

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