

Report to	Planning Committee
Date	10 September 2020
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/20/01237/CND
Applicant	Mr B Taylor
Application	Variation of Condition No.2 (Plans) of Planning Consent SDNP/16/06072/FUL - Change of use of land, erection of twelve holiday lodges and a reception lodge, construction of internal access paths and parking for guests.
Address	Swanborough Lodges, The Droveway, Swanborough, East Sussex

Recommendation:

- 1) That planning permission be refused for the reason outlined in Paragraph 10.1 of this report.**
 - 2) That a Breach of Condition Notice is served in regard to the failure of the applicant to install the green roofs as required by condition 2 of SDNP/16/06072/FUL.**
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Executive Summary

This application proposes amendments to a previously approved scheme that consisted of a change of use of land, erection of twelve holiday lodges and a reception lodge, construction of internal access paths and parking for guests. The proposals involve a re-design of the approved lodges in terms of layout and configuration and in addition seeks consent to not install the previously agreed wildflower green roofs.

In the context of the development as a whole, the proposed revised layouts and changes to roofs are of a scale and nature to be considered as a variation of planning condition no.2 (approved plans) of the original planning permission.

Officer concerns are raised regarding the impact of the proposal to leave the units as erected without wildflower green roofs. It is concluded that the applicants have not satisfactorily addressed the impact of the lack of green roofs with regard to the harm caused to the immediate visual impact, the impact on surface water management and impact on biodiversity.

Taking into account the extant planning permission, the relevant policy, and the merits of the proposals, the application the subject of this report is recommended for refusal. It is also requested that Members approve the serving of a Breach of Condition Notice of condition 2 of SDNP/16/06072/FUL but only insofar as the non-compliance with the installation of the wildflower green roofs is concerned. It is recommended to Members that the SDNPA under enforce on the matter of the revised layout as this amendment is considered, on balance, to be acceptable in planning terms.

The application is placed before Members due to Members' previous consideration of earlier schemes and the planning history of the site.

I. Site Description

- I.1 The site comprises an irregularly-shaped, sloping field of approximately 2ha, located 2km to the south of Lewes. It is set among arable farmland which occupies the land above and the flood-plain of the River Ouse to the east of the C7 Kingston Road and Kingston and Swanborough villages.
- I.2 Access is via, 'The Drove' some 300m in length, which proceeds eastward from a T-junction with Kingston Road. This serves the application site as well as Swanborough Fishing Lake approximately 50m to the east and a water treatment plant to the north. To the north of The Drove is Owlswick School set among its gardens, but this is accessed via a separate driveway onto Kingston Road, 80m to the north. To the south is arable land which includes a grass airstrip; a barn immediately outside the southern boundary which serves as a hangar for this.
- I.3 The site is roughly 300m long (its axis running north-west to south-east), and between 80 – 120m in width, although this narrows to a throat of 6-12m width, at the north west corner through the southern bank of The Drove.
- I.4 Planning permission SDNP/16/06072/FUL has been implemented, however the 12 lodges have not been built in accordance with the approved scheme and this application seeks to regularise the planning breaches on site.
- I.5 Site levels range between 5m (Above Ordnance Datum) in the east and the 18m (AOD) in the west, so that there is a height difference of 13m across the width of the site. Within this are three roughly distinguishable natural terraces that have been utilised to construct the holiday lodges in sympathy with the site's natural contours.
- I.6 A public footpath crosses the north-western tip of the site and The Drove. This continues northwards to Lewes and southwards across the adjoining field, where it divides; southward to Iford village and westward to Newhaven Road and Swanborough Village. Beyond Swanborough it continues as a bridleway, linking to the South Downs Way. Roadside cycle paths extend from Lewes along Kingston Road to its junction with Well Green Lane and the Wyevale Garden Centre, approximately 300m north of The Drove. The previous scheme required a cycle path to be introduced across the site to link the PROW's through the site and this has been provided and is found to be in accordance with the planning consent, albeit that cycle way signs are yet to be erected as part of a scheme approved and being pursued outside planning legislation.

Surrounding Landscape

- I.7 The wider landscape within which the site is located is described in the Landscape Character Assessment (SDILCA), as landscape type: 'Major Valley Sides'. This is characterised by valley sides of varying steepness and defined changes in slope at the edge of the floodplain and at the crests of the slopes above. Woodlands along the lower slope form a particularly distinctive edge to the floodplain, forming a tranquil, rural setting. Villages are surrounded by a field pattern of early enclosures.
- I.8 The site is immediately above the floodplain and below the crest of the slope. The woodland to its north and eastern sides provides a screen but there are some gaps and thinning through which are views towards Lewes town and Mount Caburn, although variously filtered and framed by trees and bushes. To the west, the site is substantially below and screened by the crest of the slope, but with a line of sight to the South Downs Way to the north-west. At its southern end is the edge of the woodland boundary but with a gap through which the rolling, open arable land beyond are including an informal grassed airstrip close to the site 83 edge. This view also contains a modern barn which is used as a hangar, immediately outside the site boundary.
- I.9 The views of the lodges are predominately from within the site boundaries but glimpses are afforded of the lodge roofs from wider public access points outside of the site.

2. Relevant Planning History

2.1 The following planning history is relevant to the application site:

- SDNP/16/06072/FUL. Change of use of land, erection of twelve holiday lodges and a reception lodge, construction of internal access paths and parking for guests – Approved 23/12/2018.
- SDNP/17/03167/FUL. Improvement to the C7 Junction and footpath/cycle access to the South Downs Way and upgrade part of Footpath KI to a Bridleway and formation of foot and cycle-link to the Egrets Way – Approved 20/6/2018

3. Proposal

3.1 The application proposes a minor material amendment to re-design the previously approved 12 holiday lodges. It proposes to vary condition no.2 of planning permission SDNP/16/06072/FUL which relates to the development being carried out in accordance with the approved plans and states: “The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of these Applications'. Reason: For the avoidance of doubt and in the interests of proper planning.”

3.2 The scheme has been amended in terms of the layout of each unit and internal configurations. The two tables below detail the configuration and Gross Internal Area, (GIA) of the consented scheme and the configuration and GIA of the lodges as constructed. They detail the changes in the bedroom mix and the overall increase in floorspace.

Original GIA

Size	GIA sq.m	No. proposed	Total sq.m
One Bed	47.36	2	94.72
Two Bed	60.41	7	422.87
Three Bed	66.26	3	198.6
Grand Total			716.19

New GIA

Size	GIA sq.m	No. proposed	Total sq.m
One Bed	57.36	5	286.80
Two Bed	73.17	7	512.19
Grand Total			798.99

Total Net increase – 82.80sqm

3.3 The second aspect of non-compliance with the consented scheme that this application seeks to regularise, is that the wildflower green roofs have not been installed on the lodges. The applicant instead proposes to leave the roofs as currently completed with a plasticised membrane in a light grey colour.

4. Consultations

4.1 **Iford Parish Meeting: No comments.**

4.2 **Design: Objection:**

- Suspect that green roofs were chosen as they contributed a number of important benefits to the overall design and its acceptance, in planning terms. (1) The material was used to soften the appearance of the buildings; in the local context and also when viewed in the wider landscape (2) The material was used to improve the thermal efficiency of the building (3) the material was used to slow down surface water run-off (from the roof) (4) the material was used to introduce a new habitat.
- The variation of roof material, therefore, significantly changes the appearance of the building and the technical performance of the roof design.

4.3 **Landscape: Objection**

- The Design & Access Statement of the original application refers to green roofs as performing 3 important functions: Reduction in visual impact, Surface water management and Biodiversity opportunities.
- The application proposes no alternatives to address/mitigate for these 3 points. It is considered their loss would be detrimental to the overall scheme, indeed based upon the original submission, the replacement grey roofs would generate negative visual effects, reduce the scheme's ability to manage flood risk through surface water management and prevent the scheme from maximising multiple benefits.

4.4 **Ranger: Objection:**

- The green roof aspect of the lodges is a very important part of the design of these lodges and enhances the development enormously. Strongly recommend this is kept as a requirement for the application. The lodges blend into the landscape with the green roof and it also adds biodiversity, considerate is considered to be an integral part of the original application

5. **Representations**

5.1 **Kingston Parish Council – Objection:**

- The purpose of the condition was to mitigate the visual impact of the new lodges on the landscape of the South Downs National Park.
- The council has received complaints from parishioners that the proposed variation would detract from their enjoyment of the landscape and as such would be in contravention of Strategic Policy SD6.
- The proposed variation would also affect detrimentally the landscape character and biodiversity benefits the green roofs were designed to support.

5.2 **Letter of objection from Friends of the South Downs Society- Objection:**

- The green roofs for the lodges were a very strong element to the original application both to limit the impact on the surrounding landscape and promote biodiversity:
- A key element of the primary application for the building of twelve holiday lodges within the South Downs National Park was the positive benefits for visitors to the Park, the local environment and ecology.
- The wild flower roofs planning condition were to (1) aid the biodiversity of the site, (2) to offset the ecological impact of the building development and (3) lessen the impact of the holiday lodges on the wider landscape views.
- By agreeing to not to have green roofs would be in conflict with Strategic Policy SD6: Safeguarding Views: "Item 2 c) Views from public rights of way".

6. **Planning Policy Context**

- #### 6.1
- Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is South Downs Local Plan (2014-33). The relevant policies are set out in section 7 below.

National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation should be given greater weight. There is also a duty in pursuance of the Purposes to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

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

Relationship of the Development Plan to the NPPF and Circular 2010

- 6.4 The development plan policies listed below have been assessed against the NPPF and are considered to be compliant with it.

Major Development

- 6.5 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 172 of the NPPF (2019). Accompanying footnote 55 advises that 'major development' in designated landscapes is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

The South Downs National Park Partnership Management Plan

- 6.6 The South Downs National Park Partnership Management Plan 2020-25 is a material consideration in the determination of the application. The following policies are relevant:
- Policy 1 seeks to conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.
 - Policy 28 seeks to improve rights of way to provide a better connected and accessible network for a range of abilities and users, and to reduce conflict where it occurs.

7. Planning Policy

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

- 7.1 The following policies of the South Downs Local Plan are relevant:
- SD1: Sustainable Development
 - SD2: Ecosystems Services
 - SD4: Landscape Character
 - SD5: Design
 - SD6: Safeguarding Views
 - SD9: Biodiversity and Geodiversity
 - SD23: Sustainable Tourism
 - SD40: Farm and Forestry Diversification
 - SD48: Climate Change and Sustainable Use of Resources

- SD50: Sustainable Drainage Systems

8. Planning Assessment

- 8.1 Assessment of the acceptability or otherwise of the proposed changes to the approved scheme.
- 8.2 This application has two main elements to be considered; the changes to the layout and internal configuration that lead to an increase in floorspace of the lodges and the proposal not to install the wildflower green roofs.
- 8.3 With regard to the first element of the scheme, the elevations have altered to some extent because of the changes to the internal configuration and the addition of larger terraces to each lodge. However, the increase in floorspace is minimal and the design ethos as approved is maintained to this regard, as is the pallet of materials.
- 8.4 Furthermore, the general layout of the lodges and associated hardstanding within the site has not altered to a substantial extent from the approved scheme. There has been an overall increase of floorspace of the lodges of 82.80sqm, this is down to modification in internal configuration and the inclusion of larger terraces. On balance, it is concluded that these changes can be considered as minor non material amendments and a refusal of the application would not be warranted on the grounds of these changes due to the minimal impact caused.
- 8.5 The second issue of non-compliance with planning consent SDNP/16/06072/FUL is the matter of the required wildflower green roofs not being installed. Within their submission, the applicant has not provided sufficient details to satisfy Officers that the non-installation of the green roofs would not detrimentally impact the surface water drainage of the site. Therefore, it has not been demonstrated that the scheme would accord with policy SD50 of the South Downs Local Plan.
- 8.6 Furthermore, the applicant has not provided any tangible direct mitigation for the loss of the wildflower green roofs. This would result in a net loss of an area of approximately 850m² wildflower habitat. Both the Landscape Officer and SDNPA Ranger agree that the biodiversity value of wildflower green roofs can be considered of higher value than similar provision on the ground, as they are not disturbed and therefore offer more continuity and longevity not only for plant species but also invertebrates. As such, the scheme fails to meet South Down Local Plan Policies, SD2 (Ecosystem Services) and SD09 (Biodiversity and Geodiversity).
- 8.7 The third impact of the lack of wildflower green roofs to the lodges is that of design. It is considered that the wildflower green roof design was intrinsic to the appearance of the lodges and how they could successfully integrate into the immediate landscape of the site. The applicant has sought to demonstrate that wider views of the roofs are not readily available, however, it is predominately the impact on the visual amenities of the site itself as part of the National Park that is unacceptable. The matter that the applicant relies on the fact that the lodges are not prominent in the wider public realm, the intrinsic landscape character within which they sit is just as important to conserve and enhance. The roofs as constructed sit starkly within the immediate landscape, at odds with the otherwise sensitively positioned lodges that follow the natural contours of the site. It is concluded that the revised scheme would not adequately conserve and enhance this site within the National Park and as such would not be in accordance with policies SD4 (Landscape) and SD5 (design), SD6 (Safeguarding Views) of the South Downs Local Plan.
- 8.8 If Members determine that the application should be refused in line with the officer's recommendation and, subsequent to that decision the Applicant confirms that they will install the green roofs within a reasonable timeframe, Officers would then look to work with the applicant to agree a suitable timeframe for installation. Failing such an agreement, Officers would directly proceed to issue a Breach of Condition Notice that will require the green roofs to be implemented as per the previous consent within a prescribed timeframe.

9. Conclusion

- 9.1 In light of the above considerations, and recognising the policies of the adopted South Downs Local Plan, it is not considered that the proposal would conserve and enhance the National Park. It is concluded that the failure of the applicant to install the wildflower green roofs is a retrograde step in terms of design and therefore the visual amenity of the site. It has also not been demonstrated by the applicant that the surface water drainage on the site will not be impacted and no alternative provision has been made for the unique biodiversity that would have been provided by the wildflower green roofs. It is not considered that the changes in layout and internal configuration of the units would, on balance, warrant a reason for refusal of the scheme on that particular element.

For these reasons, the application is recommended for refusal.

10. Reason for Recommendation

- 10.1 It is recommended that planning permission be refused for the following reason. Following this officers would serve a Breach of Condition Notice in regard to the failure of the applicant to install the green roofs as required by condition 2 of SDNP/16/06072/FUL, as would usually be the case under delegated authority.
1. The proposed changes to the roof design of the lodges would have an unacceptable visual impact on the character of the landscape by virtue of the omission of the wildflower green roofs and as such would fail conserve or enhance the National Park. The proposals are therefore contrary to adopted policies SD4, SD5 and SD6 of the South Downs Local Plan 2014-2033, National Park Purposes, and the National Planning Policy Framework 2019.
 2. It has not been demonstrated on the basis of the information submitted that the proposed changes to the roof design of the lodges would not detrimentally impact surface water management and biodiversity opportunities of the site. The proposals are therefore contrary to adopted policies SD2, SD9 and SD50 of the South Downs Local Plan 2014-2033, National Park Purposes, and the National Planning Policy Framework 2019.

11. Crime and Disorder Implication

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

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

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

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

TIM SLANEY

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Appendices	I. Site Location Map
SDNPA Consultees	Legal Services, Development Manager
Background Documents	https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage National Planning Policy Framework (2019) South Downs Local Plan (2014-33) South Downs National Park Partnership Management Plan 2014 South Downs Integrated Landscape Character Assessment 2005 and 2011

Site Location Map



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