

Agenda Item 10
Report PC74/17

Report to	Planning Committee
Date	9 November 2017
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/17/01224/FUL
Applicant	Mr and Mrs D Macmillan
Application	Proposed campsite for 30 tent pitches for use between April - September each year. Erection of 20 log cabins for camping 11 months of the year, erection of Farm Shop/Cafe, erection of 4 washroom and toilet blocks, creation of a Car Park, formation of a New Access and Track, use of a Parcel of land by the Outdoors Project and a Proposed Soft Landscaping Scheme.
Address	Fourfields Farm, Dumbrells Court Road, Ditchling, BN6 8GT

Recommendation: That planning permission be granted subject to the conditions set out in Section 9 of this report.

Executive Summary

At the 10 August 2017 Planning Committee, Members voted in favour of granting planning permission for the above scheme, subject to a further recommendation that a Section 106 agreement be completed to secure a Landscape and Ecological Management Plan (LEMP) for the site.

Further information has been submitted by the applicant arguing that the imposition of a legal agreement is unreasonable and unnecessary, because it fails relevant tests for use of planning obligations and renders the scheme unviable. The application is put back before Members of the Planning Committee under direction from the Director of Planning, in order for the Committee to consider the implications of granting planning permission subject to the Section 106 agreement, and whether the LEMP could be secured through planning condition.

Members have voted in favour of the officer recommendation for approval of the scheme, which concluded that the landscape harm likely to result from the diversification of the business (including new access, road and car park) was outweighed by social, environmental and economic benefits achieved through provision of an appropriate mix of tourist facilities, community and educational facilities, as well as enhancements to the natural landscape and biodiversity.

However, the officer recommendation advised that the LEMP could be secured through a planning condition, whereas Members voted in favour of the scheme subject to a separate legal agreement. Upon further review of the new information provided, your officers consider that the LEMP is appropriate to be secured by way of a condition of consent.

Members also agreed to impose additional conditions restricting amplified music after 10pm, amendments to commencement clauses of conditions, restricting permitted development rights and a restriction on length of stay for individuals. Amended conditions are discussed from paragraph 7.17 of the report and are listed with amendments under Section 9.

1. Site Description

- 1.1 Fourfields Farm, locally known as Macs Farm, is an established free-range egg farm on the northern edge of the National Park, just north of the village of Ditchling within the District of Lewes. The farm comprises five poultry sheds, a farmhouse and storage and utility buildings, all of which are served by a single access from Dumbrells Court Road to the south-west. The site lies on the southern edge of Ditchling, on a farm outside of the settlement within the Low Weald National Character Area (NCA) and the 'Adur to Ouse Scarp Footslopes', based on the South Downs Integrated Landscape Character Assessment (ILCA). A full description is available within the Officer report listed as **Appendix 3** of this report.

2. Relevant Planning History

- 2.1 The most relevant planning history is as follows:

- SDNP/14/06606/PRE - 20 pitch campsite – Advice given January 2015 (regarding provisions of the 28 day temporary use of land under the GPDO).
- SDNP/15/01660/FUL - Erection of an implement shed (amendment to planning approval LW/09/0075) - Approved June 2015.
- SDNP/16/02386/PRE - Camping pitches, log chalets, farm shop, new access - Advice given September 2016
- SDNP/16/05738/HOUS - Erection of detached four bay garage/storage and office building - Approved January 2017.
- SDNP/16/05843/PRE - Convert barn to three dwellings - Advice given April 2017
- Members determined this application (SDNP/17/01224/FUL) at the August Planning Committee and recommended that planning permission be granted subject to conditions and the completion of a section 106 agreement. The Officer report, updates sheet and minutes of the meeting are listed under **Appendix 3, 4 and 5** of this report.

3. Proposal

- 3.1 As per the scheme put before Members on 10 August 2017, the application proposes new development to diversify the income of the existing poultry farming business. The scheme comprises the following:
- A change of use of a 2.3 hectare agricultural field to allow for the siting of 20 holiday cabins to be used for 11 months each year.
 - A change of use of a 1.9 hectare agricultural field to allow for camping of up to 30 tents between April and September each year.
 - The siting of four timber communal toilet and shower blocks (adjacent to a new car park) to be constructed with timber and a metal sheet roof, similar to the proposed cabins.
 - The relocation and conversion of an existing redundant poultry shed to serve as a mixed use building for office, classroom, kitchen, cafe and shop.
 - The construction of a new permeably surfaced vehicular access from Common Lane spanning a distance of approximately 600 metres, to adjoining a new 65 space car park just south of the camping fields and public bridleway.
 - The change of use of a small parcel of woodland approximately 130 metres to the east of the main farmhouse to be used by the Outdoors Project: a Brighton based Local Forest Schools Provider.

4. Consultations

- 4.1 See **Appendix 3** of the report.

5. Representations

- 5.1 See **Appendix 3** of the report.

6. Planning Policy Context

- 6.1 See **Appendix 3** of the report.

7. Planning Assessment

- 7.1 Members have already voted in favour of granting planning permission as referenced in the August Planning Committee minutes at **Appendix 5**. The main issue for consideration is whether it is reasonable to require the Landscape and Ecological Management Plan (LEMP) through a legal agreement, as opposed to a planning condition. Members are also asked to consider proposed amendments to conditions referred to from paragraph 7.7 and as referenced under Section 9 of this report.

Background on the LEMP

- 7.2 A LEMP was recommended by the WSCC Ecologist and the SDNPA Landscape Officer to ensure appropriate management of the land. The LEMP would preserve and enhance features on site that are being retained, restored or created, such as grassland, ponds and ditches, scattered scrub, hedgerows and trees. Such a plan would set out how landscape and ecological features would be managed to benefit overall biodiversity and landscape character. This would for example, include provision of hedgerows and trees that would be suitable for dormice and other small mammals, and maintaining and enhancing grassland areas and connectivity between parts of the site for use by reptiles and great crested newts.
- 7.3 Officers discussed the LEMP with the WSCC Ecologist and SDNP Landscape Officer prior to the August planning committee and an update was given (see **Appendix 4**). The Ecologist confirmed that there would not be an in principle objection on ecological grounds if the LEMP were to be tailored to the land within the red line of the application site, and controlled by condition.
- 7.4 The Landscape Officer reiterated previous concerns regarding the impact of the development upon landscape character, and therefore the LEMP was considered highly necessary to offset landscape harm caused by the proposal.
- 7.5 Based on this advice, the LEMP was recommended by officers as an updated condition in the Updates Sheet (**Appendix 4**) to include sufficient land within the application site for protection and enhancement measures for landscape, reptiles and great crested newts during the construction of the new access road (avoiding the fragmentation of ponds, ditches and hedges). This condition was also reinforced by conditions 17, 18 and 19 of the report.
- 7.6 Members discussed landscape impacts at great depth during the August committee meeting. It was resolved that the application be approved, subject to a separate legal agreement securing the LEMP within the application site, rather than by a planning condition as was recommended by officers.

Further information received

- 7.7 Further to the resolution to grant permission, the applicant has met with the Local Planning Authority to discuss the viability of their project, and has questioned whether it was reasonable and appropriate for Committee Members to require the LEMP through a Section 106 agreement. The agent has submitted a supporting letter stating their case.
- 7.8 The letter gives reference to Paragraph 203 of the National Planning Policy Framework, which states that: 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 7.9 Paragraph 204 of the Framework is also referred to as this states that a planning obligation should only be sought where it meets the tests of being a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
- 7.10 It is argued that the development has already been concluded to be acceptable by officers, subject to a LEMP by condition, and this is the basis for the previous officer recommendation. The County Ecologist also advised that it would be appropriate to secure the LEMP through a condition.

- 7.11 The agent felt that it was not clear from the debate at the meeting why the LEMP could not be subject to a condition, which could be monitored by the Local Planning Authority like all other conditions. Based on the Ecologist's view and that of SDNP officers, the agent has argued that the use of a legal agreement is wholly unnecessary and would not be fairly and reasonably related in scale to the development contrary to paragraphs 203 and 204 of the Framework. The LEMP would result in the preservation and enhancement of all land within the application site.
- 7.12 The applicant also gives reference to paragraph 025 of the Planning Practice Guidance which encourages local planning authorities to inform and involve all parties with an interest in the land at an early stage to prevent delays to the process. The agent argues that the recommendation for the 106 to be secured within a period of 3 months from the August Committee has resulted in a significant pressure to reach agreement with the land owners over the details of the LEMP, which has the potential to jeopardise the delivery of the scheme in its entirety.
- 7.13 The agent has provided a series of project costs in order to outline the additional financial burden associated with the legal agreement, on top of the cost for discharging conditions. These are set out as follows:

Consultant	Fees	Total (Including VAT)
Architect (To provide Plans)	£900	£1,080
Archaeologist	Project setup £395 per day (Watching brief for 10 days), £200 per day Report Prep (3 days), £1000 Post excavation costs = £4,445	£5,333
Transport / Drainage	£7,000	£8,400
Landscape	£4,000	£4,800
Ecology	£1,000	£1,200
WSCC Legal	£750	£750
Private Solicitor	£750	£900
Planning	£2,500	£3,000
		Total = £25,463

This total cost represents an additional amount payable on top of approximately £25,000 already invested in the preparation and submission the planning application to date. The applicants assert that the business just broke even for 2017 for the existing campsite use. The predicted revenue from the completed campsite and log cabins is anticipated to be around £50,000 per year although the cabins will be phased slowly as they become financially viable. It is advised that the applicant will have spent £50,000 before any money is spent on the commencement of development. Therefore, it is argued that the additional burden of additional costs associated with a legal agreement places additional financial pressure on a farm business, which is seeking to diversify. This additional cost is argued to be unreasonable, particularly when the LEMP could be covered and controlled by condition.

- 7.14 Officers are mindful of the potential cost implications associated with defending a claim against the imposition of the legal agreement at appeal, as Officers consider that the legal agreement would fail the tests set out under Paragraph 204 of the Framework and Practice Guidance as it can be covered by condition.
- 7.15 The agent also highlights a difficulty in securing a legal agreement between the Local Planning Authority, the applicant and two separate land owners. The application site consists of the fields outlined in red but excludes wider areas of field to the west of the camping ground, which are to be retained for agricultural use. These fields are not owned by the applicant but are tenanted under a 20 year lease. The applicant has highlighted a difficulty in proceeding

with a Section 106, where a legal agreement involving two third part land owners becomes extremely complicated and does not offer the applicant or third parties any flexibility regarding future changes in ownership, or amendments to the LEMP strategy, which may be necessary as the plan proceeds.

On this basis, whilst accepting the resolution of Members at the August Committee, on the basis of further information, and on reflection with regard to the advice in the National Planning Policy Framework, officers consider that a strong case has been made as to why the imposition of a separate legal agreement is not appropriate, and the development is still considered to be acceptable subject to a LEMP to be controlled through planning condition.

Proposed amendments to conditions

- 7.16 At the August Committee meeting, Members voted in favour of supporting the application subject to a number of additions and amendments to conditions. This included additional restrictions of amplified music after 10pm, a restriction of permitted development rights and a restriction on the length of stay for individuals to a maximum of 28 days. These conditions have been added to the conditions list under Section 9 of the report.
- 7.17 Members also requested an amendment for all relevant conditions to require discharge prior to the commencement of any development at the site. This affects the following conditions from the August Committee Report (as amended by the updates sheet):
- 5 Details of the final floorplan of the café/farm shop office building prior to their first use;
 - 9 Completion of the new access, road and parking spaces prior to their first use;
 - 10 Site management plan to be approved prior to first use of the cabins;
 - 11 Schedule of external building materials to be approved prior to their use;
 - 25 Construction of the access prior to occupation of the site;
 - 26 Details of vehicle access, parking spaces and turning spaces to be approved prior to occupation of the site; and
 - 28 Closure of existing vehicular access gate onto Common Lane prior to first use of the cabins.
- 7.18 It is apparent from further discussions with the agent, that amendments to all conditions to include a pre-commencement clause could place an unreasonable burden on the applicant in having to provide all details well in advance of a number of works to be undertaken. Officers have considered the timing of conditions noting that all planning conditions must follow strict tests as set out under paragraph 206 of the NPPF (necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects).
- 7.19 Officers consider it would not be reasonable to request that details such as the café/shop floor plans, schedule of building materials be submitted prior to commencement of any development. There are other elements of the development including the access, road and carpark which could be carried out before this information is submitted, which would be less burdensome upon the applicant and still enforceable. The timing of proposed conditions has been considered by officers and is updated for Member's consideration under Section 9 of this report. These conditions are considered to meet the relevant tests of planning conditions under the NPPF.
- 7.20 For the sake of clarity and the avoidance of doubt, it is recommended that condition 14 (drainage) is amended to refer to the specific elements of the scheme which require ground excavation and detailed drainage works. This relates to the provision of the new road access and the car park which will penetrate the existing ground level. All other works are above ground and surface run off from the proposed buildings are addressed in the submitted site plan.
- 7.21 It is also recommended that Condition 9 (provision of access, road and car park) be removed as this is already covered by highways conditions 26 and 27 of the consent.

Summary

- 7.22 Subject to amended planning conditions including a condition securing the LEMP, officers consider that the development is still acceptable in the absence of a Section 106 agreement,

and the requirement for the LEMP through planning condition would mitigate adequately the proposed scheme; Members have already determined that the scheme is justified against a degree of harm caused to the landscape character of the local area, having regard to paragraph 116 of the NPPF. If members are minded to grant planning permission it is recommended that a condition for the LEMP is included under Section 9 of the report.

8. Conclusion

8.1 The proposed development of this scale, design and layout amounts to major development for the purposes of paragraph 116 of the National Planning Policy Framework within a rural area and sensitive landscape. However, the diversification of the existing farming business through a well-integrated tourism enterprise will promote year-round tourism and opportunities for the enjoyment and understanding of the National Park. Subject to conditions relevant to drainage, materials to be used and a plan for landscape and ecological enhancement, the proposed development is concluded to be in the public interest, thereby justifying special circumstances to promote social, economic and environmental sustainability. The proposal is concluded to meet the purposes of the National Park and is considered to be in accordance with policies CP5, CP7, CP8, CPI0, CPI2, CPI3, CPI4 of the Lewes District Local Plan Joint Core Strategy, saved policies ST1, ST3, ST5, ST11, E16, E17, E19, T1, T10, T14 and ST30 of the Lewes District Local Plan 2003 and the National Planning Policy Framework.

8.2 The application is therefore recommended for approval subject to the schedule of conditions listed at Section 9 of this report.

9. Recommendation and Conditions

9.1 Application SDNP/17/01224/FUL is recommended for approval subject to the completion of a Section 106 agreement and the following conditions:

General 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)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of these Applications'.

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

Scope of the Development

3. The accommodation hereby permitted shall consist of not more than 20 cabins and not more than 30 tents at the site at any one time.

Reason: In the interests of clarity to accord with the terms of the application and to control the intensity of the use hereby approved, in the interests of the wider management of the site

4. Notwithstanding section 55 of the Town and Country Planning Act, (as amended), or the Town and Country Planning (General Permitted Development) Order 2015, or any in any statutory instrument revoking and re-enacting that Order with or without modification), none of the following shall be erected or installed on the site:

- fences or other means of enclosure around any of the cabins or mixed use building approved, or other enclosures within the site,
- satellite dishes;
- access tracks or roads;
- porches, awnings or other similar attachments or enlargements to the holiday cabins or mixed use building;

- decking (other than for the provision of disabled access to buildings);
- Free-standing signboards (unless required for the purposes of health and safety or campsite licensing); or
- Fixed external amplified sound systems;

without the prior written approval of the Local Planning Authority.

Reason: To protect against further works and development which would be likely to result in adverse impacts upon the character and appearance of the development, landscape character and tranquillity.

5. The opening hours of the café and shop hereby approved shall not fall outside of the hours of 08.00 hours and 19.00 hours on any day other than for use by campers or occupiers of the holiday lodges who shall not occupy the building including cafe and shop outside the hours of 07.00 and 22.00 hours on any day.

Reason: In the interests of clarity to accord with the terms of the application and to control the intensity of the use hereby approved, to safeguard the amenities and tranquil character of the countryside and nearby properties and land users in accordance with the National Planning Policy Framework 2012.

6. Notwithstanding the submitted plan [shop/café floorspace plan 2015/120/PL5 B], a final floor plan of the multi-purpose building to serve the classroom, Café, farm shop, Office, kitchen, service counter and public display boards shall be submitted to and approved in writing by the Local Planning Authority prior to its first use. The floorplan shall illustrate the breakdown in floor area allocated to each use. The use of the building shall be carried out in accordance with the approved plan and the use retained thereafter, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the building serves an appropriate mixed use as stated within the application in the interests of achieving sustainable development in accordance with the National Planning Policy Framework 2012.

7. No items shall be sold from the shop other than produce from the agricultural holding known as Fourfields Farm, or The Mac's Farm (Dumbrells Court Road, Ditchling) and food and drink or other items produced within the South Downs National Park or within a 10 kilometre radius of the site unless otherwise agreed in writing with the Local Planning Authority. A list of all essential campsite items to be sold shall be agreed with the Local Planning Authority prior to the first use of the building. Any subsequent changes in campsite items to be sold shall be agreed in writing by the Local Planning Authority prior to their sale. For the avoidance of doubt, the farm shop is not an un-restricted A1 use class in the Use Classes Order 1987 (as amended).

Reason: To ensure the sale of local produce and goods commensurate with the use of the building as a rural farm shop (with a small additional stock of essential campsite items), and in the interests of supporting local businesses in accordance with second purpose of the National Park, and the National Planning Policy Framework 2012.

8. The holiday cabins hereby approved shall not be occupied at any time for any purpose other than as holiday accommodation by any person, group or their dependants, for a period of more than 28 consecutive days in any twelve month period. They shall not be used as permanent residential accommodation for a single occupant(s) or for any other purpose in Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As Amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

A register of the occupancy of the cabins shall be maintained and kept up-to-date by the operator of the units, that shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made). It shall record the names and addresses of all visitors and their arrival and departures dates

Reason: This development in the countryside, outside of any identified settlement, is only acceptable as holiday accommodation for use by short term visitors to the area to meet the second purpose of the National Park: the promotion of opportunities for understanding and enjoyment of the special qualities of the Park by the public. Other forms of residential development would be contrary to policies and purposes and would constitute an unsustainable form of development.

9. On their becoming redundant from the uses as approved, the cabins, toilet/washroom facilities and cafe/farmshop/office and any incidental or ancillary structures shall be removed from the site within 6 months and the land restored to a condition to be agreed in writing by the LPA within a period of 3 months on their becoming redundant.

Reason: To protect the character and appearance of the rural area where the structures have been specifically justified on the basis of supporting a rural business.

10. Prior to the first use of the first holiday cabins and campsite hereby approved, a site management plan shall be submitted to and approved by the Local Planning Authority, including the following:

- Site management in respect of noise and visitor activities such as barbeques, pets and camping.
- Arrangements for bicycle hire and storage.
- A Waste Management Plan identifying all waste streams and confirm how waste shall be collected, stored and disposed of.
- Information to be provide to visitors within the farmshop and cafe in advance referring to:
 - the limitations of cycle access to the north
 - local visitor attractions and access to walking, cycling, horse-riding and public transport routes
 - arrangements for bicycle hire

The Site Management Plan shall be implemented in accordance with the approved details and adhered to in the operation of the development hereby approved.

Reason: To ensure that visitors are informed of access to the site and recreational and educational activities in the National Park, in accordance with National Park purposes.

Detailed Designs and Landscape

11. Prior to the siting of the first holiday cabin or the farm shop/cafe/office building hereby approved, a schedule and samples of external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out strictly in accordance with the approved details and be retained as such thereafter.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with the National Planning Policy Framework 2012.

12. Prior to the first use of the site, provision shall be made for access to the premises by people with disabilities, and facilities (including toilets, cabins and the multi-use building) shall be provided in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure people with disabilities have equal access to the buildings and facilities provided in accordance with the National Planning Policy Framework.

13. No development shall take place until a detailed Scheme of Soft and Hard Landscape Works for the whole site including access, road and car parking area has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) written specifications (including cultivation and other operations associated with plant and grass establishment),

- b) planting methods,
- c) schedules of plants, noting species, planting sizes and proposed numbers/densities or seeding where appropriate,
- d) retained areas of grassland cover, scrub, hedgerow, trees and woodland,
- e) manner and treatment of watercourses, ditches and banks,
- f) a schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation,
- g) details of all hard-surfaces, such as paths, access-ways, parking spaces and any seating area, including their composition, appearance, depth and permeability,
- h) a timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the rural character and amenities of the area and to minimise the risk of pollution and impact on biodiversity in accordance with saved policy.

Drainage

14. The development shall not commence until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) finalised detailed surface water drainage designs and calculations for the access, road and carpark, based on sustainable drainage (SUDS) principles. The drainage designs should demonstrate that ground water monitoring and percolation testing during the winter period has been carried out to determine the feasibility of using infiltration methods and that the surface water runoff generated up to and including the 100 year, plus 30% for climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event;
 - b) provision within the site to prevent surface water draining onto the public highway;
 - c) full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual.

The scheme shall subsequently only be implemented in accordance with the approved designs and permanently maintained and managed in accordance with the site-specific maintenance manual.

Reason: In order to ensure effective drainage for the development using sustainable drainage methods and to ensure effective long-term maintenance in the interests of drainage, highway safety and nature conservation in accordance with the National Planning Policy Framework.

15. No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved in writing by the Local Planning Authority. Such works shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the first use of the cabins or the camping field.

Reason: To protect water quality and to secure a satisfactory standard of development and long term maintenance in accordance with the National Planning Policy Framework.

Trees

16. No development shall take place unless and until further details of tree protection to be implemented for the duration of development works and aftercare, (in accordance with BS5837: 2012 Trees in relation to design, demolition and construction) have been submitted to and approved in writing by the Local Planning Authority. This shall include protection during any excavation works. The approved details shall be adhered to during the course of development and aftercare.

Reason: to safeguard trees which are an integral part of the character of this important pastoral landscape.

Biodiversity

17. The development hereby approved shall be implemented in accordance with the conclusions and recommendations of the Phlorum Preliminary Ecological Appraisal Report dated December 2016.

Reason: In the interests of biodiversity, to manage any residual risk and to enhance the ecological value of the site.

18. No development shall take place until an ecological design strategy (EDS) addressing biodiversity (including the protection of reptiles and great crested newts) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location/area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) 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 ensure appropriate protection measures are implemented for local wildlife including reptiles and great crested newts which are a European protected species.

19. Prior to commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
- a) description, plan and evaluation of landscape and ecological features to be managed including grassland, hedgerows, ponds and wetland areas;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the persons, body or organisation responsible for implementation of the plan;
 - h) a scheme of ongoing monitoring, and remedial measures where appropriate;
 - i) details of legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer in partnership with any management body(ies) responsible for its delivery.

The approved LEMP will be implemented in accordance with the approved details and where deemed necessary by the Local Planning Authority shall include contingencies and/or remedial action to be further agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met.

Reason: To ensure appropriate on-going management of the land beyond the completion of the development, to ensure fully functioning landscape and biodiversity objectives of the originally approved scheme, and in order to preserve and enhance biodiversity and landscape features within the subject site in accordance with the

Archaeology

20. Prior to the commencement of the development hereby approved the developer shall have secured the implementation of a Written Scheme of Investigation and archaeological recording in accordance with a written scheme to be first submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall include a timetable for the investigation and the measures to be undertaken which shall include the archaeological monitoring of all ground works associated with the access, track and car park below the depth of 300mm below current ground level associated with the construction of the new facilities to ensure that any archaeological remains encountered are recognised, characterised and recorded. It shall also include provisions to ensure the results of the investigation are published and made publicly available. The timetable shall thereafter be implemented as approved.

Reason: To ensure that the archaeological interest of the site is properly safeguarded and recorded in accordance with National Park Purposes and the National Planning Policy Framework 2012.

Light pollution and lighting

21. No external lighting shall be installed on-site without the prior written approval of the Local Planning Authority and this condition shall apply notwithstanding the provisions of the Town And Country planning (General Permitted Development) (England) Order, 2015, or any Order revoking or re-enacting that Order.

Reason: To protect the character of the countryside, and the designated International Dark Night Reserve, which is part of the special quality of the South Downs National Park, in accordance with National Park Purposes and the National Planning Policy Framework 2012.

During construction

22. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been 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 be restricted to the following matters:

- hours of operation;
- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routeing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision and utilisation 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);
- details of public engagement both prior to and during construction works.

The development shall be carried out in accordance with the approved management plan with hours of operation at the site during any tree works, site clearance, preparation and construction restricted to hours between 08:00 and 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays. No work is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries or collections associated with the construction of the development shall be made at the site outside of these specified times.

Reason: To protect the amenity of residents in the locality in accordance with policy ST3 of the Lewes District Local Plan and the NPPF.

Residential amenity

23. Farmshop and cafe deliveries to the site shall be restricted to the hours between 07:00 and 17:30 Monday to Saturday only. No deliveries shall be made on Sundays or Bank and Public Holidays.

Reason: To protect the amenity of residents in the locality in accordance with policy ST3 of the Lewes District Local Plan and the NPPF.

Commercial waste collections from the site shall be restricted to the hours between 07:00 and 17:30 Monday to Saturday only. No collections shall be made on Sundays or Bank and Public Holidays.

Reason: To protect the amenity of residents in the locality in accordance with policy ST3 of the Lewes District Local Plan and the NPPF.

24. No amplified music shall be played or broadcast from anywhere within the subject site after 10pm on any day across the calendar year.

Reason: To protect the amenity of residents in the locality from noise disturbance associated with late night amplified events in accordance with policy ST3 of the Lewes District Local Plan and the NPPF.

Highways

25. The development shall be carried out in accordance with the submitted Traffic Management Plan prepared by Allen Rolling's (2014/21).

Reason: In the interests of road safety and to ensure compatible vehicle movements between existing farm traffic and visitors travelling by car, bicycle or on foot.

26. No part of the development shall be occupied until such time as the new road and vehicular access has been constructed in accordance with plans, and details of visibility splays which shall be submitted to and approved in writing by the Local Planning Authority. Details shall indicate splays of 2.4 metres by 120 metres to be provided for the site vehicular access onto Common Lane [B2112]. Such details shall confirm the access has a maximum gradient of 2.5% (1 in 40) from the channel line or for the whole width of the footway / verge whichever is the greater and 11% (1 in 9) thereafter. Once provided and approved, the splays shall be constructed in accordance with these details and thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety and to protect the amenity of occupants at Dumbrells Court from additional traffic movements, noise and congestion.

27. Notwithstanding the approved plans, no part of the development shall be occupied until a plan and details showing the car and minibus parking spaces, vehicle turning spaces and cycle parking spaces have been submitted to and approved in writing by Local Planning Authority. The spaces shall be implemented in accordance with the approved details and thereafter retained.

Reason: To provide appropriate car-parking and minibus space and to promote an alternative travel option to the use of the car for the development.

28. The gate shown in Appendix C of the approved Traffic management Plan across the internal access road to the immediate north of the Farmhouse shall be kept permanently closed [except for egg collections/farm vehicle access] to prevent a vehicular route through the site to Dumbrells Court from the campsite/café/farm shop. Any gate/s to be provided at the access onto Common Lane [B2116] shall be positioned at least 11m back from the edge of the public highway in order that a vehicle may wait clear of the highway whilst the gate/door is being operated.

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles.

29. Prior to the first use of the cabins, camping field or café/farmshop/office building the existing vehicular access onto Common Lane [B21 I6] shall be physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

10. Informatives

- This permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990 to be completed within a period of three months of the date of the August Committee meeting. Planning permission is to be refused if the agreement has not been completed or substantial progress made towards agreeing its completion within this period.
- It is recommended that discussions take place with a Building Control Inspector (either a suitable qualified independent inspector or the relevant Local Authority Building Control Department). Where building regulations approval is obtained and this is different from the planning permission granted, you should discuss this matter with the South Downs National Park Authority.
- The applicant is advised that this consent does not override any obligations in respect of protected species under the relevant wildlife legislation. In particular, it is an offence to disturb nesting birds or roosting bats which are protected species under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. It is a criminal offence to wilfully cause harm to either. If you suspect that the development will disturb any protected species, or protected species are encountered during construction, works must stop immediately and advice sought from Natural England or a professional ecologist before proceeding.
- In the event that contamination is found at any time when carrying out the development it should be reported in writing to East Sussex County Council. An investigation and risk assessment should be undertaken and where remediation is necessary a remediation scheme should then be prepared, implemented and verified with copies of all relevant records being provided to East Sussex County Council.
- A formal application for connection to the public sewerage system is required in order to service the development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 03303 030119)
- Consent from East Sussex Highways will be required for any proposed alterations to public rights of way running through the site.
- The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
- The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
- The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

- The applicant is advised that the erection of temporary directional signage should be agreed with Transport Development Control Team prior to any signage being installed. The applicant should be aware that a Section 171, Highways Act 1980 license will be required.

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. This has included the provision of pre-application advice from the SDNPA Development Management Officer, the opportunity to provide additional information to overcome technical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees.

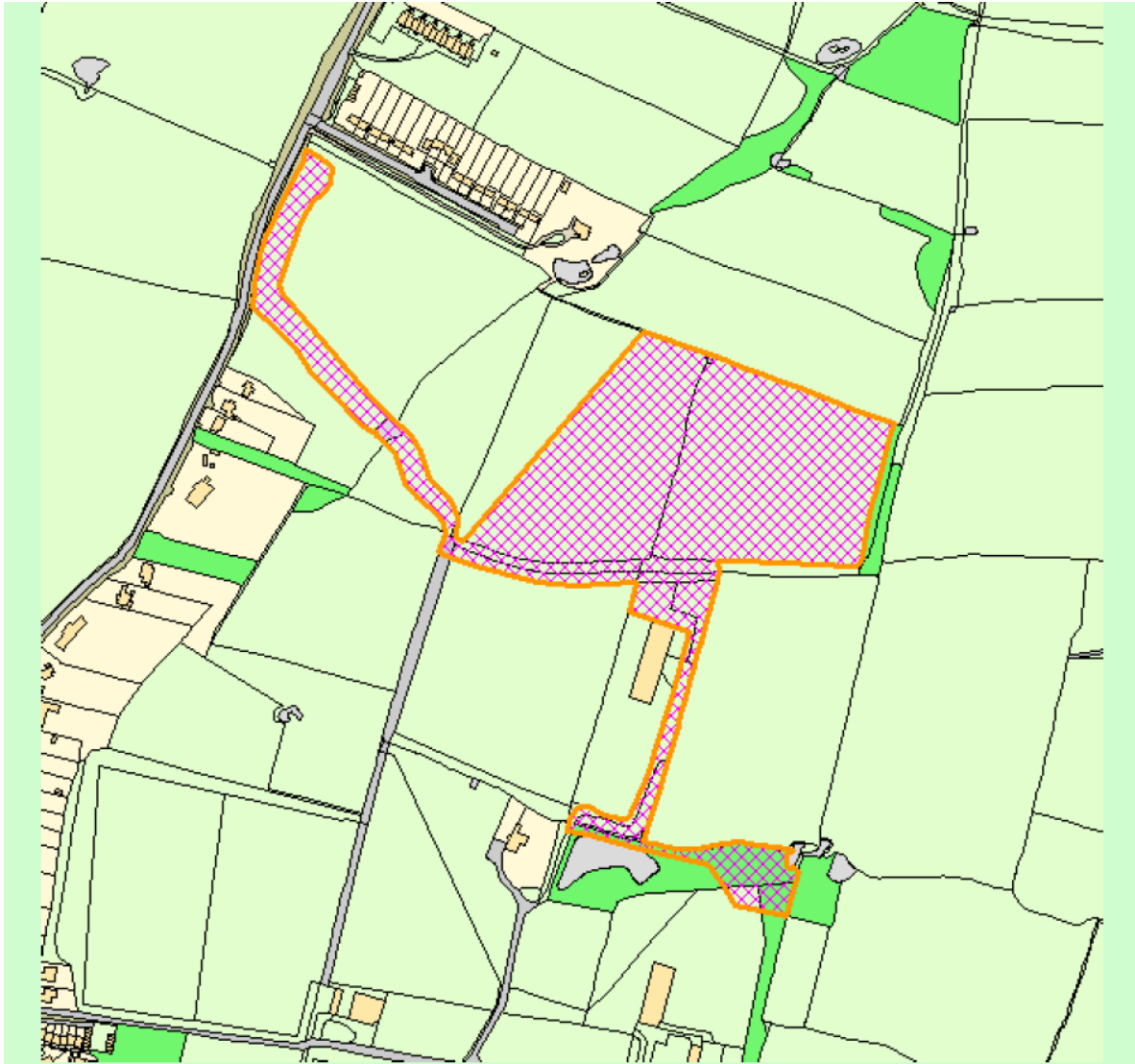
TIM SLANEY

DIRECTOR OF PLANNING

South Downs National Park Authority

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Appendices:	<ol style="list-style-type: none"> 1. Site Location Map 2. Plans Referred to in Consideration of these Applications 3. 10 August 2017 Planning Committee Report 4. 10 August 2017 Planning Committee Updates Sheet 5. Excerpt of 10 August 2017 Planning Committee Minutes
SDNPA Consultees:	Legal Services
Background documents:	<u>All Planning Application and Listed Building Consent plans, supporting documents, consultation and third party responses</u> <u>National Planning Policy Framework, 2012</u> <u>National Planning Practice Guidance</u> <u>SDNP Partnership Management Plan</u> <u>Lewes District Local Plan Joint Core Strategy 2016</u> <u>Lewes District Local Plan (2003)</u> <u>Lewes District Council Saved Policies</u> <u>Ditchling, Streat & Westmeston Neighbourhood Plan</u>

Site Location Map



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Plans Referred to in Consideration of these Applications

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Log Cabin	2015/120/PL3	B	07.03.2017	Approved
Plans - Site and Location Context	PDA-FOU-LV-002			Not Approved
Plans - Site Plan	2015/120/PL1	F	07.03.2017	Not Approved
Plans - General Arrangement	PDA-FOU-LV-004		07.03.2017	Not Approved
Plans - Viewpoint Locations and PROW	PDA-FOU-LV-003		07.03.2017	Not Approved
Plans - Shop/Cafe	2015/120/PL5	B	07.03.2017	Not Approved
Plans - Washroom Building	2015/120/PL4	A	07.03.2017	Approved
Plans - Amended Block Plan	2015/120/PL1	K	27.07.2017	Approved
Plans - Shop cafe building	2015/120/PL5	C	25.07.2017	Approved
Plans - Additional - Shop Cafe Floor Plan	2015/120/PL5	B - FP	25.07.2017	Approved
Plans -	2015/120/PL2	B	07.03.2017	Not Approved
Plans - Site Location Plan	2015/120/PL2	C	07.03.2017	Approved

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