

**Supplementary report to Lewes District Council's
Planning Applications Committee on 20 November 2019**

**LW/18/0351/FUL
Woods Fruit Farm, Newick**

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Further representations received:

Newick Parish Council with the aid of expert planning advice from the Lewes District Council prepared with full public participation a Neighbourhood Plan which allows for 100 more houses (roughly 10% increase in Newick's housing stock) plus windfalls. Apparently it was policy for examiners to add the word minimum to housing numbers but the Lewes DC gave assurances before referendum that minimum 100 houses meant 100 plus windfalls. This is born out in the revised Lewes DC plan (CT2) which does not require Newick to provide more houses.

It is recognised that events may require changes to the Neighbourhood Plan but as with the original plan this under the policy of localism must be done democratically.

It is unacceptable that the future planning of Newick should be decided by developers. It is quite clear that there is land available within the Neighbourhood Plan for 69 more houses to be built and which have not been started. Therefore:

1. The land allocated in the Newick Neighbourhood Plan should be built;
2. No new land should be made available at least till the Neighbourhood Plan has been utilised and then only after a democratic decision;
3. That Thakeham Homes spent money on the SANGS area may be laudable but that is not a planning reason to breach the plan to reward them, there was profit enough in Mantel Close and at the authorised site at Woods Fruit Farm for Thakeham Homes;
4. Certainly other developers will exploit any breaches in the plan to further their argument for the building outside the plan; and
5. Lewes District Council is entrusted by the people of Newick to safeguard and fulfil our Neighbourhood Plan to breach it would show bad faith, a council not to be trusted, a council in the hands of the developers, a council which despises localism and the will of the people.

We have worked well and harmoniously with Lewes District Council and trust them to refuse this application.

Officer response:

The Law and guidance on this point is clear. Plan policies (at both district and Neighbourhood level) are not always followed to the letter; where there are other material considerations suggest that a relaxation or departure from the policy is appropriate.

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 – these provisions also apply to appeals).

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework.

As the report sets out, the local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed, subject to any conditions prescribed by direction by the Secretary of State. This power to depart from development plan policy is confirmed in article 32 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In cases where the local planning authority intends to depart from development plan policy, article 15(3) of the Development Management Procedure Order sets out the publicity requirements which must be followed before the decision is taken, in this case advertising the application as a departure from policy (which has been undertaken).

LW/19/0364
Homefield Place, Seaford

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Late representations received:

I notice that this application, its consideration by Committee having been delayed beyond the target date, is now on the agenda for the 20 November 2019 agenda item 9.

I am pleased to note that the report includes the Seaford TC objection arising from their consideration of the application. Reference is made to this application being on a site allocated for housing in the Seaford Neighbourhood Plan. You will be aware that the Seaford NP has now gained

even more weight since the Examiner has given his draft response to it last month, and these comments are actively being considered by both STC and LDC officers before the NP goes to public referendum. It therefore has even greater weight than it had at the time STC gave its objections.

Part of the case put by STC was that there is no demonstrable need for this type of facility within the town for the foreseeable future and this is borne out by the fact that a similar 43 bed scheme in Firlie Road (Blatchington House LW/15/0952) has been consistently half empty for over a year. The 'evidence' provided by the applicant chose a catchment area so wide that it encompassed western Eastbourne to Saltdean in order to make the case for need. The report's para 6.2 therefore incorrectly states that 'specialist housing is both needed and does count towards the council's housing requirement'. Whilst the latter part is statistically correct, the former statement is wholly misleading in the light of evidence presented to your officers by STC and individual representations (see mine dated 27 June 2019 and attached for clarity and ease of reference. You will note that my objection was not done on a personal basis, but on behalf of the Seaford NP Steering group, and has been endorsed by Seaford TC.

There is no demonstrable need for this home in Seaford, there is a demonstrable need for housing as clearly required by LDC in setting the targets for such homes in the Local Plan since 2015. The approval of such a home would put even further strain on GP resources in Seaford, a matter the resolution of which is an issue close to the heart of your members given the positive initiative to solve the issue taken by your members relating to the Health Hub proposals.

I am copying this email separately to all Seaford Committee members to brief them on the perceived shortcomings in the officers' rationale for the recommendation.

Additional information received from agent, Gillings Planning:

The proposed operator is now confirmed to be Barchester – a nationally renowned provider of quality care. They have been involved in the background for some time, and we are pleased to now be able to confirm their involvement. Just to pick up on a specific point on parking, Barchester are entirely confident that the parking numbers will be sufficient for their staffing patterns.

Re the Town Council response, Gillings Planning submitted an objection to the NP allocation of the site for general needs housing.

An additional representation, objecting to the proposed development, has been received from the North Ringmer Residents' Association, as follows:

NRRG comments to LDC Planning Applications Committee 20 November 2019:

North Ringmer Residents Group representing 75 households close to the development site holds monthly liaison meetings with Bovis Homes Ltd attended by the Head of Planning, the Case Officer, the Enforcement Officer and appropriate District Councillors.

This application has been discussed at recent meetings to try to clarify the location of the 7 metre tall mast and its technical requirements. It is understood that the mast is proposed to eliminate the need for TV satellite dishes on the new dwellings.

Bovis proposes the mast be located adjacent to the foul sewerage pumping station at the east end of the site. NRRG has objected that this will adversely affect the amenity of neighbouring properties in that it is within 10 metres of Lionville. As the mast connects to each house by underground cable, NRRG suggested that it be more economically sited in a central position. Bovis responded at the meeting on 2 October that, due to service access and security requirements, the only other possible location would be at the west end of the site near 4 Norlington Court - just as unneighbourly.

NRRG then suggested two alternative locations near the north boundary of the site which would be within easy reach of adopted access roads. Bovis' replied on 17 October with four reasons why these would not be acceptable:

1. They would adversely affect the rural buffer to the village and the wider open landscape;
2. They are at the end of vistas within the site;
3. They are not as accessible for maintenance; and
4. They would be visible from the public right of way.

In response NRRG has put forward two locations shown on the attached plan:

A again near the northern boundary where it is backed by large trees which are taller than the mast.

B an even better alternative behind the tree screen along Bishops Lane.

- The rural buffer cannot be affected by an element within the site which will not be visible from the surrounding countryside;
- Talk of vistas within a housing estate is hyperbole. All views within the site will be full of domestic elements – garages, fences, substations & the like;

- Both alternatives are within 15 metres of an estate road for access; and
- Footpath 22, which was through open countryside, has been irrevocably degraded and now threads through the new houses mostly on paved footpaths with suburban features on all sides. The mast could not make this any worse.

Bovis have deliberately taken a commercial decision to locate the mast next to the pumping station where it will be nearer the affordable houses and away from the more profitable market housing. They have given no technical reason why it cannot go elsewhere and they clearly do not believe that adverse impact on neighbours is to be considered.

Officer response: The applicant has been requested to provide additional technical information as to the location of the proposed mast and this will be reported at Committee should further information be received. On 19 November the applicant responded with a photograph of a similar FIRS mast which has been erected on a site in Hurstpierpoint.

An additional representation has also been received from 4 Norlington Court, objecting to the application for the following reasons:

We live at 4 Norlington Court and are objecting to the consideration of the mast a few metres from our boundary. This was an open field before and we are already faced with houses directly looking over us. We had no notice re the electricity station on our boundary but that will be behind the fence thankfully.

The mast would tower above our fence if placed near to us and be a constant eyesore.

The mast should be considered elsewhere within the development where it is not so obtrusive to residents already living near the site.

I urge you not to accept this mast being placed next to Norlington Court.

Officer response: It is suspected this comment has been made on the basis of the three alternative locations proposed by the NRRG. The current application proposes the mast at the eastern end of the site, which is the opposite side of the development to Norlington Court.

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