

**Agenda Item 6**  
**Report PC23/24-40**

Report to	<b>Planning Committee</b>
Date	<b>11 July 2024</b>
By	<b>Director of Planning</b>
Application Number	<b>SDNP/23/05134/FUL</b>
Applicant	<b>Mr Malcom Pedder</b>
Application	<b>Engineering works, to consist of re-profiling of site and realignment of pitch, new drainage system, creation of new access from Clayton Road leading to new parking area, erection of groundsman's store/facilities, associated landscaping, and extension to the existing allowed playing season.</b>
Address	<b>Ditchling Rugby Club, Keymer Road, Ditchling, East Sussex</b>

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**Recommendation:**

- 1) That planning permission be refused for the reasons set out in paragraph 9 of this report**
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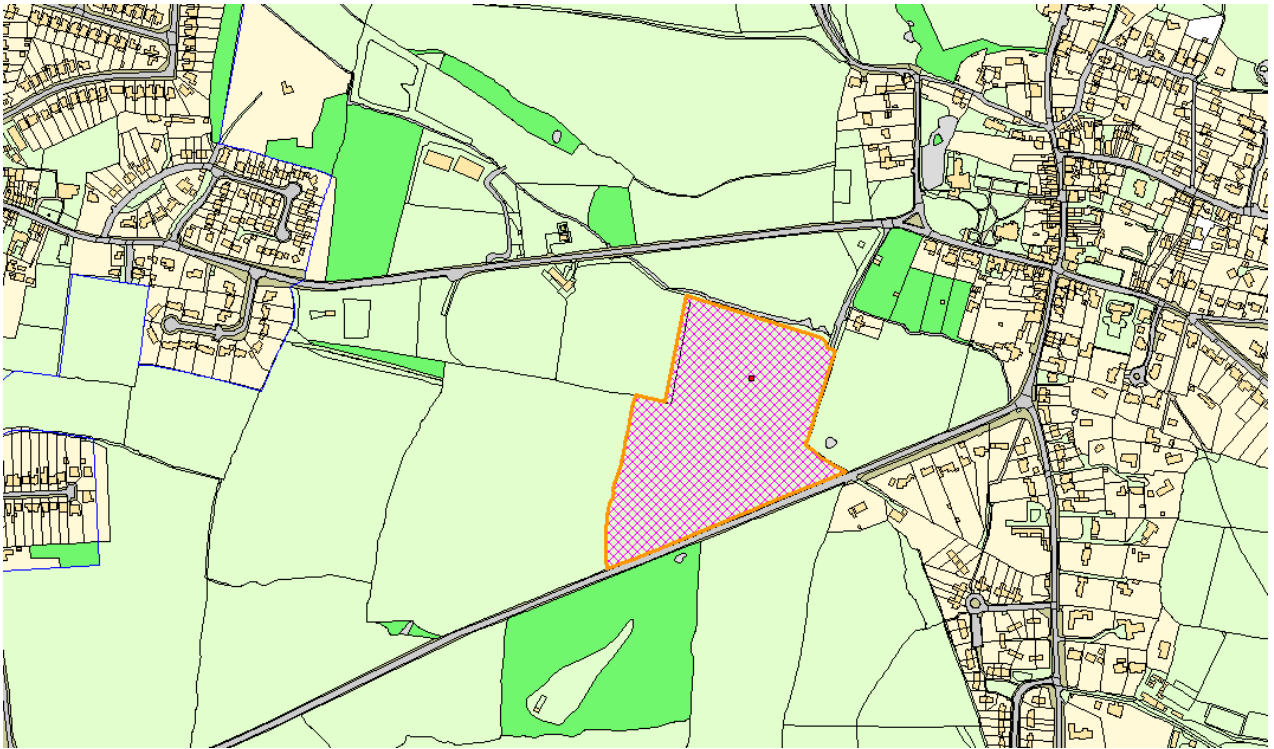


Figure 1: Site Location Map

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## Executive Summary

- The proposal seeks to reprofile the site, install drainage to the playing pitch, provide a new access off Clayton Road, provide a car park and Groundsman's store, incorporate landscaping and ecological enhancements and extend the current playing season.
- The proposed car park and track would represent a significant change right across the site which is considered likely to fundamentally alter the site's character contrary to Policy SD4. The proposal would result in an erosion of the open character of the site and designated strategic gap between Ditchling and Keymer. As a result, the application fails to conserve and enhance the National Park.
- The proposal would introduce hazards at this point of the B2112 [Clayton Road] by the slowing, stopping, turning and reversing of traffic. Insufficient information has been provided to demonstrate that the proposal would have a safe and acceptable impact on the local highway network.
- Insufficient information has been provided with regard to the proposal's impact on biodiversity and geodiversity, as well as insufficient justification for the removal of and impact on protected trees. In addition, the proposal fails to demonstrate that it would not cause harm to archaeological heritage assets and/or their setting. Further, insufficient information has been provided to demonstrate that the proposed development is acceptable in flood risk terms.
- The application is placed before the Planning Committee due to its previous consideration of a number of applications at the site and the significant number of representations received.

### 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 the existing rugby pitch to the northern part of the site. To the south of this is an area of semi-improved grassland bound by hedgerows and scattered trees.
- 1.3. A Public Right of Way (PRoW) 'The Drove' runs from Keymer Road along the eastern boundary of the rugby pitch towards and joining Clayton Road, with the remaining boundaries of the wider field being bordered by deciduous hedgerow and trees. 3 significant, mature oak trees are sited in the middle of the site with an existing ditch running north-south through the site.
- 1.4. The site slopes up from north to south, with an approximate land level change of 7m.
- 1.5. To the west of the site is the St James Cricket Club, its pavilion and car park. These facilities are shared by the rugby club.

### 2. Relevant Planning History

- 2.1. The following planning history is relevant:

SDNP/21/02705/DCOND Discharge of conditions 7 (Parking Management), 9 (Landscape and Ecological Management Plan) and 10 (Cycle Parking) relating to planning approval SDNP/20/01676/FUL for permanent use of the land as a rugby pitch. Approved 27/10/2024.

SDNP/21/03482/FUL Installation of French drain to intercept excess surface water run-off before it reaches the playing surface. Approved 30/09/2021.

SDNP/20/01676/FUL 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. Approved 14/08/2020.

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.

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. Approved 16/02/2017 (TEMPORARY PERMISSION)

SDNP/15/01682/FUL Change of Use of land to provide two rugby pitches and associated car parking for Ditchling Rugby Club. Refused 10/09/2015.

### **3. Proposal**

#### **3.1. The application proposes:**

- Reprofilng of the site;
- Provision of an informal training area;
- Underdrain and relocate the current rugby pitch playing surface;
- Provision of a new access from Clayton Road, leading to a new car park;
- Erection of a groundsman's store and facilities;
- Landscaping and ecological enhancements;
- Extension of playing season.

#### **3.2. Prior to the publication of the agenda, an amended plan has been submitted reducing the proposed number of parking spaces from 133 to 80 car parking spaces and 2 coach parking spaces. Re-consultation with highways has taken place and will be reported to the meeting.**

### **4. Consultations**

#### **4.1. Dark Skies Consultant – No objection**

- The Planning Statement states that no lighting is proposed.
- If pitch lighting is required in the future, it would introduce a significant level of intrusion into the area. While a design can use luminaires to reduce light pollution, the sheer presence of any facility would have significant impacts in the area.

#### **4.2. Ditching Parish Council – Objection:**

- The proposed development would have an adverse impact upon the Ditchling-Keymer Settlement Gap and on the local Downs landscape
- Opportunities for mitigating the effects of climate change have been missed.
- Insufficient justification for the proposed development
- The apparent benefits of DFRC's expansion do not outweigh the negative impact
- Permitted development rights should be removed to prevent future use of the site for activities that may be classified as permitted development.

#### **4.3. Environment Agency – No comments received.**

#### **4.4. ESCC Archaeologist – Objection:**

- The applicant has failed to meet the requirements of section 200 of the NPPF and it is not possible to clarify the impact of the proposal on heritage assets or archaeological remains.

#### **4.5. ESCC Ecologist – Objection:**

- Insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement.

#### **4.6. ESCC Flood Risk – Objection:**

- The applicant has failed to meet the requirements to assess its acceptability in flood risk terms.

#### **4.7. ESCC Highways – Objection:**

- Insufficient information submitted in relation to access, visibility splays, off-street parking, surface water drainage and on-site turning facilities.
- Proposal would introduce hazards at this point of the B2112 [Clayton Road] by the slowing,

stopping, turning and reversing traffic which would be created.

- 4.8. **Hassocks Parish Council** – Neutral.
- 4.9. **LE Environmental Health** – No comments to make.
- 4.10. **LE Flood Risk Green Consultancy** – No comments received.
- 4.11. **Mid Sussex District Council** – No comments to make.
- 4.12. **Natural England** – No comments received.
- 4.13. **SDNPA Historic Buildings Team** – Neutral:
- Use of flint block is discouraged.
  - Given contemporary nature of the design, there must be a range of alternative materials which would be better.
- 4.14. **SDNPA Landscape Officer** – Objection:
- The proposed scheme represents a significant change right across the site, which is likely to fundamentally alter the site's character contrary to SD4 and acknowledged in the LVA.
  - The proposals largely fail to build upon the positive characteristics of this site in a landscaped approach to design. Instead, changes appear forced onto the site, and they have not been minimised through avoidance first (best practice), e.g. the car park and access.
  - The combination of effects that result from the proposals is to overall tip the balance and change the character of this site, contrary to SD4.
  - Proposals would not conserve and enhance the landscape.
- 4.15. **Southern Water** – Provides advice:
- The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.
  - Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.
  - Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 4.16. **Sport England** – No objection.

## 5. Representations

- 5.1 57 letters of objection, received raising the following concerns:
- Proposals are excessive for the small club with 7 home fixtures.
  - Overdevelopment of the site.
  - Proposed building is larger than many semi-detached dwellings.
  - The parking alone is more than three times the size of the village car park.
  - Adverse landscape impacts.
  - Proposals do not align with the National Park's purposes to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
  - Would not protect the strategic gap between Ditchling and Keymer which local people voted overwhelmingly to retain.

- Conflict with Ditchling Streat and Westmeston Neighbourhood Development Plan.
- Lack of need or justification for the proposals.
- Loss of hedgerow.
- Loss of biodiversity and ecology.
- Unjustified loss of significant oak tree.
- Loss of field used by dog walkers.
- Intrusion of access track.
- Negative visual impact from South Downs ridge.
- Proposed access would be dangerous.
- Proposal would lead to the need for more development.
- The application seeks to change the planning status of site to enable future opportunities.
- Car park would dramatically increase flooding.
- Much smaller applications have been refused.
- Most of the letters of support are from further afield than the village.
- The proposal would be advantageous to the owner of the land not the club.
- It is not an appropriately sized development for a small village in the South Downs National Park.
- The current facilities are perfectly acceptable.
- We should not be encouraging more vehicles to the village.
- Should we not be encouraging members to walk rather than drive.
- Further disturbance, noise and pollution.
- The overlap of cricket and rugby club seasons is stated as a reason why the cricket club pavilion and parking facilities can no longer be shared. However, there is no overlap of fixtures for 2023/2024.
- The village already has a sizeable recreation ground with plans for improvement by the parish council to benefit the whole community.
- The site is too small to allow the kind of design and planting mitigation required to absorb such intrusive and extensive hard structures.
- Ditchling has a new car park for 40 cars which would meet the needs of the rugby club for the few home matches.
- This proposed development is not in the local plan.
- The current proposals do not include a transport plan, unlike previous applications.
- Proposal lacks environmental mitigation, such as solar panels.
- This proposal for a substantial development should be considered in the light of the Ditchling Conservation Area Character Appraisal 2007.
- Construction of a totally inappropriate metal "estate fencing" and new gates with brick pillars, means the introduction of an alien design and materials to what is currently an idyllic rural scene as you approach the village.

5.2 80 letters of support, received making the following points:

- Opportunity to improve facilities for the club, players, visitors and spectators.
- The cricket club car park isn't big enough.

- Providing a car park would reduce pressure on village's new car park.
- Car park would ensure safety for users.
- The proposed building would provide storage for expensive equipment.
- The rugby club has invested a lot of money in this application.
- Other nearby clubs have had to close owing to lack of investment.
- Benefits and opportunities for younger generations.
- Health and wellbeing benefits.
- Community, local business and village benefits.
- Rugby club is a great part of Ditchling.
- Accessibility, diversity and inclusivity improvements.
- Proposals are a reasonable adaption of the current site, sensitive to its surroundings.
- Better drainage would allow for the whole field to be kept in better condition.
- Extending the season would allow for more rugby to be played.
- Proposed development is in keeping with Sussex.
- Project would secure the long-term preservation of the strategic gap between Hassocks and Ditchling.
- Proposal would lower the impact of traffic coming through central village roads.
- Too much green space is being lost to housing, not sport.
- Rugby club wants to see the benefits that the cricket club has benefitted from.
- It would be grossly unfair to deny the club the chance to develop.
- Current access and parking arrangements are inadequate.
- The proposals are sensitive to the landscape.
- Sport England are supportive of improving sporting provision for rural areas.
- Sports England have a 'firm commitment to protecting and enhancing playing fields across England'.
- There is a strong link between the club and village's cultural heritage.
- This is private land with a footpath running along the boundary. It is not access land and locals ability to use this land for walking/enjoyment off the footpath is at the land owners discretion.
- The proposal also largely ties in with the DPC's own plan's proposed in q1 2024 to improve recreational facilities within the parish.
- Proposal would provide secure storage, when rural crime is significant.
- The playing areas can still be accessed by walkers and their dogs
- That whole area could be used to hold open air functions to encourage people to visit the village and use the local facilities whilst here.
- Once designated an area for sport cannot be used for housing

### 5.3 Letter of objection from the Ditchling Society (summarised)

- Concern that the ownership declaration has not been made correctly.
- Scale of proposal in the settlement gap is excessive.

- Previous developments on this site were predicated on agreement between Ditchling rugby football club and the neighbouring cricket club to share existing facilities.
- It is now claimed that this is not possible, although the two reasons given lack detail.

5.4 Letter of objection from Westmeston Parish Council (summarised):

- The development is contrary to policy CONS 7, "Protect important gaps between settlements" of the Ditchling, Streat and Westmeston Neighbourhood Development Plan.
- The scale of the development is excessive.
- Previous developments on this site were predicated on agreement between the rugby football club and the cricket club to share existing facilities. It is now claimed that this is not possible, although the reasons given lack detail.

5.5 Letter of support from the Rugby Club Chairman (summarised):

- Rugby, or any team participation sport, provides a much-needed contribution to any community.
- The proposal sets to enhance the amenity on offer to future rugby players, supporters and the wider village community.
- Without this essential storage, toilet and first aid facility the Club's survival falls into question as we are unable to compete with other clubs in the area if we cannot offer basic facilities.
- The benefits of this proposal to the Club and wider local community outweigh any reference to its invisible proximity outside the Conservation Area and distant view from the Downs approx. 2km away. The view from the Downs is relatively insignificant compared to the 30,000-seater football stadium also visible from the Downs.
- The subtle attractive design including the 'Green' roof and flint walls is a more favourable proposition than perhaps other non-permanent alternatives.

## 6. Planning Policy

6.1. Particularly Relevant Sections of the National Planning Policy Framework:

- NPPF11 – Making effective use of land
- NPPF12 - Achieving well-designed and beautiful places
- NPPF15 - Conserving and enhancing the natural environment

6.2. Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1)

- SD2 Ecosystem Services
- SD4: Landscape Character
- SD5: Design
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD25: Development Strategy
- SD46: Provision and Protection of Open Space, Sport and Recreational Facilities and Burial Grounds/Cemeteries

6.3. Most relevant Policies of Ditchling, Westmeston & Streat Neighbourhood Plan (2017 – 2032)

- CONS6: Conserve landscape and important views
- CONS7: Protect important gaps between settlements



- CONS8: Preserve dark night skies
- CONS9: Protect and enhance habitats and biodiversity

6.4. Relevant Policies of South Downs Management Plan (2020-2025)

- Policy 1
- Policy 3
- Policy 29
- Policy 37
- Policy 39
- Policy 40
- Policy 48
- Policy 49

6.5. Other Relevant Policy Documents (including SPDs and TANs)

- SDNPA Design Guide SPD (Jul 2022)
- SDNPA Parking SPD (Apr 2021)
- SDNPA Sustainable Construction SPD (Aug 2020)
- SDNPA Biodiversity TAN (Jan 2022)
- SDNPA Dark Skies TAN (May 2021)
- SDNPA Ecosystem Services TAN

**7. Planning Assessment**

Background

- 7.1. In 2015, planning permission was refused for the change of use of agricultural land to provide two rugby pitches and associated car parking (SDNP/15/01682/FUL). This permission was refused on the basis that the introduction of a formal recreation area, together with associated parking would erode the important landscape character of the area. In addition, it was considered that the parking provision proposed was inadequate and would result in hazards to the free flow of traffic on the B2166.
- 7.2. Temporary planning permission was granted in 2017 for the change of use of land to provide one rugby pitch with associated use of Cricket Club Car Park and Clubhouse (SDNP/16/05154/FUL). Permission was granted in 2020 to retain the use of the land on a permanent basis for one rugby pitch with associated use of the Cricket Club Car Park and Clubhouse (SDNP/20/01676/FUL). This permission was subject to conditions relating to the use being restricted for rugby only (Condition 3), seasonal usage (Condition 4) and the removal of goal posts off-season (Condition 6) to control the use and appearance of the application site.
- 7.3. In granting permission for one pitch, it was considered that there would be some visual impacts as a result of the permanent use of the site for the playing of rugby but that the proposal would conserve the open landscape character of the strategic gap between Ditchling and Keymer. Importantly, no new buildings, built form or formal pathways were proposed, with the existing facilities at the Cricket Club being shared owing to the differing seasons of play. The permission also secured the long-term ecological management of the site, requiring the submission of a LEMP (Condition 9) as well as a parking management plan (Condition 7). Importantly, this permission related solely to the north portion of the site. The current application would impact the whole site, with the introduction of a new training area, a car park and access proposed in the southern section of the site which is currently undeveloped.

Principle of development

- 7.4. The principle of provision for sport, recreation and play space is generally supported. The NPPF

is clear in its support for promoting healthy and safe communities and the Rugby Club's aspirations to expand their facilities are noted. It is noted that the Rugby Club have coexisted alongside the Cricket Club for some time, sharing car parking and facilities.

- 7.5. 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). Policy SD25 exceptionally supports 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 (New and Existing Community Facilities) and SD46 (Provision and Protection of Open Space, Sport and Recreational Facilities and Burial Grounds/Cemeteries) 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.
- 7.6. Policy CONS 7 seeks to preserve the strategic gap between the settlements of Ditchling and Hassocks. 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.
- 7.7. Whilst Policies generally tend to support sports and recreation facilities and the benefits that these bring, it is important that these are provided in appropriate locations where there would not be an unacceptable impact on the landscape character of the surrounding area. This echoes the purposes of the National Park which seek to conserve and enhance the natural beauty of the area. As part of meeting this purpose there is also a duty to seek to foster the social and economic wellbeing of local communities and the provision of recreation facilities could be seen to be meeting this duty, however the conservation and enhancement of the landscape beauty is of paramount importance and therefore needs to be considered in light of this.

#### Landscape and Design

- 7.8. The assessment for the full permission for one rugby pitch (SDNP/20/01676/FUL) recognised that there would be visual impacts as a result of the permanent use of the site for the playing of rugby. However, the proposal was considered, on balance, to be acceptable in landscape terms, conserving the open landscape character of the strategic gap, noting that it did not require any physical development such as building, car parks or access alterations. A scheme of landscape and ecological enhancement and management, secured via condition, was required 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.
- 7.9. The Landscape and Visual Appraisal (LVA) submitted with the current application recognises that, in landscape impact terms, the proposals require engineering works to level the existing rugby pitch and the new practice area and the introduction of new built elements into what is a predominately agricultural/settlement edge location. The LVA states that this change in use of the southern area and introduction of new structures in the form of the Groundsman Store with welfare facilities and hard surfacing, would be seen as harming the landscape character of the area.
- 7.10. The application site and its context form part of a rural landscape which forms a high quality and coherent setting to the rural springline settlements of Ditchling and Hassocks. It is located within the Adur to Ouse scarp footslopes, a landscape character area comprising a: *'mosaic of farmland and woodland comprising irregular fields of arable and pasture bounded by an intact network of thick hedgerows, with hedgerow oaks, and woodland'*. The application site displays these characterising elements.
- 7.11. The site is visible from the South Downs Way, as you look north towards Ditchling, where the

strategic gap between Ditchling and Keymer can be observed.

- 7.12. The scheme seeks the upgrading of sports facilities, proposing a new access which would cross the whole site. A new building and car park are proposed, as well as extensive landform remodelling, appreciating that some landform changes have already occurred. The rugby pitch currently exerts little in the way of character change on the site because of its informal and low-key set-up. The current use utilises and shares the existing facilities at the cricket club. This retains its rural and somewhat agricultural character, contributing positively to the settlement gap and its wider landscape context. It is this informality that makes this important existing community use acceptable within this sensitive rural 'development gap'.
- 7.13. The proposed car park and track would represent a significant change right across the site which is considered to fundamentally alter the site's character contrary to Policy SD4. This is acknowledged in the LVA. The scheme would also involve the re-working of a significant area of landform to drain the site which would also have negative implications. The loss of the open character, the more formalised and larger recreation area and the intensified use of the site would result in an erosion of open space within the allocated 'strategic gap' between Ditchling and Keymer, in conflict with Policy CONS 7. Whilst the proposed car park has been reduced slightly in size, this does not affect this assessment.
- 7.14. The proposal would also alter the character beyond the site, notably that of the B2112 which is a historic route, characteristically tightly bound on its northern side in particular by tall agricultural hedgerows. It is considered, given the speed of this road, and noting the comments of the Highway Authority, that visibility splays would need to be excessive if the access is to be safe for users, likely resulting in the removal of a long length of the existing hedgerow, generating negative effects for the landscape character and wildlife, as also noted by the ESCC Ecologist. This would result in a heavily engineered access which would be urbanising and out of keeping. It is considered that a new access here would negatively affect the character and amenity value of this historic route, contrary to Policy SD21.
- 7.15. The proposed building would be sited outside of the settlement boundary and as such is contrary to Policy SD25. The building is described in the application submission as being a 'groundsman's store with basic facilities'. It would, however, provide facilities which Officers consider to be beyond the realms of 'basic', providing space not only for a minibus, trailer, tractor, mowers and other equipment but also a kitchen, toilets and a first aid room. With a maximum roof ridge height of 4.7m and maximum width of 18m, it would be a significant structure in an otherwise open landscape. Whilst a contemporary design may be acceptable, the scale, bulk and mass of the building is not appropriate to the open, rural location. The Rugby Club currently shares facilities with the Cricket Club and only anecdotal evidence has been provided to suggest that the current arrangement is no longer acceptable to both clubs. In any case, it is considered that the proposed building is excessive and inappropriate.
- 7.16. The Landscape Officer considers this to be a low key, rural site suitable for a low-key use. The changes proposed are beyond the site's capacity, defined as a change able to occur without altering its character. This intensification of use would fundamentally alter the site's character and function.
- 7.17. The proposal fails to build upon the positive characteristics of this site in a landscape-led approach to design. Instead, the changes appear forced onto the site and they have not been minimised through avoidance first which would be best practice. The combination of effects that result from the proposals is to overall tip the balance and change the character of this site, contrary to SD4. What will likely be a significant visibility splay, then further highlighted by hedgerow planting, a wide access with piers, gates and associated estate rail fencing altogether erodes the site's current positive rural and agricultural character as set out in the LCA (2020).
- 7.18. Noting the landscape harm that is identified by the applicant's LVA, Officers are not reassured by the proposal's claims to provide overall habitat and environmental enhancement as this was the justification for the initial individual rugby pitch. The current proposal seeks to erode the landscape and ecological enhancements that were secured as part of the initial application. Further, the mitigation planting is considered in the LVA to be limited and will take time to establish its design intent in terms of screening.

- 7.19. The proposals would not conserve or enhance the landscape. As such, the proposal would conflict with Policies SD4 and SD5 of the SDNP Local Plan and would not accord with Purpose I.

Access, Highways and Parking

- 7.20. The application proposes a new access into the site from Clayton Road (B2112) which is a 60mph national speed limit road. There are no footways along the road and nominal verges vary from 1m to 1.5m. Hedges are predominant on both sides of the carriageway. The carriageway is fairly straight at the point of access with an uphill gradient running east to west. The submitted location plan indicates a car park with 133 car parking spaces and 2 coach parking spaces.
- 7.21. ESCC Highway Authority identify a number of issues with the submitted information, summarised below:
- A Stage I Road Safety Audit for the proposed access arrangement has been submitted but it has not adequately demonstrated the visibility from the vehicular access.
  - The Road Safety Audit and Speed Survey are 6 years old, and are thus outdated and unacceptable.
  - It has not been demonstrated that forward visibility for vehicles waiting to turn right into the access and; forward visibility for vehicles travelling east being able to see vehicles slowing/turning left into the access is achievable.
  - Detailed plans particularly for vehicle tracking have not been provided for the access arrangement onto the B2112, including insufficient junction radii.
  - No information provided with regard to how cyclists/pedestrians would enter and leave the site.
  - Trip generation/further details/clarification for the proposed use needs to be provided.
  - Parking and turning on site needs clarification/revising.
  - Inconsistency in some of the submitted plans.
  - No cycle parking is provided.
  - No electric vehicle charging is provided.
- 7.22. In its current form, the proposed access is not acceptable as it has not been demonstrated that it would operate safely. Notwithstanding the other issues concerning the access set out in this report, relating to visual, landscape harm and ecology, the proposed access is considered to be unacceptable in highway safety terms.
- 7.23. Considering the current permission and shared facilities usage with the Cricket Club, ESCC Highways note that insufficient information and justification has been provided for the proposed car parking, the number of spaces and for the proposed extended playing season and how this would impact parking demands on site. Further, it has not been demonstrated in the proposed car parking layout that vehicles, including coaches, can safely turn within the site to enable vehicles to enter or leave in a forward gear.
- 7.24. In summary, the proposal has not demonstrated that the proposed access arrangements would be safe or suitable to serve the proposed development. Further, the trip generation and parking for the site is unclear and no vehicle tracking has been provided at the access or for vehicles turning within the site. The proposal is unacceptable on this basis.
- 7.25. ESCC Highways note that the site is not accessible via public transport, with the local bus service being limited, running only during the daytime Monday to Friday. Whilst the public footpath across the site links between Clayton Road and Keymer Road, the footpath at its southern end onto Clayton Road does not connect to a public footway to the village. No secure cycle parking is proposed, only bike racks, and no electric vehicle charging points proposed. As such, the site is not considered to be highly accessible by sustainable transport methods, either.
- 7.26. Prior to the publication of the agenda, the applicant provided a highways technical note, amended visibility splays, amended vehicle crossovers and an amended location plan which reduces the

proposed carpark to 88 car spaces and 2 coach spaces. This information is with the Highway Authority for comment. Members will be updated accordingly on this prior to consideration of the application.

#### Archaeology

- 7.27. The application site lies marginally within or borders an Archaeological Notification Area associated with a Saxon medieval and post-medieval village. The current proposal would result in below ground impacts across much of the 4.7-hectare site, including re-profiling a combined area in excess of 1 hectare. The application is supported by a Heritage Statement, written by the agent. The statement is silent on archaeological impacts and has not addressed the requirements of the NPPF in terms of carrying out a desk-based assessment and, a field assessment where necessary.
- 7.28. Noting the requirements of the NPPF, ESCC's Archaeologist advises that in light of the scale and nature of the development and the archaeological interest of this site, that the applicant should be required to undertake a desk-based heritage impact assessment to clarify the archaeological significance of the site.
- 7.29. On this basis, and in the absence of this information, it has not been demonstrated that the proposal would not cause harm to archaeological heritage assets and/or their setting, therefore conflicting with Policy SD16 of the SDNP Local Plan, Policy CONS 3 of the Ditchling, Streat and Westmeston Neighbourhood Plan and the NPPF.

#### Dark Skies

- 7.30. There is no existing lighting at the site and no lighting is proposed as part of the application. As such, the proposal would have no impact on the Darks Nights Sky Reserve. In its current form, the proposal would accord with Policy SD8 of the SDNP Local Plan and CONS 8 of the Ditchling, Westmeston and Streat Neighbourhood Plan.

#### Amenity

- 7.31. The closest residential properties to the application site are nos. 1 and 2 Drove Cottages, to the north-east of the site. The proposal would intensify the use of the application site, however the proposed access, car park and building would be sited away from The Drove which would minimise disturbance to the occupiers of these properties. Environmental Health have not raised any concerns with regard to noise or wider impacts. The proposal would therefore accord with part k) of Policy SD5.

#### Trees, Ecology and Ecosystem Services

##### Trees

- 7.32. There are 3 trees within the application site subject to Tree Protection Orders (TPO). These trees are also recorded as 'notable trees' in Policy CONS12 of the Ditchling, Westmeston and Streat Neighbourhood Plan. The submitted Arboricultural Appraisal Report does not recognise that these trees are subject to TPOs.
- 7.33. The proposed access track would pass in close proximity to the Oak Tree referred to as 'T3' on the Arboricultural Appraisal Report. T3 is described within this report to be 'overall in fair condition' and 'considered typical of its age and species'. Notwithstanding this, a number of defects were observed which were 'largely consistent with the age and species'. The report recommends the removal of T3 is of 'highest priority' and that it is 'advisable to carry this out within 3 months'.
- 7.34. It is noted, that the 'Arboricultural Development Site Report' submitted for the previous permission for the French drain (SDNP/21/03482/FUL) recognised that T3 was a 'mature tree approaching an age of decline' with a 'full healthy crown, large basal wound with associated dead wood showing some decay'. There is no mention of the tree needing to be removed as a 'highest priority' or any works being required, noting that the survey is dated May 2017.
- 7.35. Given that the 3 oak trees are subject to TPOs, Officers would have expected an exploration of how T3 could be retained and protected and why it is considered justified to remove the tree. The Arboricultural Appraisal Report is silent on the drivers for removing the tree, briefly

mentioning the observed defects but describing the tree to be in fair condition. The ESCC Ecologist notes that the tree is c. 65m from the public footpath that runs south-north along the eastern side of the site. An assumption can be made that T3 is recommended to be removed on the grounds of player or spectator safety but, importantly, it is noted that the proposed internal access track passes within T3's root protection area. No justification is provided within the submitted report. The ESCC Ecologist recommends that efforts are made to retain this oak tree which is sufficiently set back from both the existing/proposed pitch and the proposed training area as the tree is considered to be a valuable landscape and ecological resource. Other options exist in relation to canopy reduction/removal of unsafe limbs/fencing off the tree have not been explored, nor is any sort of compensation for the loss offered. As such, whilst it is acknowledged that mature trees, even protected specimens, may require works or removal, Officers consider there to be insufficient information and justification for the removal of the tree which contributes positively to the character of the area and has not previously been considered necessary for removal until an access track is proposed.

- 7.36. It is noted by the Landscape Officer that the Tree Survey provided is only a condition survey. It has not been carried out to British Standard (5837) and does not consider the ecological or landscape value of the trees. These trees mark the historic field boundary and some are near veteran. No root protection area has been determined, and there is no assessment provided of the potential harm the landform changes could cause to all three trees.
- 7.37. Owing to the lack of information and justification to the removal of this protected tree, Officers consider the proposal to be unacceptable and in conflict with Policies SD11 and SD4 of the SDNP Local Plan and Policy CONS12 of the Ditchling, Westmeston and Streat Neighbourhood Plan.

Ecology

- 7.38. ESCC's Ecologist highlights a number of areas where the submitted information is insufficient, summarised below:
- The potential impact of pollution to the adjacent water bodies has not been recognised.
  - Insufficient information regarding the location of the deep sump, headwall/discharge points and pipe trench locations, plus no assessment of the impact of clearing additional vegetation for drainage infrastructure, especially along riparian zones.
  - Inconsistent information submitted regarding hedgerow removal along New Road (B2112).
  - No information as to the status of Himalayan balsam on site, the programme to eradicate it and as to whether the plant would be impacted by the proposed installation of the drainage system.
  - No information regarding the potential for any trees to be removed or requiring arboricultural works to support roosting bats.
  - No information regarding the status of the rough grassland and location of the hibernacular to ensure they are accounted for and safeguarded.
  - No information has been provided regarding the presence/likely absence of Great Crested Newt (GCN) and the potential impacts on the proposed development on GCN so that appropriate mitigation can be secured, nor a certificate or report from NatureSpace has been provided.
  - The EclA does not account for any impacts to potential otter habitat.
  - The EclA does not account for any impacts to potential water vole habitat.
- 7.39. It is noted that there are inconsistencies in the information submitted for this application and that submitted for both the previous planning approval (SDNP/20/01676/FUL) and the Biodiversity Management Plan submitted to discharge Condition 9 of that permission. For example, habitats that were required to be provided as part of the approved Biodiversity Management Plan are now noted as not being present. This has not been explained or justified in the current submission.

- 7.40. As is required by the SDNP Biodiversity TAN, a minimum of 10% BNG, measures using the latest version of Defra's Excel Metric, must be demonstrated. This has not been provided. The Metric is required to support this application and it should account for additionality for protected species and avoids double-counting of any previously implemented mitigation/enhancement e.g. that detailed in the Biodiversity Management Plan approved for Condition 9 of SDNP/20/01676/FUL. This includes the area of fenced 'rough grassland' in the southeast corner of the site where the detention basin and part of the training pitch is proposed.
- 7.41. Insufficient information has been provided to assess the ecological impacts of the proposed development and to inform appropriate mitigation, compensation and enhancement. This includes but is not limited to, the submission of a BNG Assessment and potential impacts to tree TI (as numbered in Tree Report), hedgerow HR4, waterbodies, otter, water vole, roosting bats in trees and great crested newts. In addition, clarification on the delivery of mitigation/enhancement measures approved under Condition 9 of SDNP/20/01676/FUL has not been provided which influences the mitigation, compensation and enhancement for this scheme.

Ecosystem services

- 7.42. The scheme involves re-working a significant area of landform to drain the site. The implications of this are negative when viewed against Policy SD2, which seeks to conserve and enhance soils, and sequester carbon. Noting the valued and characteristic habitat currently present on site (semi-improved grassland) which has the potential, with consistent, good management to become a fantastic local habitat and wildlife resource.

Flooding and drainage

- 7.43. The LLFA consider that there is a potential increase in runoff from the new positively drained roof area of the building, car park, access road and rugby pitch drainage. No information has been submitted regarding the drainage strategy nor to assess the flood risk. On this basis, the proposal has failed to assess its acceptability in flood risk terms and would not be acceptable in this regard, in conflict with Policy SD49.
- 7.44. Prior to the publishing of the agenda, the applicant provided a Flood Risk Assessment which is with the LLFA for comment. Members will be updated accordingly on this prior to consideration of the application.

**8. Conclusion**

- 8.1. It is recognised that the proposed development would enhance the facilities for the Rugby Club and result in benefits for members and visitors alike. Notwithstanding this, the proposed car park and track would represent a significant change right across the site which is considered to fundamentally alter the site's character contract to Policy SD4. The proposal would result in an erosion of the open character of the site and designated strategic gap between Ditchling and Keymer. As a result, the application fails to conserve and enhance the landscape, contrary to the purposes of the National Park.
- 8.2. Insufficient information has been provided to demonstrate that the proposal would have a safe and acceptable impact on the local highway network. Insufficient information has been provided with regard to the proposal's impact on biodiversity and geodiversity, as well as insufficient justification for the removal of and impact on protected trees. In addition, the proposal fails to demonstrate that it would not cause harm to archaeological heritage assets and/or their setting. Further, insufficient information has been provided to demonstrate that the proposed development is acceptable in flood risk terms.

**9. Reason for Recommendation and Conditions/Reasons for refusal**

- 9.1. The recommendation is to refuse planning permission for the following reasons:
- I. The proposed development would fail to conserve and enhance the landscape, in conflict with the first purpose of the National Park. It would erode the open character and the designated strategic gap between Ditchling and Keymer. The proposals are therefore contrary to policies ONS 6 and CONS 7 of the Ditchling, Westmeston & Streat Neighbourhood Plan, policies SD4 and SD25 of the South Downs Local Plan 2019, the

National Planning Policy Framework 2023, and the first purpose of a National Park.

2. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, off-street parking, surface water drainage, on site turning facilities and would therefore give rise to increased hazards to highway users as defined by paragraph 115 of the National Planning Policy Framework 2023. The proposal would also conflict with Policies SD19 and SD22 of the SDNP Local Plan.
3. The proposal, by virtue of the slowing, stopping, turning and potential reversing of vehicles would introduce hazards at this point of the B2112 [Clayton Road] in conflict with Policy SD19 of the SDNP Local Plan and the NPPF.
4. Insufficient information has been provided to demonstrate to the Local Planning Authority that that the proposal would conserve and enhance biodiversity and geodiversity, therefore conflicting with Policy SD9 of the SDNP Local Plan, Policy CONS 9 of the Ditchling, Streat and Westmeston Neighbourhood Plan and the NPPF.
5. Insufficient information and justification has been provided to the Local Planning Authority regarding the removal of mature Oak tree 'T3' which is subject to a Tree Protection Order, in conflict with Policies SD11 and SD4 of the SDNP Local Plan and Policy CONS12 of the Ditchling, Westmeston and Streat Neighbourhood Plan.
6. Insufficient information has been provided to demonstrate to the Local Planning Authority that the proposal would not cause harm to archaeological heritage assets and/or their setting, therefore conflicting with Policy SD16 of the SDNP Local Plan, Policy CONS 3 of the Ditchling, Streat and Westmeston Neighbourhood Plan and the NPPF.
7. Insufficient information has been provided to demonstrate to the Local Planning Authority that the proposed development is acceptable in flood risk terms, therefore conflicting with Policy SD49 of the SDNP Local Plan and CONS 2 of the Ditchling, Streat and Westmeston Neighbourhood Plan and the NPPF.

**10. Crime and Disorder Implication**

- 10.1. It is considered that the proposal does not raise any crime and disorder implications.

**11. Human Rights Implications**

- 11.1. 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.

**12. Equality Act 2010**

- 12.1. Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

**Mike Hughes**

**Director of Planning (Interim)**

**South Downs National Park Authority**

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Appendices Appendix 1 - Information concerning consideration of applications before committee

SDNPA Consultees Director of Planning, Legal Services

Background Documents [All planning application plans, supporting documents, consultations and](#)



[third party responses](#)

[National Planning Policy Framework \(2023\)](#)

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

[Ditchling, Westmeston & Streat Neighbourhood Plan](#)

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

[SDNPA Biodiversity TAN \(Jan 2022\)](#)

[SDNPA Corporate Plan \(2020-25\)](#)

[SDNPA Dark Skies TAN \(May 2021\)](#)

[SDNPA Design Guide SPD \(July 2022\)](#)

[SDNPA Ecosystem Services TAN](#)

[SDNPA Parking SPD \(Apr 2021\)](#)

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

