



Working in Partnership



To all Members of the Planning Applications Committee

A meeting of the **Planning Applications Committee** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 23 November 2016** at **17:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

11/11/2016

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 2 November 2016 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.

5 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

Planning Applications OUTSIDE the South Downs National Park

6 LW/16/0695 - Land South Of Chiltington House, Chiltington Lane, East Chiltington, East Sussex (Page 5)

7 LW/16/0802 - 4 Wellington Road, Peacehaven, East Sussex, BN10 8QJ (Page 40)

8 LW/16/0782 - Bineham Park Farm, East Grinstead Road, North Chailey, East Sussex, BN8 4DD (Page 47)

9 Written Questions from Councillors

To deal with written questions pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

10 Date of Next Meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 14 December 2016 in the Council Chamber, County Hall, St Annes Crescent, Lewes, commencing at 5:00pm.

For further information about items appearing on this Agenda, please contact Jen Suh at Southover House, Southover Road, Lewes, East Sussex BN7 1AB (Tel: 01273 484439) or email jen.suh@lewes.gov.uk

Distribution: Councillor S Davy (Chair), G Amy, S Catlin, P Gardiner, T Jones, D Neave, V lent, T Rowell, J Sheppard, R Turner and L Wallraven

NOTES

If Members have any questions or wish to discuss aspects of an application prior to the meeting they are requested to contact the Case Officer. Applications, including plans and letters of representation, will be available for

Members' inspection on the day of the meeting from 4.30pm in the Council Chamber, County Hall, Lewes.

There will be an opportunity for members of the public to speak on the application on this agenda where they have registered their interest by 12noon on the day before the meeting.

Planning Applications OUTSIDE the South Downs National Park

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications WITHIN the South Downs National Park

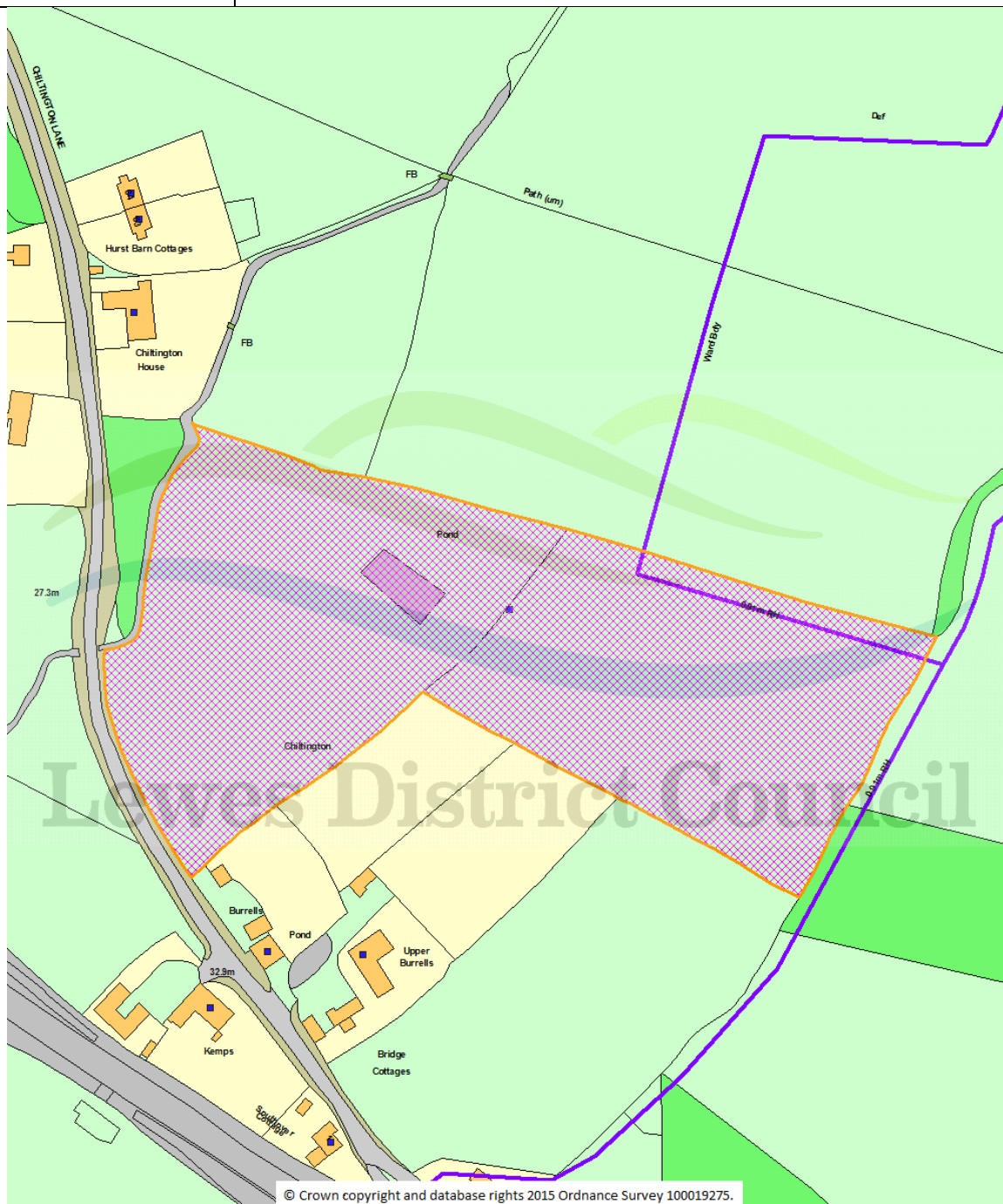
The two statutory purposes of the South Downs National Park designations are:

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

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

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APPLICATION NUMBER:	LW/16/0695	ITEM NUMBER:	6
APPLICANTS NAME(S):	London Fine Foods Group	PARISH / WARD:	East Chiltington / Plumpton Street E.Chiltington St John W
PROPOSAL:	Planning Application for The creation of ponds (part retrospective) and the provision of associated buildings with a supervisory dwelling to service a fish farm producing caviar. Planning permission for the dwelling (only) sought initially for three years in order to demonstrate enterprise viability		
SITE ADDRESS:	Land South Of Chiltington House Chiltington Lane East Chiltington East Sussex		
GRID REF:	TQ 38 15		



1. SITE DESCRIPTION / PROPOSAL

Description of the site

1.1 The site is situated in a rural location within East Chiltington, close to the parishes eastern boundary. The site is accessed via Chiltington Lane to the south west, with the railway line and the SDNP lying beyond. Residential properties with associated gardens bound the site to the south and north west with agricultural land abutting the north and north east boundaries. The north western boundary is defined by a stream, known locally as the Roman's Winterbourne, a tributary of the Bevern Stream, and which is a non-perennial stream and usually flows during the period late-December until April.

1.2 The centre of the village of East Chiltington is located approximately 1.7km to the west of the site. Within the immediate surroundings of the site, the landscape is dominated by a series of arable and grassland fields together with pockets of woodland.

1.3 The site, which covers an area of approximately 2.4 hectares, comprises two agricultural fields with boundary hedgerows and trees. The land is covered by neutral semi-improved grassland with scattered areas of tall ruderal vegetation (plant species which is first to colonise ungrazed or disturbed or neglected land), with areas of scrub, two test ponds, and various trees within the boundary hedgerow. The site generally slopes downwards from the north east to the south west with a fall of approximately 11m over a distance of 240m towards the west.

Description of the proposals

1.4 The proposal is to develop a sturgeon farm for the production of caviar. The fish farm will include the creation of six waterbodies, a reed bed, areas of wildflower meadow, orchard, areas of amenity lawn and agricultural style outbuilding containing the office, equipment store, feed stores, caviar processing and production rooms, pump room and purging tanks. To provide access to the site and ponds a yard area and new access track will be constructed. A temporary mobile home will also be constructed as a supervisory dwelling. The majority of existing trees and hedgerows will be retained, although some will need to be removed to provide a satisfactory vehicle access off Chiltington Lane, and to improve access to the north eastern field. New planting will include trees, an orchard, shrubs and perennial amenity planting and native buffer / screen planting.

Description of building, ponds, landscaping

1.5 In the north east field will be five interconnected operational ponds, with the largest two being the main ponds for the sturgeon, with the remaining three associated with the treatment of the water -aeration pond and two for the uptake of nitrates from the system. An overflow pond will hold excess water in the winter and provide additional water in the summer. The ponds will have a combined surface area of 2947sq.m and will vary in depth from 1m to 2m. Each of the ponds will be surrounded by an earth bund which will have a total flood capacity around the ponds normal water level of 4596sq.m should any of the ponds over top. The bunds will generally be 1 to 1.2m high. However there will also be significant areas of cut, levelling and re-landscaping on the site with some areas of cut being as much as 3m in depth especially in the western field.

1.6 Water will flow from the sturgeon ponds to the aeration pond and then to the lily/duck pond and on to the reed beds under a gravity system. Water from the aeration pond will also be directed to the hydroponics poly tunnel. Water from the reed bed, which is located at the lowest point of the top field, will be pumped back to the sturgeon pond or overflow

pond as necessary. Pumps will also be provided to move water around the site if necessary. It is anticipated that initial filling will be from intercepted rainfall and from the ground water storage pond at the bottom of the site. (Extraction from the stream would only take place in accordance with EA extraction license as absolutely necessary).

1.7 The isolated pond at the lowest point on the site will act as a permanent storage pond, being excavated to below ground level and which will fill from rain and ground water.

1.8 Rainfall on the site outside of the ponds will drain either into the ground or via French drains to the clean water holding tank, or to the existing drainage ditch on the periphery of the site.

1.9 The proposed buildings will be located in the north east corner of the main field, approximately 105m from the main access, adjacent to the field with the main ponds. They will form three sides of a square, with the main operational buildings along the east and north side and the temporary residential unit to the west. The land will be levelled and the buildings located between 1 and 2.5m below what is the existing sloping ground level. All the operational buildings will be timber clad with a clay tiled roof. They will have an eaves height of between 2.4 and 3m above finish ground level and a ridge of between 5 and 6m. They will have a floor area of 279sq.m. The temporary residential unit has a rectangular footprint measuring approx. 6.5 x 19.5m, (approximately 128sq.m floor area) with a low pitch roof covered in synthetic roof tiles 3.3m above finished ground level. Lower than the other linked buildings, it too will face onto the courtyard.

1.10 Adjacent and parallel to the northern boundary of the site will be located a polytunnel, measuring approximately 4 x 28m and with a height of 2.5m. It will be used for both domestic use and for growing plants for the reed bed, lily and duckweed ponds.

1.11 The courtyard will be formed with a permeable surface and accessed via a permeable gravel access drive approximately 105m long. The access drive will be located approximately 23m further to the west in order to obtain the required sightlines. The space between the access track and the adjacent garden boundary will be landscaped. (The avenue of trees has been removed and replaced with more natural planting and landscaping). The western field will be landscaped and will incorporate a wild flower meadow, significant tree planting and a small area of maintained grass and lawn. The eastern field which will accommodate the main functional ponds will also have additional tree and meadow planting especially adjacent to the southern boundary. Gaps in the existing field boundary, especially to the north east, will also be reinforced with new hedge planting.

1.12 The proposed wind turbine, which was to be located in the north east corner of the site, has been removed from the proposal.

Harvesting of the caviar

1.13 In terms of how the caviar will be harvested, the proposal would not result in dead fish. The caviar would be harvested as eggs from the Sturgeon which reaches sexual maturity at around eight years of age and produces eggs every two years thereafter for up to 85 years. The volume of water within the proposed ponds allows the enterprise to hold large sexually mature female Siberian Sturgeons to produce caviar throughout their natural lives, creating a sustainable business which will meet the demand for caviar without detriment to the wild stock of sturgeon.

1.14 Each female sturgeon will be transferred from the outdoor ponds into the indoor purging pools once every two years. The water in these pools is temperature controlled to

mimic natural spawning environments. The caviar (eggs) is to be milked by hand from the sturgeon in controlled conditions. Once the eggs have been milked, the sturgeon is returned to the ponds for the two year cycle to be repeated.

1.15 Once the caviar has been extracted, it is to be washed, potted and kept in refrigerators and transported to London for subsequent in-house packaging of the product for wholesale and retail.

1.16 In terms of background information on the production of caviar through this method and sturgeon/caviar in general, it is worth noting that of the 27 species of sturgeon 20 are critically endangered and virtually extinct, with wild stocks having depleted by 90% compared to estimates 40 years ago. In the Caspian Sea, the main and long term supplier of the majority of the world's sturgeon stock, overfishing, pollution and sewage have decimated the sturgeon population. This has led to worldwide bans on fishing wild sturgeon and embargoes on Russian caviar (Convention on International Trade in Endangered Species - Cites) since 1998. However the global demand for caviar has not diminished, and aquaculture farms have started to develop around the world to supplement the thinning stock of caviar from wild sturgeon (for example in United Arab Emirates, South Korea, USA, Latvia, Iran, Japan, Italy). As a result, caviar aquaculture is a developing business endeavour, despite the initial high costs associated with establishing such a business, due to its relatively stable market price and high demand for the product.

The aquaponic system

1.17 The supporting statement submitted with the application describes Aquaponics as the combination of aquaculture (growing edible and ornamental fish and shellfish) and hydroponics (growing plants without soil in nutrient rich water). In these systems the fish feed the plants and the plants clean the water for the fish with the help of a natural process known as the nitrogen cycle. The aim of aquaponics is to increase outputs while lowering inputs by developing an ecosystem approach to farming the high quality product in the most sustainable way possible.

1.18 The application site will employ a closed loop aquaponics recirculating ecosystem, whereby the water will not require discharge into the local waterways, eliminating the chance of waste water returning to the local waterways and therefore any contamination of the local ecology, native species of fish or any local water courses.

1.19 Information submitted with the application specifically in relation to the aquaponic system states that there are three main factors to balance in order to maintain an aquaponics system which include the fish, plants and bacteria.

1.20 If the biomass (fish waste) exceeds the bio filter carrying capacity, ammonia and nitrate levels will increase, both are toxic to fish so would result in poor fish health or death. If the bio filter is correctly sized for the biomass but there are too many fish or too few plants the nitrate levels will increase in the water so more plant are added or fish feed reduced. If the fish and bio filter are correctly sized but there are too many plants in the system, there will be a lack of nitrogen for the plants and they will show signs of nutrient deficiency.

1.21 A balanced system is achieved when the water is clean enough for the fish but contains enough nitrogen to sustain healthy plant growth showing that the plants, fish and bacteria are in dynamic equilibrium. In order to calculate the area required for planting the fish feed rates are analysed and therefore the potential nitrogen supply. Therefore the filtration ponds have been designed to allow for the proposed number of fish and their growth.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP4 – Economic Development and Regeneration

3. PLANNING HISTORY

LW/16/0833 - Screening opinion in relation to application LW/16/0695 and the creation of ponds and the provision of associated buildings with a supervisory dwelling to service a fish farm producing caviar. – **EIA Not Required**

LW/16/0180 - Creation of ponds (part retrospective), provision of associated buildings and a supervisory dwelling to service a fish farm – **Withdrawn**

LW/15/1010 - The creation of ponds (part retrospective) and the provision of associated buildings with a supervisory dwelling to service a fish farm producing caviar -

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Southern Water Plc – The EA should be consulted regarding septic tank drainage.

In terms of SUDS, need to ensure system is maintained long term, condition to specify responsibilities for management and timetable for implementation, and management plan for the lifetime for the development including adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

ESCC Archaeologist – Although this application is situated within an Archaeological Notification Area, the site has been subject to an archaeological geophysical survey, which identified no archaeological features. It therefore appears that the Roman pottery production site does not extend westward into this area. Therefore I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

Chailey Parish Council – The above application was considered at a meeting of the Planning & Environs Committee of Chailey Parish Council held on 20th September 2016. The following comments are made:

o the Council is concerned about the ability of the fish farm to prevent at all times harmful discharges into or other effects on the Roman Winterbourne and other local watercourses. All possible precautions needed to be put in place in the event that the fish farm is built;

o the Council is concerned about the effect of heavy traffic on quiet, narrow country lanes adjacent to the site and on roads generally in the vicinity. This concern extends not only to the construction phase (where it appears that heavy construction machinery will need to be moved in and out of the site) but also to when the farm is in production;

o the Council is concerned about the nature of the temporary building which, for all practical purposes, is a permanent structure. Councillors were unclear why such an elaborate structure was required when it was possible that it would have to be removed and

o the Council is concerned at what will happen should the fish farm turn out not to be a viable enterprise. If the application is approved as made, the only obligation will be the removal of the temporary dwelling. Councillors considered it important that, should the farm fail, the owner(s) of the farm and the owner(s) of the land (if different) should be obliged to return the site to its present agricultural state. Councillors considered that this could be achieved by permission being granted on a temporary basis only (for perhaps 3 years) over the whole site.

Tree & Landscape Officer Comments – PROPOSAL: The creation of ponds (part retrospective) and the provision of associated buildings with a supervisory dwelling to service a fish farm producing caviar.

Documents Considered

- o Proposed Site Plan 1548_2.02 Rev C -
- o General Arrangement Landscape Plan PJC-0620-001 Rev I
- o Soft Landscape-Planting Plan PJC_0620-006_1 to 4 Rev A -
- o Arboricultural Survey PJC 3997/16-01
- o Arboricultural Impact Assessment 3997/16/16-02
- o Arboricultural Method Statement PJC/3997/16-03.

Please note that trees subject to a Tree Preservation Order rank as a 'material consideration' when determining the above planning application. The Council is under a duty to protect trees. Section 197 of the Town & Country Planning Act 1990 states

'it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions, for the preservation or planting of trees'

General Comments & Summary

The plans and particulars indicate that no mature trees that surround the site will be removed to facilitate the proposed development.

A section of hedgerow (H34) will be removed from the road frontage to allow construction of the new vehicular site entrance and to facilitate visibility splays.

Soft landscaping appears to be adequate for the purposes of limiting the visual impact of the development on the open countryside.

Suggested Planning Conditions

In the event planning permission is granted for the development the following condition should be considered.

TREE PROTECTION

In this condition 'retained tree' means an existing tree or hedge, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

- a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without

the written approval of the Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Council.

c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Council.

d) arboricultural protection method statements and plans submitted as part of the application, and listed in the approved plans condition, shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Council. This shall include any requirement for arboricultural supervision.

Environment Agency – Thank you for the email regarding the proposed fish farm at Chiltington House, East Sussex.

We provided a response on the previous application, LPA ref. LW/16/01860 (dated 12 April 2016).

Our position is maintained: In line with our risk-based approach to considering planning applications, we have not reviewed the proposals in detail and we have no comments to make.

As noted in our previous letter in April, the development may require Environmental Permits from us. A licence may be needed for an abstraction from the watercourse, and a discharge consent for disposal of surface water or foul/ trade effluent to the watercourse or ground.

If required, the risks from the operation of the fish farm and proposed environmental management will be considered by the Environment Agency under our regulatory regimes. Planning permission is no guarantee of being granted an environmental permit. It is the operator's responsibility to contact us to discuss their proposals and any permitting requirements, and ensure these are consistent with their planning submission.

With regards to flood risk, the Flood Map for Planning does not indicate a high probability of fluvial flooding at the site, which is located in Flood Zone 1. Any increased risk of flooding from surface water is a matter for East Sussex County Council, as Lead Local Flood Authority, to comment on.

Environmental Health – Contaminated Land

Following a review of historical mapping, data and other available information, no potentially contaminative uses have been identified at or in the immediate vicinity of the site. In addition, the scope of the proposal has been evaluated with no contamination concerns identified. Therefore, no conditions relating to contaminated land are considered necessary for this application.

Noise

Having reviewed the noise assessment carried out by Acoustic Associates Sussex Ltd. I agree with the scope of the assessment and proposed mitigation measures put forward in the conclusion section of the report.

The two sources of noise with potential to generate the highest levels include the emergency generator and wind turbine. To mitigate the impact of these features the sound power level should be limited to the levels stated within the assessment (page 18).

Odour

With regards to the odour assessment, it was concluded that the proposal will have a negligible effect on odour at local receptors and that no mitigation was considered necessary. The site setting indicates it would be unlikely for any future odour issues especially given a south westerly prevailing wind and the location of nearby properties.

Natural England – Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Forestry Commission – No objection or comment but refer to standing advice with regards to protecting habitats and ancient woodland.

Hamsey Parish Council – Hamsey Parish object to the current proposal. The council felt the original application for this site was in opposition to Lewes Core Strategy Policy 10 and feel the present application also requires careful consideration against this sustainability policy and the effect on the natural environment at this site. The parish council has concerns regarding the proposal to abstract large quantities of water from a seasonal stream and the effect this may have on Brown trout and Sea trout which spawn in the river Bevern, which flows through Hamsey parish.

The parish council also note concerns raised by the Ouse and Adur Rivers Trust regarding the likelihood of waste products entering the stream during wetter periods when the ponds are likely to overflow back into the stream, which could cause high phosphate levels and other damaging pollution. The application goes against core policy EN3 in the Hamsey neighbourhood plan which states:

Developments should protect and enhance existing local ecological corridors, landscape features and habitats such as trees, watercourses, all ancient trees and all hedgerows. Development proposals that result in materially adverse impacts will not be supported.

Whilst acknowledging that the application site is not within Hamsey parish, they have a high concern for the possible risk to the watercourse as raised by OART, which does enter the parish after passing through the site.

The parish council also expresses concern that should permission be granted for a home on the site, this could set an unwanted precedent for building in the countryside. They do not feel there is any justification for anyone to be on the site overnight and feel the buildings to be unnecessarily large. Concern is also expressed regarding the permanent buildings and what might be abandoned on the site after 3 years should this experimental venture fail.

Hamsey parish council responded to the earlier application for this site because of concerns regarding the access road, which emerges on to the busy A275 in Hamsey parish. Chiltington Lane, which becomes Beechwood Lane after its junction with Wickham Lane, is a narrow country lane used by residents, walkers, cyclists and horse riders. It is, unfortunately, also used as a 'rat run' by impatient motorists unwilling to wait at the level crossing in Cooksbridge, choosing instead to cut down Beechwood Lane, into Chiltington Lane and up Wickhams Lane to re-join the A275. The junction between Wickham Lane and the A275, in Hamsey parish, is particularly unsafe being on a steep incline and a bend. The transport report with the application, states that traffic movements will be fish food twice per year by HGV and between November to April transport of caviar twice per month. It is stated that the site will not be open to the public but as this is proposed to be a 'show site' one must assume clients and customers may be encouraged to visit the site. No mention is made of this. The site will employ two full time members of staff, one of whom will presumably live off site and the proposed mobile home has 3 bedrooms, presumably for the applicant and his family. This will add to the vehicle movements since there is no public transport to the site.

HPC note that the LDC local plan states that East Chiltington is most thinly populated and its poor road access helps retain this character and this will be a key issue in the future. Hamsey parish council wish to point out that traffic generation doesn't have to be high to materially adversely affect the character of these narrow, quiet lanes.

ESCC Highways – The application attracts a recommendation for refusal for the following reasons

1. The proposed access at its junction with Chiltington Lane [C6] would have substandard visibility and layout and hazards would be introduced by the slowing, stopping, turning and reversing traffic which would be created.
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 and safety of traffic on the C6 [Chiltington Lane].

Comments

Employees are stated on the planning application form as 1 full time and 2 part time. Although the Transport Statement states 2 full time staff it is assumed that this is meant to be full time equivalent.

The previous planning application for similar use stated that vehicle trips would be generated by the fish arriving from Germany. However, this current application does give any details on how the fish arrive.

The previous application also stated that there would be 1 feed delivery by HGV's every month whereas this current application states only 2 deliveries per year - as this figure is significantly different I would wish to see clarification on this point.

Furthermore, the application states that adequate on site turning is to be provided for delivery vehicles, however, no vehicle tracking has been provided.

The access is shown to be 6 metres wide with 4 metres junction radii- however, I am not convinced that this layout is acceptable in order to accommodate a large/HGV delivery vehicle - tracking at the junction of the access with the C6 [Chiltington Lane] is therefore also required for the correct size vehicles.

Whilst a speed survey has been carried out the survey does not state exactly where the speed were taken or what the weather conditions were. This information is required to ensure the speeds were taken close to the proposed access point. Although the recorded speeds indicate that the visibility should be in 2.4m x 43m the applicant has not demonstrated that the actual visibility splays for both vehicular egress and forward visibility can actually be achieved within the applicants control or the limits of the highway. It would seem that the existing boundary hedge is to remain with just some trimming back. This would not be sufficient as the hedge would need to be cut down or preferably re-sited further back into the site.

AMENDED COMMENTS

This HT401 is issued in response to amended plans nos. PJC-0620-001 revision M; 5567/101A and 2.02H and additional information received direct from the agent. The applicant has addressed the highway concerns and confirmed two employees only along with the size and frequency of deliveries twice a year by a 8.5m long van. My recommendation for refusal given on HT401 dated 5th October 2016 is therefore withdrawn and I recommend that any consent shall include the following attached conditions (conditions attached to draft decision notice).

SDNP - Link Officer – Following is the formal consultation response of the South Downs National Park Authority (SDNPA) on the above application. The site is approximately 90m outside the National Park at its closest and separated by the railway. Part of consulting the EA should include any impact on water quality/chalk streams and biodiversity aspects, as well as comments from LDC's ecologist. The SDNPA in wishing to protect the special and natural qualities of the National Park would ask LDC to check for risks of possible chemical, hormones and sturgeons entering SDNP/wider Chalk Streams. Also can LDC confirm if the application has been screened against the EIA Regulations Schedule 2 part 1 Agriculture/aquaculture.

So far as the overall proposal and how it may impact of the SDNP there are two key areas. Firstly the facility will need two EA consents, one to abstract water from the river and a second to discharge. These consents should protect the environmental flows and the chemical composition of any discharge.

In addition, any Ecological appraisal submitted by the applicant should consider the impact of the facility on biodiversity, in this case there may be a need to consider the Chalk Stream (a priority BAP habitat) and I suspect migratory fish including Brown Trout that move up these streams to spawn. Lewes DC may wish to ensure these elements are adequately covered in the application.

As the SDNP is now a designated Dark Skies Reserve, consideration should be given as to the impact of any form of lighting required in connection with the proposed development. Any such lighting should take this into account and ensure that it complies with ILP standards in this rural zone. Every effort should be made to ensure that the dark night skies are not polluted with unnecessary light to protect the night time tranquillity and wildlife within the National Park.

As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape

Character Assessment (Updated 2011) as a key document as part of the overall landscape and visual impact assessment of the development proposal, including the buildings, levels, and landscape/screening, on the landscape character and setting of the South Downs National Park.

Council For Protection Of Rural England – CPRE Sussex supports the creation of a living, working countryside and supports appropriate farm diversification schemes. However, we have some serious concerns about this proposal and recommend that it should not be approved unless the Planning Applications Committee is certain that all the concerns below are met.

1. The application proposes the creation of a caviar farm that is unique in the UK. We are able to identify, from the application and other research, only one other sturgeon farm producing caviar in the England. That is the Devon farm whose caviar the applicant is currently marketing. That farm is completely different in its proposed operation from the present proposal, in that it is located immediately adjacent to a fast-flowing river from which water can be abstracted and into which appropriately processed waste can safely be discharged and diluted. That farm is operated by a family who have decades of experience farming freshwater fish. In complete contrast the present proposal is for an essentially closed water-recirculating system. No evidence is provided that the applicants have the necessary scientific background to manage the proposed farm safely or that they have access to the necessary expertise, which may well not exist currently in the UK. This lack of the necessary scientific expertise creates an unacceptably high risk that is not evidently mitigated in the present application.

2. Environmental risk. The application site is bounded by the Romans Winterbourne, a chalk stream identified by the Ouse and Adur Rivers Trust (OART) as important for the reproduction of sea trout accessing it via the Ouse and its tributary the Bevern Stream. The Bevern Stream enters the Ouse immediately upstream of the principal water abstraction point of the Barcombe Mills water treatment works, from which South East Water supply drinking water to a wide area of the South East.

The original application proposed to abstract water from this chalk stream (which has significant flows only in wet seasons) and to discharge into it waste including fish faeces and food residues purified by a reed bed system. CPRE Sussex agrees with OART that this would be completely unacceptable on environmental grounds. We note, however, that the applicants state that they have now modified the application so that there will now be an entirely closed aquaculture system, without abstraction of water or discharge of waste into the Romans Winterbourne. We note the Aquaponics statement included in the application. However, this is a high-level document on the entirely admirable principles and objectives of aquaponics, focusing on much large scale, scientifically monitored, operations in other countries. It is completely lacking in necessary detail about the scientific monitoring and operation systems that would be necessary for its implementation at this relatively small scale site in the UK. As the business case is confidential, we cannot determine whether or not the expensive and highly technical processes necessary for its effective operation are correctly budgeted for.

A reed bed system adequate for reduction of organic waste products to a level at which they can be dispersed safely by a fast-flowing river will certainly not be sufficient to remove all the waste products from a closed system. Phosphates are likely to be a particular problem.

3. Harm to the setting of heritage assets. The application site is in immediate or close proximity to a number of residential properties along Chilington Lane, including at least four listed houses (Kemps,

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Upper Burrells, Rafters and Lower Burrells). It should be noted that the Historic England list for Lewes District has not been systematically reviewed for over 50 years, so that it omits many qualifying structures, incorrectly assesses others and must be considered out-of-date. A clear case in point is the exceptional medieval house at Lower Burrells whose Historic England listing description is clearly wrong [crown post roofs in the Sussex Weald date from the 15th century not the 17th] and which should be graded at least II*. The substantial earth-moving operations and re-landscaping proposed in this application appear likely to have a substantial impact on the settings of these heritage assets, especially on Upper Burrells, which is surrounded on two sides by the application site. CPRE Sussex endorses the concerns of local residents about this aspect of the application.

4. Access via Chilmington Lane. The only access to the site is by the narrow Chilmington Lane. CPRE does not consider that such activities as the import of fish, export of caviar or daily movement of staff would have a significant impact, given the existing use of the lane. The movement to and from the site of construction and landscaping equipment would probably be comparable in scale to seasonal agricultural operations using the lane. However, the lane is entirely unsuitable for any large scale operations such as import or export of large volumes of clay or tankering away of waste, and it would not be possible for very large equipment, such as heavy cranes, to access the site. If permission for this application were to be given, the use of the lane for construction, re-landscaping would need to be controlled by condition and other activities requiring large scale HGV movements should be banned.

5. Staff accommodation. The application proposes the provision on site of a 130 m² temporary residence for a staff member, for an initial period of 3 years. This residence is approximately twice the size of the mobile home that would typically be provided for a new agricultural operation justifying on-site staff. A prefabricated unit of this size could not be brought to the site along Chilmington Lane so it would have to be constructed on site (as appears to be proposed) and then demolished if the venture proved unsuccessful. The large size of this unit is not justified, and would set an undesirable precedent. The proposal appears in effect to be to create a permanent residence from the start.

There is in any case no justification for the construction of the proposed residence in the near future and no detailed evidence that its provision at this isolated countryside location meets the requirements of NPPF paragraph 55. The construction phase of the overall operation, including the creation of an effective reed bed, will take a minimum of two seasons (probably longer), so there would be no opportunity to establish the viability of the business within the three year period proposed. It is also completely unclear from the information provided in the public application whether the nature and modest scale of the operation (harvesting 100 fish per year) would justify a 365-day staff presence on site. Any fluctuations in water quality are likely to be gradual rather than sudden, and in the 21st century such changes can in any case be monitored remotely. Security is unlikely to be an issue as the caviar-poaching industry has not yet developed in the UK, and the site is inherently secure because the only access is via Chilmington Lane, lined by a number of residential properties.

If a business case can be made for continuous on-site staff presence once farming activities have commenced, provision of a appropriately-sized temporary residence should either be the subject of a separate application once the site is ready to start operations, or controlled by condition to ensure that it is not provided or occupied until farming operations start.

Design & Conservation Officer – There are a number of heritage assets close to the application site. These include five listed buildings, Upper Burrells, Beams, Kemps, Lower Burrells and Rafters. The National Planning Policy Framework requires consideration be given to how the proposal might affect the setting of these listed buildings.

Upper Burrells is a grade II listed building and is the closest to the application site with two of its boundaries abutting it. The building is approximately 80 metres north-east and approximately 50 north-west of the boundary of the application site. It is notable the residential curtilage of Upper Burrells has been extended to the north-east to include what is assumed to have previously been fields. These are now occupied by an outbuilding, swimming pool, tennis court, as well as lawns, hedges and other vegetation. On site these are notable features that visually divide the listed building from the application site. Also notable is the boundary treatment between the listed building and the application site which is comprised of substantial vegetation and hedges, which are considered to screen the curtilage of the listed building effectively. The proposal is not therefore considered to have an adverse impact on the listed building and its setting.

Beams is a grade II listed building. The dwelling is located approximately 130 metres from the boundary of the application site, through a field in agricultural use which has vegetation acting as a hedge along its boundary. The listed building is considered to be a significant distance away and its boundary treatment gives a notable separation between it and the application site. The proposal is not considered to visually impact the setting of this listed building.

Kemps, a grade II listed building, is located approximately 35 - 40 metres to the south of the application site. Between the listed building and the application site lies Chiltington Lane, neighbouring dwelling Burrells and its outbuilding and dense vegetation on the boundary. This gives a notable separation between the listed building and the site, to the extent it is not considered to visually impact the listed building and its setting.

Lower Burrells and Rafters are two grade II listed buildings, located approximately 150 metres to the north of the site between which are a number of dwelling houses, trees and vegetation. As a result the listed buildings are considered to be too remote from the application site to be affected by the propose development.

Due to a combination of the distance the listed buildings are away from the site and the screening on the boundaries and within curtilages, it is not considered the proposed works will have an adverse impact on the special interest of the neighbouring listed buildings and their settings. No objection is therefore raised to the proposed works.

East Chiltington Parish Council – East Chiltington Parish Council discussed this proposal at its meeting on the 8th September 2016. 28 members of the public were present at the meeting. In reaching its position with respect to this application, East Chiltington Parish Council has taken into account comments submitted by both objectors and supporters of the proposal, the full documentation submitted, and the views of external and independent experts.

ECPC accepts that the applicant has made considerable efforts to address the concerns that were raised regarding the earlier application, most importantly the lack of information relating to the nature of the intended aquaculture system and the possible environmental impacts. However, ECPC objects to the application on the following grounds:

Landscape impact

ECPC considers that the proposal is contrary to Core Policy 10 of the recently adopted Lewes District Council Local Plan Core Strategy 2016 and Lewes District Local Plan 2003 policy ST3 (design, form and setting of development).

Core policy 10, criterion 1.1 states the importance of "Maintaining and where possible enhancing the natural, locally distinctive and heritage landscape qualities and

characteristics of the district". It also notes that development should be resisted that "fails to conserve and appropriately enhance its rural, urban and historic landscape qualities, and its natural and scenic beauty, as informed by the South Downs Integrated Landscape Character Assessment."

The proposal is for extensive development in a field sandwiched between three houses (one of which is grade 2 listed), on the edge of the South Downs National Park, and up a single-track lane. We consider that this will dramatically and unacceptably change the locally distinctive and historic landscape characteristics of the setting.

Impact on the environment

Point 4 of Core Policy 10 of the Joint Core Strategy 2016 states that it is important to "Ensure that water quality is improved where necessary or maintained when appropriate (including during any construction process) and that watercourses (including groundwater flows) are protected from encroachment and adverse impacts in line with the objectives of the South East River Basin Management Plan"

ECPC considers that the proposal is contrary to this policy. ECPC is concerned that the proposal plans to abstract water from the Romans Winterbourne stream. The proposed abstraction of 20m³ per day during winter months is based on a measurement of water availability taken during a period of peak flow. Equally important, this proposed abstraction does not take into account any possible future variations in flow of the stream, for example, as a result of climate change. We consider that this element of the proposal is both unnecessary and environmentally problematic.

There are also unanswered questions and outstanding risks with regard to possible discharge from the ponds and associated pollution, and with flooding in times of peak rainfall. While certain elements of the documentation suggest that this is an entirely 'closed' system, other expert opinion suggests that this is unlikely to be possible.

Lastly, the Parish Council has additional concerns regarding the necessity of a mobile home on site. The justification for a three bedroom dwelling on the site is not entirely convincing.

Whilst it may not be a planning consideration, we believe that if the applicant did not own the land, he would not be seeking a location such as this on which to start his fish farm.

National Farmers Union – At this time the NFU wishes to remain neutral on this planning application. We have had some reservations raised by our members, and whilst we can see the merits in the enterprise, we do not feel that we are in a position to comment at this point in the application.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Objections 114

- o Impact on the landscape (soil moving, re-sculpting, extensive buildings/ponds/roads)
- o Contrary to National and local planning policy
- o Cost of restoring land should the business venture fail
- o Impact on the adjacent grade II listed building and its setting
- o Lack of justification for the proposed dwelling, even on a temporary basis, which could be managed from an existing dwelling, just a method of getting a new dwelling in the countryside
- o Unsuitability of the site due to slope, lack of water, extremes of weather
- o Existing enterprise in Devon is not comparable as a tried and trusted method which uses a kill method of extracting caviar. Also the Devon farm keeps 20,000 to 30,000 Siberian sturgeons in huge tanks through which about nine million gallons of natural spring water

flow each day (Telegraph 22 May 2014) and enjoying a semi wild, non caged life in 700 hectare freshwater lakes (Daily Mail 19 November 2013) this is not comparable to the proposed enterprise. The application does not specify how many fish the Chiltington site is expected to house, but a recent Daily Mail article published on 10 September 2016 states that the applicant wants to keep 200 five foot long Siberian Sturgeon on farm.

- o Adverse environmental impacts
- o Back door method of securing a new dwelling in the countryside, neither meeting the functional or financial tests
- o The proposal is opportunistic and the site has none of the advantages of the Exmoor site.
- o Noise impact
- o Attraction for thieves - expensive fish and product
- o Impact on wildlife - birds, newts, reptiles
- o Adverse traffic impact and increased hazards to cyclists, horse riders and walkers
- o Impact on the peace of the hamlet
- o Loss of trees
- o Out of character with the area
- o Damage spawning grounds of the sea trout
- o Detrimental impact of lighting on the countryside
- o Danger from flooding
- o Discharge of waste into the environment and adjacent stream
- o No increased bio-diversity
- o Concern over pollutants entering the stream and surrounding environment
- o Untested sustainability of the process
- o No proper assessment of viability or feasibility
- o Detrimental impact on residential amenity from noise, odour, vermin
- o Questionable water supplies for the venture
- o Impact on the South Downs National Park
- o Structural damage from water extraction
- o Concerns over the method of extracting the caviar through a 'no kill' method (ethics, quality, viability)
- o No proper assessment of ground conditions
- o Introducing non-native fish
- o Supporting information does not create a credible application, lacks integrity
- o Land is not redundant, just fallow
- o Not ethical
- o Environmental enhancement is not required at the present time
- o Inaccuracies in the submitted information - use of the land, drainage, unknown and unproven viability of the business, not comparable to Devon business,
- o Loss of hedgerows
- o Visual impact from nearby public footpaths
- o Pollution of stream
- o No real employment opportunities for local people
- o Inappropriate landscaping
- o Produces an unbalanced system and is not truly enclosed
- o Inadequate bio security
- o Overdevelopment of the site
- o Proposal is alien and out of character
- o Noise and disruption during construction
- o Impact that the excavation of approximately 2,300 cubic metres of soil (approximately 2,700 metric tonnes) is required to build the site will have on the environment.
- o Detrimental impact of a commercial enterprise in the rural area
- o Impact on views
- o Devastate the countryside
- o No benefit to the local area
- o Proposal is an industrial process

- o Just unnecessary
- o Fish farms attract predators, increase suffering, pose a risk to the environment

Ouse and Adur Rivers Trust (OART) comments (summary):

5.2 Our main concern is that abstraction of water from the stream (known locally as Roman's Winterbourne, a tributary of Bevern Stream) will have adverse effects on the seasonal population of brown trout and sea trout that spawn in the stream during most winters when the stream is flowing. Roman's Winterbourne, as the name suggests, is a non-perennial stream and usually flows during the period late-December until April - although this can vary in wetter- or drier-than-average years. Nonetheless, the stream is valuable spawning water for both brown and sea trout; these usually appear in the stream in late December/early January and spawning occurs soon after.

Our objection is that there is no minimum flow allowed for in the application and, as it stands, the applicant will be able to abstract whenever the stream is flowing. We suggest, instead, that a minimum flow of 2.5 litres per second should be imposed to provide for sufficient flow to safeguard both spawning activities and the survival of offspring.

A secondary concern relates to the applicant's proposed reliance on a reed bed system for water purification. Although the current application states that a "closed-loop" system will be in operation and that there will be no discharge into the stream, we believe that the setup is infeasible because there is no mention of any system for phosphorus removal - the reed bed system is supposed to deal only with high ammonia and low dissolved oxygen levels. None of the documents submitted mentions phosphate or phosphorus. Both sturgeon faeces and uneaten food will contribute to high phosphorus levels in the closed-loop system, resulting in eutrophic conditions and high algae levels. Without the means to strip out the phosphorus (not mentioned in his application) there will be no recourse but to tanker away large volumes of water on a regular basis.

(Full comments can be seen on-line).

5.3 19 named petition - environmental issues of increased traffic from the business

5.4 Planning consultant on behalf of local resident - detrimental impact on the landscape from the engineering works associated with the creation of the bunds, road, buildings, heritage impact on adjacent listed building, unjustified need for a new residential dwelling (no functional or financial need), unproven enterprise, significant risk that the business will fail, permanent change to the landscape, environmental risk, lavish accommodation.

5.5 Rebuttal letter received from a consultant on behalf of the occupier of Upper Burrells, concluding that the development would fail to preserve the setting and significance of Upper Burrells, and that there are insufficient public benefits to outweigh such harm. (Copy of full comments available to view on line).

5.6 49 letters of support on the following grounds -

- o All agencies are in support
- o Media hype has as usual reported several untruths
- o The finished site does not reflect an industrial unit of any kind
- o Sea Trout will not be effected/ flooding is not an issue.
- o It's agricultural land - fish farming is agriculture.
- o Imaginative schemes like this should be encouraged
- o Very little extra traffic once development is complete and operational
- o SW prevailing winds so any possible impact from noise/odour will be taken away from residents
- o The farm will be ergonomic, organic, and aesthetically pleasing to the eye where visible.

- o This land is not in the National Park, very little visual impact Previously the fields in question had a car dumped in it by a local resident and there were derelict wooden mountain bike fabrications as well as being used by residents of Chilton Lane for bonfires. All in it was not the most visually pleasant field
- o it is a clean farm that will have little visual impact and little increased traffic movement on Chilton Lane. The wildlife will be enhanced with the plantings, Bee Hives etc., and proper management of the land.
- o Would not ruin the rural tranquillity
- o Innovative business idea which the UK desperately needs
- o Product / business that can compete globally
- o Not a suitable location, please build houses, here and put the fish farm near a river on a green field site
- o entrepreneurial efforts should be encouraged and should not be allowed to be unfairly stifled by unfounded alarmist claims and nimbyism
- o good utilisation of unused land
- o project is low profile, low impact farming, like any other conducted in adjacent fields for centuries
- o History's repeating itself. In the Middle Ages land-based aquaculture was common place; Lords, monks and other elevated folk raised fish to supplement their diet whether utilising moats, stew-ponds and or dykes.
- o Will add to the areas already growing artisan producers - meat, fish, wine and now caviar.
- o Low impact development
- o Ethical and should be encouraged

6. PLANNING CONSIDERATIONS

Consideration of the main issues associated with the development

Screening opinion

6.1 The applicant did not request a screening opinion as to whether the development would be classified as Environmental Impact Assessment development. However Legal advice was sought and provided that the application required a screening assessment to be carried out under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.(EIA Regs 11).

6.2 That assessment was duly carried out and concluded that a full EIA is not considered to be required as the development is not considered to have a significant landscape and visual impact in an environmentally sensitive location. This screening opinion was issued on the 28 September 2016.

6.3 The screening opinion was made purely in relation to the EIA regulations. The impact of the development on the immediate setting and surrounding landscape is considered later within this report.

General information on water abstraction and various consents that may be required for aquaculture

6.4 There has been some concern raised over the abstraction of water from the stream and other issues associated with aquaculture in general. The Environment Agency in their published guidance state the following:

6.5 The Environment Agency need to ensure that water resources are safeguarded and that abstractions do not damage the environment. Unregulated abstraction could lead to water supply shortages, increased river pollution by reducing dilution, damage to wildlife

habitats and ultimately to the loss of rivers for all of us to use and enjoy. By licensing, we can control the level of abstraction to protect both water supplies and the environment. We screen and appraise all licence applications for potential impact. In doing so we must have regard to certain statutory duties or obligations, for instance, The Conservation of Habitats and Species Regulations 2010 as amended.

There are three types of licence. The type of licence depends on what you want to use the water for, and how long for. As a guide, the types of licence are:

- o Full abstraction licence - for most types of abstraction over 20 cubic metres a day;
- o Transfer licence - for moving water from one source of supply to another with no intervening use;
- o Temporary licence - for abstractions over 20 cubic metres a day over a period of less than 28 consecutive days.

In terms of aquaculture generally, the Dept of Environment Food and Rural Affairs - UK multiannual national plan for development of sustainable aquaculture Oct 2015, provides guidelines on the business.

The key aquaculture consenting framework in England comprises (including the main regulators):

- o Planning permission from the local authority
- o Authorisation by the Fish Health Inspectorate under Aquatic Animal Health (England and Wales) regulations 2009, and the Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011 if applicable.
- o Land use consent from The Crown Estate or other land owner
- o Abstraction licences from the Environment Agency
- o Local authority permissions (food hygiene and safety)
- o Marine Development/Construction license from the Marine Management Organisation
- o Discharge consents from the Environment Agency
- o Those operating in the aquaculture sector must also abide by the Gangmasters (Licensing) Act 2004.
- o Activities would also need to comply with environmental regulations if in an area of statutory protection (such as SSSI, European Marine Site, or Marine Conservation Zone) and will need to be consented and/or assessed accordingly by the Competent Authority in question, Natural England.

6.6 Therefore water abstraction as well as the business of aquaculture in general are covered and controlled by significant amounts of legislation, of which planning is only one part. Planning deals with land use. Unless the committee has information to suggest that a specific issue would not be able to meet the requirements of other legislation it is a proper course to leave that matter to be dealt with under that specific legislation.

6.7 The applicant has confirmed that it is not his intention to abstract water from the stream, however should it be necessary to supplement the on-site water supply any abstraction could be carried out without the need for planning permission but would need to be carried out in accordance with the EA licensing regulations.

6.9 The applicant has submitted an addendum to their report on the Hydrology and Hydrogeology, which states that based on the findings of the Geotechnical Assessment Report it is anticipated that the system would receive sufficient water from both groundwater seepage and surface runoff directed to the pond by the French drains. The volume and flow rate will depend on both seasonal rainfall and the nature of the Weald Clay, of which fissures within the clay will provide the majority of flow where present. The combination of groundwater, seasonal rainfall and surface water runoff will mean that there is no reliance on abstraction from the brook.

Policy

6.10 Planning law requires that all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise. It is considered that the following are the key policy documents against which to consider the application, with specific policies quoted.

The National Planning Policy Framework - NPPF

6.11 The NPPF reinforces the Government's commitment to securing and supporting sustainable economic growth (para 18) whilst at the same time conserving and enhancing the natural environment (para 109).

Lewes District Local Plan

6.12 The site falls within the countryside, outside of any defined settlement boundary.

6.13 Policy CT1 seeks to contain development within the defined Planning Boundaries, except in certain circumstances, one of which is (K) development which can be shown to be reasonably necessary for the purposes of agriculture or forestry.

6.14 Policy ST3 seeks development to respect the amenities of adjoining properties in terms of noise, privacy, natural daylight, visual amenities and smell, and requires all development to have sufficient access, circulation and parking and be capable of accommodating the required parking provisions without detriment to the visual amenities of the area through over intensive parking in a prominent position. The policy also requires the design of hard and soft landscaping in spaces around buildings should enhance and complement new development where appropriate and should maximise wildlife potential by the use of native species and appropriate design.

6.15 Policy H02 seeks to protect character and setting of listed buildings.

Lewes Joint Core Strategy (JCS)

6.16 On the 11 May 2016 the Lewes District Local Plan Part 1: Joint Core Strategy 2016 (JCS) was adopted by Lewes District Council and now forms part of the development plan for the district and should be used accordingly, with full weight unless material considerations indicate otherwise.

6.17 Policies CT1 and ST3 of the Lewes District Local Plan are listed within the JCS as policies to be carried forward and can be given full weight in determining applications.

6.18 Core Policy 4 (Encouraging Economic Development and Regeneration) seeks to stimulate and maintain a buoyant and balanced local economy.....through the support for local and key strategic businesses and the rural economy...'

6.19 Core Policy 10 (Natural Environment & Landscape Character) seeks to conserve and enhance the natural beauty, wildlife and cultural heritage of the area whilst conserving and enhancing the high quality and character of the districts towns, villages, and rural environment by ensuring that all forms of new development is designed to a high standard and maintain and enhance the local vernacular and 'sense of place' of individual settlements.

6.20 CP11 (Built and Historic Environment) seeks to conserve and enhance the high quality and character of the towns and villages and to conserve and enhance the natural beauty, wildlife and cultural heritage of the district.

Landscape and visual impact (including on the SDNP)

6.21 The ESCC 2016 Landscape Character Assessment (LCA) describes and records what makes a place distinctive or different, and what is special about it. This is concerned primarily with landscape character, rather than with quality or value.

6.22 The application site is located in The Western Low Weald, a largely unspoilt and pleasant rural landscape with few intrusive features. The landscape is in a generally good condition and well managed as farmland with a strong historic structure.

6.23 Its key features are: a gently undulating and low lying topography with highest points on the green sand ridges and lowest in the river and stream valleys; unspoilt and distinctive rural character with few intrusive features and no large urban areas: fields are generally small and irregular; many formed from woodland clearance and often bounded by remnant woodland strips known as shaws; a largely pastoral landscape, especially on the heavy clay soils.

6.24 More mixed and arable farming on the higher ground and lighter soils. Scattered tree features including distinctive mature oaks, tree belts, woods, parkland and hedgerow trees give an impression that the area is well wooded. Generally across the area there is a strong historic landscape structure with a patchwork of medieval assart fields (former wood/forest) and hedgerow boundaries. The ridge line of the Downs has an ever present feel in this area and the narrow county lanes in combination with the sheltered landscape of woods, undulating fields and hedges gives the area a secluded and remote character.

6.25 Landscape and visual impacts are distinctly different. Landscape impacts generally refer to changes in the fabric, character and quality of the landscape as a result of any development, whilst visual impacts relate to generally available views of the landscape and the effects of changes on people.

6.26 The applicant has submitted a comprehensive Landscape and Visual Statement which has considered the impacts on land use, landscape features, local distinctiveness and special interests. The visual appraisal focused on the variation in impacts when compared with the current situation and the effect of possible mitigation measures where those impacts could result from intrusion or obstruction and the effect on visual amenity can range from degradation to enhancement.

6.27 The development will be contained within the existing two fields with the loss of a small amount of hedge, which divided the two fields and for an improved access. The site is well surrounded with existing historic and in some places mature boundary hedging. The proposal will respect the historic field pattern, and the existing boundaries will be enhanced (gaps closed) which will enhance both the wider habitat and benefit the wider landscape.

6.28 The proposed new buildings with associated new access track have been located to the rear of the site close to the pool and pool house within the extended rear garden of Upper Burrells, thus keeping the built elements close together rather than being in an isolated location.

6.29 Whilst there will be topographical changes to the land, levelling large parts to accommodate the ponds and buildings, these changes will diminish visually over time with the proposed new planting throughout the site. Therefore it is considered that by retaining the historic field pattern and additional ecological enhancement and planting will ensure that the wider landscape character, as defined in the Landscape Character Assessment (LCA), will be maintained.

6.30 In terms of visual impact, the main receptors are considered to be residential properties, rights of ways, and roads.

6.31 In terms of residential properties the site will clearly be visible from a number of properties. The submitted Landscape Assessment provides an assessment of that impact on Chiltington House, Romans, Kemps, Burrells, Upper Burrells, Beams and Southover Cottage.

6.32 Of these Beams and Southover Cottage at a distance in excess of 100m from the site are effectively screened by existing vegetation. Upper Burrells is located between 60 and 80m from the boundaries of the site. However with the depth of garden, the 2 to 3m high boundary vegetation, and the location of the tennis court and pool/summer house close to where the new buildings will be located, it is considered that the views of the tops of the new buildings would be minor in terms of visual impact, and this would be partly mitigated over time with the proposed planting.

6.33 Kemps is largely screened by Burrells and Upper Burrells, and the oblique view across the front of the site entrance and lower field. It is not considered that this aspect would change greatly.

6.34 Burrells has a common boundary with the application site, close to the entrance. It is considered that some oblique views would be possible across the site but existing vegetation would filter those views.

6.35 Romans is situated on the western side of the lane, close to where footpath 45E joins the lane. Views are likely to be possible especially during the winter when the thick belt of trees adjacent to the stream on the western boundary of the site loses their leaves. However at approximately 140m from the buildings, and with the benefit of additional landscaping on the site the visual impact is considered to be slight.

6.36 Chiltington House is located north west of the site and approximately 35m from the application boundary and 130m from the proposed buildings. A walkover of the site shows that there are views across the site but these are filtered by existing vegetation (tree canopy, boughs and low level vegetation). Whilst there would be some initial visual impact with views across the site towards the buildings, this would be mitigated with the proposed landscaping on the site.

6.37 The change of use of the fields from rough pasture to a fish farm with the proposed changes to the topography and introduction of new buildings has the potential to impact on the visual amenity of the area. Overall, whilst some of the proposed works and buildings will be visible from some nearby dwellings, with the proposed landscaping in place it is not considered that the views of the landscape would be detrimentally impacted upon.

6.38 In terms of public rights of way the site has footpaths both to the north and south. Footpath East Chiltington FP12 runs from Deer Park Cottage in a south east direction, becomes FP42 Chailey, to Wickham Lane. It passes approximately 110m to the north east of the site. The northern boundary of the site consists of a mature hedge, between 2-3m high interspersed with mature trees. There is a gap in the hedge which does afford views into the site but it is intended to reinstate this hedgerow and therefore over time views from the north will be limited. Coming back from Wickham Lane to the south of the site adjacent to Beams, FP3 St John Without, affords no views being screened by existing field boundaries and existing mature vegetation.

6.39 To the south of the railway FP25 runs south east to north west 320m south west of the site. Limited views are obtained from this path.

6.40 From White House FP45d runs north east and crosses the railway line and then becomes FP 45e, and runs due east towards the site. Views of the site especially the western field and the western boundary hedge with Upper Burrells can be glimpsed if looking at the site above and through the existing tree canopy. However those views are quite broken up and the new buildings certainly not be any more visually dominating than the existing houses in the vicinity. The additional planting and landscaping that is proposed on the site would, once established, mitigate the slight negative impact that the development could have in terms of any visual impact.

6.41 In terms of impact from adjacent/nearby roads Chiltington Lane runs along the southern and western boundary of the site. Views from here are generally filtered - views of the new buildings being obtained from the entrance. Whilst travelling east view of the buildings and across the site would be possible, however due to the fact that the majority of people will be passing the site the impact will be low. Also view across the site will diminish with time as the proposed planting establishes.

6.42 It is not considered, having assessed the views of the site from the south and beyond the railway line, that the proposed development would have a detrimental impact on the natural beauty, wildlife and cultural heritage of the South Downs National Park.

6.43 It is acknowledged that the trees and hedging that surround and screen the site are virtually all deciduous and therefore visual impact will increase during the winter period. The same is true of all the existing dwelling houses and other ancillary structures in the vicinity. However the visual impact will still be broken up by the trunks and boughs of the existing trees and the density of the existing vegetation.

6.44 Any proposed mitigation planting will take time to establish and provide the required planned mitigation. Some long term mitigation can take up to 5 years to begin to establish with a further 10 years before full maturity of the planting scheme can be expected. However, initial mitigation in terms of building colour, shape and form, landform screening and bunding, and general arrangement on site will lessen the visual impact of the scheme for those limited areas where the development would be seen.

6.45 The report concludes that overall the magnitude of the proposed changes detailed in the application can be regarded as medium/low due to a moderate change in view with few identified viewers.

6.46 Objections received have referred to and submitted a copy of an appeal decision for new ponds for fish breeding elsewhere in Staffordshire. The two sites and their circumstances are considered to be very different. The Inspector was considering a part retrospective planning application to retain a pond and associated car parking used for personal recreational purposes on a site in the Green Belt which was within a designated Special Landscape Area. This proposal seeks to develop non-designated farmland and for agricultural purposes. The Inspector was duty bound to consider whether there were any very special circumstances to warrant planning permission being granted for an inappropriate development in the Green Belt. That said, the Inspector did suggest that it was the car parking and pathways, not the water body, which were the more harmful elements of the development and that a new water body could bring ecological enhancements if properly controlled. This proposal has to be treated on its own merits and against adopted policy, both local and national, and against the physical .

6.47 The creation of a new agricultural business within the countryside is consistent with uses of the wider countryside. This proposal supports the retention of historic field patterns of the local area, and will enhance the existing ecological habitat. Whilst it is accepted that

there will be some visual impact it is considered that such impact would not be classified as major, and would prejudice the character of the wider countryside. The immediate impact would be mitigated over time with the proposed sensitive planting which will also enhance the ecology of the site. It is therefore considered that whilst acknowledging that there would be change, the proposal would not result in a detrimental landscape or visual impact.

Traffic and road safety

6.48 Vehicle trips associated with the inbound and outbound deliveries and feed is expected to be minimal. There will be feed for the fish delivered by HGV twice a year (maximum). During harvesting season, between November and April, caviar will be taken up to twice a month in a car to London for repacking, selling and further transportation, which is estimated as a minor increase when considered annually.

6.49 There will be 2 full time members of staff employed on the site. The site will not be open to the general public, and only a few daily trips are expected, associated with routine site maintenance, security and day to day servicing. There are some existing HGV movements using the lane.

6.50 The development of temporary single storey accommodation has been assessed as a privately owned house to ensure a robust assessment. The TRICS analysis suggests the proposed temporary accommodation is likely to generate a small increase by less than 1 trip in both the AM and PM peak hours, which is unlikely to result in any significant material impacts on the local highway network. Therefore, the trips associated with the proposed development will be of negligible increase in comparison to the existing site.

6.51 The car parking provided on site for the proposed development will offer a total of 4 spaces, and is sufficient to meet the minimal daily servicing demands for the development. There will also be a turning point provided for delivery vehicles to enter and turn on site.

6.52 As a result of the initial consultation with Highways, where concerns were raised, the proposed access track has been relocated approximately 23m further to the west in order to achieve satisfactory sightlines. The Highway Authority considers that the applicant has addressed the highway concerns raised initially (in terms of number of employees, size and number of vehicle movements, parking and turning on site) and have withdrawn their objection and recommends that any approval has a number of conditions attached.

Impact on ecology - flora and fauna

6.53 An Ecological Appraisal was submitted with the application.

6.54 The site is not subject to any statutory or non-statutory designations. The closest designated sites are the South Downs National Park (located approximately 80m south west at its closest point) and Brighton and Lewes Downs Biosphere Reserve. The survey area does not support any features that contribute to the designation of this site.

6.55 Habitats within the site were assessed as being of value to wildlife within the local vicinity with potential to support discrete numbers of breeding birds, badgers, bats, great crested newt and reptiles in suitable habitat. All on site trees and boundary features (except for where the new entrance will be created) will be retained and the site will not be illuminated at night. As such, further surveys in respect to dormice and bats are not required. Therefore precautionary approaches in respect to breeding bird, badgers, great crested newt and reptiles are recommended together with proposed enhancements which will enhance biodiversity within the site and will increase opportunities for wildlife in the long term.

6.56 The evaluation and survey found that there was moderate potential for reptiles, high potential for nesting birds in suitable habitat, moderate potential for roosting, foraging and commuting bats, low potential for badger setts and moderate potential for foraging badgers, low potential for great crested newts, and low potential to support hazel dormice.

6.57 The report recommends hedgerow enhancement, compensatory planting, the use of bird boxes and bricks, and the incorporation of bee hives. It is also recommended that an update habitat survey is undertaken if more than 12 months have elapsed between the survey and the point at which any development decisions have been made at the site.

6.58 The arboricultural report, which was assessed by the Council's Tree and Landscape officer, accepts that some hedgerow will be lost to facilitate the access into the site and into the north eastern field, but that no mature trees would be lost around the perimeter of the site. Any such removal would be more than compensated for by appropriate replanting and landscaping of the site, thus enhancing the wider biodiversity.

6.59 It is therefore considered that the proposed development would not have a detrimental impact on flora, fauna or the wider ecology of the site, and that the mitigation measures will actually enhance the ecological value of the site and its surroundings. The recommendations of the report will be conditioned.

Impact on existing water course and flooding

6.60 The applicant has submitted a Flood Risk Assessment together with a report reviewing the hydrology at the site.

6.61 The application site will employ a closed loop aquaponics recirculating ecosystem, whereby the water will not require discharge into the local waterways, eliminating the chance of any waste water returning to the local waterways and therefore any contamination of the local ecology, native species of fish or any local water courses.

6.62 Objections from OART that abstraction of water from the stream (known locally as Roman's Winterbourne, a tributary of Bevern Stream) will have adverse effects on the seasonal population of brown trout and sea trout that spawn in the stream during most winters when the stream is flowing.

6.63 In response the applicant has stated that the scheme has been revised so that no water need be abstracted from the Winterbourne beyond the volumes currently permitted under the EA's licensing arrangements, which will only be taken as and when necessary. As stated earlier in the report, the business will utilise an aquaponic system which recirculates and re-uses water, creating little demand for additional water supply.

6.64 In terms of potential overflow situations due to flooding especially flash-flooding rain water will fall onto the land irrespective of the land use. The ponds are designed to capture large amounts of rainfall and can only overflow as fast as the rain falls into them, the risk of localised flooding will be significantly reduced as the ponds will reduce water runoff to the stream. Having on site supervision is an essential way of reducing and minimising these risks.

6.65 The site is located outside of Flood Zones 2 and 3. The buildings and main operational ponds are located on higher ground and would not be affected by any flash flooding from the stream. The scheme has been developed to intercept and store rainfall, to provide sufficient available water storage for the enterprise. Therefore the development would not increase flood risk in the area.

6.66 In terms of potential accidental discharge caused by failure in pumping equipment, valves or ruptured pipes and or failure of the earth works containing the pond waters, the applicant has responded that the pumps will be fitted with an alarm system to alert on site staff of any problems so they can be immediately attended to. One way valves will be used after every pumping operation to avoid back siphoning. The ponds are subterranean so breaches in the bunds, correctly constructed, is unlikely. Ruptured pipes can only leak if water is flowing through them. One way valves and pipe work located at the surface of the ponds ensure that the only leakage that can occur is the small amount of water contained within each section of pipe work. There will be 3 pumps on site that can be run by generators in the event of a mains power failure. If the pumps do fail, the water will simply remain in the system until the pumps turn on again.

6.67 Having considered the submitted report it is concluded that the development would not be at an increased risk of flooding from fluvial, pluvial, groundwater, sewer or coastal flooding, and that the development itself would not result in increased flooding elsewhere off site.

Impact on setting of adjacent listed buildings

6.68 The application is supported by a Heritage Statement which assess the impact that the proposal would have on heritage assets in the vicinity of the site. Whilst not being located within a designated area, the site lies within 220m of the curtilage of five listed buildings, one of which abuts the site boundary. The report identifies the buildings, their listing description, the form of the settlement and its growth and change over time, and the form and location of the proposed development in relation to these buildings.

6.69 Heritage Assets are defined in Annex 2 of the NPPF as a building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. They include designated heritage assets (as defined in the NPPF - ie listed buildings) and assets identified by the local planning authority during the process of decision making or through the plan-making process.

6.70 Whilst the proposal would not have any direct impact on the curtilages or historic buildings, it could impact on the wider setting of those buildings. Setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of the heritage asset, and depends on a wide range of physical elements within and linked to that heritage asset's surroundings.

6.71 The report finds that in terms of the historic asset setting the identified Grade II listed buildings are important elements with the village settlement scheme and have a specific relationship to each other within each of the two distinct nucleated settlement areas of the village. The proposed new fish farm and associated new agricultural style building is in keeping with the types of structure found on the edges of the villages especially where the economics of agriculture is requiring diversification and changes in land use to keep economic activity within the countryside setting. The location of the new building close to the existing tennis court, swimming pool and pool/summer house in the garden of Upper Burrells (the closest listed building) does not impinge upon the direct setting of Upper Burrells; there are no clear views of the property from the west, north or east. The major view setting the building in context is from the Chilton Lane where its association with other listed buildings in this cluster are left undisturbed by the fish farm development.

6.72 The impact upon the listed properties within the northern cluster also have their setting undisturbed by the fish farm development as with the southern cluster the major views for the setting of these buildings are inward facing towards the road and adjacent

dwellings with few, if any, external views possible encompassing the group of listed building with the new fish farm which is at minimum 170m away and screened by woodland and hedges.

6.73 It concludes that the setting of the five Grade II listed buildings identified within the village will be retained and not impacted upon by the development due to the distance of the site from the northernmost cluster and focus of the setting of the buildings within the southern cluster being on each other and their relationship to Chilington Lane.

6.74 The Council's Design and Conservation Officer (comments included within the earlier section of the report) concludes that due to a combination of the distance the listed buildings are away from the site and the screening on the boundaries and within curtilages, it is not considered the proposed works will have an adverse impact on the special interest of the neighbouring listed buildings and their settings. No objection is therefore raised to the proposed works.

6.75 Therefore it is considered that the proposed development would not impact on the setting of the nearby listed buildings.

Impact of chemicals and processes on the environment

6.76 There are no proposals for chemical storage on site other than Receptal which is an injectable synthetic hormone. Submitted information by a specialist in fish health and production has stated that the chemical is used in tiny amounts and delivered by injection. There is no ongoing hazard, even if poured into the water (and it is too expensive for that), it is biodegradable and would rapidly disappear.

6.77 Concern has been raised that the applicant's proposed reliance on a reed bed system for water purification and the method of phosphorous removal is inadequate. The use of reed beds is commonly used as a filtration system throughout the world and no evidence has been submitted to suggest that the proposed cleaning/filtration system would not be able to manage the water flows around the site, including any phosphorous that may be present.

6.78 The development is proposing to use a closed recirculated aquaponics system. This in itself should eliminate the chance of any waste water returning to the local waterways and therefore any contamination of the local ecology, native species of fish or any local water courses.

6.79 No waste is to be discharged into the local river etc. Wastes will be extracted from settlement pits within the ponds themselves. The system relies on retaining water in the ponds to maintain bacterial levels and only topped up as necessary. Emptying and refilling the ponds is unnecessary except to remove any build up of waste at the bottom of the ponds (see amenity section of report) and therefore should not result in any nuisance.

6.80 The applicant has submitted a Biosecurity Plan covering supply of the fish, cross contamination from external sources, monitoring for disease, pest control, physical security (flooding and escapes), personnel, and waste (fish and fish waste), which whilst not a planning matter does provide information on the exacting standards that are to be expected to operate such a business successfully.

6.81 Concern has been raised with regards to the fish entering the adjacent watercourse. As noted in the submitted Biodiversity plan, the farm will be stocked with disease free fish which are quarantined and checked by the Fish Health Inspectorate before being released in the ponds. The sturgeon are large fish, the ponds will be netted and therefore there is

no possibility that a predatory bird or mammal could pick one up and transfer it to the stream. Neither would the fish be able to jump from the ponds.

6.82 It is considered that the proposed development should not pose any risk to the wider environment from the release of chemicals or waste. The closed aquaponic system should also ensure that the processes associated with the operation of the business do not detrimentally impact on the wider environment.

Impact on amenity

6.83 The ponds are designed in a herring bone fashion where the fish waste drops to the bottom and is broken down by bacteria as part of the nitrogen cycle. Waste will be negligible as the stocking density of the fish and the amounts of feed they are offered are relatively low and carefully calculated to minimise waste.

6.84 Noise - a noise assessment has been submitted as part of the documentation supporting the application. That report details existing background noise levels as well as possible sources of noise such as the wind turbine (now removed from the proposal), pumps, generator, and flowing water.

6.85 It concludes that noise from the pumps will be less than the background noise level, the emergency generator would be 16db above background sound level and 1db above background level, and therefore recommends the following mitigation measures:

- Limit emergency generator to a sound power level of less than 89dBA. Install generator inside so noise breakout will be dominated by exhaust noise. Direct exhaust to point in a North Easterly direction away from the NSRs. Locate generator on north side of development building.

- Limit turbine to a sound power level of less than 85dBA. This would be the sound power rating at 10m high with 10m/s wind speed. Locate turbine as shown in the RevF layout drawing. This will result in the 35dBA criterion being achieved for NSRs and also the pool house.

(Note that the turbine has now been removed from the scheme).

6.86 The report has been assessed by the Council's Environmental Health Officer who has agreed with the findings and that the mitigation measures should be conditioned.

6.87 Odour - An odour assessment was submitted by Air Quality Assessments Ltd. The report states that odour emission during the operation of the fish farm could arise from the following activities: Stagnation of water; Anaerobic conditions within pond sediments; Processing of the caviar harvest; and Fish waste.

6.88 As the ponds will be used to sustain fish, they will be carefully managed to ensure that the water remains well oxygenated. The site will operate a closed water system whereby water from the fish ponds will overflow and drain using gravity, passing through a filter system comprising natural reed beds, biofilters and screens, prior to storage in the main holding pond, from which it will be pumped back up to the fish ponds to top up as necessary. The water will be monitored for oxygen and temperature, and the controlled environment will ensure that anaerobic conditions never occur in the ponds.

6.89 During the summer months, the ponds will be drained, in rotation, and the sediments allowed to dry out in the sun. This process will prevent the formation of anaerobic sediments in the bottom of the ponds.

6.90 The caviar will be harvested from the fish using a hormone injection to stimulate egg release, and no fish will be killed. Therefore, there will be no waste fish products and associated odour.

6.91 The report concludes that there is likely to be a negligible effect on odour at local receptors (residential properties) and that mitigation measures would not be necessary. The report has been assessed by the Council's Environmental Health Officer who has agreed with the findings.

6.92 Traffic noise/movements - it is accepted that during the initial construction of the site there will be a large amount of disturbance with earth moving machinery on the site. However this is a normal part of the development process and can be controlled by condition. All earth is being retained on site and the land simply re-sculptured so there will not be high volumes of vehicle movements generated on the highway. When complete the development, with only 2 full time members of staff and with only an anticipated 2 vehicle trips per month to dispatched the caviar, it is not considered that the associated traffic movements would prejudice the wider amenity of the area.

6.93 As such it is not considered that the proposed development would prejudice the general amenity of the area or the living conditions of residents in the locality.

Need for new dwelling

6.94 As part of the application it is proposed to station a mobile home on the site for temporary period of 3 years. The building is rectangular in footprint, 128.7sq.m, with a shallow pitch roof. The provision of temporary accommodation is usual practice for a new enterprise where there is a need to have on-site accommodation.

6.95 Functionally, having someone on site is necessary for the welfare of the sturgeon and the constant monitoring and operation/maintenance of the balanced aquaponic system. It is also necessary in terms of the security of the site, with both valuable fish and an equally valuable end product. Also there is the constant threat of predation by birds and mammals.

6.96 Without a permanent presence on site, it is likely that secure fencing would need to be erected around the whole site together with lighting and CCTV systems - equipment that would be far more intrusive and detrimental to this countryside setting.

6.97 It is considered that the nature of the business is such that some on site presence is necessary. The mobile home will be conditioned for a 3 year period, and that it can only be occupied by a person solely working at the caviar/fish farm. This would allow a period of time for the business to establish and to become viable before considering and looking at renewing such permission, giving the Local Planning Authority the opportunity to assess and evaluate the business.

Viability of the new venture

6.98 The issue of viability of the new venture has been raised by some objectors. Decision-taking on individual applications does not normally require consideration of viability. It is only where the deliverability of the development may be compromised by the scale of planning obligations and other costs, that a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level. (Planning Practise guidance).

6.99 Viability appraisals may be used in connection with a number of planning-related issues in respect of both policy assessment and development control. It is usual to apply a 'reasonableness' test in development control, for example in assessing the maximum reasonable amount of affordable housing in terms of the economic viability of a development. In certain instances, financial viability may also be relevant in the context of seeking to depart from planning policy.

6.100 However, in this situation, there is no requirement to assess the financial viability of the development as no special case is being put forward to justify the development in terms of financial viability, and the development itself does not require any obligations or other reasonable costs or works.

6.101 An applicant's financial status, or their ability to fund a development venture is not a material planning consideration and should not form part of the planning consideration.

Conclusion

6.102 By definition, the proposed development is a form of agriculture, which is ideally suited to a countryside location. The principal issue is whether the change that would occur as a result of this site being developed could take place without detriment to the many material considerations that have been raised.

6.103 The report covers the main areas of concern - landscape and visual impact, traffic, ecology, impact on hydrology, impact on heritage assets, impact on amenity and living conditions near the site - as well as describing the processes involved.

6.104 It is accepted that the proposed development will impact on the area, as any new development would. The countryside never ceases to change over time as any assessment will reveal. The immediate area surrounding the site has experienced significant change in the past with the loss of an orchard, the construction of a pair of semi detached dwellings (Hurst Barn Cottages) and a detached dwelling (Greensand), Kemps has changed from a public house (The Bricklayers Arms) to a private dwelling, Chiltonton House used to sit alongside an established orchard, Upper Burrells has incorporated a 0.46ha field into its residential curtilage. Even those elements that are constructed within defined residential curtilages, such as tennis courts, swimming pools and pool houses, close boarded fences, and various other outbuildings, have an impact and can change the immediate character of a place. Just as these changes have taken place without significant detriment to the character of the area, it is considered that the proposed development can also be accommodated without prejudicing the landscape or visual character of the immediate area and surrounding countryside.

6.105 Having regard to all the material considerations relevant to the determination of this application it is considered that the proposed development would sit comfortably within the confines of the site, albeit with re-contouring of the land and new landscaping, without detriment to the wider surroundings or the living conditions of nearby neighbours and those that use the lane.

7. RECOMMENDATION

That planning permission is granted subject to the conditions set out below.

The application is subject to the following conditions:

1. Before the development hereby approved is commenced on site, details and samples of all external materials for the buildings including stain colour for the timber, as well details of the

surfacing material for the drive and courtyard, shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Before any development commences on site a maintenance and management plan for the entire drainage and SuDS system, specifying responsibilities for management and timetable for implementation, and management for all aspects of the surface water drainage system, including piped drains for the lifetime of the development to secure the operation of the scheme throughout its lifetime.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. Development shall not begin until details of foul and surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented prior to the occupation of the dwelling or the operation of the business.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

4. No development shall take place until full details of both hard and soft landscape works including planting schedule, species lists and number of plants, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the site.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. In the event of the death or destruction of any tree, shrub, hedge to which Condition 5 relates on the site within two years of occupation due to felling, cutting down, uprooting, ill health or any other manner, then there shall be replanted in its place another tree, shrub or hedge within 6 months and of a size and species approved in writing by the Local Planning Authority, and carried out in accordance with that approval.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. In this condition 'retained tree' means an existing tree or hedge, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

- a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.
- b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Council.
- c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Council.
- d) arboricultural protection method statements and plans submitted as part of the application, and listed in the approved plans condition, shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Council. This shall include any requirement for arboricultural supervision.

Reason - To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. The development hereby approved shall be carried out in accordance with the recommendations set out within the Preliminary Ecological Appraisal July 2016 by Phlorum, the details of which have first been submitted to and approved in writing by the Local Planning Authority, and the development shall not be brought into use until the approved measures have been carried out and implemented.

Reason: To comply with wildlife legislation and to safeguard and enhance the ecological value and quality of the site having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. The noise mitigation measures as set out in Section 7.1 of the Acoustic Associates Sussex Ltd report Issue 1 - 09/07/2016, limiting emergency generator to a sound power level of less than 89dBA shall be implemented in their entirety before the development is operational.

Reason: To protect the amenity of neighbours and of the wider countryside having regard to Policy ST3 and CT1 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. No external lighting, either static or security lighting, shall be installed on the site or buildings without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbours and of the wider countryside having regard to Policy ST3 and CT1 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. The temporary mobile dwelling hereby approved shall only be occupied by a person solely working in the caviar/fish farm, and shall be removed from the site on or before 30 November 2019 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent unnecessary development in the countryside having regard to Policies ST3 and CT1 of the Lewes District Local Plan, CP10 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. If the development hereby approved ceases to be occupied or used as a fish farm producing caviar for a continuous period of 12 months or more the use hereby permitted shall cease, all buildings and structures shall be removed and the land shall be restored to its former condition within 6 months of the cessation of use.

Reason: To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining and to protect the landscape and visual amenity of the area having regard to Policies ST3 and CT1 of the Lewes District Local Plan, CP10 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, and shall be used on all vehicles leaving the site to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. The new access shall be in the position shown on the amended submitted plan [numbers 5567/101A, 2.02H] and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority within 3 months of commencement of development

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

16. The use hereby permitted shall not commence until the existing access shown on the submitted plans has been stopped up and the [kerb and/or footway and/or verge] reinstated in accordance with details submitted to and approved in writing by the Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

17. Any gate/s shall be positioned at least 5.5m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gate/door is being operated.

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

18. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

Reason: To ensure the safety of persons and vehicles using the access and/or proceeding along the highway having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

19. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

20. The development shall not be occupied until the turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

21. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

22. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

23. The access shall not be used until the sight line areas shown hatched green [2.4m x 43m] on the submitted plan are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The applicant's attention is drawn to the need for a Licence Agreement for the construction of the access. The applicant should contact East Sussex highways on 0345 6080193 prior to commencement of development to complete the agreement and pay the necessary fee.

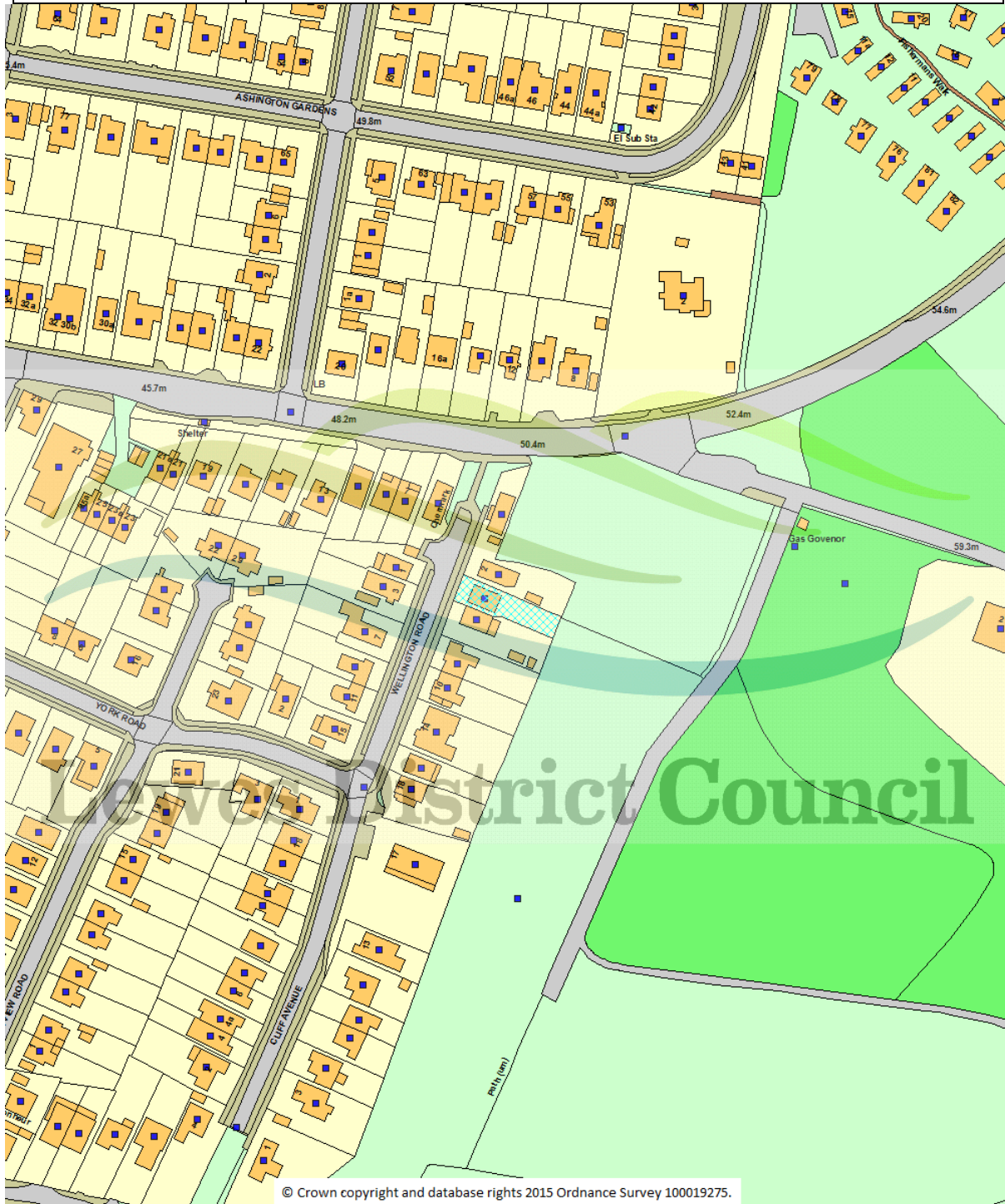
4. The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the County Council's Network Coordination team (0345 60 80 193)

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Biodiversity Checklist	15 August 2016	
Flood Risk Assessment	11 October 2016	
Proposed Floor Plan(s)	24 October 2016	1548 2.07 POLY TUNNEL
Proposed Elevation(s)	24 October 2016	1548 2.07 POLY TUNNEL
Location Plan	21 October 2016	2.02 H
Proposed Floor Plan(s)	21 October 2016	2.04 F
Proposed Elevation(s)	21 October 2016	2.05 F
Proposed Elevation(s)	21 October 2016	2.06 E
Transport Assessment	15 August 2016	5567A/2.3
Planning Statement/Brief	15 August 2016	AGRICULTURAL SUPPORTING STATEMEN
Tree Statement/Survey	15 August 2016	ARBORICULTURAL IMPACT ASSESSMENT
Tree Statement/Survey	15 August 2016	ARBORICULTURAL METHOD STATEMENT
Tree Statement/Survey	15 August 2016	ARBRICULTURAL SURVEY
Planning Statement/Brief	15 August 2016	BIOSECURITY PLAN

Landscaping	24 October 2016	DCA-CHI-LV-001 AERIAL
Noise Detail	22 August 2016	ENVIRONMENTAL NOISE ASSESSMENT
Planning Statement/Brief	15 August 2016	FEASIBILITY OF COMMERCIALITY
Technical Report	15 August 2016	GEOPHYSICAL SURVEY
Technical Report	15 August 2016	GEOTECHNICAL ASSESSMENT REPORT
Technical Report	15 August 2016	HYDROLOGY & HYDROGEOLOGY
Additional Documents	24 October 2016	HYDROLOGY ADDENDUM
Justification / Heritage Statement	4 October 2016	INC. LANDSCAPE ASSESSMENT
Technical Report	22 August 2016	ODOUR ASSESSMENT
Landscaping	24 October 2016	PJC-0620-001 M
Proposed Section(s)	15 August 2016	PJC-0620-002 B
Proposed Section(s)	15 August 2016	PJC-0620-003 B
Proposed Section(s)	15 August 2016	PJC-0620-004 B
Proposed Section(s)	15 August 2016	PJC-0620-005 A
Proposed Elevation(s)	21 October 2016	POLYTUNNEL 2.07
Technical Report	15 August 2016	PRELIMINARY ECOLOGICAL APPRAISAL
Technical Report	15 August 2016	REVIEW 20160715
Additional Documents	15 August 2016	STURGEON DRUG STATEMENT
Survey Plan	5 September 2016	TOPOGRAPHY & SURFACE WATER
Proposed Layout Plan	1 November 2016	VEHICLE TRACKING
Additional Documents	24 October 2016	WATER ADDENDUM

APPLICATION NUMBER:	LW/16/0802	ITEM NUMBER:	7
APPLICANTS NAME(S):	Mr J Robison & Ms S Teng	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for Conversion of existing garage to form an annexe, erection of a 1.3m side extension		
SITE ADDRESS:	4 Wellington Road Peacehaven East Sussex BN10 8QJ		
GRID REF:	TQ 42 00		



1. SITE DESCRIPTION / PROPOSAL

1.1 Planning permission is sought for an extension to the side of the existing garage and its conversion to an annexe. The property is a detached bungalow with converted loft, located within the planning boundary within the outer edge of Peacehaven. The rear garden within which the garage is located backs on to open grassland. A small area of this land directly adjoining the rear boundary of the site is used by the applicants as a vegetable garden.

1.2 The existing garage building is located in the rear garden, positioned adjacent to the north side boundary and extends the full length of the rear garden. The garage measures approximately 3.1m wide x 11.7m long, with a narrower section of 2.7m wide to the rear. The application proposes to extend the garage to the south side by about 1.3m wide x 5.7m long and to infill the north side to the boundary so it is the same width as the front section. The existing greenhouse to the side of the front garage section would be retained. The existing pitched roof would be extended down to eaves level to form the roof of the infill extension. The side extension would have a flat roof, level with the eaves to this side. The main roof form and solar panels would be retained as existing.

1.3 Internally the garage would be converted to an annexe including a bedroom, bathroom and kitchen/living room. Windows would be added to the front, rear and side facing onto the garden. Access would be through a door at the side between the green house and the extension, accessed from the garden.

1.4 The proposed annexe is primarily for the use of a full time carer/or family member. Both applicants have conditions which are likely to worsen and need more care than can be provided with the current living arrangements.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – RES18 – Garages and other Buildings

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/10/0732 - Extend rear hip roof to gable and insertion of dormer windows to south side elevation - **Approved**

LW/09/0753 - Section 73A Retrospective application for the continued use of land as a vegetable plot - **Approved**

LW/07/1097 - Single storey rear conservatory extension - **Approved**

LW/99/1896 - Porch and conservatory extension, also conversion of loft including dormers - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Peacehaven Town Council – Refusal Recommended due to:-

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- The proposal is for a separate dwelling and not an annexe
- Would set a precedent for similar developments
- Back garden development
- Inadequate local infrastructure - including A259, surgeries, school
- Effect on local character - surrounding area included
- Density of layout & over development - too large for plot
- Absence of car parking facilities
- Increase of traffic & congestion
- Exacerbate existing parking problems

Officer response: The proposal is for an annexe, not a separate dwelling and can be conditioned as such. Use as an annexe is very unlikely to set a precedent for the area. The back garden is already developed. Additional infrastructure is not required for an increase of 1 person. There would be minimal impact on the local area due to the small scale of the extensions. The existing garage and extensions would be less than 50% of the curtilage land and could be carried out under PD. The potential for one additional car would not have any significant impact on parking or traffic safety in the area. The objections raised are therefore considered unsustainable in relation to the development proposed.

ESCC Archaeologist – Although this application is situated within an Archaeological Notification Area, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

Southern Gas Networks – Standard gas safety advice

Environmental Health – The proposal is for the conversion of existing garage to form an annexe, erection of a 1.3m side extension.

The property in question is located approximately 200m south west of the former South Coast Road landfill site and more pertinently, 70m north east of a historic Environment Agency recorded landfill site known as "13 or 15 Wellington Road". EA data for this site indicates it accepted unknown waste between 1940 and 1950. Due to the age and distance from the landfill, the ground gas risk is not anticipated to be significant for the property.

However, due to the age of the existing dwelling there is limited potential for materials that may be harmful to human health, such as fuel used for heating or asbestos containing materials, to be present in the soils.

We therefore recommend that the following conditions are attached to any planning permission:

Unsuspected contamination

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Five letters of objection concerning, over development, garage covers most of the garden which is why they had to extend their garden in to the field behind and destroy open land, conservatory and green houses on site, over 50% of original land, garage is already massive and unsightly, smaller structure refused at other property with more land, unacceptable visual impact compared to other gardens in street, out of character and scale, would set a precedent for others having a negative effect, overbearing, built without planning permission, without the knowledge of LDC, they have shown no regard for planning regulations, separate dwelling not an annexe, full amenities in annexe could be easily let out as a separate dwelling, over population of a small area, reduce the garden to a minimal size, there is not enough space for the current garage let alone an extension, continued use of land to rear which applicants do not own, inadequate access being at the end of a shared drive, limited parking spaces on street, loss of parking in garage will increase parking congestion, creating more need for parking, larger vehicles struggle to navigate up the road, garage too close for dwelling purposes being on boundary line, noise and disturbance from occupation of garage as an annexe will have an adverse impact on residential amenity, sufficient level space on the ground floor for the applicant, no need for an annexe for the applicant, no access to off road parking at front.

6. PLANNING CONSIDERATIONS

6.1 The main consideration for this application is the impact of the intensified use of the property as an annexe, on neighbour's amenity.

Existing structure

6.2 It is noted that neighbour objections to this proposal refer to the existing garage not having the required planning permission in place. The garage as constructed complies with the criteria for permitted development and the total area of ground covered by buildings within the curtilage of the house does not exceed 50% of the total ground area. Therefore planning permission was not required. The extensions can also be carried out under permitted development and without any further planning permission. The garage as existing and including the proposed extensions is considered lawful and no further consideration should be given to this matter.

Use

6.3 The proposed use of the garage, as extended, requires planning permission as it would be capable of self-contained living. However, the access and position of the annexe within the garden of the main property would not easily accommodate use as a separate dwelling. The annexe is primarily required to provide accommodation on site for a full time carer for the occupants of the house, in relation to their declining health. The building is not intended as a separate dwelling. Conditions can be attached to the grant of consent to prevent use of the building as a separate dwelling and to ensure the use remains ancillary to the main dwelling.

6.4 The close proximity of the house and the annexe would limit the occupation of the building to a carer or family member. The shared use of the garden and access would

prohibit use of the building as a separate dwelling and this is not the intention of the application. It is noted that the main house could accommodate additional people but this would not provide the independent living that a carer would require.

Noise and disturbance

6.5 The intended use of the annexe for a carer would result in an intensification of use, including an increase in comings and goings and potential noise and disturbance associated with use of the building as an annexe. The additional noise, disturbance and movements generated by one additional person are not however considered to be significant, or to increase these factors to an unacceptable level. The use of the external space as a garden would continue as existing and noise and disturbance associated with this existing use would not be greater than that associated with the current use.

6.6 The building is positioned adjacent to the garage of the neighbouring property to the north and any additional noise generated from use of the building as an annexe would be very unlikely to travel to the occupants of the house or have any increased impact on the residential amenities of the adjacent occupiers. Suitable noise insulation could be incorporated into the building to mitigate any increase in noise levels.

Visual impact

6.7 The building is in close proximity to its neighbours, forming the side boundary with the neighbour's garden to the north and positioned about 2.8m from the boundary with the neighbour's garden to the south. Other than for the small infill extension to the rear, adjacent to the north boundary, the building would remain as existing. The very small scale of the infill extension and change from garage door to windows at the front would be the only visible aspects from the neighbour's property to the north and these changes are not considered to have any adverse impact on the visual amenities of the occupants. There would be no overlooking, loss of privacy or sense of enclosure resulting from this development.

6.8 The boundary to the south side is formed by a wooden fence. There would be three additional openings to the south elevation comprising of full height windows. These windows would not however, result in overlooking or loss of privacy as they are at ground floor level and would be screened by the existing boundary fence. The side extension to the building would be visible from the upper floor windows of the neighbour's property. However, given the very small scale of the extension proposed and its low height and flat roof, it is not considered to have any adverse impact on the visual or residential amenities of the adjacent occupiers.

Wider public views

6.9 An area of land to the rear of the application site is used as a vegetable garden. Consent for this was granted under LW/09/0753. The land beyond this is grass/scrub land which rises gradually to the east. There is a public footpath to the rear. Views of the building as extended would be possible from this footpath. However, due to the very small scale of the development proposed, in relation to the existing structure on site, these views are not considered to be detrimental to the wider visual amenities of the area or the character of its surroundings.

Parking

6.10 The only covered off road parking currently provided by this site is in the garage that is proposed for removal. However, it is evident that the garage is not used for this

purpose at present. The loss of the parking space and addition of an annexe could potentially increase demand for parking in the road, but this would be such a minimal increase in comparison to the existing situation and is unlikely to have any significant adverse impact on parking in the area. There is sufficient space for a vehicle to park immediately in front of the annexe, and this is considered sufficient for the site.

Precedent

6.11 The garage is located to the rear of the building and is not readily visible from the road to the front. The only visible change from this view point would be the change from garage doors to windows. There is no restriction on permitted development in the locality. Therefore neighbours could reasonably erect similar structures in their gardens without requiring consent. Where planning permission is not required, no further control over such development can be applied. It is unlikely that neighbours would re-create similar development in their garden for use as an annexe, as this use relates to the specific needs of the applicants and not a general need in the area. It is therefore considered that the development would not set a precedent for the area.

Conclusion

6.12 The existing building is lawful and does not require retrospective consent. The proposed extensions would be within permitted development and could be carried out without planning permission. The impact of the intensification of use on neighbour's amenity, resulting from use of the building as an annexe is considered to be limited and would not adversely affect the enjoyment of their homes and gardens.

The proposal is therefore acceptable.

7. RECOMMENDATION

That planning permission is granted.

The application is subject to the following conditions:

1. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Wellington Road.

Reason: To prevent the creation of an additional dwelling having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. The development hereby approved shall be finished in external materials to match those used in the existing building.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning

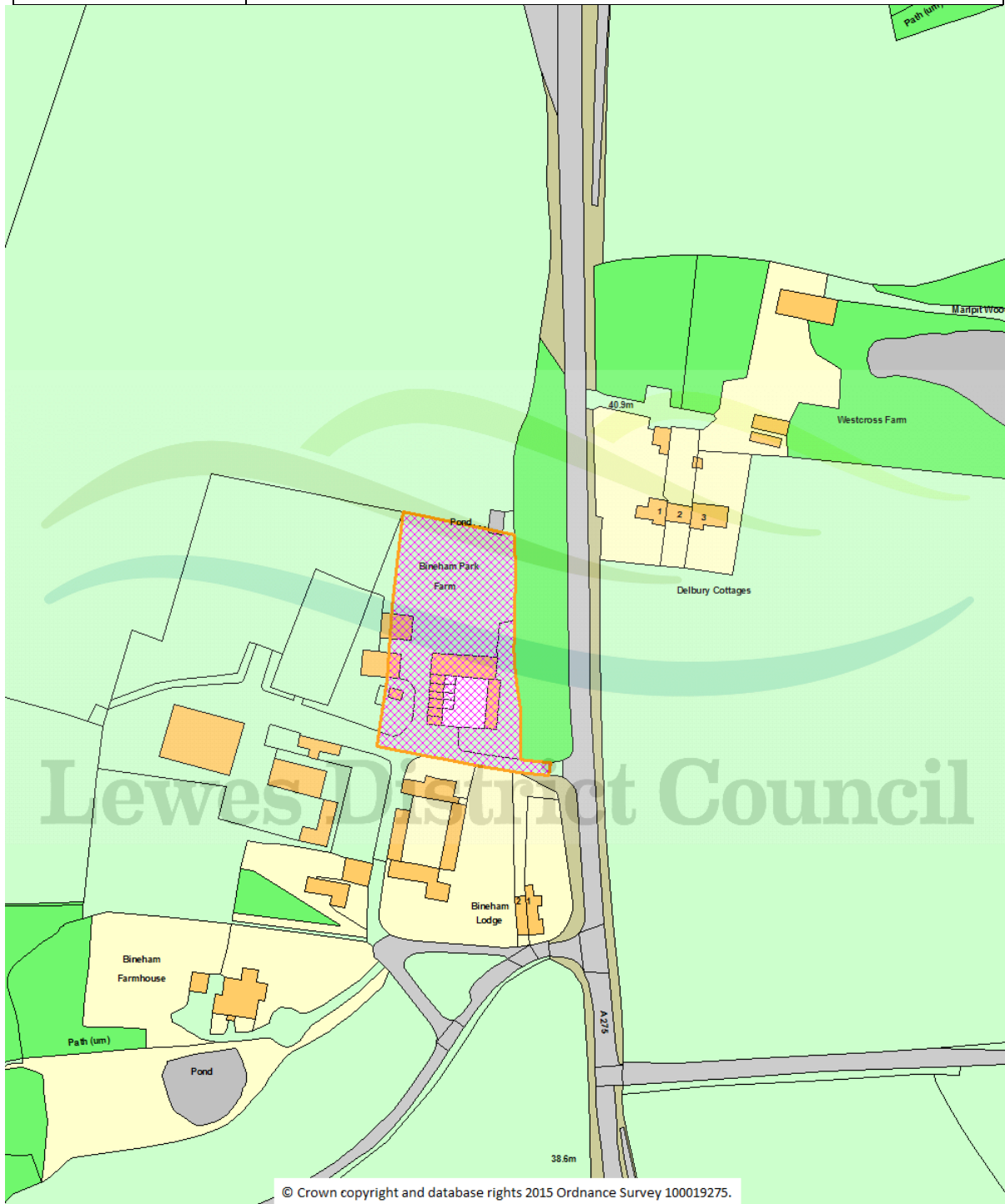
policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	19 September 2016	LP01
Proposed Block Plan	19 September 2016	LP01
Proposed Layout Plan	19 September 2016	PL01
Proposed Roof Plan	19 September 2016	PL02
Proposed Elevation(s)	19 September 2016	PL03
Proposed Section(s)	19 September 2016	PL03
Existing Floor Plan(s)	19 September 2016	S01
Existing Roof Plan	19 September 2016	S02
Existing Elevation(s)	19 September 2016	S03

APPLICATION NUMBER:	LW/16/0782	ITEM NUMBER:	8
APPLICANTS NAME(S):	Mr K Baker	PARISH / WARD:	Chailey / Chailey & Wivelsfield
PROPOSAL:	Planning Application for Section 73A Retrospective Application for the rebuilding of the barn and conversion of stables to a single dwelling house and demolition of lean to		
SITE ADDRESS:	Bineham Park Farm East Grinstead Road North Chailey East Sussex BN8 4DD		
GRID REF:	TQ 39 20		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application property forms part of the wider complex of buildings known as Bineham Park Farm, which is located on the western side of the A275 just to the south of Beggars Wood Road. The site is located on the crest of a hill and is visible from Beggars Wood Road, but is well screened from the adjacent highway. The original complex of buildings surrounded a small courtyard to the south which faced onto the access track which serves the main farm and collection of other residences. To the rear is located a much larger area of hardstand and two further buildings, currently used for storage.

1.2 The application site is located to the north of the existing access road within the site. The buildings formed a U shaped group of buildings with a large timber framed and clad barn to the north with lower stable wings to the east and west. This barn has permission for its change of use to B1. In 2012 an application was submitted to convert the barn and the south facing wings into a single dwelling house (LW/12/0401). The current proposal is to rebuild the barn with a higher ridge and eaves height than the original structure, and some additional windows.

2. RELEVANT POLICIES

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – ST03 – Design, Form and Setting of Development

3. PLANNING HISTORY

LW/16/0868 - Amendment to planning approval LW/15/0066 for a new design to the approved house and garage -

LW/16/0641 - Non-material amendment to application no: LW/15/0066 to formally add the plans as condition no: 16. The original planning decision (LW/15/0066) relates solely to the plans listed below, Reason: For the avoidance of doubt. - **Approved**

LW/16/0568 - Variation of condition 16 (plans) attached to planning approval LW/15/0066 to amend the design of the approved house - **Not Proceeded With**

LW/16/0505/CD - Discharge of condition 13 relating to planning approval LW/15/0066 - **Split**

LW/16/0399 - Variation of Condition 7 (plans) of Planning Approval LW/12/0401 (Removal of storage buildings and hard standing and conversion of barn and stables to a single dwelling house and garage) to reflect the amended scheme (part retrospective) - **Withdrawn**

LW/15/0957 - Raising of ground to help with drainage - **Not Proceeded With**

LW/15/0578 - Amendment to Planning Approval LW/15/0106 to modify extension roof and enlarge window to south elevation. - **Approved**

LW/15/0433 - Erection of a steel portal framed structure with part height brick base and timber cladding above to roof level with profiled metal sheet roofing - **Details not Required**

LW/15/0329 - Amendment to LW/12/0401 for changes to position and size of windows and doors -

LW/15/0066 - New dwelling to replace mobile home, change of use of barns from storage/distribution use to agricultural/equestrian use, removal of various barns/outbuildings currently in plant maintenance/office/storage use, return offices to stables and retain building as estate office - **Approved**

LW/15/0027/CD - Discharge of conditions 1, 2 and 5 relating to planning approval LW/12/0401 - **Approved**

LW/13/0768 - Section 73A retrospective application for the continued use of the annexe known as Bineham Park Farm Bungalow as a separate dwelling house to include the removal of Condition 2 of LW/94/0945 - **Approved**

LW/13/0675 - Section 73A Retrospective Application for removal of condition two attached to planning approval LW/94/0945 for the continued use of building as a separate self contained dwelling - **Withdrawn**

LW/13/0816/CD - Discharge of condition 4 relating to planning approval LW/12/0401 – **Approved**

LW/12/0927 - Removal of mobile home and erection of dwelling - **Refused**

LW/12/0769 - Variation of S/106/0247 to allow the subdivision of individual properties from Bineham Park Farm - **Approved**

LW/12/0401 - Removal of storage buildings and hardstanding and conversion of barn and stables to a single dwellinghouse and garage - **Approved**

LW/11/1496 - Creation of a soil bank - **Withdrawn**

LW/07/0281 - Continued use of mobile home as a separate unit of accommodation - **Refused**

LW/07/0802 - Continued use of mobile home as residential accommodation in conjunction with business use – **Approved**

APPEAL/06/0031 - Change of use of the land from use for agricultural to a mixed use. - **Allowed**

LW/06/0509 - Conversion of traditional barn to offices and showroom and the demolition of adjoining storage barn – **Approved**

APPEAL/05/1794 - Section 73A Retrospective application for change of use of agricultural building to B8 storage and demolition of existing storage building. - **Allowed**

LW/05/1794 - Section 73A Retrospective application for change of use of agricultural building to B8 storage and demolition of existing storage building - **Refused**

LW/05/0441 - Section 73A Retrospective application for (1) the cladding of building known as Unit 2 and (2) the change of use of Units 1, 2, 4 & 5 from agriculture to storage of plant and equipment and unit 3 to maintenance and repair of such equipment - **Split**

APPEAL/04/1254 - Development Appeal - **Dismissed**

LW/04/1254 - Application to discharge a Section 106 Planning Agreement dated 8th January 1992 - **Refused**

LW/04/0341 - Erection of a detached garage - **Approved**

LW/03/2316 - Application for agricultural determination for the erection of an agricultural storage building - **Details not Required**

LW/98/1708 - Section 73A Retrospective application for the retention of a sand school to replace exercise area on same site - **Approved**

LW/97/1013 - Erection of steel framed barn - **Approved**

LW/94/0945 - Conversion of existing playroom and garage to form self-contained unit with new septic tank. - **Approved**

LW/93/1534 - Agricultural Determination for the erection of a tractor shed. - **Application not Required**

LW/91/0334 - Additions to and conversion of buildings to provide additional residential accommodation - **Approved**

LW/88/0593 - Conversion of workshop and store into dwelling for farm worker. Restrictive Planning Condition No. 4. - **Approved**

E/60/0542 - Planning and Building Regulations Applications for proposed cattle shelter. Building Regulations Approved. Commenced.
- **Approved**

E/54/0120 - Application for use of land as a recreation ground including the erection of a Sports Pavilion. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health – Based on the details of a site visit carried out by Environmental Health in relation to the previous (LW/12/0401) application and the observations and comments made following that visit, I have no contaminated land comments to add for this retrospective application.

Chailey Parish Council – Councillors objected strongly to this application. They considered that what has happened on site without consent and the applicant's moves to put matters right by making a retrospective planning application is an abuse of the planning process. What is now intended is far removed from the refurbishment of a historic barn, for which permission was originally given, and is the building of a new residential property in a prominent position in a countryside setting. The building now proposed is substantially larger than the original barn and is far too large for its environs. If Lewes District Council were minded to grant permission for a new residential property to be built, that building should be no larger than the now removed historic barn.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 One neighbour letter objecting to the application on the grounds that it would set a precedent for applications of this nature, for future 'residential conversion' applications to follow a similar route, by reference to this application if permission were forthcoming, and

that its replacement with a newly constructed building is contrary to the details of local and national policies. (Full comments available to view on line).

6. PLANNING CONSIDERATIONS

6.1 The original barn was a traditional structure, timber framed and clad with a slate roof. The two southern wings are of a similar structure but of a smaller scale. A small side extension on the eastern side will be demolished. The resulting footprint will leave 301sq.m of floorspace, but also proposed an additional floor within the main body of the barn, providing a total floorspace of 393sq.m. Other than the new internal floor the only other substantial alteration was the addition of new windows and three rooflights on the north elevation. The openings to the stables will be utilised and glazed as will the large cart doors to the main barn.

6.2 In Spring 2015, works commenced to convert the barn. However, works ceased following a letter, dated 9 September 2015, from the Council's enforcement officer, advising that a new application was required as the barn which was the subject of the conversion LW/12/0401 had been removed. It was agreed that the area could be made safe through scaffold and weather proof of the timber frame. However, the scaffold was completely removed and the frame was not weather proofed due to the concern that condensation could occur between the membrane and the frame.

6.3 The supporting information states that from the beginning, it has been the intention of the applicant to retain the original design and appearance of the barn. However, in order to achieve the long-term structural integrity of the building for residential use, a significant amount of large section oak framing has had to be added. Based on professional advice received and due to total lack of structural strength in the existing structure and the resultant extensive amount of now work required, the owner felt he was still 'converting' the building for residential purposes. The owner wanted to be true to the original structure and replace entirely in oak instead of the alternative of introducing a full metal frame. The much smaller section timbers would be hidden behind the proposed contemporary internal design.

6.4 However when the conversion works commenced, it was discovered that the building fabric had deteriorated considerably including lower level timbers being encased in concrete and a high proportion of the existing timber members being in softwood construction which were affected by rot and infestation.

6.5 The original hardwood timbers were found to have old insect damage ranging from minor to severe in the effect on structural integrity as well as evidence of fungal infection. The original hardwood Jowl posts were also confirmed to have been replaced with more recent, softwood timbers. The studs, rails and other intermediary timbers have decayed beyond repair. The survey report by Heritage Oak Frames clearly and demonstrably suggested that "...From a conservation point of view there is little point in repairing the frame in situ as they are largely softwood replacements themselves, not lending any significant value to the local vernacular...". Therefore the building was in effect entirely removed.

6.6 In 2016 an application was submitted to regularise the works that had been carried out, under Section 73 of the Town and Country Planning Act 1990 (LW/16/0399) and the proposed completion of the conversion of the barn and stables into a residential dwelling. This application was withdrawn on the recommendation of officers as it was considered that the changes to the scheme - it was no longer a conversion but a rebuild, and it has a higher ridge and eaves than the original barn, could not be considered as a

minor amendment. As such in order to regularise the position a new application was required.

6.7 The principle of allowing a dwelling in this countryside location has been established, albeit through a conversion which utilised an existing and redundant building, and therefore it is considered that the main issue is whether the changes to the building (the increase in height and addition of extra fenestration) would detrimentally impact on the living conditions of nearby residents or on the character of this countryside location.

6.8 The building as now proposed will increase the ridge height from 7m to 8.2m, and the eaves height from 3.5m to 4.8m. An additional rooflight was proposed to the north elevation but this has since been amended with only 2 rooflights now proposed on the north elevation. Two additional windows are also proposed on the north elevation of the barn to the east of the main central glazed opening. More windows would be added to the east and west elevation of the single storey south facing wings which accommodate the bedrooms and bathrooms. A new first floor within the main barn, which was proposed as part of the original conversion, has been removed.

6.9 The replacement barn is considered to be sympathetic to the general character of the area, to the existing group of buildings, and to that of the original structure. The replacement building is on the footprint of the original building and sits comfortably within the wider collection of buildings, many of which were former agricultural buildings and have since been converted to residential use. Whilst the overall bulk of the building will increase due to the increase in height, the general form, shape and appearance of the building will be retained. Overall it is not considered that the proposed changes to the structure would prejudice amenity, either that of neighbours or the wider countryside

7. RECOMMENDATION

That planning permission is granted.

The application is subject to the following conditions:

1. Before any further work associated with the development hereby approved is commenced on site, details and samples of all external materials including all facing and roofing materials, together with windows samples shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Details of the rooflights, which shall be of a Conservation style, flush with the roof plane shall be submitted to and approved in writing by the Local Planning Authority and only such a rooflight shall be inserted and thereafter permanently retained as such to the satisfaction of the Local Planning Authority.

Reason: To protect the fabric and character of the building having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No further development shall take place until detailed plans of both hard and soft landscape works especially to the northern boundary of the plot, including details of planting to include native species, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the building is occupied.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. The development hereby permitted shall not be occupied until the details of the type and location of bat boxes have been submitted to and approved in writing by the Local Planning Authority, and erected on the site in accordance with the approval, as suggested in the report by PJC Ecology dated January 2012

Reason: To enhance the site for the benefit of wildlife in order to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. No windows, doors or openings of any kind shall be inserted in the building hereby approved, other than those expressly permitted by this consent.

Reason: To protect the character of the immediate area and surrounding countryside having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development described in Classes A to G of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. The development hereby approved shall not be implemented until wheel washing equipment is provided on site, and such equipment shall be used on all vehicles accessing and egressing the site, to ensure that mud and debris is not transferred onto the highway.

Reason: In the interests of local highway safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy ST3 of the Lewes District Local Plan.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those

concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	12 September 2016	1:1250
Existing Floor Plan(s)	12 September 2016	842-01
Existing Elevation(s)	12 September 2016	842-01
Proposed Floor Plan(s)	31 October 2016	842-02 H
Proposed Elevation(s)	31 October 2016	842-02 H
Proposed Layout Plan	12 September 2016	842-03 J
Proposed Elevation(s)	12 September 2016	H5457/P/01
Proposed Section(s)	12 September 2016	H5457/P/01
Planning Statement/Brief	12 September 2016	
Technical Report	12 September 2016	BWP STRUCTURAL REPORT
Planning Statement/Brief	12 September 2016	
Design & Access Statement	12 September 2016	
Technical Report	12 September 2016	TIMBER SURVEY REPORT