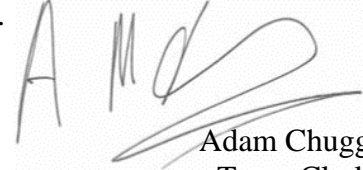




## Seaford Town Council

### To members of the Planning & Highways Committee

A meeting of the **Planning & Highways Committee** will be held **via Zoom\*** on **Wednesday 5<sup>th</sup> May 2021** commencing at **7.00 pm** which you are summoned to attend.

  
Adam Chugg  
Town Clerk  
28<sup>th</sup> April 2021

**\*see overleaf for important information to join virtual meeting and accessing password**

**PLEASE NOTE THAT THIS MEETING WILL BE VIDEO RECORDED**

## Agenda

### 1. Apologies for Absence and Declaration of Substitute Members

### 2. Disclosure of Interests

To deal with any disclosure by Members of any disclosable 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

To deal with any questions, or brief representations, from members of the public in accordance with relevant legislation and Seaford Town Council Policy.

In accordance with Town Council policy, members of the public wishing to speak on individual planning applications may do so immediately before each planning application.

### 4. Planning Applications

South Downs National Park Application (deferred from the previous meeting)

**SDNP/21/00345/FUL - Land adjacent to Harness Barn The Street Bishopstone Village**  
Mixed use of artists' studios and metalworking studio for blacksmiths, with associated storage, and use of residual parts of building for agriculture with associated parking, access and landscaping for Mr Attwood.

[See report 177/20 of the Planning Officer at pages 3 to 4 below.](#)

Planning Applications received in week commencing Monday 12<sup>th</sup> April 2021

**LW/21/0140 - 12A Bishops Close** - Creation of a full-width single-storey rear extension, with timber/composite access steps and patio. New windows and gable end material to the front elevation for Mrs J Newman.

**LW/21/0148 - 6 Greenwell Close** - Creation of a first-floor side extension and ground floor front extension for Ms C Goodchild.

Planning Applications received in week commencing Monday 19<sup>th</sup> April 2021

None

Planning Applications received in week commencing Monday 26<sup>th</sup> April 2021

None

**5. Talland Parade Update Report May 2021**

To consider report 175/20 of the Planning Officer providing the Committee with an update on the abandoned construction site at Talland Parade (pages 5 to 8).

**6. Update Report**

To consider report 176/20 of the Planning Officer on recent decisions made by Lewes District Council on applications previously considered by this Committee (pages 9 to 10).

**For further information about items appearing on this Agenda please contact:**

Adam Chugg, Town Clerk, 37 Church Street, Seaford, East Sussex, BN25 1HG

Email: [adam.chugg@seafordtowncouncil.gov.uk](mailto:adam.chugg@seafordtowncouncil.gov.uk)

Telephone: 01323 894 870 (*please note that due to working from home, this phone line is not currently manned, so please leave a voice message and this will be picked up and forwarded to the relevant member of staff to deal with*)

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## **Zoom Meetings**

In line with the Coronavirus Act 2020 and subsequent regulations governing local authorities meetings, the Council will be holding this meeting via the online video conference facility, Zoom.

**To join the Zoom meeting follow this link:**

<https://zoom.us/j/94391271400?pwd=QTRNR1VLcjFxbWluSitZQm9UZllmUT09>

**Meeting ID:** 943 9127 1400

**Password:** to ensure online security it is recommended that meeting passwords are not publicised and are given directly to those intending to attend the meeting.

Please therefore email [admin@seafordtowncouncil.gov.uk](mailto:admin@seafordtowncouncil.gov.uk) for the password at least 24 hours before the scheduled meeting date.

**Telephone number to join by audio only:** 0203 481 5237 (you will be prompted to enter the meeting ID and password before joining the meeting)

**Zoom Joining Instructions and Guidance on Attending and Taking Part in Zoom meetings** are available to download from <https://www.seafordtowncouncil.gov.uk/council-meetings/>



## Seaford Town Council

### Report 177/20

<b>Agenda Item No:</b>	<b>4</b>
<b>Committee:</b>	<b>Planning &amp; Highways</b>
<b>Date:</b>	<b>5<sup>th</sup> May 2021</b>
<b>Title:</b>	<b>Application SDNP/21/00345 – Land at Harness Barn, The Street, Bishopstone</b>
<b>By:</b>	<b>Geoff Johnson, Planning Officer</b>
<b>Purpose of Report:</b>	<b>To assist members in their consideration of this application</b>

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#### Recommendations

**The Committee is recommended:**

- 1. To take this information into account when considering the response to Lewes District Council on the application.**

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#### 1. Introduction

This application, which was deferred from the previous meeting, has been the subject (as at Tuesday 27<sup>th</sup> April) of 29 objections and 18 letters of support. All the application documents and submitted representations are available to view on the SDNPA website

#### 2. Objections

The main planning issues raised by the objectors are:-

- The fact that several units at the site are already being used for a mixture of commercial and agricultural uses some of which, e.g use by a local scaffolding firm, are seriously detrimental to the amenity of the area and local residents.
- Health and safety concerns due to the inadequacy of the structures.
- The fact that recent buildings at the site approved for agricultural use are being used for non-agricultural purposes.
- The site is close to a prominent conservation area within the National Park.
- Increase in heavy traffic in the village and in the use of potentially dangerous access to the A259.
- No evidence that the diversification sought in the application is necessary to sustain the viability of the farm.

#### 3. Supporting Issues

The issues in support of the application raised by the applicant and others are:-

- That due in part to Brexit and the general decline of agriculture, diversification is essential.

- Suitable units must be available for blacksmiths, sculptors and artists working with metal.

#### **4. Relevant Considerations**

The main policy considerations are :-

The applicant states that the diversification is supported by policy SD34 of the South Downs Local Plan ‘Sustaining the Local Economy’ This policy is however subject to a proviso that it must be read in conjunction with the development strategy in plan policy SD25 which identifies areas where the principle of development is accepted. Bishopstone is not included in SD25. The proposals therefore have to be assessed against the strict criteria set out in SD25. This assessment is not dealt with in the applicant’s Planning Statement

The applicant also refers to Para 83 of the National Planning Policy Framework. This guidance, ‘Supporting a Prosperous Rural Economy’ gives general support to commercial development in rural areas subject to several criteria but relates to all rural areas. National Parks have specific protection in the NPPF under para 172 of the same document

#### **5. Financial Appraisal**

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

#### **6. Contact Officer**

The contact officer for this report is Geoff Johnson, Planning Officer.

Planning Officer



Town Clerk





## Seaford Town Council

## Report 175/20

<b>Agenda Item No:</b>	<b>5</b>
<b>Committee:</b>	<b>Planning &amp; Highways</b>
<b>Date:</b>	<b>5<sup>th</sup> May 2021</b>
<b>Title:</b>	<b>Talland Parade Update Report May 2021</b>
<b>By:</b>	<b>Geoff Johnson, Planning Officer</b>
<b>Purpose of Report:</b>	<b>To provide the Committee with an update on the development and scaffolding at Talland Parade, Seaford</b>

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### Recommendations

The Committee is recommended:

- 1. To note the report and adopt it as the Town Council's position statement.**
  - 2. To agree to request a meeting with Lewes District Council to discuss a possible joint approach to securing a permanent solution to the problem.**
- 

### 1. Background

- 1.1** The condition of the development site at Talland Parade and the scaffolding in particular is still causing numerous complaints from residents and is still blighting this area of the Town Centre. It is now ten years since consent was granted under LW/11/1321 for the construction of an additional floor and the provision of 10 one-bed flats above the ground floor shops.
- 1.2** In 2018 the Town Council persuaded Lewes District Council (Lewes DC) to take formal action against the site owners under s.215 of the Town and Country Planning Act 1990 requiring the site to be tidied and for the scaffolding to be removed as it appeared at that time that work on the site had ceased.
- 1.3** The owners countered by resuming the construction work thus justifying the retention of the scaffolding.
- 1.4** Following the resumption of work applications were submitted by the owners for minor amendments to the approved plans giving the impression of a genuine intention to complete the scheme. However early in 2019 work ceased and the case was again taken up by Lewes DC.
- 1.5** Since that time there have been continuous efforts by Lewes DC to seek information from the owners, to monitor work on the site and seek formal solutions to the problem.
- 1.6** Lewes DC Planning and Housing officers held meetings with the site owner's agent in 2019. Various solutions were explored including a negotiated purchase of the site. The agent subsequently produced a schedule giving details of the sub-contractors engaged to work on the site and a timescale leading towards completion of the work later in 2020.
- 1.7** An update report was considered at the Planning and Highways Committee meeting on 30th January 2020 when it was reported and noted that work was progressing and that Lewes DC was monitoring the site
- 1.8** Work was halted by the March 2020 lockdown and no work has been carried out since.

## 2 Recent Actions

- 2.1** It is clear that Lewes DC has been actively pursuing a solution to the impasse. It had already been confirmed that planning legislation did not provide a practical remedy to require a developer to complete a partially implemented scheme. Even the Ministry for Housing, Communities and Local Government (MHCLG) had accepted that the Completion Notice procedure under s.94- 96 of the 1990 Act was 'not fit for purpose'. All the notice does is to remove the benefit of planning consent from the uncompleted part of the scheme and leave the Lewes DC open to a claim for compensation. It doesn't force a developer to complete the development.
- 2.2** At the Lewes DC Full Council meeting on 23rd November 2020 Seaford Ward Councillors submitted a formal request to the Council regarding Talland Parade requesting that :-
- 1. The Council writes to the developer in the strongest possible terms expressing the anger and frustration of Seaford residents.**
  - 2. It be noted that Lewes District Council Officers are engaging with the developer to understand the current stage they are at with the building works and the likely end date, including when the scaffolding will be taken down.**
  - 3. It be noted that Officers can only work within current legislation and any information supplied by the developer in relation to these points cannot be binding and prosecution for non-adherence is not possible.**
  - 4. Lewes District Council write to the Secretary of State for Housing, Communities and Local Government requesting urgent attention to this area of the Law to enable Planning Enforcement Officers to require developers to carry out work within agreed timescales on behalf of local communities.**
- 2.3** The response of the Cabinet Member for Planning and Regeneration was that Officers would continue to work to address the issues on site, including the actions requested in relation to writing to the developer. Officers had given assurances that the site was subject to regular inspections and was up to date with building control safety standards. However, she confirmed she would write to the Government to request the additional powers required for councils to take enforcement action in these circumstances, and advised that the Chief Executive would report back to a future Cabinet meeting on the actions taken.
- 2.4** The local MP has also been involved in representations to the MHCLG.
- 2.5** The Cabinet Member reported back to Cabinet on 4th February 2021 that:-
- Officers have corresponded with the developer outlining the desire for redevelopment/conversion works to be completed as soon as is practicable to do so and more importantly that the scaffolding be taken down at the earliest opportunity. In addition, officers have requested an update from the developer following the Christmas break, a response is expected although not yet received. A response has been sent to the Secretary of State requesting changes to the current legislation that could enable Councils to take more appropriate action.**
- 2.6** I have spoken recently to the Cabinet Member and she has confirmed that negotiations with the developers and the MHCLG are on-going.

### **3 Other Remedies**

- 3.1** It is accepted that the Completion Notice procedure is not worth considering so the only two realistic options, pending a change in the law or a resumption of work, are purchase by agreement or Compulsory Purchase.
- 3.2** It is unlikely that the owners would agree to a sale at a reasonable price so a Compulsory Purchase Order (CPO) has to be considered.
- 3.3** For a CPO to be successful, the acquiring authority must meet certain criteria. Also Human Rights legislation prohibits the compulsory confiscation of property ‘except in the public interest’ ‘Public Interest’ in this context has normally been taken to mean ‘for the greater good’ i.e the CPO should facilitate the implementation of a major scheme such as a Town Centre Regeneration or a major infrastructure project (such as Crossrail or HS2). It can however be interpreted more broadly.
- 3.4** If a CPO is challenged by the landowner there would have to be a Public Inquiry prior to any Order being confirmed.
- 3.5** In the case of Talland Parade the making of a CPO could also be resisted by the landowner on the grounds that the Completion Notice procedure referred to above provides a more appropriate remedy.
- 3.6** The Talland Parade case could possibly fit the criteria covering Compulsory Purchase under the Town and Country Planning Act 1990 (s.226) which relate to the improvement of social, economic or environmental well-being of an area. However, given the complexity of the CPO law and procedure a local authority would have to be sure of its ground before embarking on this course of action.
- 3.7** Finally, the scaffolding at the site has generated many complaints over the years. It is a major eyesore and a danger to pedestrians in Saxon Lane. The East Sussex County Council has the responsibility for the granting and renewing of permits for the scaffolding and has always maintained that the fact that no work is being carried out is not a valid legal reason for refusing a permit. ESCC is being requested to reconsider its position with regard to the scaffolding.

### **4 Conclusion**

- 4.1** Understandably it is rare for a development to be left unimplemented for such a long period of time. Even if a developer runs out of funds during construction the site or cannot complete the scheme for any other reason it would normally be sold on to another party to complete.
- 4.2** Because it is such an unusual problem the law does not provide a local authority with a direct remedy and , in this case, the lack of cooperation of the current owners adds to the difficulties.
- 4.3** Lewes DC’s efforts to find a solution should be fully supported by the Town Council but lobbying the DHCLG for a change in the law is unlikely to lead to a speedy resolution.
- 4.4** Lewes DC may understandably be wary of the Compulsory Purchase procedure both on the public interest issue and the fact that it is complex and potentially expensive. However it does appear to be the only remedy available which will deal effectively with the problem.
- 4.5** The Town Council should therefore seek a meeting with the District Council’s officers for further discussions and the possibility of a joint approach to getting the scheme completed.

## 5 Financial Appraisal

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

## 6 Contact Officer

The contact officer for this report is Geoff Johnson, Planning Officer.

Planning Officer

A handwritten signature in blue ink, appearing to read 'G Johnson', is written over a horizontal black line.

Town Clerk

A handwritten signature in black ink, appearing to read 'A M...', is written over a horizontal black line.





## Seaford Town Council

### Report 176/20

<b>Agenda Item No:</b>	<b>6</b>
<b>Committee:</b>	<b>Planning &amp; Highways</b>
<b>Date:</b>	<b>5<sup>th</sup> May 2021</b>
<b>Title:</b>	<b>Update Report</b>
<b>By:</b>	<b>Geoff Johnson, Planning Officer</b>
<b>Purpose of Report:</b>	<b>To inform the Committee of Lewes District Council decisions</b>

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#### Recommendations

**The Committee is recommended:**

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

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#### 1. Information

**Applications reported to Lewes DC's Planning Applications Committee on Wednesday 31st March 2021:-**

LW/20/0565 – 3 CHYNGTON WAY

Demolition of existing property and erection of 2 x 4 bedroom detached houses. This application was approved but the decision notice was not issued as it was decided to take the application back to Committee on 21<sup>st</sup> April to consider a late representation not covered in the report.

LW/20/0770 – 2 LUCINDA WAY

Loft conversion to include raising ridge height and south facing Juliet balcony, installation of 3x dormers in the West elevation and 2 rooflights in east elevation – APPROVED. This application had been the subject of an objection by the Town Council.

**Applications reported to Lewes DC's Planning Applications Committee on Wednesday 21st April 2021: -**

LW/20/0565 – 3 CHYNGTON WAY

As Above – REFUSED contrary to Officer's recommendation.

LW/20/0690 – LAND AT 3 and 4 DYMCHURCH CLOSE

Demolition of existing two bungalows and erection of three detached houses – APPROVED. The Town Council had objected to the application.

LW/20/0849 – 6 BEACON CLOSE

Change of Use from C3 dwelling to C2 residential institution for 5 children – APPROVED. The Town Council had objected to the application.

LW/20/0893 – 78 SALTWOOD ROAD

Erection of front and side wraparound extension and wheelchair accessible ramp – APPROVED. The Town Council had supported the application.

No other decisions have been notified since the last meeting.

**2. Financial Appraisal**

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

**3. Contact Officer**

The contact officer for this report is Geoff Johnson, Planning Officer.

Planning Officer



Town Clerk

