



## Seaford Town Council

### **Seaford Town Council Planning & Highways Agenda – Thursday 7<sup>th</sup> September 2023**

#### **To the Members of the Planning & Highways Committee**

Councillors L Wallraven (Chair), L Boorman (Vice Chair), R Buchanan, R Clay,  
O Honeyman, R Honeyman and S Markwell.

A meeting of the **Planning & Highways Committee** will be held in the **Council  
Chambers, 37 Church Street, Seaford, BN25 1HG** on **Thursday 7<sup>th</sup>  
September 2023** at 7.00pm, which you are summoned to attend.

Adam Chugg

Town Clerk

31st August 2023

- **Public attendance at this meeting will be limited due to the size of the meeting, so public will need to register to guarantee a place**
- **The meeting will be video recorded and uploaded to the Town Council's YouTube channel after the meeting**
- **See the end of the agenda for further details of public access and participation**

### **AGENDA**

#### **1. Apologies for Absence**

To consider apologies for absence.

#### **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 – For Comment

The planning and/or tree works applications for the Committee to consider and comment on as a statutory consultee are as follows:

Lewes District Council Planning Applications received in week commencing Monday 7<sup>th</sup> August 2023

**LW/23/0466** - **Duncreggan Cuckmere Road** - First floor 2 storey side and rear extension and 2no rear dormers for T Webster

Lewes District Council Planning Applications received in week commencing Monday 14<sup>th</sup> August 2023

**LW/23/0474** – **14 Green Walk** - Erection of detached double garage with first floor office and associated widening of driveway for Mr & Mrs Huntly

**LW/23/0457** – **4 Cricketfield Road** - Single-storey side extension with associated landscaping works for Mr Moses

**LW/23/0478** – **65 Upper Belgrave Road** - Erection of dormer to the rear elevation with 2no. Juliet balconies (resubmission of LW/23/0238) for Mr M Sheppard

(N.B When this application was considered at the meeting on 1<sup>st</sup> June 2023 it was RESOLVED to OBJECT to the application on the grounds that the proposed rear dormer, taking into account its bulk and width would be over-dominant and constitute overdevelopment of the property. It would also have a detrimental effect on the amenities of properties to the rear. It would therefore be contrary to Para GB04 of the Seaford Design Guidelines attached the Seaford Neighbourhood Plan which requires dormers to be subservient to the host property and contrary to policy DM25 of the Lewes Local Plan Part 2.)

Lewes District Council Planning Applications received in week commencing Monday 21<sup>st</sup> August 2023

**LW/23/0421** – **3 Katherine Way** - Prior Notification Under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1,

Class AA for Enlargement of a dwelling house by construction of additional storeys to increase the total height from 4.2m to 5.6m for Mr P Rego

[LW/23/0504](#) – **61 North Way** - Erection of single storey rear/side extension connecting to existing external garage for Mr & Mrs D Johnson

[LW/23/0517](#) – **9 Milldown Road** - LW/23/0517 - Replacement single-storey rear flat roof extension with lantern skylight and alterations to rear fenestration for Mrs S Page

#### Tree Works Applications

[TW/23/0071/TPO](#) – **9 Harison Road** - T1 - Sycamore - Crown reduction and of all encroaching/overhanging branches at source up to 3m T2 - Sycamore - Crown reduction and of all encroaching/overhanging branches at source up to 3m for Mrs S Fatkin

### **5. Planning Applications – To be Noted**

The planning and/or tree works applications for the Committee to note – and the reason/s for just being noted – are as follows:

#### Lewes District Council Planning Applications received in week commencing Monday 21<sup>st</sup> August 2023

[TW/23/0075/TPO](#) – **Land North of Lexden Drive** - W1 - Elm (Multiple) - Crown thin and removal of dead trees

Reason for Noting: Seaford Town Council application for information only.

### **6. [Exceat Bridge \(A259\)](#)**

To consider report 64/23 on the recent granting of consent by the South Downs National Park Authority for the replacement bridge on the A259 at Exceat and the completion of the accompanying s.106 Planning Agreement. (Pages 7 to 11)

### **7. [Land at Florence House, Southdown Road – Notification of Appeal](#)**

To consider report 65/23 on the proposed development on this site, the recent notification of appeal and arrangements for the Appeal Hearing. (Pages 12 to 16)

### **8. [Road Closure Application – Seaford Bonfire – Saturday 21<sup>st</sup> October 2023](#)**

To consider report 66/23 on the application for road closures for the various phases of the bonfire celebrations. (Pages 17 to 18)

### **9. [Seaford Constitutional Club Decision](#)**

To consider report 67/23 informing committee members on the Seaford Constitutional Club decision. (Page 19 to 52)

**10. National Association of Local Councils (NALC) Consultation on Reform of Local Plans**

To consider report 68/23 informing the Committee on the consultation on the National Association of Local Councils Reform of Local Plans. (Pages 53 to 59).

**11. Update Report**

To consider report 63/23 reporting on decisions taken by Lewes District Council since the last meeting on applications previously considered by the Committee (pages 60 to 61).

## AGENDA NOTES

For further information about items on this Agenda please contact:

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

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

Telephone: 01323 894 870

### Circulation:

All Town Councillors, Young Mayor, Deputy Young Mayor and registered email recipients.

### Public Access:

Members of the public looking to access this meeting will be able to do so by:

1. Attending the meeting in person.

The Town Council asks that you contact [meetings@seafordtowncouncil.gov.uk](mailto:meetings@seafordtowncouncil.gov.uk) or 01323 894 870 to register your interest in attending at least 24 hours before the meeting.

Spaces will be assigned on a first come, first served basis.

Please note that if you don't register and just attempt to turn up at the meeting, this could result in you not being able to attend if there is no space.

OR

2. Watching the recording of the meeting on the [Town Council's YouTube channel](#) , which will be uploaded after the meeting has taken place.

### Public Access to the Venue:

If you are attending the meeting in person, please arrive for 6.45pm where you will be shown into the meeting for a 7.00pm start.

Please note that the front door of the building will be locked at 7.00pm and remain locked during the meeting for security reasons. As such, if you arrive after this time, you will not be able to access the meeting.

When members of the public are looking to leave, they must be escorted out of the building by a Town Council officer. There is also a signposted back door which can be exited through if required.

### Public Participation:

Members of the public looking to participate in the public participation section of the meeting must do so in person, by making a verbal statement during the public participation section of the meeting.

Below are some key points for public participation in the meeting:

1. Your statement should be regarding business on the agenda for that meeting.

2. You will only be able to speak at a certain point of the meeting; the Chair of the meeting will indicate when this is.
3. You do not have to state your name if you don't want to.
4. If you are unsure of when best to speak, either query this with an officer/councillor ahead of the meeting or raise your hand during the public participation item of the meeting and ask the Chair – they will always be happy to advise.
5. When the Chair has indicated that it is the part of the meeting that allows public participation, raise your hand and the Chair will invite you to speak in order.
6. Statements by members of the public are limited to four minutes and you don't automatically have the right to reply. The Chair may have to cut you short if you overrun on time or try to speak out of turn – this is just to ensure the meeting stays on track.
7. Where required, the Town Council will try to provide a response to your statement but if it is unable to do so at the meeting, may respond in writing following the meeting.
8. Members of the public should not speak at other points of the meeting.
9. A summarised version of your statement, but no personal details, will be recorded in the minutes of the meeting.

#### Public Comments

Members of the public looking to submit comments on any item of business on the agenda can do so in writing ahead of the meeting and this will be circulated to all committee members. Comments can be submitted by email to [planning@seafordtowncouncil.gov.uk](mailto:planning@seafordtowncouncil.gov.uk) or by post to the Town Council offices.

#### Health & Safety Measures:

While Covid restrictions are no longer mandated the Town Council wishes to stay vigilant and mindful of the health and safety of its meeting participants by upholding the requirement that you should not attend the meeting if you are displaying any Covid-19 symptoms (or have tested positive) as identified on the [NHS website](#) or symptoms of any similarly contagious illness.



## Seaford Town Council

<b>Report No:</b>	<b>64/23</b>
<b>Agenda Item No:</b>	<b>6</b>
<b>Committee:</b>	<b>Planning &amp; Highways</b>
<b>Date:</b>	<b>7<sup>th</sup> September 2023</b>
<b>Title:</b>	<b>Exceat Bridge</b>
<b>By:</b>	<b>Geoff Johnson, Planning Officer</b>
<b>Purpose of Report:</b>	<b>To notify the committee of the replacement of Exceat Bridge</b>

### Recommendations

#### The Committee is recommended:

1. To note the granting of consent.

## 1. Information

- 1.1 The South Downs National Park Authority has granted consent for the replacement of the Exceat Bridge on the A259.
- 1.2 Consent was granted 'in principle' by the Authority in December 2022 subject to the completion of a s.106 Agreement. The Agreement relates mainly to two schemes to complement the impact of the new bridge, the provision of a 'biodiversity gain' scheme off-site and traffic calming and safety measures for the stretch of the A259 between the Bridge and the Country Park.

## 2. History

- 2.1 The application was originally submitted by East Sussex Highways to the South Downs National Park Authority (SDNPA) in April 2021. The full description is :-
- 2.2 Realignment and replacement of an existing single lane bridge at the A259 over the river Cuckmere, with a new two-way, two-lane bridge with a footpath, including re-profiling of the river and road embankments.

Proposed provision of traffic calming measures between the Seven Sisters Country Park and Seaford. Alterations to access and provision of shared surface to east of Cuckmere Inn. Provision of a habitat creation area to restore agricultural land back into wetland on the east bank of Cuckmere Valley. The application is supported by an Environmental Statement.

**2.3** The Committee considered the application at the meeting on 25<sup>th</sup> May 2021 and RESOLVED to SUPPORT the application in principle subject to. :-

(a) Consideration of the provision of a controlled pedestrian crossing

(b) Further consideration to separation of cyclists and pedestrians

(c) Weight restrictions on the bridge so as to prevent use by HGVs and ensure that HGVs use the designated route to and from Newhaven Port via the A26 and A27.

(d) Longer term considerations to be given to a shuttle bus service from Seaford Station to promote the use of rail transport for visitors, relieve the number of cars travelling to and from the Country Park from Seaford and relieve congestion in Seaford town.

(e) Welcoming not having bus laybys in order to provide a form of traffic calming and to ensure the free flow of buses.

(f) Consideration of a 20mph speed limit rather than 30mph, on account of number of pedestrians

**2.4** Subsequently after further consideration by the SDNPA and at its request a revised application was submitted in September 2022. The revision requested related to additional measures to mitigate the environmental impact of the new bridge. The applicants supplied this information in an addendum to the Environmental Statement. The revised application was considered at Committee on 20<sup>th</sup> October 2022 when it was RESOLVED to continue to SUPPORT the application in principle subject to the following comments:-



- a) Further consideration should be given and action taken to make the path down the A259 from the Seaford boundary to the Bridge safe for the increasing number of walkers visiting the Seven Sisters Country Park. Currently the path is dangerous and parts of it have been completely eroded away. The path is the responsibility of ESCC so as applicants they should be required by the SDNPA to provide safe access to the Bridge and not just across it as the whole of the highway network from the Seaford boundary to the Country Park buildings and overflow car park should be regarded as part of this scheme. The alternative link between Seaford and the Bridge from Chyngton Lane is not prominently signposted and not convenient or passable for many users. The A259 will continue to be a popular direct link to the Bridge and Country Park for visitors and should therefore be made safe.
- b) There should be safe crossings provided for pedestrians at the top and bottom of the same hill on the A259
- c) There should be adequate shared crossings for walkers and cyclists on both sides of the Bridge
- d) Additional traffic calming measures should be provided for the Causeway linking the Bridge and the Country Park entrance including consideration of a 20 mph speed limit and a pedestrian crossing as close to the bend as safety factors allow in order to avoid the current 'conflict' between vehicles on the A259 and pedestrians crossing to and from the Country Park buildings and the Footpath, Bus Stop and Car Park

### **3. Commentary**

- 3.1** A fairly standard set of detailed conditions is attached to the consent. These relate, inter alia, to contaminated land, landscaping and to the agreement of a Construction and Environmental Management Plan and Landscape and Ecological Management Plan prior to commencement.
- 3.2** The s.106 Agreement covers the traffic calming and safety measures and the biodiversity issues.

- 3.3** The Biodiversity Net Gain (BNG) , the scheme to balance out the impact on biodiversity around the bridge site and the Seaford to Beachy Head SSSI, will be carried out on an area of ‘Coastal and Floodplain Grazing Marsh’ at Clapham Farm Litlington , around two miles from the site. It will involve the payment of £35,000 and the implementation of a Landscape Strategy and Method Statement to be agreed between the landowner and the SDNPA. The scheme will be in place for a minimum of 30 years for part of the land and permanently for the remainder.
- 3.4** The traffic calming and safety issues are split between those which need to be in place before the new bridge comes into use and the monitoring which will need to take place once it has opened.
- 3.5** The pre implementation strategy is described in the Agreement as-
- “The detailed pre-implementation traffic management strategy, to include such measures as roadside repeater signs and roundels and gateway features within the extent of the proposed public highway boundaries. All measures to be in accordance with the findings of the Road Safety Audit.”
- 3.6** The post implementation strategy is:-
- “A detailed post-implementation traffic management strategy to address (i) how monitoring will take place in order to determine appropriate future traffic management measures required in the event that speed limits are not self-enforcing; and (ii) the period of time required for monitoring; and (iii) how the results of the monitoring will be reported to the Authority”.
- 3.7** It is disappointing that there is still no certainty as to how highway safety is to be maintained once the bridge is in place and the speed of the two-way traffic is bound to increase. There has never been any convincing evidence during the lengthy consultation period as to how the many cyclists and pedestrians using the roads around the River Cuckmere and the Country Park are to be separated/protected. The s.106 Agreement has put the means to achieve a sensible outcome in place but that is all. The lack of detail is still concerning but clearly the SDNPA sees the need to base measures on evidence after the event rather than genuine concerns already expressed by dozens of individual objectors.

#### **4. Financial Appraisal**

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

#### **5. Contact Officer**

5.1 The Contact Officer for this report is Geoff Johnson, Planning Officer.



## Seaford Town Council

<b>Report No:</b>	<b>65/23</b>
<b>Agenda Item No:</b>	<b>6</b>
<b>Committee:</b>	<b>Planning &amp; Highways</b>
<b>Date:</b>	<b>7<sup>th</sup> September 2023</b>
<b>Title:</b>	<b>Land at Florence House, Southdown Road – Notification of Appeal</b>
<b>By:</b>	<b>Geoff Johnson, Planning Officer</b>
<b>Purpose of Report:</b>	<b>To update committee members on the appeal just received against the refusal planning consent of the development at Florence House</b>

<b>Recommendations</b>
<b>The Committee is recommended:</b>  <ol style="list-style-type: none"><li>1. To note the contents of the report</li><li>2. To agree that the Committee gives authority for a representative to attend the Hearing into this appeal to support and present the Town Council's objection to the proposed development.</li><li>3. To agree that as soon as the date and venue are confirmed the Town Council issues a media release to publicise the Appeal Hearing.</li></ol>

### 1. Information

- 1.1** Application LW/22/0286 for development at Florence House Southdown Road was submitted by Frontier Estates Ltd in April 2022. The proposed scheme was for the erection of a 60-bed care home (within Use Class C2) to the south of the site, with associated works including access, parking.
- 1.2** The application was considered at the meeting on Thursday 21<sup>st</sup> July 2022. Members were addressed at the meeting by the applicant's Agent in support and three local residents and the local District Councillor in objection. The response was an objection on the following grounds:-

## **Impact on National Park**

The proposed building taking into account its height, scale and massing would be an overdevelopment of the site and would have an unacceptable impact on the views to and from the adjoining National Park and designated Heritage Coast. It is acknowledged that the site was allocated in the Seaford Neighbourhood Plan for 7 dwellings. The proposed development being on a greater scale and with a larger footprint would be far more intrusive than 7 dwellings in the same location. This would be contrary to Paras 176 and 178 of the NPPF, Local Plan Part 1 Core Policy 10 and Local Plan Part 2 policy DM25.

## **Impact on Southdown Road**

The proposed building would also have a seriously detrimental impact on the amenities of the properties in Southdown Road particularly those lying directly opposite. The difference in scale between the building and the houses would mean that the development would be overbearing and the pleasant open aspect of views from those houses over the downland to the east would be lost.

## **Health Infrastructure**

The influx of 60 new elderly residents with acute health needs would place unacceptable additional pressure on a local health infrastructure which is already 'at capacity'. One of the town's two GP surgeries is already having to turn away new patients. Granting consent for this development without any additional health care capacity could prejudice the provision of health care for all the town's residents and be contrary to Core Policy 7 of the Local Plan Part 1 and Community Aspiration 5 (Infrastructure) of the Seaford Neighbourhood Plan.

## **Need for the Development**

The pre application advice from Lewes District Council states that the need for the development must be established. The supporting information in the application does not establish that need.

Apart from the fact that there are already 12 residential care homes in Seaford the survey showing the marketing area is flawed in that the 10km catchment area is too arbitrary and restricted. It does not include Eastbourne, Polegate, Willingdon and Hailsham which all lie on the fringes of, but just outside the 10 km radius. There are a large number of care homes in these areas and close connections between Eastbourne and Seaford which should be taken into consideration in the assessment of need. The District Hospital at Eastbourne is the main hospital providing care for Seaford residents.

## **Traffic Generation**

The increase in traffic in Southdown Road generated by the development would be well in excess of the additional traffic generated by 7 new dwellings and is likely to compromise highway safety in the area.

## **Housing Mix**

The Seaford Neighbourhood Plan (Objectives p 13-14) specifies the need for new housing provision for young people and families. The development would not comply with this objective.

## **Conditions**

If consent is granted it should be subject to an Archaeological Condition in line with the specific Neighbourhood Plan policy SEA16 relating to Florence House

## **2. The Application**

- 2.1** The site is the grassed area within the current curtilage of Florence House. The proposed building is comprised of three storeys and a basement on a large footprint of 1,100 sq. m with a vehicular entrance from Southdown Road on the northern side and 20 parking spaces.
- 2.2** The site is allocated for seven dwellings in the Seaford Neighbourhood Plan.
- 2.3** 110 objections were lodged against the development mostly from residents of Southdown Road and Chyngton Road. They covered various concerns including harmful impact on the National Park, out of character with

Southdown Road, lack of health infrastructure the need for additional care homes and the danger of surface water flooding.

**2.4** As the site lies on the boundary of the South Downs National Park, the Park Authority was consulted on the application. Its detailed response was highly critical of the proposed development and was an important factor in the decision of Lewes District Council to refuse the application under delegated powers on 26<sup>th</sup> January 2023. The grounds of refusal were :-

1. The development, due to its scale, bulk, mass and positioning would represent an incongruous and visually unsympathetic feature that would disrupt the transition between the urban environment of Seaford to the west and the largely undeveloped downland/heritage coast to the east as well as impact upon the open character of the landscape. It would also negatively impact on views towards and from the South Downs National Park, thereby detracting from the quality and setting of a protected landscape and the level of amenity value it provides for residents of Seaford as well as visitors. The development is therefore in conflict with LLP1 policy CP10, LLP2 policies DM25 and DM27, para. 176 of the NPPF and SNP policies SEA1 and SEA2 and
2. Insufficient information has been provided to demonstrate that the development could incorporate adequate measures to manage surface water discharge within the layout and parameters of the submitted scheme. The development would therefore have the potential to increase surface water flood risk within the site, to the detriment of future occupants, as well as on neighbouring land, including the public highway. The development is therefore in conflict with LLP1 policies CP10 and CP12, LLP2 policy DM22, para. 167 of the NPPF

### **3. The Appeal**

**3.1** The Town Council was notified of the receipt of the appeal on 24<sup>th</sup> August. The appellants have requested that the appeal is dealt with at a Hearing. These usually last a day and involve all interested parties appearing before the Inspector for a 'round-table' discussion. They follow a less formal

procedure than a Public Inquiry. The appeal last year by Churchill Retirement Homes regarding 83-89 Sutton Road was dealt under the same procedure.

**3.2** The Planning Inspectorate has confirmed that the Hearing will take place on Wednesday 14<sup>th</sup> November 2023 at a venue to be confirmed. There is however some doubt as to whether it will go ahead on that date as Lewes District Council already has a Hearing on another appeal booked on that date.

**3.3** If it is decided that the Town Council will take part in the Hearing as an objector, its statement should be submitted to the Planning Inspectorate by 21<sup>st</sup> September.

#### **4. Recommendations**

**4.1** That the Committee gives authority for a representative to attend the Hearing into this appeal to support and present the Town Council's objection to the proposed development.

**4.2** That as soon as the date and venue are confirmed the Town Council issues a media release to publicise the Appeal Hearing.

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

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

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

**6.1** The Contact Officer for this report is Geoff Johnson, Planning Officer.





## Seaford Town Council

<b>Report No:</b>	<b>66/23</b>
<b>Agenda Item No:</b>	<b>8</b>
<b>Committee:</b>	<b>Planning &amp; Highways</b>
<b>Date:</b>	<b>7<sup>th</sup> September 2023</b>
<b>Title:</b>	<b>Road Closure Application – Seaford Bonfire</b>
<b>By:</b>	<b>Geoff Johnson, Planning Officer</b>
<b>Purpose of Report:</b>	<b>To present details of proposed road closure application for Seaford Bonfire, for this Committee to note</b>

### Recommendations

#### The Committee is recommended:

1. To note the contents of the report.

### 1. Information

- 1.1 The Town Council has been notified of an application to Lewes District Council by Sussex Events Ltd for temporary road closures for the Seaford Bonfire on Saturday 21<sup>st</sup> October 2023.
- 1.2 The closures follow the standard measures operated in previous years. The detailed schedule for the extent and the timing of the closures is as follows:-

#### Event Setup

Esplanade from Cricketfield Road to Splash Point **06:00 23:30**

Seaford Promenade- Cricketfield Road /Splash Point **06:00 23:30**

#### Fire Site Restrictions Before Event

Esplanade -The Causeway/ Cricketfield Road 16:30 23:30

College Road -Steyne Road/ Corsica Road 16:30 23:30

Martello Road -Esplanade/ College Road **16:30 23:30**

Cricketfield Road- Esplanade/ Steyne Road **16:30 23:30**

Corsica Road -College Road/ Fitzgerald Avenue **16:30 23:30**

Cliff Gardens -College Road/ Cliff Close **16:30 23:30**

### **Procession Buildup & Formation Area**

Westdown Road- Belgrave Road /Wilmington Road **17:00 19:30**

### **Procession Phase one A259**

A259 -(Claremont Road) Beacon Road Junction/ Station Roundabout 19:00  
20:30

A259 -(Clinton Place/Sutton Park Road) Station Roundabout /Sutton Corner  
Roundabout 19:00 20:30

## **2. Recommendations**

2.1 If members have any comments on the application they can be submitted to Lewes District Council.

## **3. Financial Appraisal**

3.1 There are no direct financial implications of this report.

## **4. Contact Officer**

4.1 The Contact Officer for this report is Geoff Johnson, Planning Officer.



## Seaford Town Council

<b>Report No:</b>	<b>67/23</b>
<b>Agenda Item No:</b>	<b>9</b>
<b>Committee:</b>	<b>Planning &amp; Highways</b>
<b>Date:</b>	<b>7<sup>th</sup> September 2023</b>
<b>Title:</b>	<b>Seaford Constitutional Club Decision</b>
<b>By:</b>	<b>Geoff Johnson, Planning Officer</b>
<b>Purpose of Report:</b>	<b>To inform members on the Constitutional Club Decision</b>

### Recommendations

#### The Committee is recommended:

1. To note the contents of the report

### 1. Information

- 1.1 Members will be aware that a Public Inquiry was held in Lewes on 18<sup>th</sup>-21<sup>st</sup> July this year into the appeal by McCarthy and Stone regarding the proposed development of 40 retirement flats and new Club premises on the site of the Seaford Constitutional Club in Crouch Lane.
- 1.2 The decision letter was issued on 29<sup>th</sup> August; the appeal has been allowed.
- 1.3 The full decision is appended to this report. (Appendix A)
- 1.4 Planning Officer, to give a full commentary on the decision at the meeting.

### 2. Financial Appraisal

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

### 3. Contact Officer

- 3.1 The Contact Officer for this report is Geoff Johnson, Planning Officer.

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# Appeal Decision

Inquiry held on 18 July – 21 July 2023

Accompanied site visit made on 20 July 2023

**by David Spencer BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29<sup>th</sup> August 2023**

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**Appeal Ref: APP/P1425/W/23/3315202**

**Seaford District Constitutional Club, Crouch Lane, Seaford BN25 1PU.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by McCarthy and Stone Retirement Lifestyles Limited & Weatherstone Properties (Seaford) Ltd against Lewes District Council.
  - The application Ref LW/22/0356, is dated 13 May 2022.
  - The development proposed is redevelopment to provide a part 3.5 / part 4.5 storey building to provide 40 Retirement Living apartments for older persons, with associated communal facilities, parking and landscaping and replacement club.
- 

## Decision

1. The appeal is allowed, and planning permission is granted for a redevelopment to provide a part 3.5 / part 4.5 storey building to provide 40 Retirement Living apartments for older persons, with associated communal facilities, parking and landscaping and replacement club at Seaford District Constitutional Club, Crouch Lane, Seaford BN25 1PU in accordance with the terms of the application ref LW/22/0356 and the conditions set out in the schedule attached to this decision.

## Procedural Matters

2. An executed agreement pursuant to Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) and dated 31 July 2023 was submitted after the Inquiry event within an agreed timeframe. The S106 agreement includes obligations concerning affordable housing and facilitating the collection and provision of householder recycling bins. I return to the matter of the planning obligations later in this decision.
3. For the avoidance of doubt, I have assessed the appeal scheme on the basis of the revised site layout plan which shows proposed ambulant stepping and tactile paving forming the edge within the appeal site to an informal crossing point on Crouch Lane. This is shown in drawing SE-2677-03-AC-0006 Rev A. The matter was initially intended to be addressed within the S106 but ultimately formed part of the proposed conditions. I am satisfied that no one would be prejudiced by my consideration of the appeal proposal on the basis of this revised plan.

## Main Issues

4. The appeal has arisen as a result of non-determination by the Local Planning Authority (LPA), in large part arising from deliberation of design considerations.

Whilst the LPAs appeal statement did not raise impact on heritage assets as a putative reason for refusal, it was nonetheless identified by third parties as a matter of local concern. Given the proximity of the Seaford Town Centre Conservation Area and the Grade II listed Stone House to the appeal site I am required<sup>1</sup> to consider potential impact on these heritage assets. Accordingly, I identified this as a main issue at the Case Management Conference held on 14 April 2023. The LPAs heritage case has crystallised up to and during the Inquiry to the point where the LPA assert the heritage harm is such that it would not be outweighed by any public benefits thus potentially disengaging the tilted balance at paragraph 11(d) of the National Planning Policy Framework (NPPF). I do not consider the appellant to be prejudiced by the LPAs evolving position given both main parties to the appeal submitted proofs of evidence relating to heritage and urban design matters and the appellant's planning proof and witness foreshadowed the LPAs final position on the tilted balance.

5. In terms of the LPAs various design concerns, this includes the layout of the development and pedestrian accessibility, including to the relocated club facility. Whilst I had initially identified "highway safety" as an umbrella main issue, I fully accept that the LPAs concerns are more nuanced in terms of legibility and accessibility. Accordingly, I have tweaked the main issue to expand it from "highway safety" to include "access for all users" and to refer specifically to legibility as well as accessibility. Again, I do not consider anyone would be prejudiced by this given the written evidence before me and submissions made at the round table discussions on design and accessibility.
6. The main issues in this appeal are therefore as follows:
  - (1) The effect on the setting of listed buildings, the Seaford Town Centre Conservation Area and non-designated heritage assets;
  - (2) The effect of the appeal proposal on the character and appearance of the area;
  - (3) The effect of the proposed development on highway safety and access for all users, having particular regard to legibility and accessibility for those wishing to access to the relocated club facility; and
  - (4) The effect of the proposed development on the living conditions of occupiers of neighbouring residences, with particular reference to outlook and daylight.

## **Reasons**

### ***Context and the Development Plan***

7. The appeal site is located at the south-eastern edge of the town centre of Seaford. There is little dispute that the site is sustainably located and within easy walking distance of town centre facilities and reasonably related to public transport. It is a highly sustainable location. The site is currently occupied by the mainly 2 storey Constitutional Club building which has surface car parking to the north of the site and a modest grassed terrace area to the south of the site. As part of the accompanied site visit, I was able to internally visit the club building and observed that large parts of it are no longer used and that in various places the fabric of the building is in a poor condition. Based on

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<sup>1</sup> Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

everything that is before me, I am satisfied that the club is unlikely to thrive as a viable facility for the community in its current state. The site is not allocated in the development plan but the principle of redevelopment has been explored as part of the Lewes Interim Land Availability Assessment 2022 and generally considered by the LPA to be suitable for development (albeit on the basis of a smaller capacity of 19 units). The site would meet the definition of previously developed land.

8. The development plan comprises the Lewes District Local Plan (the LDLP). Part 1 of the LDLP was adopted in May 2016 and is the Joint Core Strategy for the area for the period 2010-2030 and contains a suite of Core Policies. Part 2 of the LDLP was adopted in February 2020 and sets out site allocations and development management policies for the area. Importantly, there is also the Seaford Neighbourhood Plan (SNP) of December 2019 which covers the period 2017-2030. The SNP sets out locally specific policies and proposals, which have been found to be in general conformity with the LDLP Part 1. There is no dispute that the Seaford Constitutional Club is a community facility within the ambit of Core Policy 7 of the LDLP Part 1 which seeks to protect, retain and enhance such facilities.

### ***Heritage***

9. The appeal site is situated at the south-eastern edge of the Seaford Town Centre Conservation Area (STCCA). The Grade II listed Stone House is immediately to the west of appeal site on Crouch Lane. There are various non-designated heritage assets in the vicinity of the appeal site and at a short distance to the south on the coast at Seaford is Martello Tower No.74, a scheduled monument and Grade II listed building.

### ***Conservation Area***

10. The heritage significance of the STCCA comprises the townscape and architectural history of a coastal community that first developed as a riverside port at the original mouth of the River Ouse<sup>2</sup> before evolving in the Nineteenth Century as a coastal resort. The historic core is reflected in the tighter but more informal pattern of development and eclectic clustering of buildings in the southern part of the STCCA, notably where the High Street meets South Street and Steyne Road. It is in this clustering that the majority of listed buildings are to be found in the STCCA. Elsewhere within the STCCA, the pattern of development is varied, reflecting several phases of development over the past 200 years. There is a similarly tight density and layout of development further along the High Street and into the northern part of Crouch Lane characterised by a mix of commercial and residential uses. To the west and north of the STCCA a more regimented pattern of tall 2½ to 4 storey semi-detached or terraced villa style houses prevails, emblematic of late Victorian / early Edwardian enlargement of seaside resorts. In contrast to this, there is a looser pattern of development at the south-east edge of the STCCA, close to the appeal site. This includes the Saxon Lane Car Park, the Crouch Lane/East Street convergence area and Crouch Gardens. Larger, stand alone mid-rise modern residential buildings are also features within or at the south-east edge of the STCCA at the appeal location.

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<sup>2</sup> Section 2.2 of the STCCA Conservation Area Appraisal

11. The 2005 Conservation Area Appraisal (CAA) identifies various important views, including two views out from the STCCA at the appeal location. One of the views faces south down Crouch Lane and over the Crouch Lane frontage of the appeal site. The second view is clearly shown across the public garden area at the apex of Bramber Lane and Crooked Lane looking south-east towards the rising land mass of Seaford Head. Additionally, Appendix D to the SNP identifies 'Views in Conservation Areas'. View 3 essentially correlates to the southerly view down Crouch Lane identified in the CAA. View 1 is same south-easterly view identified above. The additional view in the SNP Appendix is View 2<sup>3</sup> which picks up the gap between the existing club building and the taller 5 storey building containing Flats 1-9 of Crouchfield Close. Due to the pattern and scale of development in the STCCA, views out towards the sea and a sense of the slightly elevated topography of the STCCA are limited. Consequently, it is understandable that the CAA at paragraph 3.2 assesses these viewpoints as important in the overall setting of the STCCA.
12. The physical fabric of the STCCA would not be affected by the appeal proposal and so the principal heritage significance arising from the layout and architectural quality of the historic core of Seaford would not be directly harmed. As Mr Keevill's evidence<sup>4</sup> demonstrates, the appeal site did not form part of the pattern of tighter development at the historic nucleus of Seaford, with the evidence recording a substantial 3 storey detached dwelling on the site in verdant grounds, preceding the club building. As such it is not incumbent on the appeal site to replicate a tighter pattern of development close to the edge of Crouch Lane to preserve the setting of the STCCA. It is a transitional area characterised by a more fragmented pattern of larger plots, spaces and buildings.
13. The appeal proposal would result in a single, very large building which would be conspicuous in views within and looking out of the STCCA in Crouch Lane and East Street. The proposed development would, however, be experienced within the context of a notable number of large mid to late Twentieth Century residential buildings both within<sup>5</sup> and very close<sup>6</sup> to this part of the STCCA. In this context, I find that the proposed positioning, scale and appearance of the building, including the significant degree of articulation and a sensitive palette of materials, would not appear, despite its bulk, out of context at this edge of the STCCA. On this basis, it would not have a negative impact on the setting of the STCCA.
14. The appeal site is currently occupied by the existing club building, constructed in 1974 and now in a deteriorating condition. Whilst it is an interesting building, employing a curious juxtaposition of styles and materials, it is not a building that is redolent of the style and architectural quality of development in the adjacent STCCA. There are aspects of the building such as the extensive flat roofs, the poorly positioned air conditioning units and the lack of detailed window openings that indicate that its design had little regard to the surrounding context. Additionally, the predominance of its surface car parking in areas closest to the STCCA boundary further confirms that the existing club premises have an adverse effect on the setting of the STCCA. Ultimately, the

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<sup>3</sup> Described at Appendix D of the SNP as "Glimpse of the sea next to the Constitutional Club"

<sup>4</sup> Figure 3, extracts from 1<sup>st</sup> and 2<sup>nd</sup> Edition Ordnance Survey; and Figure 4 Aerial Photograph 1951

<sup>5</sup> Seaford House and Kingsfold Court

<sup>6</sup> Crouchfield Close (notably the block containing flats 1-9) and Bramber Close

- loss of the existing building would not be harmful to how the STCCA is experienced.
15. The view out from the STCCA at the corner of East Street, Bramber Lane and Crooked Lane is purposefully to the south-east and not across the appeal site. It is towards Seaford Head and this view would be unaffected by the appeal proposal. The view directly south down Crouch Lane towards the Martello Tower would be moderately narrowed by the height of the appeal proposal. The scale of the building means it would be dominant in this view and provide a strong degree of framing in combination with the corresponding height of Seaford House. Notwithstanding, the dominance of the appeal building and the moderate narrowing of the view, the landmark of the Martello Tower, and the expanse of the sea beyond would remain visible and so this aspect of the setting of STCCA would be preserved.
  16. The additional View 2 in Appendix D in the SNP is shown at a point that lines up with the linear north-south alignment of East Street, closer to the phone box rather than the amenity grassland, and through the gap between the existing club building and the tall 5 storey building of Flats 1-9 at Crouchfield Close. The view affords glimpses of the sea. In many respects it is a similar view to that down Crouch Lane albeit without the Martello Tower. I took considerable care at the accompanied site visit with both Mr Chan and Mr Brown to align to the viewpoint in Appendix D of the SNP. In my assessment the extent view would slightly narrow because of the position and height of the north-east corner of the proposed building. The view, however, would not be lost. There would remain a reasonable glimpse that would announce the relationship at this edge of the STCCA to the coast and reveal the topography of the STCCA on the higher land inclining from the coast. I do not consider the slight narrowing of this view, which is not identified in the CAA as an 'important view', to be harmful to the heritage significance of the STCCA.
  17. Overall, for the reasons set out above, I do not consider that the heritage significance of STCCA would be harmed as a result of the slight narrowing and further framing of important views out of the area. The essence of these views would remain largely preserved. The historic fabric and pattern of development in the STCCA would remain unaffected. This edge of the STCAA has been subject to significant change in the latter half of the Twentieth Century, including various substantial residential buildings (3-6 storeys tall) both within and adjacent to this part of the Conservation Area. Whilst the appeal proposal, would be a larger building, it would nonetheless consolidate this pattern of development and so would not appear as a stark or conspicuous outlier. There are numerous examples of mid-rise buildings around Seaford, both within this south-east edge of the town centre but more widely, including the seafront esplanade. The proposed scale and massing of the development would not be inimical in this part of the town. The proposed palette of materials including brick, render and tile would be characteristic of the STCAA and important matters of detail relating to appearance could be controlled by condition in order to further assimilate the building into its context. In coming to a view of no harm to the heritage significance of the STCAA I also place some importance on the fact that the appeal proposal would replace a building which has a negative effect on how the STCCA is experienced.



### *Stone House*

18. Stone House<sup>7</sup> is an elegant two-a-half storey town house of generous proportions at the Crouch Lane edge of the Conservation Area. It is principally orientated to face towards the northern edge of the appeal site and across to the open area around the convergence of Crouch Lane and East Street. The heritage significance of Stone House derives principally from its architectural quality, as evidenced in the listing description. It is a good, solid example of a handsome town house pre-dating the later Victorian expansion in Seaford. There is very little before me that the appeal site as part of the setting to Stone House contributes to its heritage significance by way of association (ownership or cultural). The appeal site has had development on it since the mid/late Nineteenth Century and the appeal proposal would continue this pattern of development. As set out above, the existing club buildings, due to their age, unusual cuboid and disjointed appearance, declining condition and sizeable areas of surface car parking do not provide a positive surrounding in which to presently appreciate Stone House.
19. In various perspectives, particularly in Crouch Lane, Stone House is experienced in the context of the 4½ storey elements of Seaford House and 5 storey Kingsfold Court. In this context, the proposed 4½ to 3½ storey appeal building would not be an incongruous addition in the setting of Stone House, replacing what is already a reasonably sizeable 2 storey building. I have considered whether the bulk of the proposed building would potentially overwhelm how Stone House is experienced. I am satisfied, however, that due to the degree of proposed setback of the western elevation from Crouch Lane and the careful design and articulation to reduce the impact of the scale and massing of the proposed building, that the status and architectural quality of Stone House would continue to be a prominent feature in Crouch Lane and readily capable of being experienced as an attractive Late Eighteenth Century town House of some status. Overall, I conclude that whilst there would be a notable change within the setting of Stone House, this in itself would not be harmful to heritage significance of this asset given what is being replaced and the limited role that setting plays in its heritage significance.

### *Martello Tower 74*

20. As set out above, the important view from within the STCCA towards the Martello Tower from Crouch Lane would remain. From the Martello Tower itself, and immediately adjoining areas around the tower beyond its dry moat, the appeal proposal would be visible in inland views. This would be at some distance, with generally modern residential development intervening on low-lying land. When looking from the Martello Tower and its environs, the appeal building would read as a logically scaled and proportioned infill between the existing tall residential buildings at Seaford House, Crouchfield Close and Bramber Close and in the immediate foreground of the bulky Kingsfold Court building. If there was an intended visual connection between the tower and historic settlement on higher land in Seaford (defined by the STCCA), the appeal proposal would not interrupt this. Overall, there would be a neutral impact on its setting and the heritage significance of the Martello Tower.

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<sup>7</sup> The property is presently named 'Stone's House', the official listing description is 'Stone House'.

### *Non-designated Heritage assets*

21. The CAA identifies various unlisted buildings of “merit in the townscape”. The nearest to the appeal site are Nos. 1-5 The Crouch, 5 Crouch Lane, Blacksmith’s Cottage, and The Barn Theatre. From my observations, the appeal site does not form part of the immediate setting to these buildings or contribute to their heritage significance as locally interesting buildings generally to be found within the more tightly arranged fabric of the historic town centre core to the west and north of the appeal location. As such the appeal proposal would not interfere with or adversely affect how these heritage assets are experienced and so their heritage significance, which largely stems from their vernacular architecture and function, would not be harmed.
22. There is local supposition that the generally open area at the highway confluence of East Street and Crouch Lane immediately to the north of the appeal site was historically a “village green” or an important focal point in the urban morphology of Seaford. There is scant evidence before me in terms of any references or evidence to support this. Whilst the appeal proposal would be highly visible in this area it would be experienced as part of a wider pattern of large modern buildings which surround this open space. Any moderate further enclosure resulting from the appeal proposal would not physically reduce the openness of this space. As set out above, existing channelled views from this area to Seaford Head, the sea and the Martello Tower as identified in the CAA and at Appendix D of the SNP would be largely preserved.

### *Conclusion on Heritage*

23. The most relevant heritage assets are the STCCA and Stone House. In both cases I have found that whilst the appeal proposal would introduce change in the setting of how these heritage assets are experienced, the appeal site has a limited bearing on the heritage significance of these assets. This is a part of Seaford that has experienced much change from the 1960s onwards, with the introduction of a variety of large residential buildings, which to some extent echo previous, large residential and institutional buildings in this part of Seaford. As such the appeal proposal would add to the palimpsest of detached, larger buildings in this part of Seaford, which on the appeal site dates back to the mid/late Nineteenth Century. Important views out of the STCCA would be retained. As such the magnitude of impact on how heritage assets are experienced would be neutral in terms of setting being a factor that contributes to the heritage significance of these assets.
24. I therefore find there would be no conflict with Core Policy 11 of the LDLP Part 1 in terms of impact on the built heritage and Policy DM33 of the LDLP Part 2 which states that where development affects a heritage asset it should only be permitted where the proposal would make a positive contribution to conserving and enhancing the significance of the asset. Similarly, there would be no conflict with Policy SEA3 of the SNP which requires Conservation Areas in the town are conserved or enhanced. The proposal would also accord with the relevant parts of Section 16 of the NPPF, including paragraphs 194 and 199.

### ***Character and appearance***

25. The appeal location comprises an area of transition between a tighter pattern of development around the core of the town centre to the north and west, where development generally abuts the highway or is notably forward within a

relatively compact arrangement of plots, and a less dense pattern of development that extends south and east towards the seafront. What is notable at the appeal location is the arrangement of bulky residential buildings, ranging between 3 and 6 storeys, which are distributed around the immediate vicinity of the appeal site. This includes the 4½ storey Seaford House immediately to the west, the 5 storey Kingsfold Court to the north, the tall 3 storey Coldstream House to the North-east and the various blocks of apartments to the east at the 6 storey Bramber Close and the 5 to 3 storeys Crouchfield Close. In terms of the overall scale, height and massing, the appeal proposal, whilst tangibly bigger, would not be out of kilter with these neighbouring mid-to-late Twentieth Century residential buildings.

26. These existing taller buildings all occupy elevated positions towards or on the crest of the incline which demarcates part of the eastern edge of the historic core of Seaford town centre. As such they are conspicuous buildings, particularly when looking back to the town centre from the seafront across the lower lying land of the Martello Fields and the school playing fields from Corsica Close. From these perspectives, and given the intervening distance, the proposed apartment building would read as a building of comparable scale and appearance, infilling what is currently a gap between the various tall buildings identified above. In my assessment, the appeal building, including the plainer eastern elevation, would be read in these wider townscape views as an appropriately scaled and harmonious consolidation of an established group of tall, large buildings.
27. In the immediate environs of the appeal site, whilst Seaford House and Stone House practically adjoin the highway, the pattern of development elsewhere is more varied. Some developments like Kingsfold Court are more modestly set back from the highway and others, including the existing Constitutional Club building and Bramber Close and elements of Crouchfield Close sit within more spacious plots with open ground and car parking between the highway and the buildings. Slightly further afield, more recent development, including the bungalows on the corner of Crouch Lane and Steyne Road immediately to the south of the appeal site have been modestly set back within their plots to follow with the pattern of development in this location. Accordingly, I am not persuaded that a tighter pattern of development closer to the Crouch Lane highway would be a necessary design response on the appeal site. The proposed set back of appeal building would allow for some verdant openness which would relate well to the existing pockets of grass verge land immediately to the north of the appeal site, wrapping round to the small public garden area at the corner of Bramber Lane and Crooked Lane. Importantly, the proposed degree of set-back would assist in retaining the 'important view' down Crouch Lane at the edge of the STCCA towards the Martello Tower and the sea. It would also allow for the retention and reinforcement of characteristic flint and mortar boundary walls. Overall, I find no harm from the proposed degree of set-back from Crouch Lane.
28. The topography of the appeal location slopes down from north to south. The proposed building maintains a level ridge line so that 3½ storeys on the higher northern part of the site becomes 4½ storeys at the lower southern end of the site. Consequently, there would be a bold difference between the single storey development to the south such that the height and the bulk of the building would be pronounced when looking north up Crouch Lane. The southern elevation and the southern parts of the western elevation would be dominant in

the street scene from the lower parts of Crouch Lane close to the Steyne Road junction and from the car park in Saxon Lane. The proposed scale and form of the appeal building would, however, align with the taller 4½ storey elements of Seaford House opposite on Crouch Lane. There are also other bulky buildings in this perspective, including the 5 storey Kingsfold Court which forms a strong visual terminus in the street scene at the top of this part of Crouch Lane. As such the height of the 4½ storeys at appeal building would not appear as an overly dominant or excessively tall building by not stepping down with the topography in Crouch Lane as sought by the LPA.

29. Whilst there would be a marked contrast with the recent single and chalet storey development around the Steyne Road / Crouch Lane junction, the proposed lower parking court would provide a notable gap to offset the difference. Accordingly, the appeal building would not loom over these properties on Crouch Lane / Steyne Road. Furthermore, the southern elevation of the appeal proposed would not project forward of the corresponding south facing gable elevation on Seaford House, contrary to what was asserted by the LPA on the accompanied site visit. The combination of the appeal development and Seaford House would provide a distinctive bookend when looking up Crouch Lane, defining the edge of the town centre.
30. Whilst the proposed width of the appeal building is significantly wider than Seaford House, noteworthy vertical and horizontal articulation is proposed to break-up the height and massing of the building from this perspective. Due to the design and materials, the lower ground floor containing the club would be read as a distinctively different level, and to some extent below the resident's terrace in this street scene. Accordingly, most of the building would be seen and experienced from the south as 3½ storeys with varying materials, elevational treatments and roof forms and levels being effective in dissipating the visual impact of what would be a large building. Consequently, and in the context of other taller buildings in this part of Seaford, there would be no harm to the character and appearance of the area due to there being a bold height and massing at the southern elevation of the building.
31. Whilst the appeal building would be palpably larger than any surrounding building in this part of Seaford, I consider that in various key perspectives the proposed design has sought to suitably fragment the appearance of the building through articulated rooflines, notably along the prominent west elevation onto Crouch Lane. Additionally, these elevations would provide further vertical articulation through the variety of materials, the various forms and projections and the positioning of openings. The result, especially in the critical, longer front elevation to Crouch Lane, would create the visual impression of a series of buildings, that would integrate well with the scale and character of the surrounding area. The scope for good quality landscaping and a high-quality resident's terrace area to Crouch Lane would further ensure the building would not appear overly bulky or overbearing in perspectives from the north, south and west.
32. The eastern elevation would have a particularly uniform roofline and the regimented arrangement of dormers reinforces rather than softens a somewhat austere rigidity. The full, bulky extent of the building would be glimpsed between buildings on Crooked Lane and highly prominent in the communal garden area to the rear of Crouchfield Close. There would be some elevational articulation through the use of balcony projections but this would be limited.

Landscaping within the communal garden area would have a further limited impact on softening the bulky appearance. Overall, the plainer eastern elevation would appear as a dominant building. The extent to which that would be particularly harmful in an immediate context would be lessened due to the set back of this elevation from the boundary with Crouchfield Close, in contrast to the current proximity of the existing club building. Furthermore, plain, bulky buildings are characteristic to the east of the appeal site, not least the taller 5 storey block containing flats 1-9 at Crouchfield Close which directly faces onto this communal garden of Crouchfield Close. Consequently, whilst the design and appearance of the eastern elevation would be lacklustre in its attempt to mask the bulk of the building, it would not result in a significant harm to the character and appearance of the area.

33. Concern is raised that the position and scale of the building closer to the northern boundary at East Street would harmfully reduce or potentially remove the view between the existing club building and Crouchfield Close towards the coast. I have dealt with this above under heritage matters but note that the LPA place some reliance on the 2017 Statement on Seaford's Local Landscape Character and Views (SLLCV) prepared to inform the SNP. I am confident that the view (described as a "glimpse of the sea") when standing at the point demarcated as View 2 in Appendix D of the SNP would largely remain intact. The photo of View 2 in the SLLCV (PDF page 30), by reference to the position of the club building and the absence of the telegraph pole, does not align with the viewpoint at Appendix D in the SNP and has been taken further to the west on the amenity grassland. Taking the position from the photo the glimpsed view of the sea would be notably reduced in this perspective, but any harm would be very limited as I consider the viewpoint in Appendix D to be perspective that is more readily appreciated by anyone walking from East Street into Crooked Lane. Moreover, both kinetic views of the sea either side of the appeal site would be retained in some form.
34. The matter had some further emphasis in Mr Chan's evidence on design in the context that the northern elevation of the appeal building does not following the building line and harm would arise from its forward position. The current club building does not align with the block containing Flats 1-9 Crouchfield Close. Consequently, there is no particularly strong building line or pattern of development. As such the proposed position of the building close to the northern boundary of the site would not result in significant harm to the character or appearance of this part of Seaford.
35. I therefore conclude that the appeal proposal would not result in significant harm to the character and appearance of the area. The design of the building would accord with Core Policy 11 of the LDLP Part 1 and criteria 1, 2, 3 and 9 of Policy DM25 of the LDLP Part 2 in terms of its siting, layout, scale, form, height, massing, proportions and overall appearance responding sympathetically to and contributing positively towards the character and appearance of the area. It would also meet the requirements of parts (a) and (d) of Policy SEA2 of the SNP in terms of having regard to key views identified on Map 2 of the SNP and responding appropriately and positively to the townscape character of Seaford. The proposal would generally accord with NPPF objectives on creating high quality buildings, including paragraph 130(b) and (c), and the relevant principles of the National Design Guide on context, identity and built form.

### **Highway Safety, legibility and pedestrian accessibility**

36. The highway environment at the appeal location focuses on Crouch Lane and East Street, which form a linear road north-south route at the south-eastern edge of the town centre including between High Street and Steyne Road. Steyne Road itself is a reasonably trafficked east-west route fringing the south of the town centre and providing access to connecting roads to the seafront. At its northern end Crouch Lane is one way from its junction with East Street north to the High Street.
37. The width of the public highway in Crouch Lane varies. At the appeal site frontage, Crouch Lane is generally narrow but just about sufficient to enable two-way vehicular traffic for cars and small vans. During the appeal process various highway safety concerns with the Local Highway Authority (LHA) have been resolved following the submission of further data by the appellant<sup>8</sup>. Whilst there is local concern about the number of vehicle trips and parking demand likely to be generated by both the residential and relocated club uses and the proposed number of parking spaces, I find that the appellant's methodology underpinning the proposed 25 parking spaces for the flats, specifically takes account of evidence/data from comparable retirement living schemes and is therefore reliable. Additionally, appropriate allowances have been made for the appreciable reduction in club floorspace<sup>9</sup> from that which currently exists. I also consider that at such a sustainable location and in the interests of making optimum use of a previously developed site, it would not be appropriate or justified to provide generous on-site vehicle parking. Vehicular travel demand could be further managed by a Travel Plan for the development, which could be secured by condition.
38. On the occasions when the club use attracts a greater number of visitors, the Saxon Lane public car park is close to the appeal site and presently offers free parking of an evening time. The appellant's evidence<sup>10</sup> demonstrates appropriate capacity in this car park at times likely to coincide with demand at events at the club facility and this approach has been agreed with the LHA. Overall, I find the proposed level of on-site car parking of 5 spaces for the club use would be justified. It would not result in displaced on-street parking pressure in this part of Seaford to the detriment of highway safety. I also find the proposed vehicular access arrangements onto Crouch Lane would be safe taking account of the extensive on-street parking restrictions, the speed limit, street lighting and the absence of an objection on highway safety grounds from the local highway authority.
39. Footway provision in the part of Crouch Lane<sup>11</sup> at the appeal site is very limited. It is generally restricted to a short length extending along the frontage of Seaford House. There is no continuous footway south to either the Saxon Lane car park entrance or to Steyne Road. Likewise, there is no continuous footway north towards the town centre, such that anyone walking along Crouch Lane in a northerly direction has to step onto the highway along the frontage to Stone House and then remain in the highway at a point in which it noticeably

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<sup>8</sup> Highways Statement of Common Ground – June 2023

<sup>9</sup> Broadly a 60% reduction from approximately 860sqm to circa 310sqm

<sup>10</sup> Appendix K to Harry Cross Proof of Evidence – Parking Survey Analysis

<sup>11</sup> Along the appeal site frontage, extending from the broad area where it meets East Street to Steyne Road

narrows at the East Street junction before crossing the carriageway to pick up the footway on the eastern side of Crouch Lane at Kingsfold Court.

40. In terms of the residential element of the appeal scheme, generally, there would be very little difference in terms of the quality of pedestrian access into the town centre compared to what currently exists. This is on the proviso, as pointed out by the appellant at the inquiry, that residents would be able to use a side door close to the Upper Parking Court. The submitted plans are not particularly clear on this point given the main entrance to the residential flats is clearly shown on the southern elevation at a point furthest away from the town centre. On the basis that this unassuming side door would be an unimpeded, alternative means of pedestrian access, it remains that the route for residents would still require the use of a short flight of steps to access the gap in the northern boundary wall to cross East Street. Step-free access for less mobile persons could be achieved via the Upper Parking Court, at a point marginally closer to the town centre compared to the existing club vehicular access. This route would still require pedestrians or mobility scooter users to share the vehicular carriageway at the narrower and more complicated arrangement at the Crouch Lane and East Street junction. In terms of improving access for all I do not find this arrangement to be particularly convenient or safe.
41. For visitors to the residential flats and pedestrians to the club, the main entrances to these facilities are on the southern elevation, accessed from the lower parking court entrance off Crouch Lane at a point in the site furthest from the town centre. In terms of legibility and general accessibility this would be a poor design choice. It would require users of the club connecting to and from the town centre to walk further than the current arrangement. It would also conceal the club and main entrance to the flats when approaching the site from the town centre and public transport facilities. I accept there would be some local familiarity over time as to where these entrances would be, but it would be a design shortcoming, in my view, not to make more of the site frontage onto Crouch Lane and to facilitate a layout that would provide a more obvious pedestrian access to the building at a point closer to the existing network of footways north of the site.
42. Despite the LPAs initial assessment that a means of pedestrian connection to the club could be navigated through the proposed development, thus avoiding pedestrians using Crouch Lane, this was confirmed at the inquiry not to be the case. As such pedestrian access to the club and for visitors using the main entrance to the flats would require negotiating Crouch Lane. I note the appellant's evidence on likely pedestrian trips generated by the appeal proposal compared to the existing use that this is likely to remain similar on a weekday and reduce at weekends but the nature and length of pedestrian movements would not be comparable, particularly for visitors to the flats and club patrons.
43. In terms of pedestrian access from the south, including future residents of the scheme walking up from the seafront, the lower part of Crouch Lane from Steyne Road has no footway. Whilst it is only a short distance, the carriageway here is hemmed in by boundary walls and there is no safe space for pedestrians to step-off. I am concerned about potential conflict between pedestrians and vehicles at this location given the proximity of the junction with the busy Steyne Road and the height of the boundary wall to the Saxon Lane car park limiting visibility for eastbound vehicles turning sharply into Crouch Lane.

44. With regards to pedestrian access from Saxon Lane car park, this would involve a short diagonal crossing of Crouch Lane to access the internal footway to the club and main residential access. Again, this would require pedestrians to share a vehicular carriageway on Crouch Lane where there is no footway or scope to safely step-off in the event of oncoming two-way traffic. There would also be the added complexity of vehicle movements around the lower parking court area and entrance turning on Crouch Lane. Whilst the scope for such conflict would occur over a short length of highway this nonetheless forms part of my concerns regarding how the appeal site would be laid out and accessed.
45. For pedestrians accessing from the north, as set out above, footway provision on Crouch Lane is limited such that there would be a need to share the vehicular carriageway at the front of Stone House and around the East Street junction. I am concerned about the quality of the highway in this location and the harm that would arise from pedestrians using a highway environment that is not particularly safe or convenient. This would be especially the case for older persons who may experience a greater likelihood of visual, hearing or mobility impairments. A short length of footway does exist to the front of Seaford House and the southern end of this path would correspond with a point at which to cross over to the footway within the appeal site to the club and main residential entrance. As now shown, to complete this connection would require extending the internal path to the site boundary, including ambulant steps. I do not share the LPAs concern that these steps would be inhibitive to less mobile persons. That said, the proposed improvements at this end of the pedestrian connection on Crouch Lane would not overcome my greater concern regarding people in the carriageway between Seaford House and Kingsfold Court, including crossing over the carriageway to pick up the eastern footway at the northern end of Crouch Lane.
46. The appellant has proposed changing the highway priority markings at the Crouch Lane and East Street junction<sup>12</sup>. This would undoubtedly lower southbound traffic speeds at a point where there is no footway on Crouch Lane and thus make the pedestrian environment here safer. There is some doubt from the LHA<sup>13</sup> as to the ability to implement the proposed junction re-prioritisation in terms of land ownership and erecting new signage in addition to road markings. I observed the position of the lamp post on the sizeable triangle of land at this junction, but it is not sufficiently close or suitably in the visual alignment of approaching drivers to be an effective point at which to fix important 'give-way' signage. Based on the evidence before me I am uncertain that the proposed junction re-prioritisation could be implemented and so my concerns about pedestrians in the highway at this point remain.
47. I note that the appellant has explored options with the LHA, including making Crouch Lane one way, and that this has not been feasible. In terms of the highway environment at Crouch Lane, its limitations are recognised at Appendix B of the SNP. This identifies under 'Accessibility: Pedestrians and those with disabilities' the issue of widening or replacing narrow footways and specifically references Crouch Lane. Whilst I appreciate there are changing land levels on the appeal site, it is otherwise a relatively unconstrained site planned to be comprehensively redeveloped as part of the appeal proposals. As such it does appear that an opportunity to secure a safe and convenient means

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<sup>12</sup> The proposed give way on the south-bound arm of the East Street to Crouch Lane junction

<sup>13</sup> ID8



of pedestrian access within the appeal site to negate the need for some residents, visitors and club users to share the carriageway on Crouch Lane has been missed. There is relatively little explanation for this, particularly in light of the SNP specifically identifying the issue. This deficiency could have been addressed through an internal footway connection or an alternative positioning of main entrances in a more legible and accessible location, orientated to the direction of the town centre and public transport facilities.

48. As set out above, in many respects the appellant has made significant progress to resolve most areas that were raised in the LHAs objection of 28 March 2023. I also note, however, and attribute appreciable weight to the fact that the LHA remain concerned about the issue of pedestrian conflict within the immediate local highway network and that there is no common ground that this matter has been satisfactorily resolved<sup>14</sup>.

49. I therefore conclude that the identified deficiencies regarding the legibility and pedestrian accessibility of the appeal proposal would represent a significant harm in terms of layout and design. Additionally, the level of harm to highway safety arising from pedestrian conflict within the carriageway of Crouch Lane between Seaford House and Kingsfold Court would be unsatisfactory and not clearly capable of sufficient mitigation. The proposal would therefore be contrary to part of criterion (iv) of Core Policy 11 of the LDLP as it would not be well-integrated in terms of access and functionality with the surrounding area and criterion (2) of Core Policy 13 which states that design and layout should ensure that the needs of pedestrians are prioritised over ease of access by the motorist. It would also be contrary to Policy DM25 of the LDLP Part 2 which requires major developments to promote permeable, accessible and easily understandable places, which amongst other things, are easy to move through. There would be further conflict with Policy DM25 in that the appeal proposal has not taken the opportunity available to improve the way it functions. In this regard I have in mind Appendix B of the SNP and the identified issue of improving pedestrian connectivity on Crouch Lane. There would also be conflict with part (b) of Policy SEA2 of the SNP which seeks developments to be designed to facilitate connectivity between the site and local services by cyclists and pedestrians (my emphasis). On this matter the appeal scheme would also fail to accord with paragraphs 92(c) and 112(a) of the NPPF which aim to secure, amongst other things, layouts that encourage walking and give priority first to pedestrian movements, respectively. In this regard the appeal scheme would perform poorly against the 'movement' objective in the National Design Guide, including paragraphs 75, 77 and 82.

### ***Living Conditions***

50. The appeal site is bordered by residential development to the south, east and west. The proposed building would be notably taller and larger than the existing club structure, but it would also be located further away from site boundaries with landscaping, terracing and surface car parking providing a degree of buffering to adjoining properties. In respect of outlook, I have also taken into account the declining condition of the club building, a factor raised in some local support for the appeal proposal, and the lack of any reasonable prospect of the property being rejuvenated in the short to medium term.

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<sup>14</sup> Page 3, Table 1 of the Highways Statement of Common Ground, June 2023

51. Starting with Seaford House to the west of the appeal site, this is a tall residential building with various openings across 4½ storeys directly towards the appeal site. The appeal proposal due to its height would affect daylight levels to various units within Seaford House, particularly in the mornings. This is shown within the appellant's submitted Daylight and Sunlight Report to be within acceptable tolerances<sup>15</sup>. I note the relative narrowness of Seaford House and I am advised that there are elements of a dual aspect such that not all accommodation has only east-facing openings. Openings on the north, south and west facades of Seaford House would be unaffected. As such I do not consider the overall impact on daylight levels to Seaford House would be significantly harmful.
52. Notwithstanding the appeal proposal's degree of set-back from Crouch Lane, the relative proximity and mass of the appeal proposal would be moderately oppressive in the outlook of some ground floor and possibly first floor units within the central part of Seaford House close to the main entrance. Windows in these units would correspond at a point where the taller 4½ storey element of the building projects slightly forward towards Crouch Lane. Additionally, the elevated upper ground floor terrace area, which would perch above street level on this part of Crouch Lane, would also be proximate in the outlook from these openings in Seaford House. Overall, I consider the harm to outlook would be no more than moderate due to the intervening width of Crouch Lane. The resulting level of outlook in these lower parts of Seaford House would be characteristic in an edge of town centre environment where a more efficient use of land is to be encouraged. As such the limited impact on outlook from the lower parts of Seaford House would not amount to a significant or unacceptably adverse degree of harm.
53. There would be a corresponding proximity between openings at Seaford House and particularly the proposed residents terrace area and balcony openings on the proposed apartment building. Generally, I find the proposed intervening distance between openings across Crouch Lane and the terrace and upper parking court areas would not result in a harmful reciprocal loss of privacy in either Seaford House or the proposed apartments. I note the proximity of the proposed residents' terrace, but this would be an enclosed space with some form of balustrading further limiting intervisibility. I also observed that the short footway outside Seaford House passes directly alongside ground floor windows to this building such that there is already negligible privacy without some form of drapery. Accordingly, I do not find the appeal proposal would result in an unacceptable loss of privacy to the occupiers of Seaford House or the future occupiers of the proposed apartments.
54. To the south of the appeal site is the relatively recent development of single and chalet storey dwellings arranged around the junction of Crouch Lane and Steyne Road. As the appeal proposal is to the north of these dwellings there would be no material impact on daylight levels to these properties. These dwellings are set on land which is lower than the appeal site and I observed on site that due to a combination of topography and tall rear boundary fencing the appeal proposal would not be prominent in the outlook from within those properties along Steyne Road. There would be a notable difference in height between the single storey at No.22 Crouch Lane, the nearest of these dwellings, and the tall 4½ storey south facing elevation of the appeal proposal.

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<sup>15</sup> The BRE Guidelines, see pages 15-16 of Waldrams Daylight and Sunlight Report, November 2021

Whilst significantly taller than the existing club building, the appeal proposal would be appreciably set back from these new bungalow dwellings compared to the existing club building. The proposed lower court parking area would provide a notable separating feature. Due to these factors, the appeal proposal would not be prominent in the outlook from within No.22. Nor would it result in a particularly overbearing presence when in the private rear garden of No.22 due to the retained open outlook to the east across the rear gardens of Steyne Road and communal amenity space at the rear of Crouchfield Close.

55. To the east of the appeal site are the flats and apartments at Crouchfield Close. A number of these properties have openings and balcony verandas facing south-west towards the southern part of the appeal site, over the mainly lawned communal garden to these residences and the rooftops of the new dwellings on Steyne Road. In terms of sunlight and daylight the appeal proposal being to the west would not affect light levels during the morning or the middle of the day. The height and massing of the proposed building would moderately impact on evening light levels to the properties on Crouchfield Close and their communal garden area, particularly during summer months. I do not, however, consider this significantly harmful given the otherwise good levels of light during appreciable parts of the day and the general openness to the south and south-west.
56. Whilst the appeal proposal would be a significantly taller building, it would be set further back from the boundary with the communal garden at Crouchfield Close compared to the existing club building. The proposed corresponding communal garden within the eastern part of the appeal site would consolidate the openness at this location and further offset the presence of the appeal building. The proposed degree of separation would avoid any harmful loss of privacy to properties at Crouchfield Close and landscaping in the proposed communal garden to the appeal scheme would further filter intervening views. In terms of wider outlook, the proposed eastern elevation facing the properties and communal garden at Crouchfield Close would be generally experienced as a uniformly tall 3½ storey building over an appreciable length. Some articulation is proposed but it is limited and does little to disguise what would be a relatively austere façade and roofscape. As such there would be some harm to the outlook from the properties and communal garden area to Crouchfield Close. This harm, however, would be limited and needs to be considered in the context of the degree of retained openness to the south and south-west. Overall, I do not consider the level of harm to outlook to be sufficient to meet a threshold of being unacceptably adverse.
57. The appeal proposal would involve relocating the club into smaller facilities on a lower ground floor level with residential apartments above. There are numerous mixed used developments that have successfully incorporated community facilities within predominantly residential schemes. I see no reason why similar could not be achieved here and to this end, as part of the inquiry, the appellant provided plans of an approved scheme at Kenilworth<sup>16</sup> that shows a community club facility accommodated within a scheme for 50 retirement flats. Whilst I have relatively few details about this scheme, it does add to my assessment that there would be no significant conflict to a mixed used scheme combining a community facility and residential uses.

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<sup>16</sup> ID9

58. Given the need to protect the club as a community facility, the 'agent of change' principle<sup>17</sup> is important, such that the existing licenced operation of the club, with bar and entertainments, should not be impinged upon by the new incoming residents. In this regard I am satisfied that the separate access arrangements and that the proposed layout would contain the club operation and limit external noise, including people congregating outside. It is noteworthy that the relocated club facility would be significantly smaller than the current building reflecting membership levels and the need for a more efficient club facility. As such I do not consider it appropriate to consider the relocated club facility in comparison with past scales of activity at the Constitutional Club.
59. There would be no flats on the lower ground floor level as the replacement club such that all the new apartments would be above the club. The proposed resident's lounge would be located partly over the proposed function room for the club further reducing the degree of direct overlap of residential floorspace above the more active parts of the proposed club facility. The small stage area and bar would be positioned beneath the external resident's terrace area. In other regards appropriate noise insulation could be installed between the lower ground floor level containing the club and the floors above<sup>18</sup>. There would be two principal external openings to the club, which would be largely a subterranean facility cut into (and insulated within) the topography of the site, and these openings would both face onto the lower parking court. The nearest openings in the proposed flats would be windows to kitchen/dining room of unit 9 on the upper ground floor. These openings are positioned more above the foyer area to the residential units such that they are not particularly close to the club facility. Overall, I do not find the co-location of a smaller replacement club within a residential scheme would give rise to unacceptable living conditions for future occupants of the appeal development.
60. I therefore conclude that in respect of living conditions of the occupiers of neighbouring residences, with particular reference to outlook and daylight, would not be significantly harmed and that any limited impacts would be compatible with reasonable expectations at an edge of town centre location where taller, mid-rise buildings are an established part of the built environment. I further conclude that the relocated club facility would be appropriately accommodated within the mixed-use scheme without detriment to the viable operation of the club and to the living conditions of future occupiers of the proposed apartments. On this basis, the appeal proposal would accord with Policy DM25 of LDLP Part 2 which states that there should be no unacceptable adverse impact on the amenities of neighbouring properties in terms of, amongst other things, privacy, outlook, daylight, sunlight, noise or activity levels. It would also accord with Core Policy 7 of the LDLP Part 1 in terms of acceptably retaining existing community facilities.

### **Other Matters**

#### *Housing Need*

61. There is no dispute that Lewes District Council does not currently have a supply of deliverable housing land capable of meeting at least 5 years' worth of identified need. The two main parties agree that the latest position is a 3.02

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<sup>17</sup> NPPF paragraph 187

<sup>18</sup> Noting Section 6 of the Cass Allen Noise Impact Assessment report, February 2023

- years supply against an annual housing need of 602 dwellings. There is little evidence that the significant shortfall is likely to be resolved in the near future. Work has started on a new Local Plan but this is in its nascent stages and so a plan-led recovery to a deliverable housing land supply position is some way off.
62. The Town Council maintain that Seaford has absorbed its “fair share of windfalls”, in large part through 184 dwellings on the former Newlands School site. Additionally, the SNP has positively allocated sites for housing for some 214 dwellings, a figure in excess of the at least 185 dwellings that needed to be planned for in Seaford. Nonetheless, there is nothing to indicate that additional windfall housing development cannot be contemplated in a sustainable location such the urban area of Seaford provided it would amount to sustainable development. Indeed, Policy SEA17 of the SNP says redevelopment of brownfield land will be supported subject to criteria.
63. The appeal proposal would provide for retirement living and residents of the scheme would be able to live independently. This is not a care home or an assisted living complex. The need for further retirement living accommodation within the District and Seaford specifically is disputed. The appellant has submitted evidence of a need for 37 units of market retirement accommodation in the District as of 2022 and for this need being forecast to increase to 314 units by 2030. I am also advised that a recently approved retirement scheme (the Churchill scheme on Sutton Road, Seaford) is no longer proceeding due to site conditions and as such the need that scheme was intending to accommodate remains unmet. There is little empirical evidence to counter the detail in the Bidwells report<sup>19</sup>, other than opinion that the area has experienced a lot of retirement living development by reference to other such schemes in the locality. I note that in the recent Sutton Road appeal<sup>20</sup>, my colleague found little substantial evidence in support of local concerns regarding the need for retirement accommodation. I find myself in a similar position.
64. With a generally aging population in England<sup>21</sup>, it perhaps unsurprising that there will be a fertile demand for age-appropriate housing, particularly for those households who wish to downsize into more manageable accommodation. The appellant submits, based on their research, that approximately 50% of the units would be occupied from existing households in the Lewes District area (within 10km). There is no alternative evidence and looking at housing needs more widely it would be an irrefutable consequence of the appeal scheme that housing stock elsewhere would be freed up, with a reasonable expectation that it would be under-occupied accommodation being vacated. In my assessment, the appeal scheme would beneficially add to needed churn in the housing stock, enabling older, smaller households to move to appropriately sized accommodation. In this light, the NPPF at paragraph 62 references the housing needs for different groups in the community, including older people. Furthermore, the Planning Practice Guidance (PPG) on ‘Housing for older and disabled people’ describes the need for specialist accommodation for older persons as ‘critical’. Accordingly, there is an identified need for older persons housing and appreciable benefits from providing housing that would enable such households to live safe and independent lives as well as from

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<sup>19</sup> Older Persons Housing Needs Assessment, Bidwells April 2022

<sup>20</sup> APP/P1425/W/22/3299056, paragraph 41

<sup>21</sup> PPG paragraph 63-001-20190626 – people aged 85 and over projected to double by mid-2041 to 3.2 million

releasing under-occupied housing. I deal with this further in the planning balance below.

### *Local Infrastructure*

65. Concern is expressed that local infrastructure in Seaford cannot accommodate the demands that would arise from the appeal proposal, including local health services and the wider highway capacity in the town including the A259. On health infrastructure the evidence is largely anecdotal, and it may well be the case that it is challenging to get a doctor and/or a dentist appointment in the area. It is instructive, however, that no obligations have been sought to remedy any identified deficiencies in local infrastructure as part of the S106 planning obligations. As such there is not the evidence of infrastructure capacity constraints as per NPPF paragraph 124 to indicate too much development is being contemplated on the appeal site.
66. With regards to the wider road network in Seaford there is no empirical evidence before me that the appeal proposal would generate residual cumulative impacts that would be severe, including on performance of the A259 through the town.

### *Biodiversity*

67. The planning application was accompanied by Preliminary Ecological Appraisal and a separate bat survey. At the Inquiry event submissions were made<sup>22</sup> that there is potentially a badger sett very close to the appeal site together with badger activity more generally in the immediate environs of the appeal site to the extent that this protected species<sup>23</sup> could be adversely impacted by the appeal proposal. I accept that there may be sensitivity around disclosing the locations of badger setts but the evidence before me is limited, circumstantial and only raised at a very late stage of the appeal process. Nonetheless, the appellant has provided additional evidence<sup>24</sup> to indicate that any potential badger sett is notably further to the east and separated from the appeal location by the busy Steyne Road. At the time of this appeal, and even applying a precautionary approach, the limited evidence of badgers in the vicinity of the appeal site would not justify withholding planning permission on this issue. Ultimately, conditions securing further details of ecological mitigation and biodiversity net gain could be imposed on any permission.
68. More generally, the appeal site offers very little value for biodiversity such that the appeal proposal would be capable of delivering a biodiversity net gain in excess of the emerging minimum 10% requirement. The appellant has calculated that a gain of 37.1% could be secured<sup>25</sup> and there is no reason to dispute this figure. Conditions could be imposed to ensure delivery. As such this biodiversity net gain would be a modest environmental benefit weighing in favour of the appeal proposal. Overall, there are no reasons by reference to biodiversity, to indicate that the appeal development should not proceed.

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<sup>22</sup> ID7 Statement from Janina Chowanec

<sup>23</sup> Protection of Badgers Act 1992

<sup>24</sup> ID10

<sup>25</sup> Biodiversity Impact Calculator, ACD Environmental, May 2022

### *Planning Obligations*

69. A final, signed S106, dated 31 July 2023 was received on 3 August 2023. Its contents reflect the draft S106 discussed at the Inquiry<sup>26</sup>. The S106 contains two provisions. The first is an obligation to provide a financial contribution to the District Council of £119,478 (index-linked) towards affordable housing provision in the district. There is some concern, including from Seaford Town Council, over the size of contribution and suggestion, by reference to other decisions, that the appeal scheme should provide a larger sum given the scale of need for affordable housing. Whilst I have few details behind the viability circumstances at other schemes, it is notable that this proposed scheme would be bearing the cost of delivering a replacement club facility which would need to be fitted out and provided prior to the occupation of any the retirement apartments. With this in mind, and, having regard to the viability testing that has been undertaken<sup>27</sup> and agreed between the appellant and the LPA, I am satisfied that the scale of the contribution for affordable housing would be fair and reasonable. There is little dispute of a significant need for affordable housing in the District and Core Policy 1 in LDLP Part 1 sets a target of 40% on sites of 10+ units. As such I find the proposed obligation meets the tests of necessity and being directly related and so I have taken it into account.
70. The second obligation is a modest sum of £760 (index linked) to the District Council to cover the cost of providing recycling bins to each of the apartments and for the households to be added to the Council's kerbside recycling scheme. In justification, I am directed to Policy DM26 of the LDLP Part 2, but this is a design policy. It does not require new development to contribute towards household bin infrastructure. The occupants of the apartments will be paying Council Tax, which would cover matters such as refuse collection. It is a reasonable expectation that such an income stream would cover the cost of recycling receptacles and the day-to-day operation of the recycling waste collection service. Whilst the sum involved is very modest there is no evidence before me that it would be fair and reasonable in terms of the sum sought. Overall, I do not find the obligation meets the tests at CIL Regulation 122<sup>28</sup>, in terms of necessity, and fair and reasonably related in scale and kind. I have therefore not taken the obligation into account.

### **Balance and Conclusion**

71. As set out above, I have found that there would be no harm to the heritage significance of various designated and non-designated heritage assets. Accordingly, paragraph 202 of the NPPF is not engaged. As such, heritage matters would not provide a clear reason for refusing the development and so paragraph 11(d)(i) of the NPPF is not activated.
72. I have also found, on the main issues for this appeal, that despite some minor harms, the proposal, on the whole, would represent, in terms of positioning, scale, massing and appearance an appropriate design response for its context and that there would be no significant harm to the living conditions of surrounding properties. These should be pre-requisites of development in any event and so whilst the lack of conflict with the relevant development plan policies does not provide a reason for withholding planning permission on these

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<sup>26</sup> ID4

<sup>27</sup> BPC Viability Review Addendum – February 2023

<sup>28</sup> Community Infrastructure Levy Regulations 2010 – Regulation 122(2) – repeated at NPPF paragraph 57

matters nor is at a positive benefit in any planning balance. There would also be no harm to local ecology, satisfactory highway safety for vehicular movements and no harmful impact on local infrastructure. Again, such absences of harm should be expected and not to be treated as particular benefits in favour of a development.

73. As set out above, on the issue of legibility and pedestrian accessibility I have found harm and conflict with relevant development plan policy. Section 38(6) of the Act is clear that applications for planning permission are to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan policies on this main issue are not out-of-date by virtue of inconsistency with national policy. If anything, national policy in the NPPF after the adoption of LDLP Part 2 and the making of the SNP has further strengthened the need to secure good design recognising that part of the social dimension of sustainable development at paragraph 8 of the NPPF includes fostering well-designed, beautiful and safe places. Policy DM25 of LDLP Part 2 states that development of poor design will not be permitted. This is broadly consistent with paragraph 134 of the NPPF which advises that development which is not well-designed should be refused.
74. The LPA invite that the onus in NPPF paragraph 134 that poor design should be refused means that any design related harm should weigh particularly heavily in a decision-maker's mind and most likely lead to the withholding of planning permission. Whilst the increasing emphasis on good design is understood<sup>29</sup>, the word "should" in NPPF paragraph 134 does not import an obligation or a duty on a decision-maker and so any identified design harms would not necessarily set an unfeasibly high bar to development otherwise being considered sustainable when all other factors are considered. Accordingly, design harms, including any related to legibility, permeability and movement, should be given commensurate weight as an adverse impact when applying a balancing exercise, including any tilted balance at paragraph 11 d) ii) of the NPPF.
75. A five year's supply of deliverable housing sites in Lewes District cannot be demonstrated as of May 2023. In such circumstances, and having found no heritage harm to disengage it, there appears to be little dispute that the tilted balance at paragraph 11(d) (ii) of NPPF is a material consideration.
76. In respect of the benefits that would arise from the appeal proposal, the appeal proposal would deliver 40 additional dwellings. They would meet an identified need, the units would be within Use Class C3 and so their delivery would be plainly counted against the district's housing requirement. Given the overall shortfall (c.1200 units), 40 additional units whilst modest in the grand scheme of things, would nonetheless make a tangible difference. Given the importance of meeting the housing needs of older persons as set out at NPPF paragraph 62 and in the PPG, and in the context of the otherwise significant housing shortfall, I give the social benefit arising from the delivery of 40 additional dwellings, that would be built to Lifetime Homes standards, significant weight. I note that in a scheme elsewhere in the district for 37 retirement units<sup>30</sup> the decision-maker ascribed only moderate weight to the benefit of the additional homes. I am not aware of all the evidence that was before that decision-maker but since that decision, the housing supply situation in Lewes has not markedly improved. There remains a significant shortfall and this has, in part, informed

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<sup>29</sup> Including NPPF paragraph 8

<sup>30</sup> APP/P1425/W/21/3288519 & 3299056



my assessment that at the time of this appeal significant weight should be given to benefit of 40 additional homes.

77. As a separate but correlated matter, I share the assessment of other colleagues<sup>31</sup> that retirement living accommodation presents a specific social benefit in that it would release existing housing stock, with a strong likelihood of freeing-up under occupied housing. I give this separate social benefit appreciable weight.
78. Whilst the proposal would not directly deliver affordable housing, it would be obligated in the S106 to make a viable financial contribution. This would be in accordance with Core Policy 1 in the LDLP Part 1 which allows, on an exceptional basis, for reduced affordable housing provision where informed by robust viability evidence and payment in lieu for off-site provision. The sum involved is relatively modest and far from the 40% on-site provision which is the policy starting point. As such I give only moderate weight to the social benefit of a modest financial contribution towards affordable housing.
79. The appeal proposal would provide a modern replacement club facility, scaled to meet the current and likely future operational requirements of the club such that there would be a reasonable prospect of it viably flourishing as part of the offer of local facilities serving the community in Seaford. As such the appeal proposal would protect a community facility in accordance with Core Policy 7 of LDLP Part 1 and NPPF paragraph 93. I give the social benefit of retaining and protecting the club significant weight, noting that the appeal proposals would enhance the club facility including DDA compliant access arrangements and accessible toilet provision.
80. The appeal scheme would also provide economic benefits. There would be temporary benefits during the construction phase in terms of jobs and procuring materials. The proposal would also provide modest employment in terms of a dedicated house manager, other trades servicing and maintaining the residential apartments as well as retaining any employment associated with the club facility. Additional residents would also add to local expenditure, particularly given the proximity of the town centre. Overall, I give the economic benefits considerable weight.
81. The appeal proposal would also give rise to environmental benefits. There would be positive net biodiversity gains which would be a benefit of moderate weight. The appeal proposal would also make efficient use of previously developed land in a highly sustainable location. I give that environmental benefit significant weight, having regard to Section 11 of the NPPF and the pressing need to significantly boost the supply of housing in the district.
82. The principal harm against the appeal proposal arises from its design and layout which would result in an adverse impact of pedestrian demand, including potentially vulnerable persons, in an area with constrained pedestrian connectivity. Most importantly this involves poor pedestrian linkages to the town centre and public transport for club patrons and for visitors to the flats, but also a less than satisfactory pedestrian connection to nearby car parks and the seafront for all users and occupiers of the building. The harm is amplified because the scheme has failed to place the main entrances to both the flats and club in legible and prominent positions within the development, thus

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<sup>31</sup> APP/N1730/W/20/3261194

resulting in potentially more pedestrian wandering and movement within the carriageway of Crouch Lane. Despite the issue of inadequate footway provision being identified by the SNP, the appeal scheme fails to take the opportunity to provide a convenient and safe footway connection within the site despite the appeal scheme representing a comprehensive redevelopment of the site. I give this identified harm and the related conflict with relevant development plan policy, NPPF and National Design Guide content, significant weight.

83. Whilst this specific harm is of significant weight, the identified harm would not significantly and demonstrably outweigh the considerable, cumulative benefits that have been identified. Accordingly, the material consideration of the tilted balance at NPPF paragraph 11 d) ii) does indicate a decision other in accordance with the development plan in this instance. When assessed against the policies in the development plan and NPPF, when taken as a whole, the proposal would amount to sustainable development.
84. I have taken into account the level of local objection, including from the Town Council and locally elected representatives, but the clear need to boost housing delivery to meet identified housing needs, in a scheme which can also valuably retain the existing community facility, means, a decision other than in accordance with the development plan is supported by clear material considerations in this case. Accordingly, the appeal should succeed for the reasons given.

### **Conditions**

85. A list of conditions was circulated prior to the inquiry which was largely agreed between the two main parties in the event of planning permission being granted. I have considered the suggested conditions having regard to the PPG on the use of conditions and paragraphs 55 and 56 of the NPPF. In addition to the standard time limit condition (1), a condition (2) requiring the development is carried out in accordance with the approved plans is needed in the interests of proper planning and for the avoidance of doubt. I have updated the list of approved plans to reference the revised layout drawing showing the proposed position of the ambulant steps. I have also removed the various technical reports listed in the drafted 'approved plans' condition. A number of conditions require further details in any event and as set out above planning permission is granted in the terms of the application, which includes the supporting technical details.
86. In terms of achieving a well-designed place a condition (3) requiring submission of details of the materials and external finishes of the buildings, a condition (4) covering the details of external windows and doors, and a condition (10) requiring details of hard and soft landscaping, are all necessary. For highway safety and to protect residential amenity a condition (5) requiring a construction environmental management plan is also needed and is necessarily a pre-commencement condition. To ensure the development can be satisfactorily drained without increasing the risk of flooding elsewhere a condition (7) requiring details of surface water drainage scheme is also necessary as a pre-commencement condition.
87. In respect of ecology, conditions (6) & (11) are both necessary to ensure ecological mitigation is secured where necessary and the identified biodiversity net gain achieved. Given the location of the site at the edge of the historic settlement in Seaford, conditions (8) & (9) requiring archaeological

investigation and recording are necessary in accordance with Core Policy 11 of the LDLP Part 1. To protect air quality and the living conditions of future occupiers a condition (12) is necessary to ensure boilers installed in the scheme have appropriately low nitrogen oxide emission levels.

88. Various conditions (13), (14), (15), (16), (17), (18), (19), (20), (21), (31) and (32) are all necessary to ensure both highway safety and modal shift. The conditions in respect of highway safety are justified given the highway environment on Crouch Lane and East Street. The conditions on modal shift are justified given the highly sustainable location and the need to carefully manage travel demand to both the club and flats given the judicious amount of on-site car parking provision proposed.
89. In the interests of the amenities of surrounding residents a condition (22) restricting construction hours is necessary. A condition (23) requiring the scheme meets the principles of Secured by Design is also necessary to ensure a safe development. In the interests of the amenities of existing and future residents in this part of Seaford, a condition (24) controlling external lighting is also required. As a previously developed site precautionary conditions (25) and (28) dealing with potential contamination and the possibility of asbestos are both necessary to protect the wider environment and public health. For similar reasons a condition (29) for site waste management is also required.
90. To ensure the proposed scheme delivers what planning permission has been applied for, an occupancy condition (26) is necessary to ensure the proposed units are secured for retirement living. Importantly, a condition (27) requiring that the social club element is delivered and made available for use prior to the first occupation of any of the apartments is necessary to ensure compliance with Core Policy 7 of the LDLP Part 1. Finally, a condition (30) requiring various sustainability measures is justified in order to meet development plan policy requirements and the general wider transition to a low carbon and reduced water consumption future.

*David Spencer*

Inspector.

#### APPEARANCES

#### FOR THE LOCAL PLANNING AUTHORITY:

Olivia Davies, Of Counsel

Instructed by Helen Monaghan,  
Solicitor, Lewes District Council

She Called:

James Smith BSc DipTP

Principal Planning Officer

For the round table discussions:

James Smith BSC DipTP, Principal Planning Officer  
- for Accessibility and legibility Matters, planning obligations and conditions

Tanya Szendeffy BA(Hons) MSc IHBC, Senior Conservation Officer  
- For Built Environment / Heritage Matters

Lap Chan BA(Hons), DipArch, ARB – Director, Studio Lap Chan  
- For Design and Character and Appearance Matters

Helen Monaghan, Solicitor (Planning)  
- For Section 106 planning obligations

FOR THE APPELLANT:

Rupert Warren, Of King’s Counsel

Instructed by Carla Fulgoni, Planning  
Manager, Planning Bureau Ltd

He Called:

Ian Hann MA                      Principal Planning Associate, Planning Bureau Ltd

For the Round Table Discussions:

Ian Hann MA, Principal Planning Associate, Planning Bureau Ltd  
- For planning obligations and conditions

Kenny Brown BSc(Hons), MA, MRTPI, Managing Director, Townscape Solutions  
- For design, character and appearance and living conditions matters

Daniel Kincaid BA(Hons) MCIAT, Architectural Technologist, ON Architecture  
- For design matters

Graham Keevill BA(Hons) FSA, MCIfA, Director, Keevill Heritage  
- For Heritage Matters

Harry Cross BSc (Hons), MCIHT, Principal Transport Planner, Paul Basham  
Associates  
- For Accessibility and Highways matters and planning conditions

FOR THE RULE 6 PARTY:

Geoff Johnson - Planning Officer, Seaford Town Council

**INTERESTED PARTIES:**

Cllr Christine Brett	- Seaford South Ward Councillor, Lewes District Council
Graham Hughes	- Local Resident
Connie Hughes	- Local Resident
Veronica Salvage	- Local Resident
Marjorie Pennington	- Local Resident
Zena Gibbs	- Local Resident
Ann Watson	- Local Resident
Margaret Stankiewicz	- Local Resident
Janina Chowanec	- Local Resident

**Inquiry Documents (IDs) submitted at the event**

- 1 Amended Verified Views from the Appellant
- 2 Opening Statement for the Appellant
- 3 Opening Statement for the Local Planning Authority
- 4 Final Draft of Section 106 Agreement (resubmitted on Day 3 with red line plan)
- 5 Statement of Cllr Brett
- 6 Statement and correspondence of Connie Hughes
- 7 Statement of Janina Chowanec
- 8 Email from Kate Bishop, East Sussex County Council re extent of public highway at Crouch Lane / East Street
- 9 Plans of approved application W/10/1288, Kenilworth.
- 10 Correspondence from Appellant re. badgers
- 11 Closing Submissions for the Local Planning Authority
- 12 Satnam Millennium Ltd v. SSHCLG & Warrington Borough Council [2019] EWHC 2631 (Admin)
- 13 Closing Submissions for Seaford Town Council
- 14 Closing Submissions for the Appellant

**Documents submitted after the Inquiry event**

- 15 Engrossed Planning Obligation dated 31 July 2023 – received 3 August 2023

## **Schedule of Conditions**

- 1) By virtue of Section 91 of the Town and Country Planning Act 1990, the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.
  
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - SE-2677-03-AC-0000 Location Plan
  - SE-2677-03-AC-0006 A Proposed Site Layout – Roof Plan
  - SE-2677-03-AC-1000 Proposed Lower Ground Floor Plan
  - SE-2677-03-AC-1001 A Proposed Upper Ground Floor Plan
  - SE-2677-03-AC-1002 Proposed First Floor Plan
  - SE-2677-03-AC-1003 Proposed Second Floor Plan
  - SE-2677-03-AC-1004 Proposed Third Floor Plan
  - SE-2677-03-AC-1005 Proposed Roof Plan
  - SE-2677-03-AC-2002 A West and South Elevations
  - SE-2677-03-AC-2003 A East and North Elevations
  - MCS23703\_09 Landscape Proposals
  - TCP01 – Tree Protection Plan
  
- 3) No development shall be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

- 4) Prior to the commencement of any works hereby permitted above slab level, details of all new external window and door joinery shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include drawings and sections at a scale of 1:5 to clearly show the construction of the joinery and the finished relationship to the jambs, cills and heads of the wall, and details of final finish (including colour). The works shall thereafter be carried out in accordance with the approved details and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.
- 5) No development shall commence, including any ground works or works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide the following details:
- the anticipated number frequency and types of vehicles used during construction; -the method of access and egress and routeing of vehicles during construction;
  - the parking of vehicles by site operatives and visitors;
  - the loading and unloading of plant, materials and waste;
  - the storage of plant and materials used in construction of the development;
  - the erection and maintenance of security hoarding;
  - details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
  - measures to control the emission of dust, dirt, air pollution and odour during demolition and construction;
  - temporary lighting for construction and security;
  - means of safeguarding public rights of way - details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development;
  - facilities for site welfare.

The approved CEMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.

- 6) No development shall commence, including demolition, until a detailed plan of the proposed ecological mitigation actions and biodiversity net gain, including any necessary species protection method statements as informed by a professional ecologist, have been submitted to and approved in writing by the Local Planning Authority.

The plan shall include mitigation measures set out in the approved Ecological Assessment and demonstrate how net gain in the biodiversity of the site and adjoining area will be enhanced.

- (7) No development shall commence until details of implementation, management and maintenance of the sustainable urban drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following:-
- a) Confirmation from with Southern Water that sufficient capacity is available in its network for surface water discharge from the proposed development.
  - b) Surface water discharge rates not exceeding 2 l/s (or a lower rate agreed with Southern Water) for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
  - c) A maintenance and management plan for the entire drainage system should be submitted to the Local Planning Authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
    - i. who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details;
    - ii. evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.
  - d) Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
  - e) Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate surface water network capacity is available to adequately drain the development.
- (8) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- (9) The development hereby permitted shall not be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.
- (10) Prior to the first occupation of any part of the development hereby permitted, a scheme for landscaping shall have been submitted to and



approved in writing by the Local Planning Authority. The scheme shall include the following:

- Details of all hard surfacing.
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- Details of all boundary treatments including the terrace screening to Crouch Lane.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

(11) No development, including demolition, shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. Measures should include the recommendations in the Preliminary Ecological Appraisal (Greenlink Ecology, 6th August 2021) and Biodiversity Impact Calculator Report (ACD Environmental, 28th April 2022) as well as the following:

- a) purpose and conservation objectives for the proposed works.
- b) review of site potential and constraints.
- c) detailed design(s) and/or working method(s) to achieve stated objectives.
- d) extent and location /area of proposed works on appropriate scale maps and plans.
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) persons responsible for implementing the works.
- h) details of initial aftercare and long-term maintenance.
- i) details for monitoring and remedial measures.
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

(12) If any boilers are to be installed then these must be Ultra-Low NOx boilers with maximum NOx emissions less than 40 mg/kWh (or a zero emission energy source) and full details and specifications shall be submitted to and approved by the Local Planning Authority prior to their installation. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

- (13) The development shall not commence until details of the layout and construction of the new accesses including details of drainage and width have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the construction of the access has been completed in accordance with the agreed specification.
- (14) The development shall not be occupied until the existing access off Crouch Lane has been stopped up and the boundary feature reinstated in accordance with details submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.
- (15) The southern access onto Crouch Lane shall not be used until visibility splays of 2.4m by 25m is provided to the North and 2m x 21m is provided to the south and any boundary feature will need to be maintained below 600mm thereafter.
- (16) The development shall not be occupied until parking areas have been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority. Parking spaces shall measure at least 2.5m by 5m (with an extra 50cm where spaces abut walls). The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
- (17) The development shall not be occupied until cycle and mobility scooter parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
- (18) The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be obstructed.
- (19) No part of the development shall be occupied until a Travel Plan Statement (which includes details of a travel plan pack for each resident) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.
- (20) Prior to commencement of development details of the required highway works, (redefining priorities (give way makings) at the East Street/Crouch Lane junction to enable suitable visibility splays at the Northern access) shall be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the works completed prior to occupation of development.

- (21) The development shall not be occupied until a Parking Management Plan has been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include, as a minimum, the Stewarding Plan, identification of suitable parking area in the event that Saxon Lane Car Park is full/not available, timing of events so as not to coincide with other events in the locality, methods of advising users of the Constitutional Club of the Parking Management Plan, and a statement to increase awareness/use of sustainable travel options.
- (22) Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.
- (23) Prior to the first use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secured by Design. The development shall be carried out and retained in accordance with the agreed details.
- (24) No external lighting shall be installed to the property hereby approved unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first use of the site. Any external lighting that is installed shall accord with the details so approved.
- (25) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.
- (26) At no time shall the development hereby approved, be occupied by persons other than:
- i) a person of aged 60 years or over;
  - ii) a person aged 55 years or older living as part of a single household with a person identified in i); or
  - iii) a person aged 55 years or older who were living as part of a single household with the person identified in i) who has since died.
- (27) Prior to the first occupation of any of the retirement apartments hereby approved, the social club unit shall be completed and suitable for occupation in accordance with the approved use.
- (28) Prior to demolition, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

- (29) No development (including demolition works) shall commence until, a Site Waste Management Plan (SWMP) is submitted to and approved by the Local Planning Authority. The plan shall include details of how all waste is to be reduced and reused and recycled where practicable as well as how any hazardous materials are to be identified and safely disposed of. Details of sourcing of new materials should also be provided.
- (30) Prior to the first occupation of the development hereby approved, full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any dwelling and maintained in place thereafter throughout the lifetime of the development.
- (31) Prior to commencement of development detailed drawings of a pedestrian connection (including dropped kerb and ambulant steps) to and from the site onto the existing footway to the west side of Crouch Lane have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority. The approved crossing shall be constructed prior to the first occupation of the development in accordance with the agreed specification.
- (32) The development shall not be occupied until the existing section of the footway to the northern site boundary that connects the site with East Street has been widened to at least 2 metres, with tactile paving provided at the existing dropped pedestrian crossing in accordance with details submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

**Schedule ends.**



## Seaford Town Council

<b>Report No:</b>	<b>68/23</b>
<b>Agenda Item No:</b>	<b>9</b>
<b>Committee:</b>	<b>Planning &amp; Highways</b>
<b>Date:</b>	<b>7<sup>th</sup> September 2023</b>
<b>Title:</b>	<b>National Association of Local Councils Reform of Local Plans</b>
<b>By:</b>	<b>Geoff Johnson, Planning Officer</b>
<b>Purpose of Report:</b>	<b>To inform members on the consultation on the National Association of Local Councils (NALC) Reform of Local Plans</b>

<b>Recommendations</b>
<b>The Committee is recommended:</b>  <ol style="list-style-type: none"><li>1. To note the contents of the report</li><li>2. To agree a response for forwarding to the National Association of Local Councils.</li></ol>

### 1. Information

- 1.1** The Council has received a Circular from NALC on the consultation currently being carried out by the Department. of Levelling Up Housing and Communities on the reform of the Local Plans procedure.
- 1.2** The streamlining of the procedure has been a government priority for some time and is an important part of the Levelling Up and Planning Bill which is currently before Parliament.
- 1.3** The main proposals are set out in summary in the NALC Circular appended to this report (Appendix A). The Circular also contains a [link](#) to the full proposals in the formal Consultation Document Planning Officer, to give a full commentary on the decision at the meeting.

## **2. Recommendations**

- 2.1 Members are requested to agree a response for forwarding to the National Association of Local Councils.

## **3. Financial Appraisal**

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

## **4. Contact Officer**

- 4.1 The Contact Officer for this report is Geoff Johnson, Planning Officer.

25 AUGUST 2023

## PC2-23 | LOCAL PLANS

### Summary

Local plans are generally produced by local planning authorities (LPAs) but local (parish and town) councils have a huge interest in them and such plans are directly linked to neighbourhood plans which many local councils produce. The Department for Levelling Up, Housing and Communities (DLUHC) have issued a consultation seeking views on proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making, to make plans simpler, faster to prepare and more accessible.

The main consultation document can be downloaded [here](#) . The consultation closes at DLUHC on 18 October, 2023.

### Context

The consultation seeks insight on:

- how local plans (and minerals and waste plans) can be made simpler to understand and use.
- how local plans (and minerals and waste plans) can be positively shaped by the views of communities about how their area should evolve.

NALC will be responding to this consultation as many local councils will have an interest in feeding in their own views on how the local plan making process can be reasonably made more efficient without the government seeking to implement wildly unrealistic timeframes, also ensuring that the golden thread between timescales required to update and make local plans and those required to make and update neighbourhood plans, is retained undamaged.

### NALC's current policy positions

- The government has said it wants to see local planning authorities reviewing their local plans every five years. NALC will be arguing very strongly that this is an impractical requirement that places impossible pressures on LPAs and on neighbourhood planning groups whose plans are aligned to the local plans. A review every 10 years would be demanding enough. The emphasis should be on the quality and the soundness of the

plans and not on the speed with which it might be possible to produce them.

- NALC will support a planning system which incorporates a significant role for local councils. It will not support any diminution of local councils' statutory right to comment on planning issues at all stages of their evolution, whether they be development planning matters or spatial planning policies.
- NALC will support a soundly based planning system which represents the most reliable tool for the sustainable allocation of land, and which represents the three pillars of sustainability equally, i.e., social, economic, and environmental factors.
- NALC is arguing for the complete removal of the whole concept of National Development Management Policies (NDMPs) which will have the effect of unjustly trumping any local or neighbourhood plan.

### **Consultation Questions**

The main consultation questions NALC will be responding to in this consultation are as below and NALC seeks the views of county associations and member councils in response to these questions to help inform its own submission to DLUHC:

#### **Chapter 1: Plan content**

**Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?**

**Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?**

**Question 3: Do you agree with the proposed framework for local development management policies?**

**Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?**

**Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?**



## **Chapter 2: The new 30-month plan timeframe**

**Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?**

**Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?**

## **Chapter 3: Digital plans**

**Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?**

**Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?**

**Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?**

**Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?**

## **Chapter 5: Evidence and the tests of soundness**

**Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?**

**Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?**

**Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?**

## **Chapter 7: Plan examination**

**Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?**

**Question 23: Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?**

#### **Chapter 8: Community engagement and consultation**

**Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?**

**Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30-month process?**

**Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?**

**Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?**

**Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?**

#### **Chapter 9: Requirement to assist with certain plan-making**

**Question 29: Do you have any comments on the proposed list of prescribed public bodies?**

**Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.**

#### **Chapter 13: Community Land Auctions**

**Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?**

**Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?**

## **Chapter 14: Approach to roll out and transition**

**Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?**

## **Chapter 15: Saving existing plans and planning documents**

**Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?**

### **Your evidence**

Please email your responses to this consultation to [chris.borg@nalc.gov.uk](mailto:chris.borg@nalc.gov.uk) by 17.00 on 22 September 2023. County associations are asked to forward this briefing onto all member councils in their area.

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## Seaford Town Council

<b>Report No:</b>	63/23
<b>Agenda Item No:</b>	11
<b>Committee:</b>	Planning & Highways
<b>Date:</b>	7 <sup>th</sup> September 2023
<b>Title:</b>	Update Report
<b>By:</b>	Geoff Johnson, Planning Officer
<b>Purpose of Report:</b>	To notify the Committee of decisions taken by Lewes District Council on applications previously considered by the Committee

### Recommendations

#### The Committee is recommended:

- 1.To note the report and the decisions set out in the Schedule.

### 1. Information

- 1.1 The attached schedule lists the decisions taken by Lewes District Council since the last Committee meeting on applications previously considered by the Committee.

### 2. Financial Appraisal

- 2.1 There are no direct financial implications of this report.

### 3. Contact Officer

- 3.1 The Contact Officer for this report is Geoff Johnson, Planning Officer.

## **Schedule of Lewes District Council decisions received since the Committee's last meeting on 17<sup>th</sup> August 2023**

### **Approvals – No Objections from Seaford Town Council**

LW/23/0166 – 25 Marine Parade - Construction of a two-storey 2no. bed dwelling house, creation of triple vehicular dropped kerb (amended scheme to include single storey rear extensions with balconies above to existing and proposed dwelling)

LW/23/0376 – 60 Clementine Avenue - Garage conversion, change to cladding materials at front elevation, with alterations to fenestration and installation of solar PV panels at rear elevation

LW/23/0269 – Wykeham Hawth Hill - Extension of existing dormer, 3no. rooflights to side elevation and 1no. rooflight to rear elevation (Plans amended to raise windows 1.9 m from floor level to meet Seaford Town Councils concerns)

LW/23/0240 – 37 Southdown Road - Demolition of existing two-storey dwelling, construction of a two-storey dwelling house (Seaford Town Council had expressed minor concerns over the impact on the character of the immediate area. The Case Officer considered that the proposed dwelling was of the same scale as neighbouring dwellings and would have no harmful impact on the mixed character of the area)

TW/23/0049/TPO – 14 Seaford Close - T1 - Sycamore - crown lift by 4 metres all around and thin crown by 25%

TW/23/0053/TPO – Griffin Lodge Eastbourne Road - T1 - Holm Oak - Remove and replace with native deciduous species/reduction of mature branches by 1-2m

### **Refused – No objection from Seaford Town Council**

None

### **Approved – Objection from Seaford Town Council**

None

### **Refused – Objection from Seaford Town Council**

None

Geoff Johnson  
Planning Officer

31<sup>st</sup> August 2023