

Agenda Item 09
Report PC20/21-08

Report to	Planning Committee
Date	13 August 2020
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/20/01676/FUL
Applicant	Mr Justin Wallden
Application	To retain the use of the land on a permanent basis for one rugby pitch for Ditchling Rugby Club, with associated use of the Cricket Club Car Park and Clubhouse, following temporary permission granted under reference SDNP/16/05154/FUL
Address	Land at Keymer Road, Ditchling, East Sussex

Recommendation: That permission be granted, subject to the conditions set out at paragraph 10.1 of this report

Executive Summary

The application proposes the permanent change of use of part of an agricultural field at the edge of Ditchling village to provide a single grassed rugby pitch following the earlier granting of a temporary permission. Parking and facilities would continue to be provided by shared use of the Cricket Club's car park and club house building.

The site is in a sensitive, rural location between the historic settlements of Ditchling and Keymer, to the east of the existing Cricket Club, and associated grounds and club house. The site is visible from the adjoining public footpath, and from key viewpoints on Ditchling Beacon and the Downs.

The site was previously granted the temporary four-year permission by the Planning Committee for the proposed use in February 2017 to allow assessment of landscape impacts over a period of time, in particular for the use of the car park and its condition during winter months to be reviewed. The four-year period was deemed sufficient time to allow for levelling works to establish a pitch and a number of playing seasons. Officers consider on balance that although there would be some visual impacts as a result of permanent use of the site for the playing of rugby, the proposal is acceptable in landscape terms, and would conserve the open landscape character of the strategic gap between Ditchling and Keymer.

The application is placed before the Committee given its previous consideration of the original application and to allow Members the opportunity to consider whether permanent use of the site would be appropriate.

1. Site Description

- 1.1 The site lies within the area of the Adur to Ouse Scarp Footslope South Downs Integrated Landscape Character Assessment (SDILCA), and forms a transition between the steep chalk scarp to the south and the Low Weald to the north.
- 1.2 The site comprises three areas which include the rugby pitch itself, a 2ha rectangular area within a grassed field to the east of the existing cricket fields; the existing St James Cricket Club pavilion building 150m to the west of the rugby pitch; and the Cricket Club's car park which is 120m further west. The car park surface has been laid with a geocell membrane infilled with coarse gravel to provide a stable surface during winter months.
- 1.3 The pitch part of the site currently comprises semi-improved grassland bounded by

hedgerows with scattered trees. To the south of the pitch is a sheep grazed field. There are some mature oaks on site and ephemeral (temporarily filled) ditches along the boundaries.

- 1.4 The cricket club car park is accessed directly from Keymer Road, and bounded by deciduous hedges and trees, with allotments beyond its western boundary. The car park can accommodate up to 120 vehicles, with rugby matches generating a parking demand of approximately 19 cars.

- 1.5 A Public Right of Way (PRoW) 'The Drove' runs from Keymer Road along the eastern boundary of the rugby pitch, with the remaining boundaries of the wider field being bordered by deciduous hedgerow and trees.

2. Relevant Planning History

- 2.1 The most recent planning history relating to the site is as follows:

- SDNP/14/03217/PRE Creation of 2 no. rugby pitches and car park. Advice provided 17.07.2014

The advice stated that the site forms part of a sensitive landscape in which new development has the potential to detract from its landscape character and to impact on the setting of the village. The resulting change to the landscape would unlikely to be deemed acceptable, particularly in combination with the existing cricket club immediately adjacent. The cumulative result would be the creation of a substantial area of formalised land on the rural edge of the village prominent in views, particularly from higher land, which would not be mitigated by existing landscaping and landform.

- SDNP/15/01682/FUL Change of use of land to provide two rugby pitches and associated car parking for Ditchling Rugby Club. This proposal sought to provide a second playing field in the field to the south, a new access from Keymer Road and new car park in the field to the north. Refused 10.09.2015 for the following reasons:

- 1) The proposal, by virtue of its nature, extent, resultant parking area and associated human/vehicular activity would have an adverse impact on the landscape character area and the adjoining Conservation Area which could not be mitigated by additional landscaping, due to the location of the site and surrounding topography. The proposal is therefore considered to be contrary to Paragraph 115 of the NPPF which affords National Parks the highest status of protection in relation to scenic beauty, Saved Policies ST3, CT1, CT2 and H5 of the Lewes District Local Plan (2003) and Core Policies 8 & 10 of the Emerging Lewes District Local Plan Core Strategy.
- 2) The proposal does not provide for adequate turning facilities within the site and reversing vehicles to or from the site onto the public highway would cause hazards to be introduced by the interference with the free flow of safety and traffic on the B2116 (Keymer Road). The Proposals would therefore be contrary to Saved Policies T13 & T14 of the Lewes District Local Plan (2003), Core Policy 13 of the emerging Lewes District Local Plan Joint Core Strategy and the National Planning Policy Framework.

- SDNP/16/05154/FUL Change of use of land to provide one rugby pitch for Ditchling Rugby Club, with associated use of Cricket Club Car Park and Clubhouse. Temporary 4 year permission granted 16.02.2017. The development was recommended for approval on a temporary basis *"to allow for the use of the car park and its wintertime condition to be reviewed. A maximum of four years would allow for the land levelling works and establishment of a pitch followed by two playing seasons."*
- SDNP/17/04484/DCOND Discharge of Conditions 4, 5, 10, 11, 13 and 14 on planning consent SDNP/16/05154/FUL. Approved 20.10.2017

- 2.2 Applications relating to the land to the cricket club land to the west of the proposed rugby pitch are also relevant:

- LW/01/0424 Retrospective application for groundworks within copse to form overspill parking spaces. Approved 26.04.2001

- LW/03/1958 Change of use of agricultural field to additional cricket pitch including re-alignment of hedgerow/ditches and new access to serve overflow car park. Refused 17.11.2003
- LW/04/0450 Change of use of agricultural field to additional cricket pitch including re-alignment of hedgerow/ditches and new access to serve overflow car park. Refused 26.04.2004 Appeal withdrawn
- LW/06/0249 Change of use of land from youth area to agricultural and change of use of land from agricultural to youth area cricket pitch. Approved 02.05.2006

3. Proposal

- 3.1 The proposal seeks the permanent change of use of the site as a rugby pitch, and associated use of the cricket club house and car park. The conditions attached to the previous permission required the assessment of the pitch and car park ground conditions, and details of any levelling, seeding, surfacing and drainage works that would be carried out. The approved details included cleaning of field drains and verti-draining (aeration) of the pitch to provide an acceptable playing surface, but no seeding, levelling or engineered drainage works were proposed.
- 3.2 No operational development, including excavations, drainage, groundworks or change in ground levels, is currently proposed. The rugby pitch is used for one adult team playing home games only. There are 11 home games during a typical season which runs from September to April. A two-week extension of the playing season is sought to allow matches to be played from 1 September (rather than 15 September as previously permitted) given the trend for wetter winters and need for cancellation of matches as a result. The proposed rugby playing season does not overlap with the cricket season.
- 3.3 Matches would be played during daylight hours on an unlit pitch. White painted rugby posts would be left out during the playing season, and stored during the remainder of the year. A number of biodiversity enhancements are recommended by the submitted preliminary ecological appraisal including the provision of bat boxes and suitable reptile habitat.

4. Consultations

4.1 **Archaeology:** No objection.

4.2 **Ditchling Parish Council:** Objection. Comments:

- Would be contrary to policy SD4 criteria 1) and 3) and CONS7 of the Ditchling, Streat & Westmeston Neighbourhood Plan;
- Does not maintain the strategic gap between Ditchling and Keymer villages;
- At the 9 February 2017 committee meeting mention was made of a sink hole at the Ditchling Recreation Ground indicating that the previous rugby pitch was unsafe; and that the pitch was prone to flooding;
- This sink hole was a collapsed drain that had been repaired four years previously, and matches had continued to be played at the Recreation Ground for two following seasons.

4.3 **Ecology:** No objection, subject to condition.

4.4 **Environmental Health:** No objection. Comments:

- No statutory nuisance associated with temporary use of the land and no complaints made to Lewes District Council.

4.5 **Flood Authority:** No objection. Comments:

- No changes are proposed to the site arrangement, drainage or levels.

4.6 **Highways:** No objection, subject to conditions.

4.7 **Landscape:** Objection. Comments:

- The 'gap' is a vital rural setting to both Hassocks and Ditchling and a key Gateway into the National Park;
- This area is under significant pressure for change and soon cumulative changes will result in a permanent change of character which cannot be mitigated for;

- The site does not have the capacity for a permanent non-rural change of use given the likely infrastructure (car parking, pitches, lighting, access ways) required for the rugby club to be viable [*Officer Comment: any future application for infrastructure would be considered on its own merits*];
- Engineered drainage works could alter the site's character and that of the nearby semi-improved grassland [*Officer Comment: no drainage works are proposed*];
- Concerns in regard to permanent impacts to the landscape setting of the Conservation Area;
- Should permission be granted the following should be secured:
 - Meaningful habitat management and grazing regime through a Landscape and Ecological Management Plan;
 - Reinstatement of the lost field boundary to improve green infrastructure;
 - Gapping up of one of the gateways onto B2112 if both are not needed;
 - Sustainable drainage solutions; for example, wetland habitat creation;
 - Sensitive removal of Himalayan balsam (avoiding chemicals close to ditches).

4.8 **Sport England: Support.** Comments:

- Supports removal of any conditions that would improve the sustainability of Ditchling RFC and the benefits that would accrue from permanent permission including securing investment and ensuring long term sustainability;
- The draft Playing Pitch Strategy (PPS) for Lewes District identifies a significant deficit of rugby pitches up to 2030. The pitch should therefore be retained permanently.

4.9 **Tree officer:** No objection.

5. **Representations**

5.1 Six letters of objection were received in regard to the proposal, raising the following concerns:

Principle

- Contrary to the Ditchling Neighbourhood Plan;
- Outside settlement boundary and should only be used for non-agricultural and non-rural purposes where absolute need can be proved and there is no alternative;
- Rugby is not an agricultural or rural pursuit;
- No offsetting community-wide gain and no significant economic or employment benefits
- Further development of the site would be necessary to ensure the club's financial sustainability;
- The pitch at the Ditchling Recreation Ground where the club played previously is still available and suitable;
- The Recreation Ground already has parking facilities, toilets, storage and clubhouse and there has been considerable community investment in draining the ground;
- In supporting the application, Sports England are risking the future of the Recreation Ground which serves many local sports and needs clubs to support it;
- Will require more facilities on site and further applications will follow if permission is granted;

Heritage and Landscape Impacts

- Close to Ditchling Conservation Area, a Grade 2* building and within 300 yards of the village's only two Grade I buildings;
- Will destroy archaeological evidence and interest in a site with known Mesolithic sites;
- Future drainage works would urbanise the visual appearance of the area from the Downs and for walkers;

Drainage and Ecology

- The site is wet and unsuitable for a winter sports pitch; drainage works will cause flooding problems elsewhere;
- Will require extensive drainage works including removal of topsoil, extensive drainage and laying of sports turf which will impact the water table and block subterranean chalk streams;
- Site and Keymer Road, the Beacon Road, Clayton Road and South Street are all prone to groundwater/surface water off the Downs, with water incursion into houses at the northern end of Beacon Road;
- Impacts on the The Drove Way area; wet meadowland flora and established oak trees, insect life, and habitat.

5.2 A letter of objection was also received from Hassocks Parish Council raising the following:

- Hassocks Parish Council supports the comments made by Ditchling Parish Council;
- The application should be rejected as it is contrary to Policy CONS 7 of the Ditchling, Streat & Westmeston Neighbourhood Plan and Policy SD4 of the South Downs Local Plan.

5.3 Five neutral representations were received, including from the Ditchling Society, raising the following:

- Following grant of temporary permission, the Rugby Club has adhered to and carried out the conditions imposed;
- The Club has been co-operative with and considerate towards immediate neighbours;
- The field now has a decent playing surface; although prone to water logging which limits games;
- Concerns that future drainage works could affect existing water courses and drainage and have archaeological and landscape impacts;
- The impact has been manageable and the club is beginning to provide some community benefit including mini-rugby training for local children;
- Concerns about future expansion of facilities such as lighting, alternative car parking, access and built storage would not be acceptable;
- The access, car parking and pavilion facilities should continue to be shared with the Cricket Club; and all maintenance vehicles accessing the site via Keymer Road. Only pedestrians should access the pitch using the public footpath in the Drove;
- Flora and fauna, and ecological protection should be ensured;
- Cost and impacts to works at the Recreation Ground would be lower;
- The ground size and condition of the old pitch at the Recreation Ground does not comply with standards, and unsuitable for playing rugby.

5.4 One letter in support of the application was received, raising the following:

- Provides recreational involvement for a wide range of age groups in the village community;
- Development and coaching of young players is educational and provides useful skills and possible involvement in a sport on a lifetime basis.
- Activities and pastimes promoting physical fitness and mental wellbeing for the youth of the community should be promoted;
- The fields are well maintained and presented.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is the South Downs Local Plan (2014-33) and the Ditchling, Streat & Westmeston Neighbourhood Development Plan (Ditchling Cluster NDP) (2018). The relevant policies are set out in section 7 below.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued in July 2018 and further amended in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

6.4 The following sections of the NPPF are of particular relevance to the application:

- Section 2: Achieving sustainable development
- Section 8: Promoting healthy and safe communities;
- Section 12: Achieving well designed places;
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment.

6.5 The development plan policies listed in Section 7 have been assessed for their compliance with the NPPF and are considered to be compliant with it.

Major Development

6.6 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 172 of the NPPF, and the accompanying footnote 55 advising that 'major development' in designated landscapes is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

The South Downs National Park Partnership Management Plan

6.7 The South Downs National Park Partnership Management Plan 2020-25 is a material consideration in the determination of the application. The following policies are of particular relevance:

- 1: conserve and enhance natural beauty and special qualities of the landscape;
- 3: Protect and enhance tranquillity and dark night skies;
- 9: Protect the significance of the historic environment;
- 29: Enhance the health and wellbeing of residents;
- 49: Maintain and improve access to a range of essential community services and facilities.

Statutory Requirements

6.8 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect Listed Buildings, Conservation Areas or their setting. Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 relates to conservation areas specifically, and states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7. Planning Policy

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

7.1 The following policies of the South Downs Local Plan are of particular relevance::

- SD1 – Sustainable Development
- SD2 – Ecosystems Services
- SD4 – Landscape Character
- SD5 – Design
- SD6 – Safeguarding Views
- SD7 – Relative Tranquillity
- SD8 – Dark Night Skies
- SD9 – Biodiversity and Geodiversity
- SD11 – Trees, Woodland and Hedgerows
- SD12 – Historic Environment
- SD16 – Archaeology
- SD17 – Protection of the Water Environment
- SD19 – Transport and Accessibility
- SD21 – Public Realm, Highway Design and Public Art
- SD22 – Parking Provision
- SD25 – Development Strategy
- SD43 – New and Existing Community Facilities
- SD45 – Green Infrastructure
- SD46 – Provision and Protection of Open Space, Sport and Recreational Facilities and Burial Grounds/Cemeteries
- SD48 – Climate Change and Sustainable Use of Resources
- SD49 – Flood Risk Management
- SD50 – Sustainable Drainage Systems.

The Ditchling, Streat & Westmeston Neighbourhood Plan (Ditchling Cluster NDP) (2018)

7.2 The following policies of the Ditchling Cluster NDP are of particular relevance:

- DSI Development Strategy
- CONS 2 Set standards for design of new development
- CONS 3 Protect heritage assets
- CONS 4 Protect character of conservation areas
- CONS 6 Conserve landscape and important views
- CONS 7: Protect important gaps between settlements
- CONS 8: Preserve dark night skies
- CONS 9: Protect and enhance habitats and biodiversity
- CONS 11: Protect community open spaces
- CONS 12: Safeguard and enhance green infrastructure
- CONS 15: Enhance ecological networks
- COM 1: Increase and protect our community assets
- COM 2: Improve Ditchling Recreation Ground

7.3 The Hassocks Neighbourhood Plan has undergone examination and is awaiting referendum. Whilst the designated neighbourhood area does not include the application site, it does include part of the strategic gap between Keymer and Ditchling. Policy I Local Gap therefore has some relevance.

8. Planning Assessment

8.1 The committee report associated with the previous application SDNP/16/05154/FUL (see **Appendix 2**) acknowledges that the landscape impacts of the proposal are finely balanced. Temporary permission was recommended and granted so that landscape impacts, including the use of the car park and its condition during wintertime use, could be monitored and reviewed.

8.2 As with the previous application, the main considerations relevant to the application are:

- The principle of development;
- Impacts on landscape and the setting of the adjacent Conservation Area;
- Highways and parking;
- Drainage and the water environment;
- Ecology; and
- Amenity.

Principle of development

8.3 The site is located outside of the Ditchling settlement boundary, which was adopted through the Ditchling Westmeston and Streat Neighbourhood Development Plan (Ditchling Cluster NDP) (2018), and carried through to the South Downs Local Plan (2019). Policies SD25 and DSI exceptionally support development outside of settlement boundaries if there is an essential need for a countryside location, and it responds to the context of the relevant broad area. Supporting paragraph 7.10 of SD25 states that the exceptional circumstances whereby development outside settlements may be acceptable include land uses relating to countryside recreation and community uses. Policies SD43 and SD46 support the provision of community facilities such as sport pitches where it can be demonstrated that there is a local need; that the scale of the proposal is proportionate to the local area, and would not result in the loss of open space.

8.4 Policy CONS 7 seeks to preserve the strategic gap between the settlements of Ditchling and Hassocks. Part of the site (the Cricket Club car park and pavilion) falls within a protected area of Community Open Space under policy CONS 11 of the Ditchling Cluster NDP (2018) known as the Keymer Road Recreation Ground. Policy CONS 11 states that proposals will be expected to 'enhance the existing use and community value of [the site], while safeguarding and where possible enhancing their landscape and biodiversity value.' The rugby pitch itself is in an area identified under policy CONS 12 as 'natural/semi-natural accessible space,' and part of the green infrastructure network which should be safeguarded from adverse effects of new development. Policies COM 1 and COM 2 seek to protect and improve the existing Ditchling Recreation Ground which is located to the east of the settlement.

8.5 Concerns have been raised that the proposal would erode the physical gap between Ditchling and Hassocks; that there is no need for the rugby pitch to be located here given the existing pitch at Ditchling Recreation Ground; and that in granting permanent permission future development on the site is inevitable. Concerns are also raised by the Parish Council in regard to the nature and timing of alleged sink holes being one of the reasons for moving the Ditchling Rugby Club (the Club) away from the Ditchling Recreation Ground.

8.6 Erosion of the strategic settlement gap is considered in more detail under landscape impacts, however it is not considered that the use of the land as a sports pitch would result in a loss of open space or green infrastructure. Formerly in agricultural use, the site has been maintained as a grassed field and continues to be used as informal open space when not in use for the playing of rugby. The permanent use of the pitch, and associated use of the existing Cricket Pitch pavilion and car park do not involve new development. Whilst drainage and levelling works may be applied for in future to improve the pitch, such works do not form part of the current application and no information has been put forward to suggest that the permanent use of the site for playing rugby is incumbent on these works taking place or that the club's viability is dependent on them.

8.7 In terms of local need, Sports England refer to the Playing Pitch Strategy (PPS) for Lewes District which includes the area of Ditchling, and identifies a significant deficit of rugby

pitches up to 2030. However, this document is in draft form and can only be afforded limited weight. There is a playing field at the Ditchling Recreation Ground, which is protected under policies COM 1 and COM 2, and was used by the Club up until 2016. It is acknowledged that continued use of the Ditchling Recreation Ground by sports clubs would assist its ongoing viability; however, the playing field slopes downwards almost by almost a full 5m contour line east to west, and is only 55m wide rather than the full playing width of 70m. These constraints limit the Club's ability to attract new players, and was the primary reason for re-locating to the new site. Both the Ditchling Recreation Ground and the application site pitches have drainage issues. The grant of permanent permission would allow the Club to apply for funding to carry out appropriate drainage and levelling works to allow matches to be played in wet weather. However, such works would be the subject of a future planning permission and do not form part of the current application.

- 8.8 In summary, the scheme would provide a permanent community sports facility and would retain an area of open space when not in use for the playing of rugby. The use of the Cricket Club would be extended through the winter season, which would enhance the existing community use of the site. The proposal would meet a local need for a full sized rugby pitch, and is proportionate in scale to the local area. The proposal is therefore considered to be acceptable in principle, subject to considerations of landscape impacts and other issues. Seasonal restriction of the use of the site may be secured via a suitably worded condition.

Landscape and Heritage Impacts

- 8.9 The first statutory purpose of the National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and development within it must accord with this purpose. Accordingly, policies SD4, SD5 and SD25 require development proposals outside settlement boundaries to respond to the context of the relevant broad area, and integrate with, respect and sympathetically complement the landscape character and appearance of the area.
- 8.10 Policies CONS 6 and CONS 7 seek to preserve the landscape setting of Ditchling, and conserve and enhance the open landscape character of the strategic gap. Erosion of the gap would impact on its open, rural character and the setting, historic character and identity of the village. Policy SD4 also seeks to protect the integrity of predominantly open and undeveloped land between settlements and 'real or perceived, visual separation' (supporting paragraph 5.17).
- 8.11 The land at the edge of settlements often forms part of their historic setting, in this case the site forms part of the rural setting of the Ditchling Conservation Area and a number of listed buildings including the war memorial. Policies SD12 and SD15 seek to safeguard heritage assets and their setting, and proposals within the setting of a conservation area are required to have regard to the overall settlement layout; the relationship to the established landscape setting; and existing views into and out of the conservation area.
- 8.12 Concerns have been raised by Ditchling and Hassocks Parish Councils that the proposal would be contrary to the policies protecting the strategic gap between both settlements, and would negatively impact on the setting of Ditchling Village and the Conservation Area.
- 8.13 The strategic gap is acknowledged to have an important role as part of the village's historic rural setting and in terms of preventing the conurbation of Hassocks and Ditchling. The South Downs Integrated Landscape Character Assessment (SDILCA) (2011) for the area (Scarp Footslopes) identifies that 'recent suburban development and urban fringe land uses on the edges of Ditchling...have encroached into its rural setting.' Development considerations include the avoidance of 'urban fringe land uses, such as garden centres, nurseries and sewage farms, [that]... erode the rural character of the landscape' and 'use of excessive lighting, signage and 'suburban' features on the edge of Ditchling [should be minimised.]' Proposals involving harmful land uses that would intensify development by introducing new built form or would have a harmful urbanising effect on this part of the National Park should be resisted.
- 8.14 During the course of the previous application, concerns were raised in regard to potential impacts from use of the car park during winter months, and Members granted temporary permission subject to an additional landscaping condition to secure the ongoing management

of the pitch and car park areas, and reinforcement of the car park surface. The subsequent discharge of conditions application approved details of a suitably porous geocell membrane infilled with coarse gravel, which has since been implemented.

- 8.15 It is acknowledged that the appearance of the rugby pitch is discernibly different to that of an agricultural field, and has a somewhat more urban appearance when operational. The grass is periodically cut and rolled, and if seeded would appear greener than a typically grazed field. The white rugby posts would also be visible throughout the playing season. Whilst there are no formal pathways between the car park, club house and rugby pitch, the grass could become eroded with use; however, this would not appear dissimilar to a rural path established over time through informal use. The seasonal use of the site during winter months would also introduce an additional level of human activity in a rural location. However, all of these elements would be seen in the context of the existing cricket club pitch, club house and car park. The development would not introduce new urban fringe development in the way that 'garden centres, nurseries and sewage farms' would, and because the site would retain its green and open appearance, the extent of visual landscape impacts would be limited. The existing cricket club and proposed rugby club are also land uses commonly associated with countryside open space found close to villages and towns.
- 8.16 The site is visible from Ditchling Beacon, however it appears within a patchwork of different field colours and field boundaries. The posts would be more visible from closer views including from Keymer Road and Clayton Road, and from the public footpath, which follows the western boundary of the Ditchling Conservation Area. There are a number of listed buildings within the Conservation Area on West Street, including the war memorial, and the proposal has the potential to impact on the setting of these heritage assets. However, views into the site from the Conservation Area itself are largely screened by intervening trees and hedgerows, and it is not considered that either the rugby posts or playing field would have a significant visual impact on the setting of heritage assets or the Conservation Area, or publically accessible areas.
- 8.17 Concerns are raised that the necessary drainage and levelling works associated with permanent use of the site would cause landscape harm. Although no levelling or drainage works are proposed; however, the amount of levelling that would likely be required was considered during the previous application. This would be minimal, varying between +0.5m and -0.3m, and could be blended with the gradients of the wider field so as to not form a sharply discernible contrast. It is acknowledged that more engineered forms of drainage could result in unacceptable landscape impacts; however more sustainable drainage solutions such as the creation of wetland habitat could be acceptable in landscape terms.
- 8.18 In summary, although there would be some visual impacts as a result of permanent use of the site for the playing of rugby, the proposal is considered on balance to be acceptable in landscape terms, and would conserve the open landscape character of the strategic gap. Enhancement of the site could be secured via a Landscape and Ecological Management Plan (LEMP) to achieve a number of landscape and biodiversity benefits including reinforced hedgerow and other habitat; reinstatement of the lost field boundary to the south of the playing field; a grazing regime; removal of invasive species and sustainable drainage solutions. Given the site already benefits from temporary permission, it is considered appropriate to secure the provision of a LEMP within a period of six months of the date of any grant of permission by means of a suitably worded condition.

Highways and Parking

- 8.19 The Highway Authority has no objection to the proposal, subject to conditions limiting use of the land for the purposes of playing rugby from September to April to ensure no conflict with the cricket club operation and use of the car park.
- 8.20 A parking management plan was secured under the previous permission for the duration of the temporary planning permission. It is considered appropriate to secure an amended parking management plan to reflect permanent permission, should this be granted.

Drainage and the Water Environment

- 8.21 Policy SD50 supports sustainable drainage solutions to avoid increase of surface water run-off, taking account of climate change.

- 8.22 Concerns have been raised in regard to the poor drainage of the rugby pitch, and the need for permanent/engineered drainage solutions which could cause flooding elsewhere. The Parish Council has also raised a concern in regard to the nature and timing of alleged sink holes being one of the original reasons for moving the Ditchling Rugby Club (the Club) away from the Ditchling Recreation Ground.
- 8.23 The northern part of the rugby pitch is at risk of surface and ground water flooding, and the pitch is currently unable to support matches during wet weather. The submission of drainage details was required as a condition of the previous temporary permission, and to date only verti-draining has been carried out to aerate the soil as an interim measure.
- 8.24 In the case that permanent permission is granted, it is understood that the applicant would likely seek funding for a long-term sustainable drainage scheme. The nature and extent of these works would be the subject of a future planning application, and would need to comply with relevant development plan policies. The applicant is encouraged to investigate sustainable drainage solutions that could provide landscape and ecological enhancements, such as the creation of wetland habitat.
- 8.25 The sink hole referred to by the Parish Council relates to the Ditchling Recreation Ground pitch, which has not been used by the Rugby Club in some years. Both the Ditchling Recreation Ground and the current application site pitches have drainage issues; however drainage issues at the Ditchling Recreation Ground are not relevant to the continued use of the existing site on a permanent basis.

Ecology and Trees

- 8.26 Policies SD2, SD9 and SD11 supports proposals that conserve and enhance biodiversity, trees, hedgerows; retain, protect and enhance features of biodiversity and supporting habitat; and ensure appropriate and long-term management of those features. The mature trees along the southern boundary of the pitch are protected under CONS 12 as 'notable trees.'
- 8.27 The County Ecologist has advised that given the nature, scale and location of the proposal there are unlikely to be any adverse effects on any sites designated for their nature conservation interest. The habitats of greatest ecological importance are the boundary hedges, ephemeral ditches and scattered trees, which should be retained and protected.
- 8.28 The mitigation measures proposed include two bat boxes on trees, three log/rubble piles, an area of rough grassland, and wildlife corridors to the north and south. However, for these enhancements to provide a net gain in biodiversity, the boundary habitats would need to be enhanced through supplementary planting and their long-term management secured via a Landscape and Ecological Management Plan (LEMP).
- 8.29 When determining the previous application Members requested that officers investigate further whether a tree preservation order would be appropriate to ensure the protection of the mature oaks on the site. The Tree Officer has advised that whilst the trees merit protection they were not directly threatened by development at that time, which is also currently the case. The trees also now have a level of protection under CONS 12.
- 8.30 In summary, it is considered that the proposal is acceptable in terms of both ecology and trees, subject to suitably worded conditions securing the long-term ecological management of the site via a LEMP.

Amenity

- 8.31 The nearest neighbours at 1 & 2 Drove Cottages immediately to the east are approximately 30-50 metres away. The permanent use of the site as a rugby pitch would result in periods of concentrated activity and the playing of rugby and sound of spectators would be audible. The Drove is a public footpath, and some spectators and players may choose to access the site via this route.
- 8.32 However, these impacts would be for short periods when games are being played, and are not considered to be significant. The Environmental Health Officer has confirmed that no complaints of noise or disturbance have been made in the interim period, and has no objection.

9. Conclusion

- 9.1 Given the above it is considered that the proposal is in accordance with the Development Plan and there are no overriding material considerations to indicate that permission should not be granted. It is therefore recommended that planning permission be approved.

10. Reason for Recommendation and Conditions

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

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ 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 this Application”.

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

3. The pitch hereby approved shall only be used as a rugby pitch and for no other purpose (including any other purpose in Class D2 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).

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

4. The pitch shall only be used during the season between 1 September and 1 April and at no other times. At no time shall it be used for matches or training at the same time as cricket matches are being played at the adjoining cricket club.

Reason: To ensure that shared parking arrangements with the cricket club are not over-used and to control the intensity of use and activity in the area in the interests of landscape character and amenity.

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

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

6. Goal posts shall be removed from the site for the period 1 April to 1 September.

Reason: To minimise the visual impact of the development in this important pastoral landscape

7. Within three months of the date of this permission, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority to include, among other matters; details of parking management of traffic by marshals for the duration of rugby match days; measures to manage the internal circulation and flow of traffic within the car park and measures to minimise deterioration in the natural surface of the car parking area.

Reason: To ensure both the efficient use of the car park and safeguard the condition and appearance of the field in which parking is to take place, which is within a sensitive rural landscape.

8. No external lighting shall be installed anywhere within the site.

Reason: To enable the Local Planning Authority to control the development in the interests of amenity and protect the South Downs International Dark Night Skies Reserve.

9. Within six months of the date of this permission, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall incorporate the measures detailed within the submitted Preliminary Ecological Appraisal (SJM Environmental, April 2020) and include:

- i) A description, plan and evaluation of landscape and ecological features to be managed;
- ii) Ecological trends and constraints on site that might influence management;
- iii) Long-term aims and objectives of management; to include but not be limited to:
 - Habitat management (including the car park area) and grazing regime;
 - Gapping up of one of the gateways onto B2112 (if both are not needed);
 - Sustainable drainage solutions; for example, wetland habitat creation;
 - Sensitive removal of Himalayan balsam (avoiding chemicals close to ditches).
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions, together with a plan of management compartments;
- vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii) Details of the persons, body or organisation responsible for implementation of the plan;
- viii) A scheme of ongoing monitoring over a five-year period, to ensure management is generating the desired outcomes and remedial measures (within the five year monitoring period) incorporated where appropriate, including a mechanism to discharge the monitoring by the Local Planning Authority;
- ix) Details of any 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 shall 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 sites in accordance with the National Planning Policy Framework and to meet the purposes of the South Downs National Park.

10. Within three months of the date of this permission, details of covered and secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Informative

- I. The site is sensitive and any further infrastructure may be unlikely to be supported in this location.

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

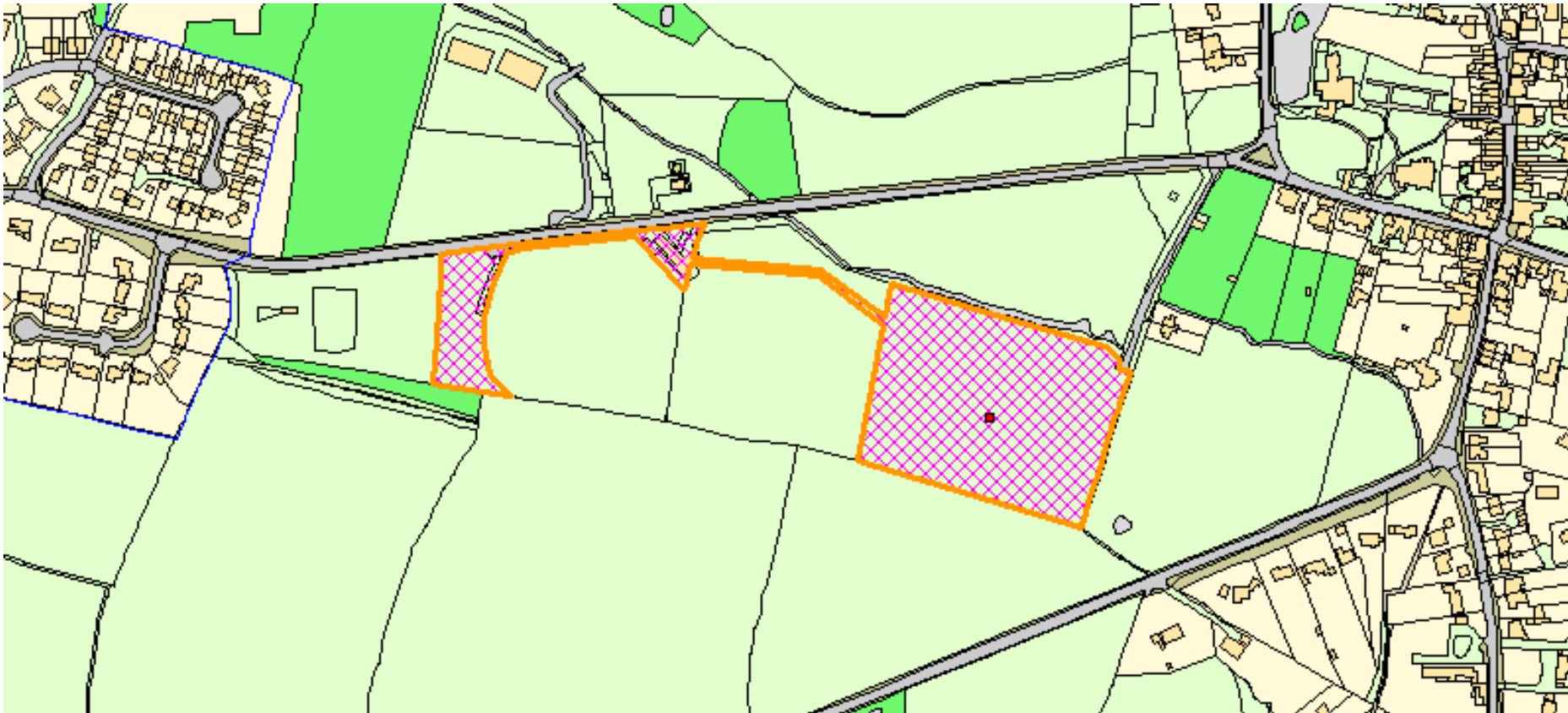
- 14.1 In reaching this decision the South Downs National Park Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of pre-application advice and seeking amendments during the determination of the application to ensure that the development brought forward conserves the natural beauty, wildlife and cultural heritage of the National Park.

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer:	Stella New
Tel:	01730 819216
email:	stella.new@southdowns.gov.uk
Appendices	<ol style="list-style-type: none">1. Site Location Map2. Committee Report for SDNP/16/05154/FUL3. Minutes of 9 February 2017 Planning Committee Meeting
SDNPA Consultees	Legal Services, Development Manager
Background Documents	All planning application plans, supporting documents, consultation and third party responses National Planning Policy Framework (2019) Ditchling Cluster Neighbourhood Development Plan (2017-32) South Downs Local Plan (2014-33) South Downs National Park Partnership Management Plan (2020-25) South Downs Integrated Landscape Character Assessment (2011)



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