

Report to	<b>Planning Committee</b>
Date	<b>14 June 2018</b>
By	<b>Director of Planning</b>
Local Authority	<b>SDNPA (Called In Application)</b>
Application Number	<b>SDNP/18/00138/FUL</b>
Applicant	<b>Mr J Ffitch-Heyes</b>
Applications	<b>Retention of crucifix – a natural finished wooden cross standing within a paddock field adjacent to the Motor Road.</b>
Address	<b>The Tote House, The Motor Road, Old Racecourse, Lewes, East Sussex, BN7 1UR</b>

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**Recommendation: That planning permission be granted subject to the conditions set out at Section 10.1 of the report.**

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### **Executive Summary**

The application seeks planning permission for the retention of a wooden cross situated on land adjacent to the Motor Road at the Old Racecourse. A temporary consent had previously been granted by Lewes District Council on the behalf of the South Downs National Park Authority for the structure in 2012 but this lapsed in January 2017. Despite this the crucifix remains in place.

The application assesses whether the rationale for a temporary consent has been overcome in light of relevant changes in the development plan since 2012. It is concluded that the cross conserves the visual amenity of the wider battlefield landscape character and is justified to be retained permanently at the site. Furthermore the cross does not conflict with policies in the development plan nor with the statutory purposes of the National Park and, therefore, there is no reason to reach a different conclusion to that of Lewes District Council in 2012.

It is therefore recommended that a permanent permission is granted, subject to condition to ensure no illumination is installed to protect the National Park's dark night skies designation from unnecessary light pollution.

#### **I. Site Description**

- I.1 The application site is one of wider collection of buildings forming the Old Lewes racecourse complex, located to the west of Lewes within the South Downs National Park. The crucifix is situated on the corner of the paddock adjoining the privately owned Old Motor Road.
- I.2 The land adjoins paddocks used for the grazing of horses. A series of public rights of way run close to the site including Bridleway 3, 17 & 29b and Footpath 5 & 48a.

## 2. Relevant Planning History

- 2.1 Permitted development rights were removed by Article 4 Direction on 8 December 1993 for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. The Direction was made for the purpose of controlling various forms of enclosure in order to protect this characteristically open downland landscape.
- 2.2 LW/11/1391/NP – Planning permission was granted for the wooden cross on a temporary basis by Lewes District Council on behalf of the South Downs National Park Authority.
- 2.3 SDNP/12/01438/FUL – Planning permission was approved in January 2011 for the erection of an extension for use as a bed and breakfast and for short stay guests.
- 2.4 SDNP/17/00340/HOUS – The proposal is for the erection of 5 loose box stables adjacent to existing stables. The planning application is pending consideration by Members of the Planning Committee at the June meeting.
- 2.5 SDNP/17/05255/FUL – This retrospective proposal is for renewing existing and installing new fencing work with access gates to reform grazing paddocks for horses into 3 new enclosures, including new access tracks for vehicles to the south of the site running parallel to the gallops and a cross route to allow access to the old racetrack gallops land to the west of the site. The new paddock layout is proposed to accommodate the established existing public bridleway route - the Planning application is pending consideration by Members of the Planning Committee at 14 June 2018 meeting.

## 3. Proposal

- 3.1 The application seeks planning permission for the retention of a wooden cross standing within a paddock field adjacent to the Motor Road at the Old Lewes Racecourse. The site plan is listed under **Appendix I**. The crucifix is constructed from two pieces of oak with a square section of approximately 150mm. It stands 4.2 metres in height with a cross span of 1.8 metres.
- 3.2 The cross was given temporary planning approval in January 2012 by Lewes District Council under reference LW/11/1391/NP. The consent lapsed in January 2017 and therefore the cross is currently unauthorised. If permission is granted, this would give a permanent consent for the siting of the cross on the land. The reasons for granting a temporary consent are given under Section 8 of the report.

## 4. Consultations

- 4.1 **St Ann (Without) Parish Meeting** - No comments received.
- 4.2 **SDNP Historic Buildings Officer** - No objection.
- 4.3 **ESCC Archaeology** - No objection.
- 4.4 **South Downs Society** - Objection.
  - The size and position of the cross makes it a very prominent structure outside of the development area of the Old Racecourse.
  - The South Downs is already a place for contemplation and reflection and without a need for such structures this could set a precedent for further development.

## 5. Representations

- 5.1 7 third-party representations have been received *in support of* the proposal. The representations raise the following points:
  - The cross is simple and unobtrusive.
  - It commemorates the death of a stable worker.
  - It has become a valued memorial to the Battle of Lewes.
  - It acts as a reminder of faith in Lewes' history.
  - It is a welcomed stopping point for walkers.
  - It has added character to the area.
  - The skyline is dominated by adjacent former racecourse buildings.

- It has become a site of pilgrimage for Christians in Lewes allowing for prayer and contemplation.

## **6. Planning Policy Context**

### **6.1 National Park Purposes**

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, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

#### National Planning Policy Framework and Circular 2010

6.2 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks. Paragraph 116 states that planning permission for major developments within National Parks should be refused except in exceptional circumstances.

6.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

## **7. Planning Policy**

#### Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012.

7.2 The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

#### National Planning Policy Framework (NPPF)

7.3 The NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks. Parts 6 (design), 11 (natural environment) and 12 (historic environment) of the National Planning Policy Framework are most relevant to the determination application.

### **7.4 Lewes District Local Plan (2003)**

- ST3 – Design, Form and Setting of Development
- LW9 – Lewes Battlefield

### **Lewes District Joint Core Strategy (2016)**

- CPI0 – Natural Environment and Landscape
- CPI1 – Built and Historic Environment & Design

#### South Downs National Park Local Plan

7.5 The Pre-submission version of the South Downs Local Plan (2017) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

for public consultation from 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the saved policies within the Arun District Local Plan (2003), the policies within the Submission South Downs Local Plan (2018) are currently afforded considerable weight.

7.6 The following policies from the SDLP are relevant:

- SD1: Sustainable Development
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding Views
- SD8: Dark Night Skies
- SD12: Historic Environment

#### South Downs National Park Partnership Management Plan (SDPMP)

7.7 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

7.8 The following Policies are of particular relevance to this case:

- General Policy 1 – conserve and enhance the natural beauty and special qualities of the landscape.
- General Policy 3 – protect and enhance tranquillity and dark night skies.
- General Policy 9 – the significance of the historic environment is protected from harm.

## **8. Planning Assessment**

### Procedural note

8.1 The proposal seeks retention of the cross on a permanent basis, as opposed to granting a further temporary consent. In considering when a temporary consent is appropriate, the Practice Guidance outlines two typical circumstances as: a) where a trial run is needed in order to assess the effect of the development on the area; or b) where it is expected that the planning circumstances will change in a particular way at the end of that period.

8.2 The Practice Guidance goes on to state that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. In this instance, officers are of the view that there is no need or reasonable justification to grant a further temporary consent. The cross is demonstrated to be without harm to the character and appearance of the area and is in accordance with policies in the development plan. Subject to conditions, it is recommended that the application be approved on a permanent basis.

### Previous decision

8.3 The previous officer report and decision are a material consideration in assessing this proposal. In determining the application in 2012, the case officer's report stated:

*'The cross is a modest structure, well made, located close to existing buildings, but in a prominent location which is visible from some distance in all directions. It is not considered that the structure is so imposing as to detract from the general open character of the landscape and thus be considered detrimental to the natural beauty of the Downland landscape. Therefore it is considered that the retention of the structure would not be contrary to the purposes of the National Park.'*

8.4 The report continued in stating:

*'Whilst being made of oak it is likely that the structure will deteriorate over time therefore it is considered necessary to make any decision temporary in order to retain control over the structure. It is also considered necessary to prevent any illumination of the structure in order to minimise any detrimental visual impact arising.'*

8.5 Therefore the main issue in the determination of this application is whether the retention of the crucifix would meet the first and second Purpose of the South Downs National Park, having regard to its condition and weathering over a 6 year period, also noting any policy changes policies since determination of the application in 2012.

#### Relevant Policy

8.6 In addition to ST3 and LW9 of the LDLP, the Lewes District Joint Core Strategy (2016) (JCS) and SDLP are now relevant in decision making. The relevant policies are CPI0, CPI1 (of the JCS), SD1, SD4, SD5, SD6, SD8 and SD12 (SDLP). These are discussed in their relevant sections below.

#### Scale, form and appearance

8.7 The cross shows some signs of weathering, although this is not detrimental to landscape character or appearance of the immediate area. Noting the policy requirements imposed by the JCS and SDLP, there is no perceived conflict with policies CPI0, SD4, SD5 or SD6. It is officers' view that the structure is appropriate and the local support for its retention is also noted.

8.8 As per the previous committee report, Officers consider that illumination of the cross would be inappropriate in this location, and contrary to policy SD8 of the emerging SDLP which seeks to protect the dark night skies designation from inappropriate or unnecessary light pollution. A condition is imposed to restrict all forms of illumination.

#### Lewes Historic Battlefield

8.9 Policy LW9 of the LDLP states that planning permission will not be granted for development which would affect the landscape, setting or archaeological integrity of the Lewes Battlefield. The cross is prominent from a number of views, but not of a scale or location to have a detrimental impact on the historic landscape setting. It is also viewed in conjunction with other buildings at the racecourse, rather than being an isolated feature. Overall, Officers consider that the crucifix does not result in harm to the setting of the Lewes battlefield, and would not contradict policies CPI1 of the JCS (2016) policy LW9 of LDLP, SD12 of the SDLP or the NPPF.

#### Whether the proposal meets Park Purposes

8.10 The proposal is considered to be very minor in nature, although it is accepted that structures within an open down land landscape have the potential to impact its character. In this instance, the cross is a noticeable feature where visible across the immediately surrounding area, but it is not excessive in height.

8.11 There are no ecological impacts and for the reasons set out above, the overall visual impacts are minimal. Furthermore there is no objection from ESCC Archaeology as there is no perceived impact upon local cultural heritage of the Lewes battlefield. In the view of officers, the retention of the cross would not be in conflict with either of the statutory purposes of the National Park, nor the objectives in the SDPMP.

## **9. Conclusion**

9.1 For the reasons set out in the report it is recommended that planning permission be granted subject to conditions.

## **10. Reason for Recommendation and Conditions**

For reasons outlined above it is recommended that the application be approved subject to the following conditions:

1. The formal commencement date for the development hereby approved shall be given as the date listed on the decision notice.

Reason: To register a commencement date in order 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 be carried out in accordance with the plans listed in the decision notice.

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

3. No form of floodlighting or illumination of any kind shall be installed or used unless otherwise agreed by the Local Planning Authority.

Reason: In the interest of protecting the visual amenity of the countryside and dark night skies designation of the National Park, having regard to Policy ST3 of the Lewes District Local Plan (2003) and SD8 of the South Downs Local Plan: Pre-Submission (2017).

## **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 discussions with SDNPA Officers and consultees.

### **TIM SLANEY**

#### **Director of Planning**

#### **South Downs National Park Authority**

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Appendices	I. Site Location Map
SDNPA Consultees	Legal Services South Downs National Park Authority Ranger (East)
Background Documents	<a href="#">Application Documents</a> <a href="#">LW/11/1391/NP - Previous Application Documents</a> <a href="#">Lewes District Local Plan (2003)</a> <a href="#">Lewes District Joint Core Strategy (2016)</a> <a href="#">South Downs National Park Local Plan (2017)</a> <a href="#">South Downs Local Plan Schedule of Changes (2018)</a> <a href="#">South Downs Partnership Management Plan (2014-2019)</a> <a href="#">National Planning Policy Framework</a>



