




Seaford Town Council

To Members of the Planning & Highways Committee

A meeting of the **Planning & Highways Committee** will be held at the **Council Chamber, 37 Church Street, Seaford**, on **Thursday 10th September 2015**, at **7.00pm**, which you are summoned to attend.



James Corrigan
Town Clerk
03 September 2015

1. **Apologies for Absence and Declaration of Substitute Members**
2. **Disclosure of Interests**

To deal with any disclosure by Members of any discloseable pecuniary interests and interests other than pecuniary interests, as defined under the Seaford Town Council Code of Conduct and the Localism Act 2011, in relation to matters on the agenda.

3. **Public Participation**

In accordance with Standing Order 3 and Seaford Town Council Policy members of the public will be entitled to speak on general issues concerning this Committee on non-planning application matters at this point. People wishing to speak on planning applications may do so immediately before each planning application.

4. **Planning Applications**

Planning Applications week ending 14th August 2015

To consider planning applications in respect of Seaford:

Seaford
LW/15/0618

Anney Catholic Primary School Sutton Avenue Seaford East
Sussex BN25 4LF

Planning Application - Erection of extensions housing a new work room for staff and a new chair store with some internal reconfiguration for The Governors of Anney Catholic Primary School

South Downs National Park Planning Applications week ending 18th August 2015

Seaford
SDNP/15/03718/
LIS

New Barn, Silver Lane, Bishopstone Village
Listed Building – Alterations to byre roof relating to listed building consent SDNP/12/05880/LIS

Planning Applications week ending 21st August 2015

To consider planning applications in respect of Seaford:

Seaford

LW/15/0656

6 Antony Close Bishopstone

Planning Application - Erection of a conservatory to the rear of the property for Mr Coxhead

Planning Applications week ending 28th August 2015

No planning applications to consider in respect of Seaford.

5. East Sussex County Council Parking and Waiting Restriction Proposals

To consider report 67/15 whether the committee supports or does not support the proposed parking and waiting restrictions changes within Seaford, the reasons for this and any other comments it may have to make (pages 3 to 17).

6. Outcome of Appeal of Proposed Stopping up Order – North End of Antony Close

To consider report 68/15 informing the committee of the outcome of the public Local Inquiry in relation to the Proposed Stopping Up Order – North End of Anthony Close (pages 18 to 32).

7. South Downs Local Plan : Preferred Options Consultation

To consider report 70/15 informing the members of the South Downs Local Plan: Preferred Options Document now open for Consultation (pages 33 to 34).

8. South Downs Community Infrastructure Levy: Draft Charging Schedule Consultation

To consider report 71/15 informing the members of the South Downs Community Infrastructure Levy: Draft Charging Schedule document now open for consultation (pages 35 to 36).

9. Update Report

To note report 69/15 informing the Committee of Lewes District Council decisions on previous planning applications (pages 37 to 41).

Circulation:

Committee:

Councillor L Wallraven (Chairman) and Councillor R Honeyman (Vice Chairman).
Councillors D Argent, D Burchett, A Latham, M Lambert, P Lower, A McLean and L Worcester.

For information: Councillors S Adeniji, P Boorman, M Brown, B Burfield, C Campbell, R Chambers, L Freeman, R Hayder, O Honeyman and D Silvey-Adam.



Seaford Town Council

Report 67/15

Agenda Item No:	5
Committee:	Planning & Highways Committee
Date:	10 September 2015
Title:	East Sussex County Council Parking and Waiting Restriction Proposals
By:	Lucy Clark, Support Services Manager
Purpose of Report:	To inform the Committee of proposals put forth by ESCC for changes to various parking and waiting restrictions within Seaford.

Recommendations

You are recommended:

- 1. To consider whether the Committee supports or does not support the proposed parking and waiting restrictions changes within Seaford, the reasons for this and any other comments it may have to make.**

1. Information

- 1.1** East Sussex County Council receives many requests for new or changes to existing parking and waiting restrictions in the Lewes area (both Lewes town and Lewes district) including Seaford. To manage these and make effective use of its budgets it has a priority ranking system. All requests are considered and locations given the highest priority are progressed as part of its regular reviews.
- 1.2** The proposals for this review that affect Seaford are attached to this report at Appendix A, these include the following changes;

Drawing No.	Road/s Effected	
LS15 009	Esplanade	
LS15 011	Sutton Avenue	
LS15 013	Millberg Road	
LS15 014	Lexden Road	
LS15 035	Millberg Road, Hillside Avenue, Walmer Road, Hythe Crescent	*
LS15 036	Vale Road, Alfriston Road, Cradle Hill Road	*

LS15 037	Vale Road, Lexden Road	*
LS15 038	Mason Road, Sherwood Road	
LS15 039	Sutton Avenue, Whitely Close	*
LS15 040	Steyne Road, Fitzgerald Avenue, Chyngton Road, Lions Place	
LS15 041	Chatham Place	
LS15 042	Steyne Road	
LS15 043	East Albany Road, Sutton Road	

- 1.3** The four drawings marked with an asterisk on the above table are proposed changes that have been discussed with ESCC at past Strengthening Local Relationship liaison meetings and are directly addressing issues highlighted by Town Councillor's.
- 1.4** At this informal stage of the review ESCC are looking for the Town Council's views on the proposals. In particular it would like to know whether the Council support or do not support the proposals, the reasons why and any other comments the Council may wish to make.
- 1.5** The proposals follow requests for changes to existing parking controls or where local residents or businesses want new controls to be introduced. There are also areas where safety or access issues have been identified and it is felt necessary to introduce restrictions such as yellow lines.
- 1.6** The feedback provided as part of this consultation will assist ESCC with deciding whether the proposals need to be modified before formal changes are advertised.
- 1.7** The consultation runs from 4th to 25th September. Anyone wishing to take part in the consultation as an individual may do so online at <https://consultation.eastsussex.gov.uk/economy-transport-environment/lewes-town-and-district-parking-review-2015>

2. Financial Appraisal

There are no financial implications as a result of this report.

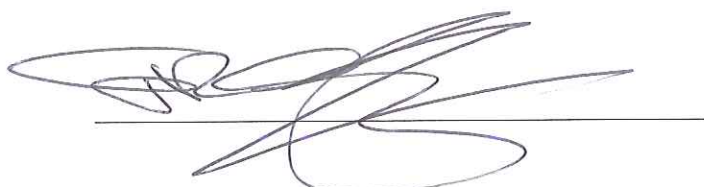
3. Contact Officer

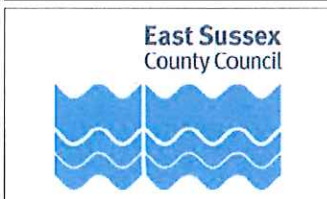
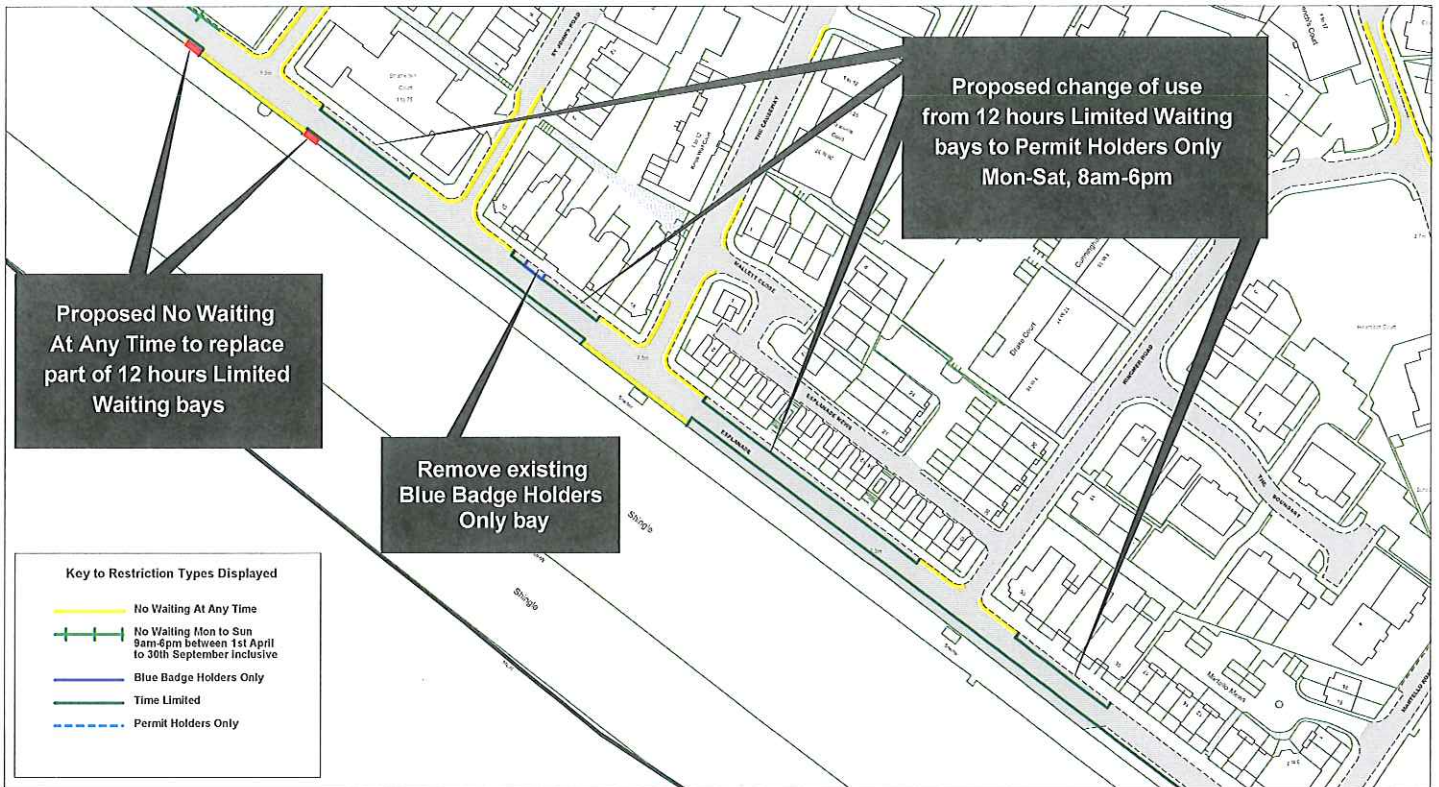
The Contact Officer for this report is Lucy Clark, Support Services Manager

Support Services Manager



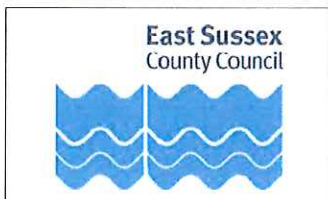
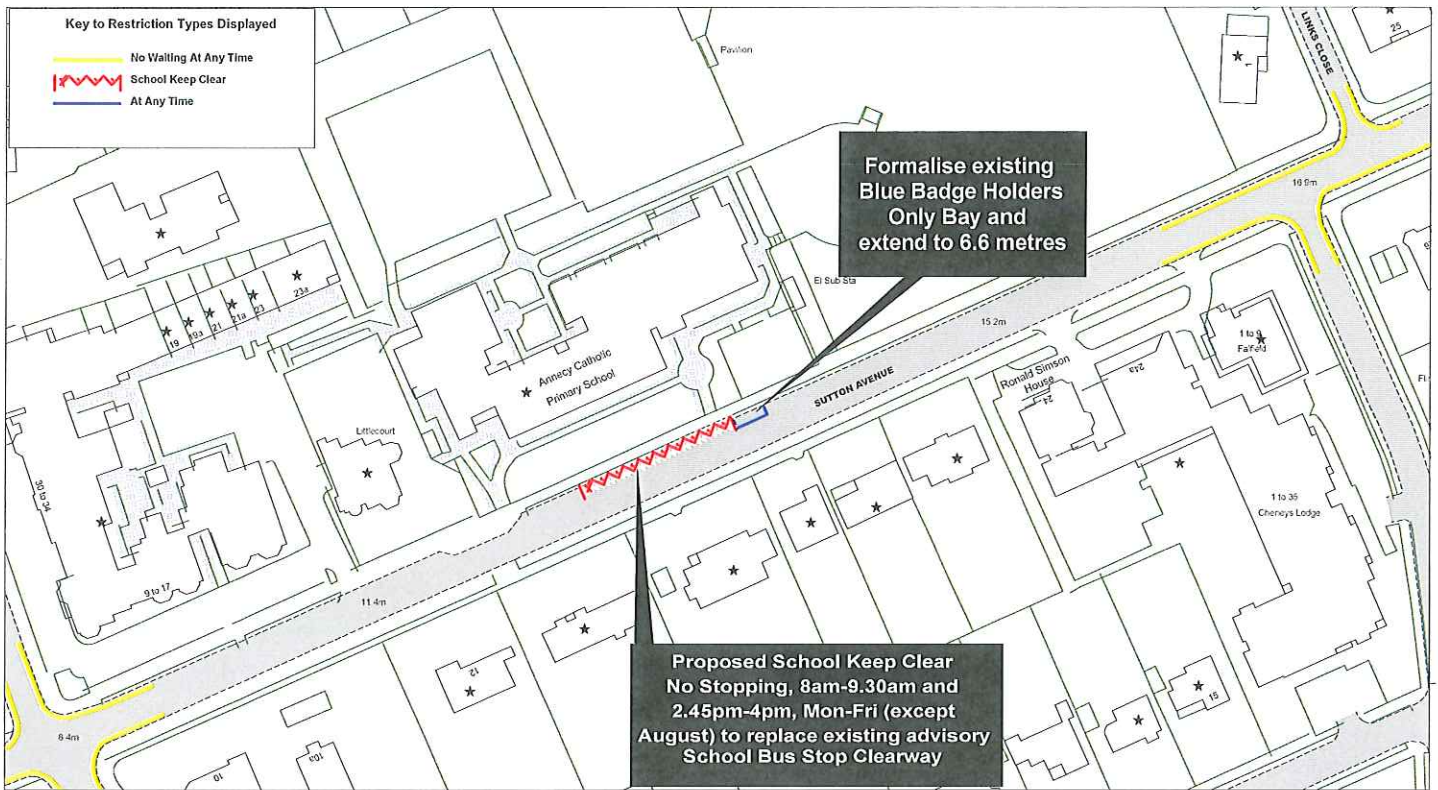
Town Clerk





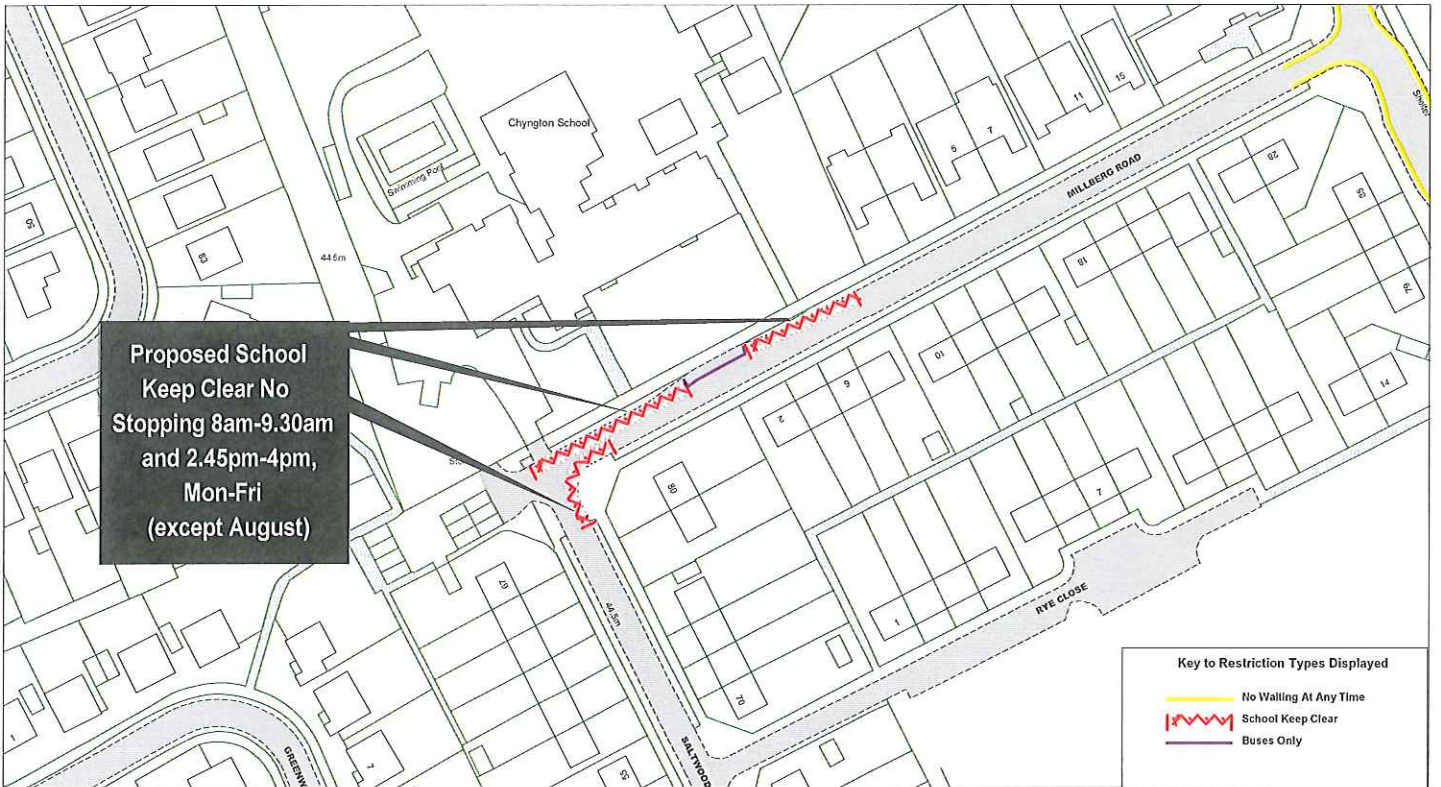
Esplanade, Seaford

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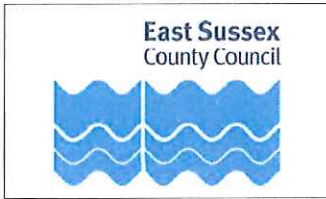
Anney Catholic Primary School,
Sutton Avenue, Seaford

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DATE	09/07/2015
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Proposed School
Keep Clear No
Stopping 8am-9.30am
and 2.45pm-4pm,
Mon-Fri
(except August)

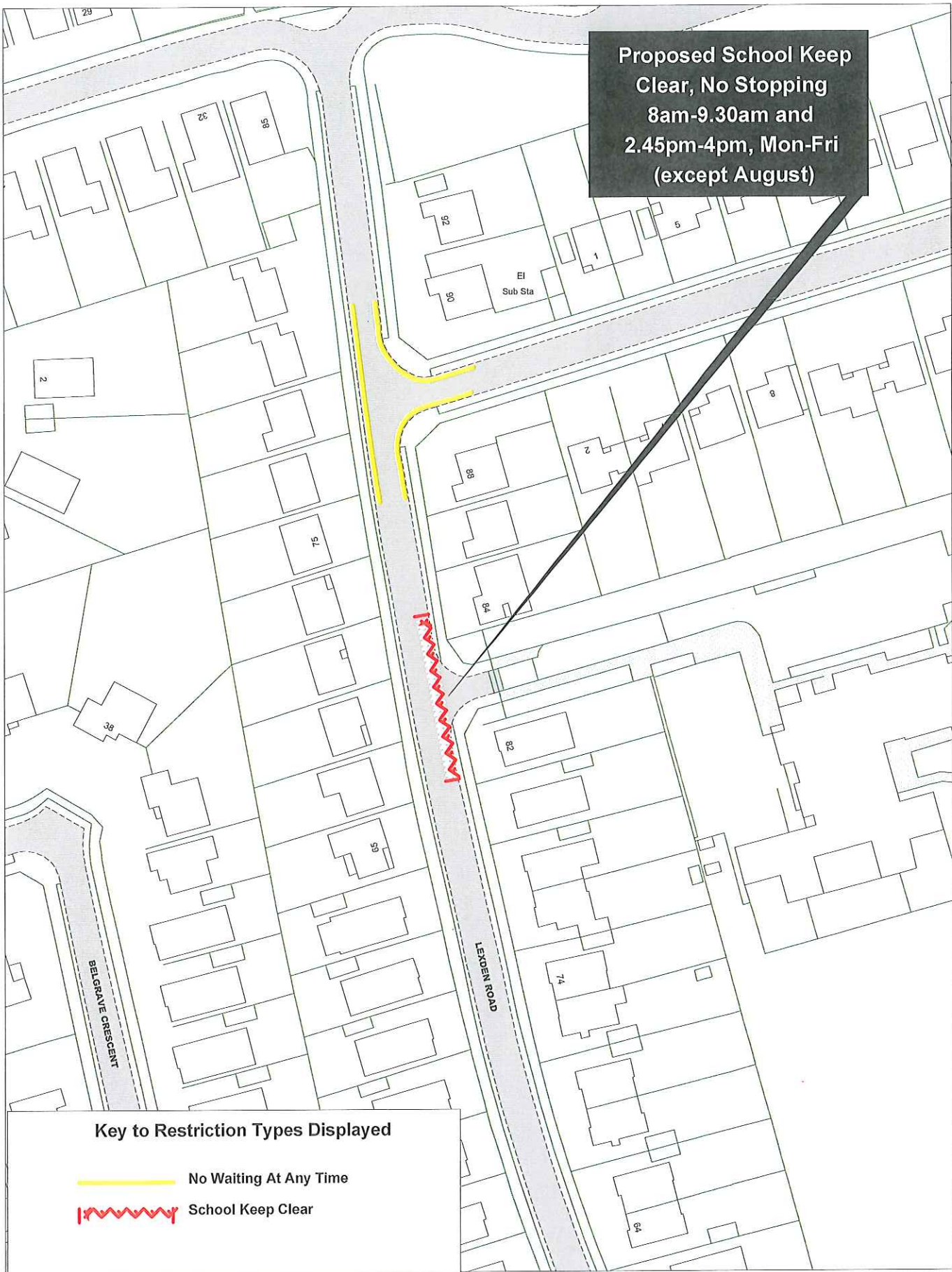
Key to Restriction Types Displayed	
	No Waiting At Any Time
	School Keep Clear
	Buses Only



Chyngton School, Millberg Road, Seaford

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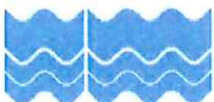
Proposed School Keep Clear, No Stopping
8am-9.30am and
2.45pm-4pm, Mon-Fri
(except August)



Key to Restriction Types Displayed

-  No Waiting At Any Time
-  School Keep Clear

East Sussex
County Council

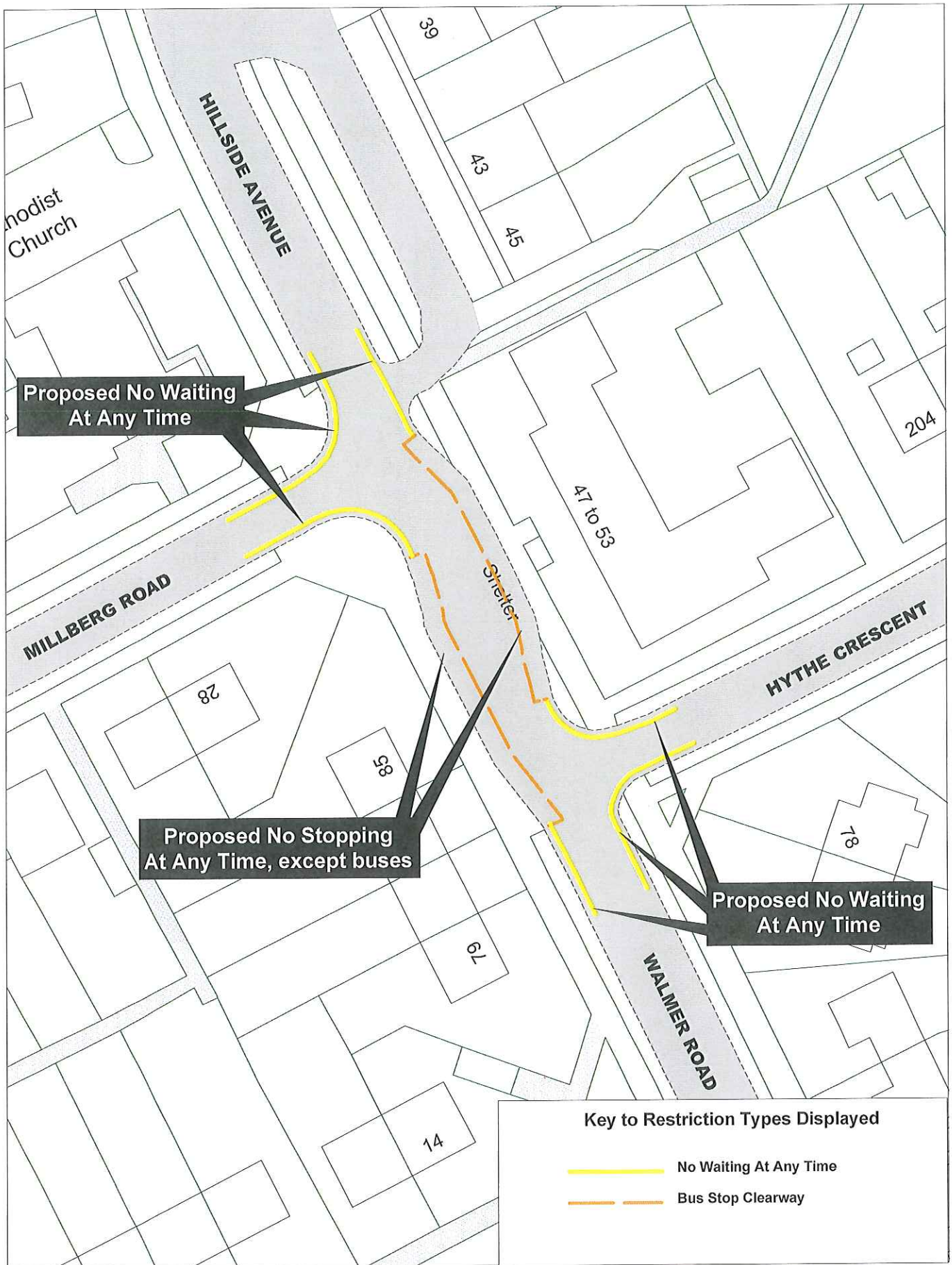


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Cradle Hill Community Primary School,
Lexden Road, Seaford

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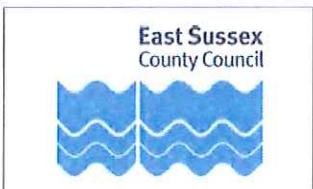
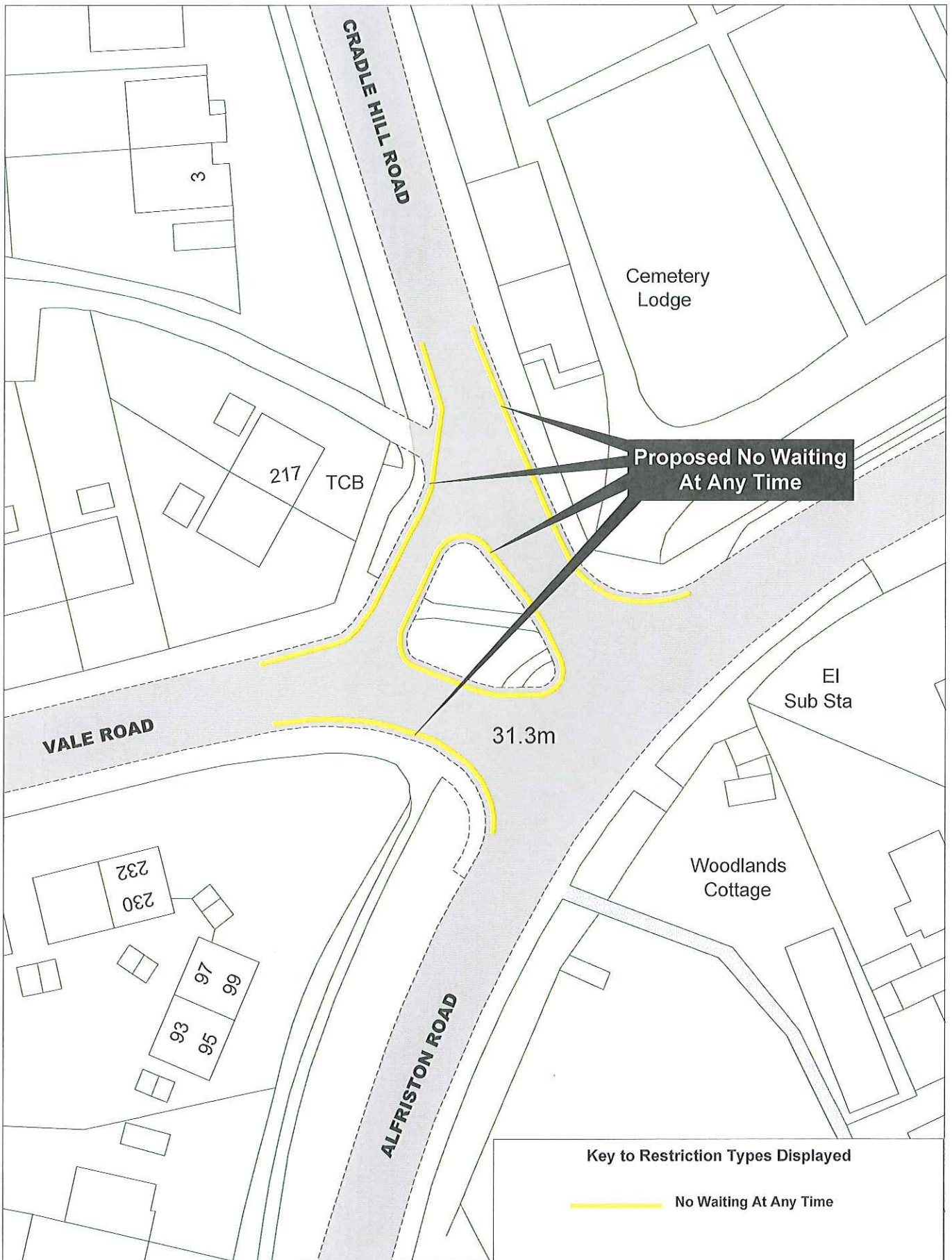


Millberg Road, Hillside Avenue,
Walmer Road, Hythe Crescent, Seaford

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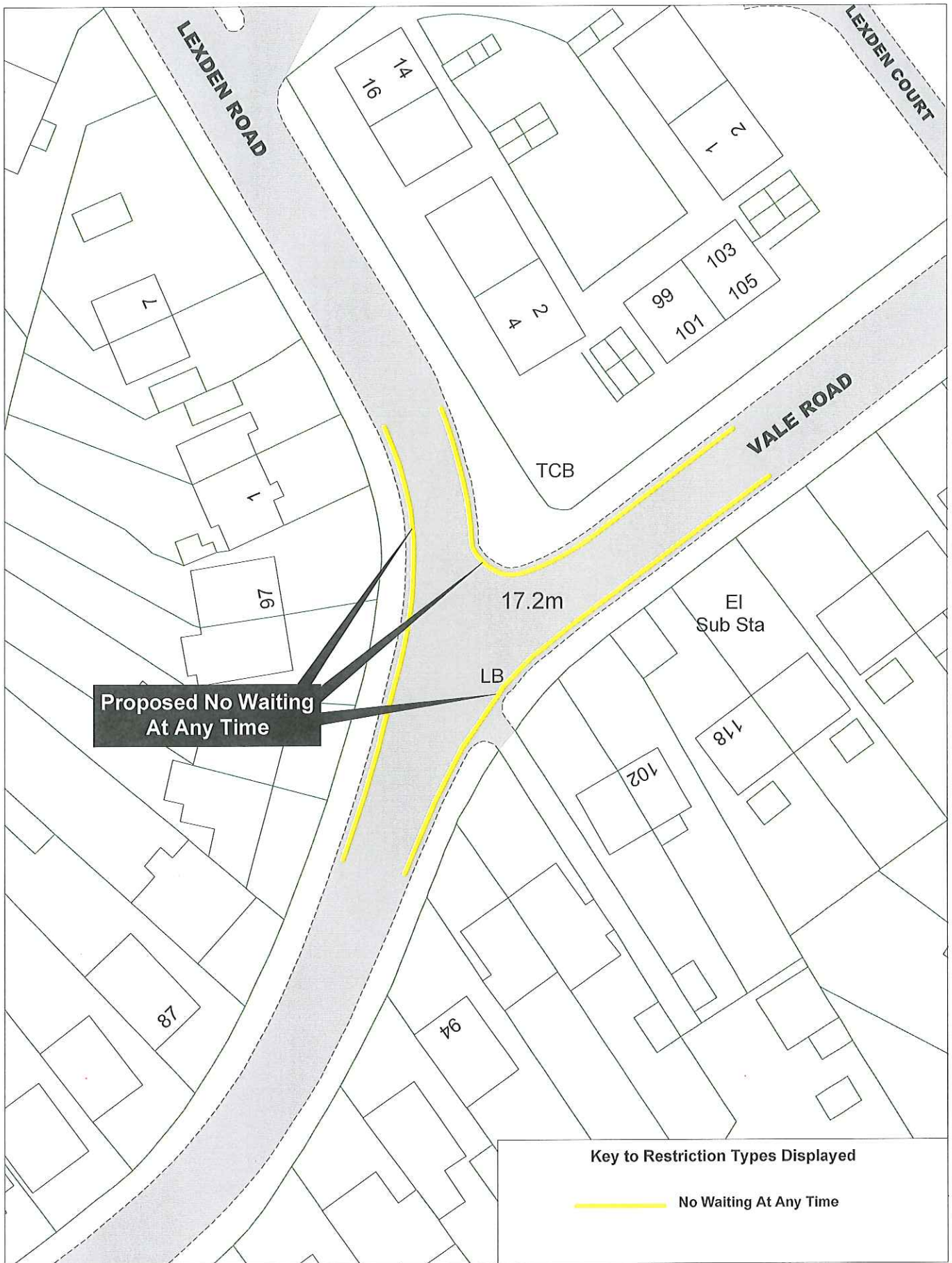


Vale Road, Alfriston Road,
Cradle Hill Road, Seaford

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SCALE	1 : 500
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**Proposed No Waiting
At Any Time**

Key to Restriction Types Displayed

 **No Waiting At Any Time**



Vale Road, Lexden Road, Seaford

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Key to Restriction Types Displayed

- No Waiting At Any Time
- Blue Badge Holders Only

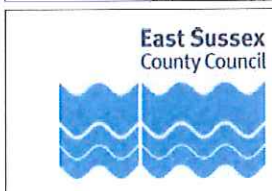
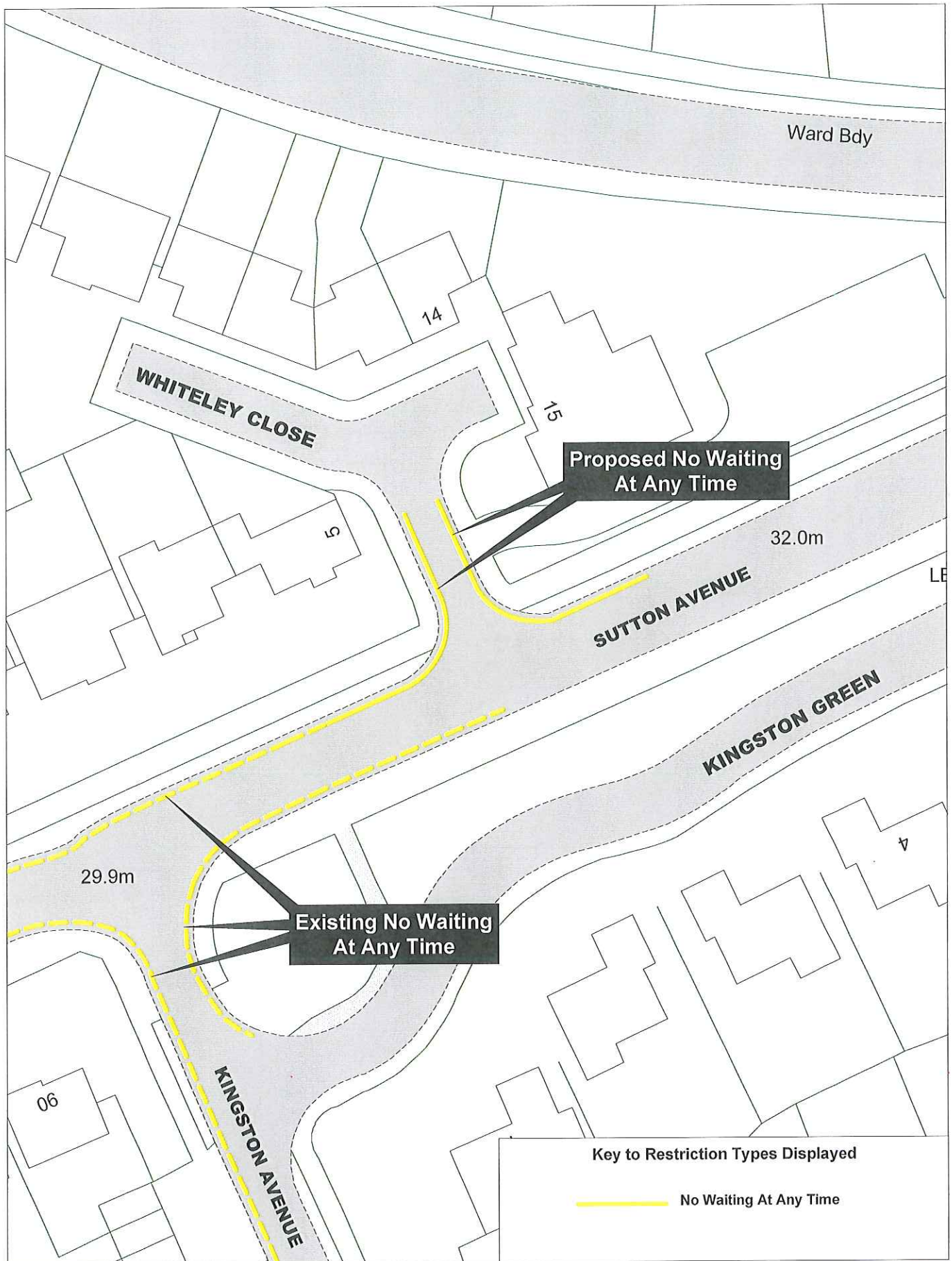


Mason Road, Sherwood Road, Seaford

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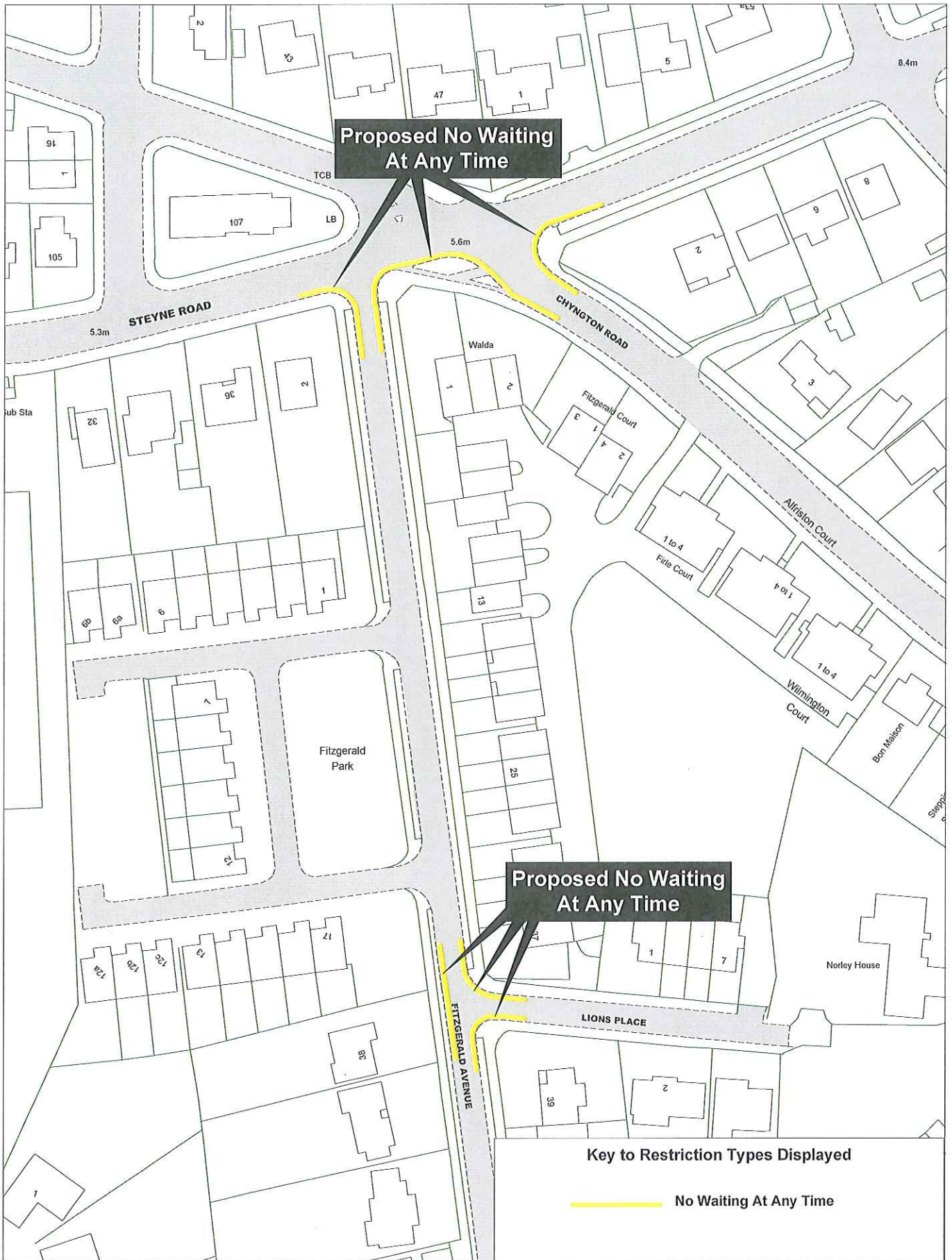


Sutton Avenue, Whiteley Close, Seaford


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Key to Restriction Types Displayed

 **No Waiting At Any Time**



Steyne Road, Fitzgerald Avenue,
Chyngton Road, Lions Place, Seaford





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Key to Restriction Types Displayed

-  No Waiting At Any Time
-  No Waiting Mon-Sat 8am-6pm
-  Time Limited Mon-Sat 8am-6pm maximum stay 2 hours, no return within 2 hours
-  Long Stay Car Park Mon to Sat 9am-5pm Pay and Display

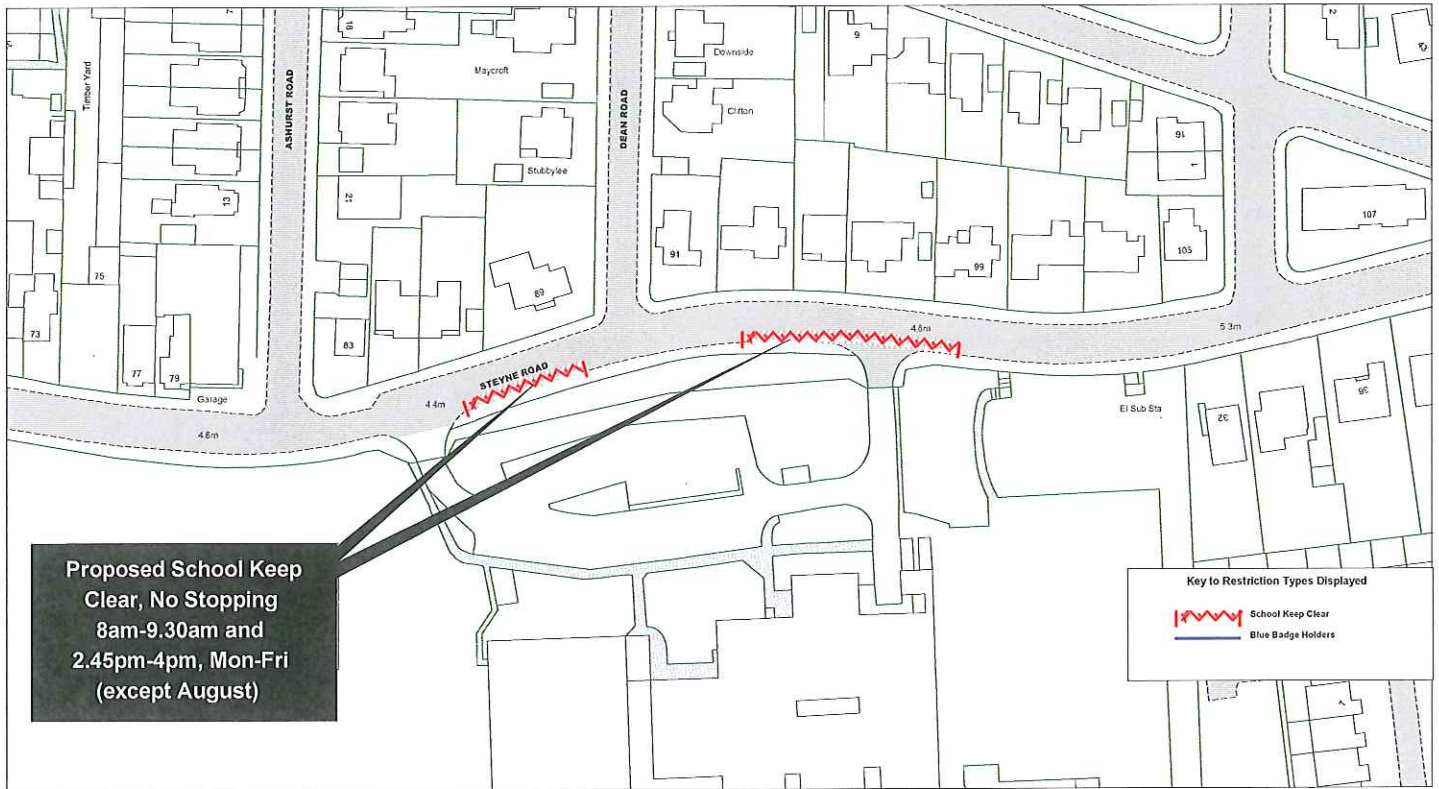


Chatham Place, Seaford

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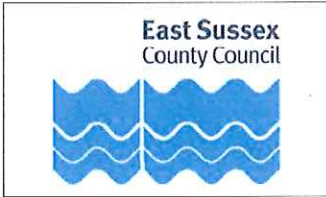


Proposed School Keep Clear, No Stopping
 8am-9.30am and
 2.45pm-4pm, Mon-Fri
 (except August)

Key to Restriction Types Displayed

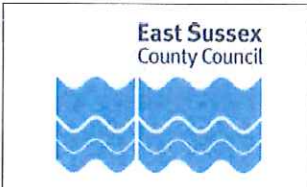
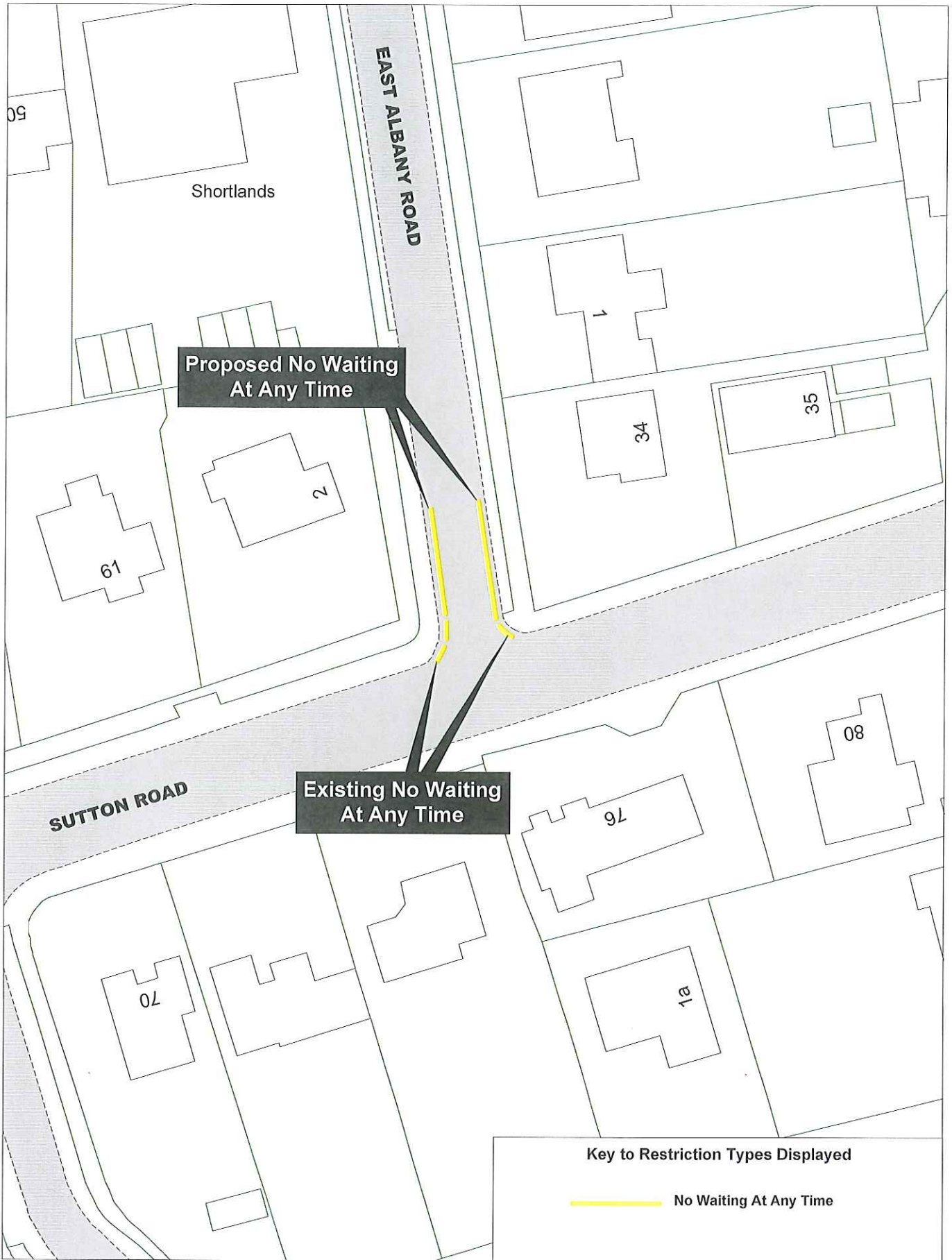
 School Keep Clear

 Blue Badge Holders



Seaford Head Lower School, Steyne Road, Seaford

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DATE	02/07/2015
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East Albany Road, Sutton Road, Seaford

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DATE	17/07/2015
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Seaford Town Council

Report 68/15

Agenda Item No:	6
Committee:	Planning & Highways Committee.
Date:	10 September 2015
Title:	Outcome of Appeal of Proposed Stopping-up Order – North End of Antony Close
By:	Lucy Clark, Support Services Manager
Purpose of Report:	To inform the Committee of the outcome of the Public Local Inquiry in relation to the Proposed Stopping-up Order – North End of Anthony Close.

Recommendations

You are recommended:

- 1. To note the contents of the report.**
-

1. Information

- 1.1** At a previous meeting held on 9 July 2015, report 48/15 informed this Committee of a Public Local Inquiry in relation to the Proposed Stopping-up Order – North End of Anthony Close, Bishopstone, Seaford and was asked to consider submitting a written statement presenting the Committee's reasons for objecting to the Stopping-up Order.
- 1.2** The Committee resolved to return a written statement stating that it was strongly objected to on the grounds that it would cause a loss of public amenities and parking facilities in the local area.
- 1.3** Further to the Public Local Inquiry which was held at St James' Trust (Seaford) on Thursday 30 July 2015, a response has been received from the Department for Transport informing the Council that order should be made.
- 1.4** A copy of the Secretary of States' decision letter that the order should be made, together with a copy of the Inspector's report is attached in Appendix A for your reference.
- 1.5** A Notice of an Order made by the Secretary of State under the Town and County Planning Act 1990 – Section 247 together with copies of the Order and related plan are attached in Appendix B.

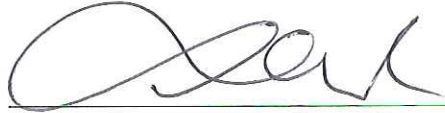
2. Financial Appraisal

There are no financial implications to the Council as a result of this report.

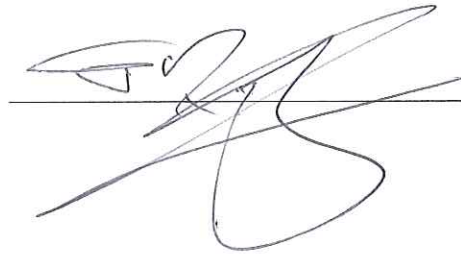
3. Contact Officer

The Contact Officer for this report is Lucy Clark, Support Services Manager.

Support Services Manager



Town Clerk





Department for Transport

Mr and Mrs Fabb

National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Direct line: 020 7944 4310

Email: victoria.pointer@dft.gsi.gov.uk

www.gov.uk

Your ref:

Our ref: NATTRAN/SE/S247/1322

Date: 19 August 2015

Dear Mr and Mrs Fabb

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247 PROPOSED STOPPING UP OF HIGHWAY AT NORTH END OF ANTONY CLOSE, BISHOPSTONE, SEAFORD, EAST SUSSEX BN25 2SY

THE STOPPING UP OF HIGHWAY (SOUTH EAST) (NO.) ORDER 201

1. I refer to the application made by Mr Watson (“the Applicant”), and promoted by Mr and Mrs Fabb (the Promoters), for an Order under section 247 of the Town and Country Planning Act 1990 (“the 1990 Act”) and to the Public Local Inquiry held on 30 July 2015 at St James Trust (Seaford), before Sue Arnott FIPROW, an independent Inspector appointed by the Secretary of State for Transport (“the Secretary of State”) for the purpose of hearing objections to and representations about the above draft Order.

2. The Order, if made by the Secretary of State as published in draft, would authorise the stopping up of a highway enabling development to be carried out in accordance with the planning permission granted under Part III of the 1990 Act by Lewes District Council, under reference LW/12/0123 and appeal reference APP/P1425/A/08/2082974. The Order, if made, would stop up a length of highway at the north eastern end of Antony Close at Bishopstone, in the District of Lewes.

THE INSPECTOR’S REPORT

3. There were two objections outstanding to the draft Order at the opening of the Inquiry. The Inspector considered the objections and all representations about the Order at the Inquiry, and has submitted her report to the Secretary of State. A copy of that report is enclosed with this letter. References in this letter to the Inspector’s Report are indicated by the abbreviation “IR” followed by the paragraph number in the report.

4. The Inspector’s report summarises the case for the Promoters at IR 12 to IR 15 and the case for the Objectors at IR 16 to IR 19, with her overall conclusion at IR 20 to IR 32 and recommendation given at IR 33.

THE INSPECTOR’S RECOMMENDATION

5. In light of the Inspector's conclusions, she recommended at IR 33 that the draft Order be made.

THE SECRETARY OF STATE'S DECISION

6. The Secretary of State has considered carefully the objections to, and representations about, the draft Order. He has considered the Inspector's report and accepts her conclusions. He agrees, for the reasons given below, with her recommendation that the order be made.

7. The Secretary of State's role in this matter is to balance the overall public interest in interfering with an established public highway and to come to a decision on that public interest. In doing this, he must distinguish between those matters relevant to the application for planning permission, which continue to be matters for the local planning authority, and those factors relevant to the extinguishment of the highway itself.

8. It is not the function of the Secretary of State to reconsider whether or not planning permission should have been granted or to reconsider any aspect of that permission. His role is limited to considering the impact closure of this highway would have on users and to take a decision which determines where the ultimate public interest may lie.

9. The Secretary of State has considered carefully the material points of the objections reported at IR 16 to IR 19 and has noted and agrees with the Inspector's conclusions on these at IR 20, IR 22; IR 26 to IR 27 and IR 29 to IR 30. The Secretary of State agrees with the Inspector's overall conclusion at IR 32. He considers that if the development is carried out in accordance with the approved plans the detrimental effects of the closure on immediate neighbours are likely to be limited, and that the general public are not likely to encounter any detrimental effects.

10. In light of the above considerations and the conclusions reached, the Secretary of State is satisfied that there are no overriding reasons, on the grounds of public interest, for not stopping up the area of highway referred to in the schedule to the draft Order. For this reason, the Secretary of State has decided to make the Order.

11. In reaching a decision on this Order, the Secretary of State has also noted that East Sussex County Council, the local highway authority, does not object to the proposed Order.

12. A copy of this letter has been sent to all those who made representations. Copies will be made available on request to any other persons directly concerned and will be placed on deposit for public inspection, along with the made Order, when it is duly advertised. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address, within 6 weeks of the receipt of this letter, to inspect any document appended to the Inspector's report.

13. Any person aggrieved by the making of the Order and desiring to question the validity thereof or of any provision contained therein, on the grounds that it is not within the powers of the Act or that any requirement of that Act or of any regulation made thereunder has not been complied with in relation to the Order, may, within 6 weeks from when the public notice is advertised, as required in section 252 of the Act stating that the Order has been made, apply to the High Court for the suspension or quashing of the Order or of any provision contained therein.

Yours sincerely



VICTORIA POINTER

Authorised by the Secretary of State for Transport
to sign in that behalf

Enc:



The Planning Inspectorate

Report to the Secretary of State for Transport

by Sue Arnott FIPROW

an Inspector appointed by the Secretary of State for Transport

Date: 11 August 2015

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAY (SOUTH EAST) (No*) ORDER 201*

NORTH END OF ANTONY CLOSE, BISHOPSTONE, SEAFORD

Date of Inquiry: 30 July 2015

Ref: DPI/P1425/15/6
NATTRAN/SE/S247/1322

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CASE DETAILS

- This Order is drafted under Section 247 of the Town and Country Planning Act 1990.
- If made, the Order would stop-up a length of highway at the north eastern end of Antony Close, Bishopstone, near Seaford in the District of Lewes.
- Application for the Order was made by Mr M Watson¹ on 26 February 2014. The draft Order was published on 25 April 2014.
- There were two statutory objections outstanding at commencement of the inquiry.

Summary of Recommendation: That the Order be made.

PREAMBLE

1. The effect of the Order, if made as drafted, would be to stop-up a length of highway at the north eastern end of Antony Close, Bishopstone, near Seaford in the District of Lewes. The section in question lies within the boundary of the property now known as 3A Antony Close.
2. I have been appointed pursuant to Section 252(4) of the Town and Country Planning Act 1990 (the 1990 Act) to hold a public local inquiry in connection with the draft Order and to report to the Secretary of State for Transport.
3. I held a local inquiry into the draft Order at St James' Trust in Blatchington Road, Seaford on 30 July 2015. I made an unaccompanied visit to the site in Antony Close in the afternoon of 29 July 2015 and arranged a further inspection following the close of the inquiry for which I was accompanied by all the parties attending the event.
4. One of the objectors (Mrs M B Parrish) was unable to attend the inquiry for health reasons and submitted a note to this effect, requesting that she instead be represented by her son, Mr G Parrish.
5. The applicant, Mr Watson, sold the land to Mr and Mrs Fabb in March 2014 and no longer has an interest in the outcome of this matter. As landowners and residents of the bungalow they have since built on the site, Mr and Mrs Fabb are now promoting the Order having assumed the role of the applicant.
6. The promoters confirmed that all the statutory formalities had been completed correctly and this was not challenged

DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

7. The site is located at the north-eastern end of Antony Close, a short cul-de-sac off Hurdis Road, Bishopstone, near Seaford. The property over which the highway in question is situated lies at the highest point of the close, on the edge of a residential estate built in the 1960s. Beyond the property on its north-eastern side is farmland which lies within the South Downs National Park although the site itself is not designated. The new bungalow has been positioned within the site so as not to obscure the view up Antony Close

¹ See paragraph 5

towards the open landscape of the Downs.

8. Immediately below the site is a residents' parking area, located on the north side of the Antony Close carriageway. Many of the properties in this vicinity enjoy pedestrian only access to their properties and therefore there is a need for on-street parking facilities for residents as well as visitors.
9. Numbers 2 and 3 Antony Close gain access to their homes via a tarmac footway which runs parallel to the section of highway at issue here. This path is 1.8 metres wide and is separated from the subject highway by a concrete kerb and a (mostly grassy) verge which averages 0.75m in width. Both the footway and the verge lie within land identified by the highway authority as part of the highway. The draft Order proposes no changes to the status of this footway or verge.
10. However, a brick retaining wall (in the region of 1 metre in height) has been built by the promoters alongside the path, thereby enclosing part of the verge into their garden and reducing the width of passage from 2.55m to 1.8m for approximately 10-12 metres.
11. The section of highway at issue here is not surfaced and, according to Mr Bullock (a local resident of some 15 years), it has never been used by the public as a right of way. Prior to the commencement of the development, the whole of the site was laid to grass and mown by Seaford Town Council. The highway proposed for stopping up now lies within the garden area of No 3A Antony Close. Although most remains uncultivated, steps leading from the footway beside the brick retaining wall up to the front door of the bungalow have been constructed across the strip in question.

THE CASE FOR THE PROMOTERS

The material points were:

12. On 20 February 2009, an Inspector granted outline permission (reference APP/P1425/A/08/2082974) for the residential development of the site after consent was refused by the planning authority, Lewes District Council. Permission for reserved matters was granted on 4 May 2012 under reference LW/12/0123. A notice certifying that various conditions attached to this permission had been satisfied was issued on 11 February 2014.
13. During this process the whole of the development site was discovered to be classified as 'highway'. The majority of this highway was stopped up in 2013 by means of a similar order² made under Section 247 of the 1990 Act. However, due to a misunderstanding, a section of highway was retained. This strip of highway had initially been identified as necessary to provide an emergency access but, in his appeal decision in 2009, the Inspector had concluded³ that this was not needed. It is this section of retained highway that is now the subject of the present application.

² "The Stopping Up of Highway (South East) (No.50) Order 2013" made on 7 November 2013 under reference NATTRAN/SE/S247/603

³ At paragraph 14

14. The building cannot be signed off until this matter is settled. Although the bungalow itself has been constructed, other parts of the development still remain. In particular, the construction of the new turning area and parking space within the property boundary cannot be implemented⁴ and details of the junction with the main Antony Close highway cannot be finalised until the status of the section in question is resolved.
15. Responding to the objections, Mr Fabb reported that the planning authority had advised him (verbally) that the new retaining wall does not breach any of the conditions of the planning permission. Further, he had obtained an amendment to the planning permission to re-position the entrance into the site from Antony Close so as not to interfere with the on-street parking area. Once the remaining highway on the site is stopped up, these works can proceed and the residents at No 3A will no longer need to make use of the on-street parking in the close.

THE CASE FOR THE OBJECTORS

The material points were:

16. In its objection to the proposed stopping up, Seaford Town Council expressed concern over the loss of parking facilities in Antony Close. It states that there are insufficient facilities for parking at present and that the "inevitable additional spillage" from No 3A will compound the problem. It also objects to the loss of amenity space if this highway is closed to the public.
17. The main issue of concern to Mrs Parrish is the provision of emergency access and the future potential for high fencing that would seriously affect the outlook from her bungalow towards the Downs. She submits that the relevant planning permission specifically requires an access road to be constructed on the strip of land that is now the subject of this stopping up order. Numbers 2 and 3 Antony Close are occupied by disabled and elderly residents and there may be a need for the emergency services to gain access.
18. Mrs Parrish also challenges the position of the new retaining wall, highlighting the reduction in the width of the footway that has resulted from this illegal stopping up. The wall contravenes the planning permission which authorises a hedge along the boundary post and wire fence⁵.
19. Other points raised relate to matters that should have been considered when planning permission was granted including the loss of an area of open land that was previously available to the public and the effect of the development on adjacent properties, particularly the loss of privacy and light. In addition, Mrs Parrish is concerned about the positioning of a foul and waste water system on the site.

⁴ As approved by Lewes District Council on 9 April 2014 as a non-material minor amendment to planning permission LW /12/0123 and relating to condition 9.

⁵ The position of this fence is illustrated by a photograph attached to Mrs Parrish's letter of 6 July 2015.

CONCLUSIONS

Bearing in mind the submissions reported above, I have reached the following conclusions, reference being given in square brackets [] to earlier paragraphs where appropriate.

20. The Order is drafted under Section 247 of the 1990 Act. If it is to be made, it must be shown that it is necessary to stop up the highway in question to allow development to be carried out in accordance with a planning permission already granted but not fully implemented. In reaching a conclusion on the matter, any disadvantages and loss likely to arise as a result of the stopping up, either to members of the public generally or to persons whose properties adjoin, or are near to the existing highway, should be weighed against the advantages to be conferred by the proposed order.
21. The Inspector's decision in 2009 which granted outline consent for the development of the site noted: "*Given the nature of the tarmacadam footpath serving 1-3 Antony Close and the distance between No 3 and the head of the close I do not consider it necessary to provide an accessway for emergency vehicles as shown on the illustrative drawing.*" [12, 13] Indeed other properties on the south side of Antony Close also rely on pedestrian access.
22. Although subsequent detailed layout plans of the site (versions of 697/3A) showed the drive and parking area for number 3A to the north of the proposed bungalow, there are no planning conditions which require the retention of this strip as a publicly available highway primarily for emergency purposes as suggested by Mrs Parrish [17]. There is no evidential support from the emergency services, the highway authority or the planning authority for the retention of the section of highway now at issue.
23. It is not simply the change of use from a highway to a private garden that necessitates this stopping up. The drive, turning area and parking within the site are now proposed to the south side of the bungalow, an amendment that has been approved by the planning authority [14].
24. Whilst it is clear that a substantial element in the development of this site (the bungalow) now exists, the remaining parts of this development cannot be completed without the benefit of this stopping up order.
25. When considering the disadvantages and loss likely to arise as a result of the stopping up, it is important to note that the section in question previously formed part of an area of open land held by the highway authority; it does not ever appear to have been used specifically for the purpose of a highway insofar as there is no evidence to suggest use for the passage of traffic of any kind [11]. Whilst both objectors express concern about the loss of amenity land in this locality, the extent of the land available to the public here has already been reduced substantively by the 2013 Stopping Up Order [13].
26. At the inquiry the promoters made the point that public use of this strip of highway land 3.6 metres wide would be wholly incompatible with their own use of their garden and would offer little for the public in terms of enjoyment or purpose. Nevertheless if it remains, it will be (theoretically) open for use by the public, not only on foot but also on horseback, with bicycles and with

vehicles of all types. However its value as a cul-de-sac highway with no turning space is questionable, with no support for retention as an emergency access from any of the relevant authorities, and the continued existence of a parallel public footway. The width of the highway offers little or no potential for car parking to address the problems raised by Seaford Town Council [16] so that its closure is unlikely to have a detrimental effect in that respect.

27. Mrs Parrish raised concerns over the possibility that the site boundary may differ from the approved hedge and fence if the highway is stopped up and the outlook from her bungalow may be adversely affected as a result [17].
28. Here it relevant to note conditions 5 and 8 of planning permission LW/12/0123 (reserved matters)[12]. By letter in February 2014 the planning authority confirmed that both conditions 5 and 8 had been satisfied with approval of the proposed landscaping and boundary treatment, including a hedge along the south-west boundary incorporating a post and wire fence. On the approved plan 697/3A (of which there appear to be a number of revisions) this fence is shown separating the footway verge from the highway now at issue.
29. Mrs Parrish is correct in pointing out that the new retaining wall (not shown on any plan) obstructs the verge which comprises part of the footway. Despite the advice given to Mr Fabb in relation to the need for planning permission for the wall and steps [15], the full extent of the verge will remain as part of the footway and will still appear in the highway authority's records irrespective of this stopping up order, if made. Whilst the treatment of the boundary between the garden of No 3A and the verge/footway is a matter for the planning authority, any restrictions that apply due to the presence of the highway on the east side should apply also to the continued existence of a highway (the footway and verge) on the west side.
30. Other matters raised in the objections [19] are not material considerations in determining whether the stopping up order should be made.
31. In summary, the remaining elements of the approved development, namely the works to accommodate private vehicles within the site and the change of use to private garden, cannot proceed unless the highway in question is stopped up. Although use of a public right of way on foot may not necessarily be incompatible with use of land as a private garden, it is hard to conceive of circumstances where a full vehicular highway could sit safely and conveniently in a location such as this.
32. The detrimental effects of closing this highway on immediate neighbours are likely to be limited if the development is carried out in accordance with the approved plans (and particularly in respect of the boundary treatment). There are unlikely to be any effects on members of the public in general.

RECOMMENDATION

33. I recommend that The Stopping Up of Highway (South East)(No*) Order 201* be made.

Sue Arnott

Inspector

APPENDIX A: APPEARANCES**In support:**

Mr I and Mrs L Fabb Promoters
Mr R A Bullock Local resident

In Objection:

Mr G Parrish Both representing Mrs M B Parrish of 2 Antony Close,
Bishopstone, Seaford, East Sussex, BN25 2SY
Ms M Parrish

APPENDIX B: DOCUMENTS SUBMITTED TO THE INQUIRY

- 1 Copy of planning application, appeal decision, approval of reserved matters and copy of approved plan
- 2 Draft Order and Plan
- 3 Notice of intention to make the Order and copy of press advertisement
- 4 Notice of Inquiry and copies of press and site advertisement
- 5 Letter of objection from Mrs M B Parrish
- 6 Objection by email from Seaford Town Council together with associated email
- 7 Statements of Mr Fabb, Mrs Parrish and Seaford Town Council
- 8 Copy of The Stopping Up of Highway (South East) (No. 50) Order 2013 made on 7 November 2013
- 9 Plan dated 12 March 2009 supplied by East Sussex County Council showing the extent of the highway at the north eastern end of Antony Close
- 10 Copies of plan ref 697/3A dated Jan 2012 and revised ground floor plan dated 04/04/14
- 11 Confirmation of non-material amendments to planning approval LW/12/0123 with associated plans

**DEPARTMENT FOR TRANSPORT
TOWN AND COUNTRY PLANNING ACT 1990**

THE SECRETARY OF STATE hereby gives notice of an Order made under Section 247 of the above Act entitled "The Stopping up of Highway (South East) (No. 30) Order 2015" authorising the stopping up of an area of land comprising highway verge lying at the north end of Antony Close at Bishopstone, in the District of Lewes to enable development as permitted by Lewes District Council, reference LW/12/0123 and appeal reference APP/P1425/A/08/2082974.

COPIES OF THE ORDER MAY BE OBTAINED, free of charge, from the Secretary of State, National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR or nationalcasework@dft.gsi.gov.uk (quoting NATTRAN/SE/S247/1322) and may be inspected during normal opening hours at Seaford Town Council, 37 Church Street, Seaford, East Sussex, BN25 1HG.

ANY PERSON aggrieved by or desiring to question the validity of or any provision within the Order, on the grounds that it is not within the powers of the above Act or that any requirement or regulation made has not been complied with, may, within 6 weeks of 28 August 2015 apply to the High Court for the suspension or quashing of the Order or of any provision included.



G Patrick, Department for Transport

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAY

(SOUTH EAST) (NO. 30) ORDER 2015

The Secretary of State makes this Order in exercise of powers under section 247 of the Town and Country Planning Act 1990 ("the Act").

1. The Secretary of State authorises the stopping up of the highway described in the Schedule to this Order and shown on the plan, in order to enable development to be carried out in accordance with the planning permission granted under Part III of the Act by Secretary of State for Communities and Local Government under reference LW/08/0200 and Appeal reference APP/P1425/A/08/2082974 along with reserved matters approval granted by Lewes District Council under reference LW/12/0123.

2. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any highway authorised to be stopped up pursuant to this Order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that highway is stopped up as they had immediately beforehand.

3. In this Order

"the plan"

means the plan numbered NATTRAN/E/S247/1322, marked "Highway at Bishopstone in the District of Lewes", signed by authority of the Secretary of State and deposited at the Department for Transport, Deposit Document Service, F Floor, Ashdown House, St Leonards on Sea, Hastings, East Sussex, TN37 7GA.

4. This Order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and may be cited as the Stopping Up of Highway (South East) (No. 30) Order 2015.



Signed by authority of
the Secretary of State
19 August 2015

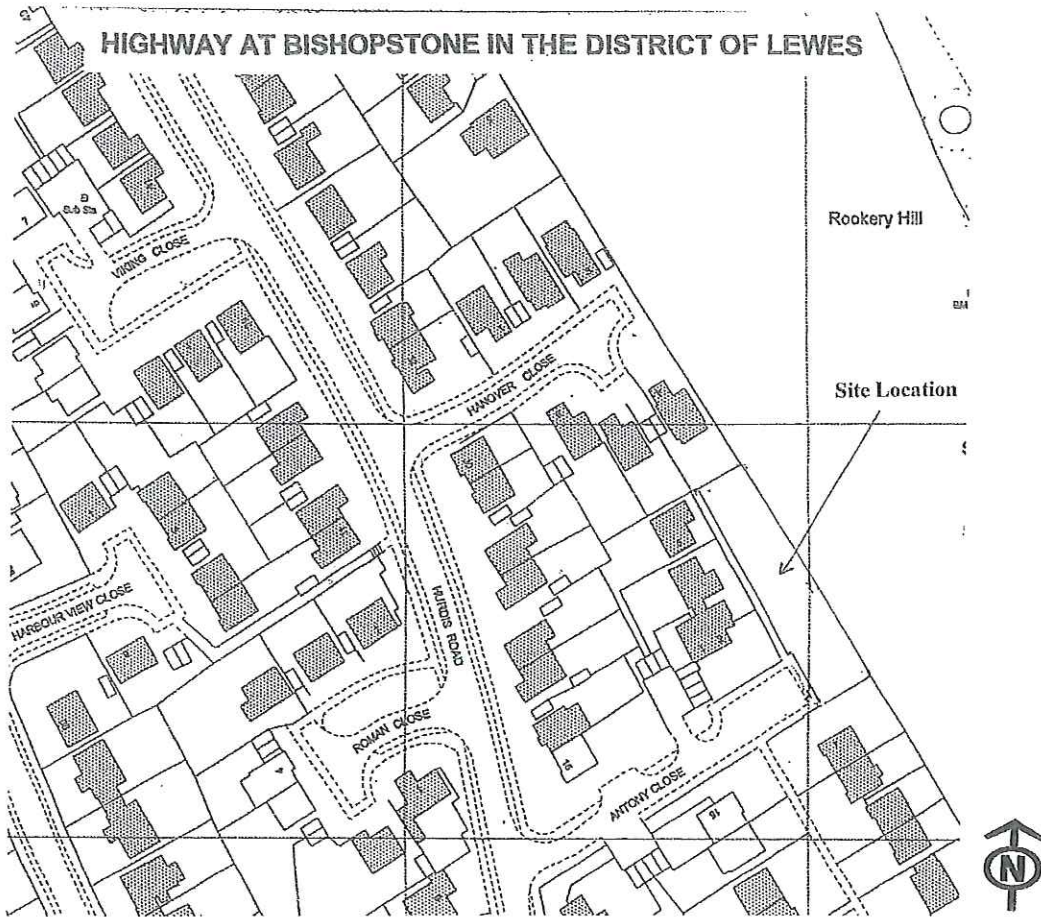
VICTORIA POINTER
An Official in the
National Transport Casework Team
Department for Transport

THE SCHEDULE

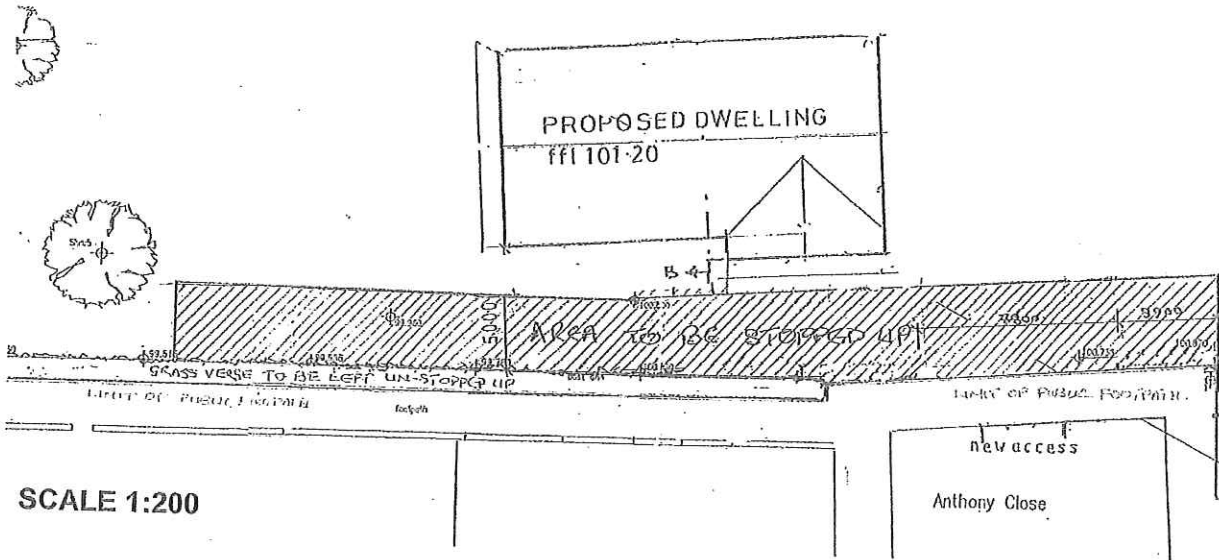
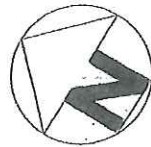
Description of highway to be stopped up

The highway to be stopped up is at Bishopstone in the District of Lewes, shown zebra hatched black on the plan as an area of land comprising highway adjacent to the north end of Antony Close, commencing from the eastern cul-de-sac termination point of Antony Close extending in a north westerly direction for a maximum distance of 40.6 metres and having a maximum width of 3.6 metres.


HIGHWAY AT BISHOPSTONE IN THE DISTRICT OF LEWES



Detailed Plan



SCALE 1:200

<p>Key</p> <p>Scale 1:1250 (Location Plan) 1:200 (Detailed Plan)</p> <p>Highway to be stopped up </p>	<p>National Transport Casework Team</p> <p>Department for Transport</p> <p>Plan No: NATTRAN/E/S247/1322</p>	<p>Signed by Authority of the Secretary of State</p> <p>on. 19 August 2015</p> <p>Signature... <i>Victoria Pointer</i></p>
	<p>OS Grid Ref: E: 546692, N: 100763</p> <p>Post Code: BN25 2SY</p>	<p>VICTORIA POINTER</p> <p>An Official in the National Transport Casework Team</p> <p>Department for Transport</p>



Seaford Town Council

Report 70/15

Agenda Item No:	7
Committee:	Planning & Highways Committee
Date:	10 September 2015
Title:	South Downs Local Plan: Preferred Options Consultation
By:	Lucy Clark, Support Services Manager
Purpose of Report:	To inform members of the South Downs Local Plan: Preferred Options document now open for consultation.

Recommendations

You are recommended:

- 1. To note the existence of the South Downs Local Plan: Preferred Options Consultation;**
 - 2. To allocate time between this meeting and the Committee meeting on 1 October to review the consultation documents ready to make any comments on the Local Plan and supporting documents.**
-

1. Information

- 1.1** The South Downs National Park needs properly managed development that conserves and enhances the natural beauty, wildlife and cultural heritage for which it was designated. The National Park Authority (NPA) is therefore progressing work on its Local Plan, which is the first time the National Park has been planned as a single entity. It will replace 1,400 inherited policies and will build on the recent work of the joint core strategies.
- 1.2** Following on from the Options consultation held in 2014 the South Downs Local Plan: Preferred Options has now been published for public consultation. The consultation is running from 2nd September to 28th October 2015.
- 1.3** Due to the size of the Local Plan and its supporting documents, members are being informed of its existence now but will be asked to consider any response or comments as part of the consultation at the Committee's next meeting on 1st October. A full report will be presented to members at this meeting.
- 1.4** The Local Plan and all supporting documents are available to view in the meeting room within the Council offices. Alternatively, they can be viewed on the South Downs National Park Authority's website at:
<https://www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/local-plan-preferred-options-public-consultation/>

- 1.5** Please note that a public roadshow is being held by SDNPA on Tuesday 8th September between 3-8pm at Lewes Town Hall, BN7 2QS.

This is a drop in session; there will be a video introducing the Local Plan, an exhibition to enable people to learn more about the policies in the plan and see where development is being proposed in the National Park and SDNPA staff on hand to answer any questions.

2. Financial Appraisal

There are no financial implications as a result of this report.

3. Contact Officer

The Contact Officer for this report is Lucy Clark, Support Services Manager

Support Services Manager



Town Clerk





Seaford Town Council

Report 71/15

Agenda Item No:	8
Committee:	Planning & Highways Committee
Date:	10 September 2015
Title:	South Downs Community Infrastructure Levy: Draft Charging Schedule Consultation
By:	Lucy Clark, Support Services Manager
Purpose of Report:	To inform members of the South Downs Community Infrastructure Levy: Draft Charging Schedule document now open for consultation.

Recommendations

You are recommended:

- 1. To note the existence of the South Downs Community Infrastructure Levy: Draft Charging Schedule Consultation;**
 - 2. To allocate time between this meeting and the Committee meeting on 1 October to review the consultation documents ready to make any comments on the Draft Charging Schedule.**
-

1. Information

- 1.1** In April 2015 the Government scaled back Section 106, the system that ensured that developers make a financial contribution to communities when they build new homes and supermarkets. Section 106 can now only be used to secure affordable housing and some on-site mitigation.

To make sure that communities continue to benefit from new development the National Park Authority (NPA) are putting a Community Infrastructure Levy (CIL) in place for the entire National Park, which they will adopt in 2016.

The CIL will provide funding for local communities and infrastructure providers like the police, fire service, care trusts, nature conservation groups and county councils to make sure sustainable growth across the National Park is supported by the right infrastructure. This infrastructure should be identified in the NPA's Infrastructure Delivery Plan (IDP).

As the local planning authority the NPA need to first decide on the charges to levy on development and set this out in a 'Charging Schedule'.

- 1.2** Following on from the initial consultation on the Draft Charging Schedule in 2014, the second formal consultation stage is now open. The consultation is running from 2nd September to 28th October 2015.

1.3 Members will be asked to consider any response or comments as part of the consultation at the Committee's next meeting on 1st October, at the same time as the Local Plan Consultation also featured as part of this agenda. A full report will be presented to members at this meeting on 1st October.

1.4 The South Downs National Park Infrastructure Delivery Plan, Draft Charging Schedule and Frequently Asked Questions documents are available to view in the meeting room within the Council offices. Alternatively, they can be viewed on the South Downs National Park Authority's website at:
<https://consult.southdowns.gov.uk/consult.ti/cildcs/consultationHome?done=GRPAIreadyMember>

2. Financial Appraisal

There are no financial implications as a result of this report.

3. Contact Officer

The Contact Officer for this report is Lucy Clark, Support Services Manager

Support Services Manager



Town Clerk





Agenda Item No:	9
Committee:	Planning & Highways Committee.
Date:	10 September 2015
Title:	Update Report
By:	Lucy Clark, Support Services Manager
Purpose of Report:	To inform the Committee of LDC decisions

Recommendations

You are recommended:

- 1. To note the contents of the report.**
-

1. Information

- 1.1** At the previous Planning & Highways Committee Meeting it was resolved to instruct Council Officers to enter in to discussions with Lewes District Council regarding:
 - (a)** When the Town Council recommend an objection to a planning application that it automatically be considered by the District Council's Planning Committee rather than District Council Planning Officers; and
 - (b)** Once decisions are made by the District Council, whether by Officers of the Planning Committee, that the Town Council receive an email with the Officers Report/notice of the decisions and reasons.

With regards to (a), an emailed response has been received from Steve Howe explaining that with regret, Lewes District Council are unable to agree to our request as such an approach would be contrary to their Scheme of Delegation and inconsistent with their practice as far as applications elsewhere in the district are concerned. However, Lewes District Council would like to assure the Town Council that its representations on applications are carefully considered and it is only those cases where the Town Council's objections cannot reasonably be used to sustain a refusal of permission that are approved by officers. The full email is attached in Appendix A for your information.

With regards to (b), and as previously reported, Lewes District Council email Seaford Town Council with a Notice of Planning Permission or Notice of Refusal. Where the Notice of Refusal goes against the Town Council's recommendation, an Officers Report detailing the reasons for their decision is also available. All this

information will be printed and placed in a file and kept in the Members' room. If members of this Committee preferred, all details will be available to view on the Planning Portal within Lewes District Council's website: www.lewes.gov.uk/planning/15501.asp

- 1.2 Please see the attached list in Appendix B showing LDC decisions on previous applications put before this Committee which is for reference only. The decision notices for each of these applications can be found in the LDC Planning Decisions File placed in the Members' Room or via the Lewes Planning Portal as above.

2. Financial Appraisal

There are no financial implications to the Council as a result of this report.

3. Contact Officer

The Contact Officer for this report is Lucy Clark, Support Services Manager.

Support Services Manger



Lucy Clark

From: Steve Howe <Steve.Howe@lewes.gov.uk>
Sent: 25 August 2015 12:56
To: Lucy Clark
Cc: Georgia Raeburn
Subject: RE: Seaford Town Council's Planning Applications

Dear Lucy

I refer to your e-mail below and apologise for the delay in replying, after your meeting on 20 August. It is true that about 90% of decisions on planning applications are taken by planning officers under powers which are delegated to them by the Planning Committee. This approach has been generally supported by successive governments, which have seen speed of decision making as a key to helping economic development, by putting planning permissions in place as quickly as possible. Furthermore, it means that the Committee tend to concentrate on more controversial applications, or those which have wider than local significance.

Decisions are made in accordance with a 'Scheme of Delegation', and I have attached a copy FYI. The Scheme indicates that officers have delegated authority to approve applications where, inter alia:

"...either (i) no objection has been received from a Town or Parish Council within any notification period relating to the application, or (ii) any such objection received is, in the opinion of the Director of Service Delivery, unreasonable and/or unsustainable and the Director records his/her reason(s) for that opinion". The Director of Service Delivery does, however, have discretion to refer any application to the Committee for a decision if she feels it appropriate to do so.

I appreciate that there have been applications in Seaford quite recently where the Town Council has objected, but approvals have been given by officers without reference to the Committee. Such cases have been looked at very carefully by officers, to assess whether the Town Council's objections are reasonable and sustainable in planning terms (as required under the Scheme of Delegation). An example was the former nursery site in Sutton Drove (LW/15/0128) and its redevelopment for housing; that was a case where the Town Council objected but the history of a previous appeal on the site meant that the Town Council's grounds of objection could not form a reasonable or sustainable basis for refusal, so the application was approved under delegated powers. Other cases, like 6 Homefield Road (LW/15/0278), have been referred to Committee given that the Town Council objected.

I regret that we are unable to agree to the Town Council's request that all applications which are subject to the Town Council's objections are referred to the Committee. Such an approach would be contrary to the Scheme of Delegation, inconsistent with our practice as far as applications elsewhere in the district are concerned, and would mean that cases are referred to Committee where the Town Council's objections could not reasonably form a basis for refusal. Furthermore, the Committee may find that more 'minor' cases are referred to them (some Committee members ask why they are determining such minor cases when they are on a Committee agenda, on the basis that they should be left to be decided by officers in accordance with normal planning policy).

Having said the above, I would like to assure the Town Council that its representations on applications are carefully considered. It is only those cases where the Town Council's objections cannot reasonably be used to sustain a refusal of permission that are approved by officers.

I hope the above comments help explain the decision making process on planning applications in Seaford. Regards.

Steve Howe
Specialist (Planning)

D Planning Applications Functions

- (a) To approve, or approve subject to conditions, as necessary, any application for Planning Permission, Listed Building Consent, Conservation Area Consent, Advertisement Consent, Works to trees subject to a Tree Preservation Order or within a Conservation Area, any application for a Certificate of Lawfulness of Existing or Proposed Use or Development or any other application under the Town and Country Planning Acts other than any application by Lewes District Council for Planning Permission and any notification by Government Department, providing that:
- the application falls within one of the classes of development set out in the Scheme of Delegation;
 - the application is not contrary to policy;
 - no member of the Council has requested the application to be determined by the Committee within fourteen days of the weekly list relating to the application;
 - either (i) no objection has been received from a Town or Parish Council within any notification period relating to the application, or (ii) any such objection received is, in the opinion of the Director of Planning and Environmental Services, unreasonable and/or unsustainable and the Director records his/her reason(s) for that opinion.
 - in the event that there are third party objections, the Director of Planning and Environmental Services shall have authority to determine an application where objections have been received if he/she is satisfied that such objections could not form the basis of a sustainable reason for refusal,
 - in the case of works to trees, no objection has been received during the statutory consultation period,

and provided that any application which the Director of Planning and Environmental Services considers to be contentious or controversial and which he/she is minded to approve shall, at the discretion of the Director, be referred to the Planning Applications Committee for determination (Planning Applications Committee);

01/04/04

Update Report 10 September 2015

Reference	Address	Description	Registered W/E	STC Meeting Date	STC Decision	LDC Decision
LW/15/0470	1 Valley Drive	Planning Application - Erection of a side extension & loft conversion including dormer window at rear for Mr R Powell	12.06.2015	09.07.2015	Objection - on the grounds of overdevelopment, being out of character; the conversion of a bungalow to a house when all neighbouring properties are bungalows, the loss of privacy, being dominant in design against neighbouring properties and overlooking said properties.	Approved - Subject to the condition that the development shall be finished in external materials to match those used in the existing building.
TW/15/0046/TPO	40 Barn Close	1 x Beech - Crown lift to 4.5m over the garden. Crown thin by approx 15% and tip prune selected lateral branches back to suitable growing points of the eastern side of the crown by approx 1.5 - 2m	27.06.2015	09.07.2015	No Objection	RECOMMENDATION: Split Decision. WORKS TO BE REFUSED: Crown lift to 4.5m over the garden. Crown thin by approx 15% and tip prune selected lateral branches back to suitable growing points of the eastern side of the crown by approx 1.5 - 2m. WORKS TO BE GRANTED CONSENT: Crown lift over garden by removing small pendulous secondary and tertiary branches only (the removal of the primary limbs and branches is specifically prohibited).
LW/15/0521	6 Homefield Road	Planning Application - Erection of a detached annexe (existing garage to be demolished) for Mr D Moore	27.06.2015	09.07.2015	Objection - grounds of being out of character; a dominant building in design next to neighbouring properties, overdevelopment due to being two storeys, with a loss of privacy and overshadowing neighbouring properties.	Refused - The annexe, by reason of its excessive length, height and mass, would, in addition to the existing house, constitute overdevelopment of the site. The annexe would be detrimental to the character of the locality and amenities of the occupiers of 6 Homefield Close (being over-dominant and causing overshadowing). The annexe would therefore be contrary to Policies RES18 and ST3 of the Lewes District Local Plan.
LW/15/0474	3 Cliff Tops Cliff Road	Planning Application - Erection of conservatory to the front for Mr D Foulkes	03.07.2015	30.07.2015	No Objection	Approved