

APPLICATION NUMBER:	LW/07/0580	ITEM NUMBER:	4
APPLICANTS NAME(S):	Mr J Tasker	PARISH / WARD:	St. Ann (Without) / Kingston
PROPOSAL:	Planning Application for Reconstruction of former windmill as corn mill and renewable energy generator with residential accommodation below together with adjustments at the Junctions of Juggs Road and Ashcombe Lane		
SITE ADDRESS:	Ashcombe Windmill, Juggs Road And The Junction Of Juggs Road And Ashcombe Lane, Kingston, East Sussex,		
GRID REF:	TQ 3908		

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1. SITE DESCRIPTION / PROPOSAL

1.1 The site is located a little to the north of Juggs Road, (which is a track leading from Lewes to Kingston) approximately 240m to the east of its junction with Ashcombe Lane/Ashcombe Hollow. It is the site of the former Ashcombe Windmill, which was blown down in a gale in 1916. Ashcombe Windmill was a wooden post mill built about 1830. The main body of a post mill is built around a centre post upon which it pivots. The main structure was similar to the surviving "Jill" windmill at Clayton, but whereas that mill had four sails, Ashcombe mill had six sails. This was very rare and was the only known example in Sussex.

1.2 Following the collapse of the mill in 1916, the site was cleared. A levelled mound survives, on which the mill and associated structures were located. In December 2006 an archaeological excavation revealed the foundations of the windmill, along with fragments of mill stones and cast iron parts.

1.3 The proposal is to reconstruct the working windmill to the original 19th Century design as a demonstration to encourage the development of autonomous projects and as an educational source. The proposal includes a working pair of millstones, along with an electricity generator and air compressor in order to store energy during periods of low wind. It is anticipated that around 116.4MWh electricity would be generated, with about 11.4MWh available for export to the national grid. The round house (the base on which the mill body would sit) would provide exhibition and meeting space for pre-booked local, special interest or educational groups of up to 20 persons visiting the windmill, although opening up to casual public visitors is not proposed. Access/visitor groups would be pedestrian only, except those with limited mobility. The surviving archaeological features would be preserved in situ and would be visible within the exhibition space. An outbuilding would also be reconstructed.

1.4 The proposal would also include living accommodation with three bedrooms, excavated into the chalk mound that formed the base of the windmill. The applicant states that this residential element is necessary to monitor and ensure the safety of the equipment, and will enable a normal building mortgage to be obtained, which would allow the scheme to be financed. The living accommodation would be designed to be autonomous, with energy provided by the wind generator and air compressor, recycling of rain and waste water and drinking water sourced from a borehole.

1.5 The applicant formerly reconstructed a windmill for residential use at Sandhurst, Kent, within the High Weald AONB. That application was permitted in 1997. In that case the original two-storey brick base had survived, to be incorporated with the reconstructed building.

2. RELEVANT POLICIES

LDLP: – PPS7 – Sustainable Development in Rural Areas

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

LDLP: – CT02 – Landscape Conservation and Enhancement

LDLP: – RES06 – New development in the Countryside

3. PLANNING HISTORY

No relevant history

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Lewes Town Council – Members applauded the initiative.

Kingston Parish Council – Object:

1. The proposal to build a residence contravenes planning Policy CT1 and would have an adverse effect on the setting of Kingston. Also, the former windmill on the site was demolished many years ago and the present proposals cannot be construed to be a replacement of an existing building.

2. Detrimental impact on the rolling landscape of this part of the AONB (potentially to become a National Park) and therefore contrary to Policy CT2.

3. Loss of good quality agricultural land, and therefore conflicts with Policy CT4.

4. Loss of an historic and archaeological site and therefore cannot be justified in terms of Policy RE4. Also there is no clearly established functional need for an enterprise to be in a countryside location, as this proposal to build an eco-friendly house is not an enterprise, and no need has been established, therefore contravenes Policy RES6.

5. Access to the site is on a dangerous crossing. There is no designated parking areas for visitors, leading to parking in the bridleway, blocking access to local residents, contrary to Policy T5.

6. The Parish Council raise various questions about the development, concluding that the policy considerations summarised above outweigh all other considerations. The Parish Council therefore "sincerely hope" that permission will not be granted.

7. If permission is granted the applicant should be required to make a financial contribution towards the cost of a traffic calming scheme which the Parish Council are preparing.

Environmental Health – Recommend condition requiring a noise assessment to be carried out.

Environment Agency – No objection.

ESCC Highways – Comments that highway improvements proposed by the applicants at the Juggs Road/Ashcombe Lane junction would overcome previously stated objections, and that any consent should now include

conditions (initially recommended refusal, on grounds that the junction with the C324 Ashcombe Lane has substandard visibility and width and that the approach along Juggs Road is unsuitable by reason for narrow width and poor alignment).

ESCC Rights Of Way Officer – No objections.

South Downs Joint Committee – Objects. Whilst acknowledging that there would be some historic and educational benefits and it would likely that some surplus energy would be provided to the national grid, these benefits are of insufficient importance to justify a new dwelling in the countryside.

If the Council are minded to approve the application, any permission should be subject to a legal agreement or conditions covering various points, including materials, removal of PD rights, external lighting, undergrounding of services, sustainable design features, power to be provided by the mill with surplus to the national grid, production of visitor management plan, parking on the site, restriction of 'paraphernalia' around the site.

The South Downs Society – On balance, while appreciating the genuine benefits to be gained from the scheme, the Society considers that the benefits are outweighed by the contravention of planning policies arising from the proposed residential unit. These policies are intended to protect the open countryside, and particularly the AONB, from sporadic development. The Society therefore feels that the application should be refused.

Council For Protection Of Rural England – No objection.

East Sussex County Archaeologist – Recommends that a programme of archaeological works be secured by condition.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Representations also received from the following-

- St Ann Parish Without comment that, because of the sensitivity of the area and the fact that the site is "probably" an AONB, the application must comply with current policy as adopted by LDC and ESCC.
- Sussex Mills Group (Sussex Industrial Archaeology Society): Supports the application. Say that the application conforms with the Group's agreed philosophy "for building on a site with some remains". The rebuild allows access to and protection of the exposed remains of the original windmill and conforms closely to its original appearance.
- Lowfield Heath Windmill Trust: Supports the application. Comments that the reconstruction would be historically accurate and that the applicant has used his considerable knowledge to ensure that is the case.
- Uckfield and District Preservation Society: Advise that they have experience of running Nutley Windmill. Respond to issues about noise, horses and birds

in that (1) when their sails are freewheeling there is virtually no noise (2) close proximity to horses is not a problem to the horses (3) there are a great number of birds and bats at the Ashdown Forest but the windmill is not a problem to them.

- Jack and Jill Windmills Society comments that Jill Windmill at Clayton is a working windmill and there is no evidence that it causes distress or interference to birds, horses or other wildlife. Also, noise is minimal.
- Mid-Sussex Area Bridleways Group comment that the impact on horse riders is significant, as horses can be alarmed by the movement of a windmill which can lead to control issues by the rider. In this location riders would have to negotiate a gate while close to the mill, a manoeuvre which always puts a rider at an unbalanced disadvantage.
- Owners of Sandhurst Windmill, a project built by the applicant, comments that the windmill there has had a nothing but highly positive impact on the local community.
- Iford and Kingston Church of England Primary School support the application. Say that the windmill would not only enhance the landscape, but would provide an excellent educational resource which would be used by schools (and would be relevant to the current curriculum). It's proximity to the school would be a great benefit.
- Friends of the Earth support the application. The reconstruction of the original mill would be a splendid landmark and a very interesting opportunity for research and study.

5.2 Cllr Cuttress (Member for Kingston) opposes the application.

5.3 32 letters of support received, the main grounds being the attractiveness of a reconstructed windmill in the area (in circumstances where many windmills have been lost), its worth as a research project, creation of a feature of local interest.

5.4 17 letters of objection received, the main grounds being that the development would be a new structure in the AONB, the proposal is essentially for a house, there can be no assurance that the education and research aspects would stop in future, leaving a house on the site, access is inadequate and traffic would be generated with hazards at the Juggs Road/Ashcombe Lane junction, the proposal would be contrary to policy.

6. PLANNING CONSIDERATIONS

Planning Policy

6.1 The site is located in the countryside, where new development is generally restricted in the interests of protecting the predominantly open landscape and character of the area. The site is also within the Area of

Outstanding Natural Beauty and the proposed National Park. PPS7 'Sustainable Development in Rural Areas' indicates that, in AONB's "The conservation of the natural beauty of the landscape and countryside should be given great weight in planning policies and development control decisions". Exceptional circumstances therefore need to be in place to justify any approval of the application.

Historical significance

6.2 The former windmill on the site did have some historical significance. Studies by local and industrial history groups mention the rarity of the design of Ashcombe mill, particularly for its six sails. However, the original mill collapsed over 90 years ago and, other than the mound the mill was sited on, and one or two courses of the pad foundations, very little survives. The proposal is therefore a reconstruction from scratch, rather than a restoration scheme. Whilst the proposal may result in the recreation of a local landmark, it is a landmark whose loss dates before the living memory of most people. Part of the proposed development would also comprise a dwelling, excavated into the mound the mill was sited on, which would be an additional feature which did not formerly exist on the site. In the circumstances, it is not considered that the recreation of the former mill in historical terms provides justification for either the windmill or the proposed residential development, the applicant says is necessary to accompany it.

Energy generation

6.3 The applicant has indicated that the mill would be an educational resource, which would "encourage the development of similar autonomous projects relying on small scale wind (generation)". The applicant commissioned a specialist to review wind energy calculations on the power output which would be generated and the specialist has advised that approximately 11MW per year would be available for export to the national grid. It is understood that the applicant's original estimate was that 31MW would be available for export (31MW was the figure on which basis the Joint Committee withdrew its original objection to the application). Notwithstanding that the power output is estimated to be less than half that originally estimated, the applicant has drawn attention to the national advice in PPS22 'Renewable energy', which states that "Small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both nationally and locally. Planning authorities should therefore not reject planning applications simply because the level of output is small". The applicant also comments that there is uncertainty about this issue because local wind speeds are not absolutely known without long term monitoring.

6.4 While the overall aim is laudable, the proposal would generate a relatively small scale energy output from a structure which would be of significant height and bulk. Furthermore, it is questionable whether it is appropriate that similar windmill reconstructions within the Sussex Downs should be pursued instead of, for example, modern wind turbines. It is not considered that the energy

generating potential of the development would override the Policy objection set out in 6.1 and 6.2 above and represent exceptional circumstances, so as to justify permission being granted.

Educational resource

6.5 There may be some educational benefits, in terms of promotion of autonomous dwellings and historic education, but such benefits would be restricted by the limits on access to the site and a lack of general opening to the public. The applicant proposes that access for education purposes would be pedestrian only, with the exception of those with mobility difficulties. Further access provision would not be appropriate given the location of the site, and this is why general opening for the public is not proposed. The suitability of the site, and the potential educational value of the proposal, is considered to be questionable and again would not represent the exceptional circumstances necessary, so as to justify permission being granted.

Landscape impact

6.6 The mill would be sited in an elevated position on the downs. The main body of the mill would be nearly 13m high above ground level, while the height from ground level to the top of the blade would be a maximum of about 18.5m. The mill would clearly be visible over a wide area. Some would argue that the mill would be an attractive feature in the downs, as indicated by the support which the proposal enjoys as summarised in the 'Representations' section of this report. Notwithstanding this, the proposal should only be approved if it is justified as an exception to the normally restrictive planning policies which apply.

Residential element

6.7 A key issue is considered to be the residential element of the proposal. If the application were only for a dwelling then it would be a fundamental conflict with planning policy which aims to restrict new residential development in the countryside. In this case the inclusion of the dwelling is argued on the basis that the accommodation is required to monitor and ensure the safety of the equipment on the site, which would be running on a 24-hour basis. It is understood that 'Post' mills such as this rely on a number of crucial components that can be damaged, or even result in the destruction of the whole mill. Furthermore, with a six blade mill and the loading which would result, control would need to be maintained, which may even involve total shutdown in times of excessively high wind.

6.8 It is also stated in the application that a residential mortgage would be the only means of financing the construction of the mill. Whilst such an argument might prove a strong case in, for example, securing a viable option for restoration of an 'at risk' listed building, it would only be acceptable in this case if the historic interest or educational benefits of the project were considered of sufficient importance to justify a dwelling.

6.9 The design of the dwelling within the mound would mean that the visibility would be limited. However, from external views it is considered that it would still be evident that there was a dwelling on the site. There would be domestic vehicle traffic generated from the site (the proposal includes garaging as part of the dwelling), possibly parking at surface level rather than in the excavated courtyard or within the garaging, and possibly washing lines and garden/domestic paraphernalia at surface level. It is considered that these manifestations of the dwelling in this downland location would detract from the downland character of the site (even with the development of the mill itself) and would be unfortunate.

6.10 Notwithstanding the above, it is not considered that the historic, educational or energy generating benefits of the proposal would justify provision of a dwelling as part of the development.

Highway/Access/Effect on Rights of Way

6.11 The site is relatively isolated. However, pedestrian and vehicular access would be available via Juggs Road, which towards the junction with Ashcombe Lane serves three houses as well as being a public footpath. The Highway Authority initially recommended refusal on the basis that the sightlines at the Juggs Road/Ashcombe Lane junction were inadequate. However, the Highway Authority objection has now been withdrawn, as the application now proposes some removal of embankment at that junction which would improve the relevant sightline. In planning (visual) terms the removal of some embankment as proposed is considered to be acceptable.

6.12 Some concern has been expressed that the mill would detract from enjoyment of the nearby public footpath which crosses this part of the downs (and which extends from Juggs Road towards Lewes). It is not considered, however, that the presence of the mill would materially affect the path, either through noise or other environmental impact.

Conclusion

6.13 The proposed development would be located in the countryside/downs/AONB area where new development is generally restricted. Exceptional circumstances therefore need to apply if the proposal is to be accepted. In this case there would be some benefits in terms of the historical reconstruction, education and renewable energy generation. However, such benefits are considered to be limited, and it is not considered that they would represent the exceptional circumstances necessary to justify the proposal, particularly given that a dwelling is proposed as part of the overall scheme. That dwelling would, it is considered, have an adverse and unacceptable impact on the countryside/downs/AONB area.

6.14 The proposal is considered to be unacceptable.

7. RECOMMENDATION

That planning permission be refused.

Reason for Refusal:

1. The site is located outside any Planning Boundary in the Lewes District Local Plan, and is in an area where new development is generally restricted. In addition, the site is in an Area of Outstanding Natural Beauty where the conservation and natural beauty of the landscape is given great weight in development control decisions. No exceptional circumstances apply which would justify the proposed development and which would outweigh the harm to the landscape which would arise from the proposal, particularly the inclusion of the residential accommodation which would be an integral part of the development. The proposal would thereby be contrary to Policies ST3, CT2 and RES6 of the Lewes District Local Plan.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other	3 May 2007	BACKGROUND STATEMENT
Proposed Elevations	3 May 2007	300
Planning Layout	3 May 2007	302A
Survey	3 May 2007	303
Proposed Elevations	3 May 2007	304
Proposed Elevations	3 May 2007	305
Proposed Elevations	3 May 2007	306
Proposed Elevations	3 May 2007	307
Sections	3 May 2007	308A
Proposed Floor Plans	3 May 2007	310A
Other	3 May 2007	DETAILS
Other	3 May 2007	DETAILS
Other	3 May 2007	ACCESS DETAILS
Other	3 May 2007	ACCESS DETAILS
Design & Access Statement	24 May 2007	
Other	10 October 2007	402/D1
Location Plan	10 October 2007	301A