20	20	20	20
Private tour and tastings downstairs (weekends only)	10	0	10	0	10	0	10	
Corporate / private hire upstairs (T/W/Th year round)	0	10	0	10	0	10	0	10
Corporate / private hire downstairs (T/W/TH year round)	0	10	0	10	0	10	0	10
Shop (year round wine 'flight' capacity). Note: the majority of this capacity will be from people attending tours or hospitality and purchasing afterwards.	25	25	25	25	25	25	25	25
EXTERNAL AREA								
Pavilions only (Oct-Mar 11am-10pm); Pavilions + roof terrace (Apr-Sep, 11am-10pm)	154	154	108	108	108	108	108	108
TOTAL CAPACITY ('EXISTING' USES²)	160	214	28	82	28	82	28	82
TOTAL CAPACITY (PROPOSED USES)	229	239	183	193	183	193	183	193
TOTAL CAPACITY INCREASE	+69	+25	+155	+111	+155	+111	+155	+111

¹ At any one time, excluding events (which would not be run concurrently)

² At any one time, including current unlawful wine garden use

Application Site

Fragbarrow Lane

South Downs National Park

B2112 Common Lane

Location Plan

Site

Key

= Not part of the application

N

0 65 130 260 Meters

0 2.25 4.5 9 Kilometers

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Committee:	Regulatory Planning Committee
Date:	16 February 2022
Report by:	Director of Communities, Economy and Transport
Title of Report	Traffic Regulation Orders – Eastbourne Borough Parking Review 2021
Purpose of Report	To consider the objections received in response to the formal consultation on the draft Traffic Regulation Orders associated with the Eastbourne Borough Parking Review
Contact Officer:	Michael Blaney -Tel. 01424 726142
Local Members:	Councillors Stephen Holt, Barry Taylor

RECOMMENDATION

The Planning Committee is recommended to:

- 1. Uphold the objections to the draft Order as set out in Appendix 1 of this report.**
 - 2. Not uphold the objections to the draft Order as set out in Appendix 2 of this report.**
 - 3. Recommend to the Director of Communities, Economy and Transport that the Traffic Regulation Order be made in part.**
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CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.

1. Introduction

- 1.1 Requests for new or for changes to existing parking and waiting restrictions in Eastbourne Borough are held on a priority ranking database, with those requests ranking high enough being progressed to consultation. Informal consultations began on 18 June 2021 and ran to 9 July 2021 to see whether there was enough public support to introduce controls, such as double yellow lines, or changes to permit parking schemes in a number of locations in the borough.
- 1.2 Feedback from the consultations led to formal proposals being developed. These formal proposals were advertised, together with the draft Traffic Regulation Order (TRO) (a copy of which is attached at Appendix 3) in the Eastbourne Herald on 5 November 2021. Notices and copies of the relevant plans were placed on posts and lamp-columns in the affected areas. Approximately 715 letters were delivered to local addresses and the consultation was placed on the Council's Consultation Hub for any member of the public to comment. The formal period for representations to be made ended on 26 November 2021.
- 1.3 Copies of the formal proposals were sent to relevant borough Councillors, County Councillors and statutory consultees including the emergency services. Copies of all supporting correspondence are available in the Members' Room and have also been made available to Planning Committee members in an electronic format.
- 1.4 During the formal consultation 35 items of correspondence were received. These included 8 objections and 27 items of support. One objector has withdrawn their objection as they were in support of the proposal but wanted additional restrictions which will be considered in our

next review. One objector has stated that they are willing to withdraw their objection provided the disabled bay in Seaside is withdrawn from the traffic order.

2. Comments and Appraisal

- 2.1 Each item of correspondence has been considered individually and a summary of the objections and officer comments are included in Appendices 1 and 2. Again full copies of all correspondence have been made available to Members, plans and photographs showing the areas objected to are included in the Additional Information Pack.
- 2.2 Following consideration of the responses, it is recommended to remove the proposals at Seaside, Eastbourne from the order, as summarised in Appendix 1.
- 2.3 With regard to objections relating to Hoad Road, Oxford Road, Springfield Road, Dukes Drive, Wellcombe Crescent, and Upper Dukes Drive as set out in Appendix 2, it is not considered that these objections provide sufficient grounds to warrant the modification or withdrawal of the proposals, and the proposals provide for the most efficient use of parking space. It is considered that these objections should not be upheld.
- 2.4 It is also recommended that all other proposals not objected to should be implemented as advertised.

3. Conclusion and reasons for recommendation

- 3.1 The approach in trying to resolve objections to the Order has been to appraise the concerns raised by residents and other road users, whilst not compromising road safety or other factors. On balance, objections to one proposal can be accepted and the proposal withdrawn from the Order, whilst with the rest of the objections, it is felt for highway and road safety reasons, that they should not be upheld and the proposals in these areas should proceed as per the draft TRO as advertised.
- 3.2 It is therefore recommended for the reasons set out in this report, that the Planning Committee upholds the objections in Appendix 1, does not uphold the objections in Appendix 2, and to recommend to the Director of Communities, Economy, and Transport that the Order be made in part.

RUPERT CLUBB

Director of Communities, Economy and Transport

BACKGROUND DOCUMENTS

Appendix 1 – Proposals where objections are upheld

1. Site 1 Seaside, Eastbourne (Councillor Stephen Holt)

- 1.1 The proposal at this location is to extend and formalise an existing advisory disabled bay outside 389 Seaside.
 - 1.2 Four objections were received from local residents on the grounds that the current resident who uses the bay has sold their house and will no longer require the bay.
 - 1.3 The resident who originally asked for the bay to be formalised has been contacted to see if the bay is still required. They have confirmed they no longer need the bay.
 - 1.4 Councillor Holt has confirmed his agreement with the recommendation.
 - 1.5 **Recommendation:** To uphold the objections and withdraw the proposal.
-

Appendix 2 – Proposals where objections are recommended to not be upheld and are proposed to be implemented as advertised

2. Site 2 Duke's Drive, Wellcombe Crescent and Upper Duke's Drive (Councillor Barry Taylor)

- 2.1 The proposal at this location is to install No Waiting At Any Time (double yellow lines) along the north-eastern side of Wellcombe Crescent between Duke's Drive and Edensor Road, and at the junction with Duke's Drive and Upper Duke's Drive.
- 2.2 Two objections have been received from local residents who believe that if the proposed change goes ahead, the yellow lines would make it difficult for parents to park when picking up and dropping off children at nearby schools and would push the parking elsewhere.
- 2.3 The proposal follows requests from Stagecoach that cars parked at this location obstruct buses and prevent buses from making progress. Scheduled services operate along this route, running southwards approximately every fifteen minutes (Monday to Friday) and hourly on Sundays and public holidays. When driving towards Duke's Drive and Upper Duke's Drive along Wellcombe Crescent, vehicles parked on the northern side force drivers on to the opposite side side of the road. This sometimes means that due to the road layout buses cannot get the necessary swing to travel along the remainder of the road.
- 2.4 It is recognised that it is often difficult to satisfy the needs of all road users and with a limited amount of kerbside space available, there needs to be a balance between the conflicting demands on that space. The proposal will ensure a safe passage of traffic and will protect sight lines at the junction, while maintaining as much parking for residents and other road users as possible.
- 2.5 Having considered the objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn.
- 2.6 **Recommendation:** To not uphold the objections and install the proposal as advertised.

3. Site 3 Hoad Road, Oxford Road and Springfield Road (Councillor Stephen Holt)

- 3.1 The proposal at this location is to install No Waiting At Any Time (double yellow lines) at Springfield Road's junctions with Hoad Road and Oxford Road.
- 3.2 One objection has been received. The objector has stated that they were in favour of the proposal but that it would take away much needed parking and a permit system should be installed.
- 3.3 The proposal follows requests from ESCC's parking enforcement contractor NSL and local residents that cars parked at these junctions cause obstruction and prevent pedestrians from safely crossing the road.
- 3.4 It is accepted that residents would prefer to park outside their property, however it is sometimes necessary to introduce controls to encourage people to park in a safe and responsible manner. At this location, both the junctions with Springfield Road need to be kept free of parked vehicles to ensure clear sightlines for both vehicles and pedestrians.
- 3.5 The objector has been advised that the current proposals cannot be extended to include a permit scheme. This has however been added to the list of requests to be considered in the next parking review in Eastbourne.

- 3.6 Having considered the objection, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn.
- 3.7 Councillor Holt has confirmed his agreement with the recommendation.
- 3.8 **Recommendation:** To not uphold the objections and to install the proposal as advertised.

EAST SUSSEX COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984, ROAD TRAFFIC ACT 1991 & TRAFFIC MANAGEMENT ACT 2004

The East Sussex (Eastbourne)(Parking Places and Waiting, No Stopping and Loading Restrictions)Traffic Regulation Order 2021 Amendment No * Order 202*

East Sussex County Council, in exercise of their powers under Sections 1(1), 2(1) to (4), 3(2), 4(2), 32, 35(1) and (3), 45, 49, 51, 52, 53 of, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the Act”) as amended, the Road Traffic Act 1991 (as amended), Part 6 of the Traffic Management Act 2004, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

1. Commencement and citation

This Order may be cited as “The East Sussex (Eastbourne)(Parking Places and Waiting, No Stopping and Loading Restrictions)Traffic Regulation Order 2021 Amendment No * Order 202* ” and shall come into effect on xxx xxx xxx

2. When this Order comes into effect:

(a) The East Sussex (Eastbourne)(Parking Places and Waiting, No Stopping and Loading Restrictions)Traffic Regulation Order 2021, as amended, shall have effect except as hereinafter contained.

(i) The Order Plans shall be amended as follows:

The map tiles below shall be revoked	The map tiles below shall be inserted
Overview Area B	Overview Area B Revision *
NI181	NI181 Revision *
NJ181	NJ181 Revision *
NK181	NK181 Revision *
Overview Area C	Overview Area C Revision *
NU169	NU169 Revision *
NU172	NU172 Revision *
NV169	NV169 Revision *
NX173	NX173 Revision *
NZ169	NZ169 Revision *
OB169	OB169 Revision *
Overview Area D	Overview Area D Revision *
NW182	NW182 Revision *
NY182	NY182 Revision *
OC180	OC180 Revision *
NO185	NO185 Revision *
	NO186
Overview Area E	Overview Area E Revision *
OS172	OS172 Revision *
OT172	OT172 Revision *
OT173	OT173 Revision *
Overview Area TC	Overview Area TC Revision *

OD180	OD180 Revision *
OE175	OE175 Revision *
OH179	OH179 Revision *
OI176	OI176 Revision *
OI177	OI177 Revision *
OI178	OI178 Revision *
OM177	OM177 Revision *
OP175	OP175 Revision *
OP176	OP176 Revision *

THE COMMON SEAL of EAST SUSSEX)
COUNTY COUNCIL was affixed)
hereto on the day of two)
thousand and in the presence of:-)

Authorised Signatory

H & T Ctte. 2.4.74 - para 4.2 joint report of Director of Legal
& Community Services & County Engineer - para 4.

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