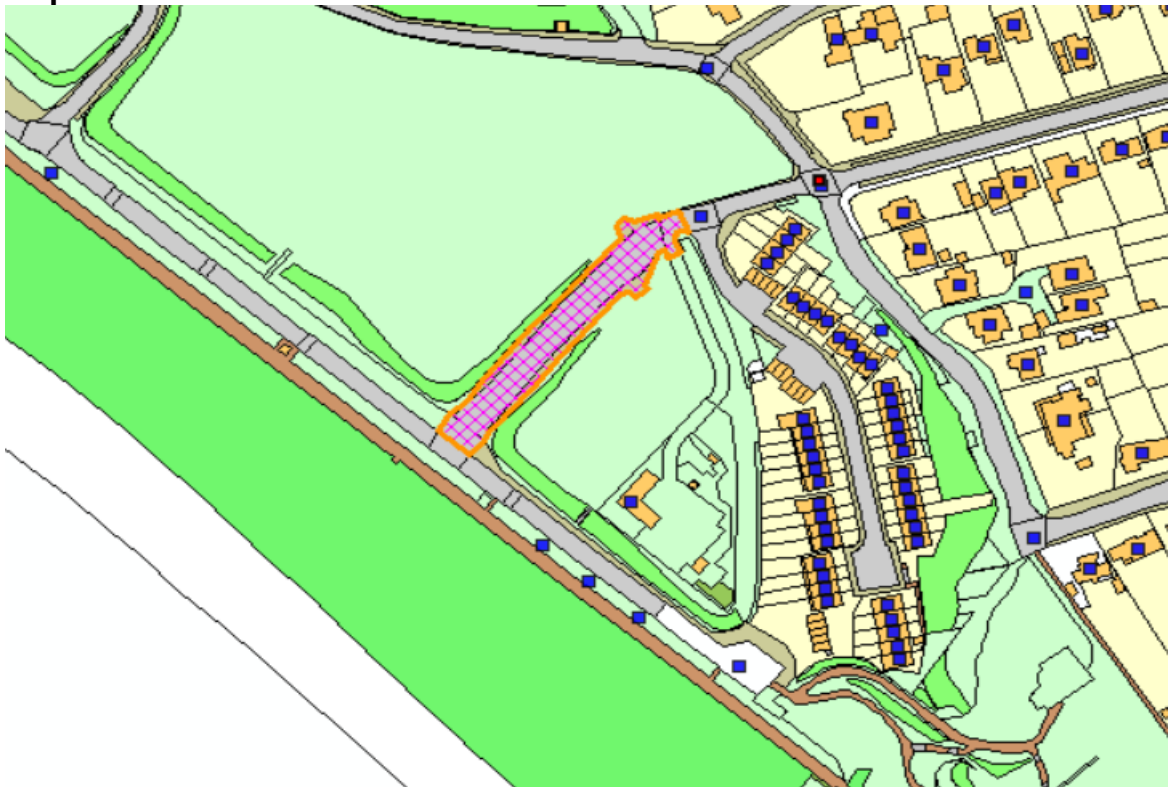


Report to: Planning Applications Committee
Date: 11 October 2023
Application No: LW/22/0796
Location: Street Record, Cliff Gardens, Seaford
Proposal: Change of use of a private street to a climate change educational beach garden featuring 7 no. planters of which 3 no. include fishbone sculptures, surfacing of C National cycleway, creation and surfacing of footpath containing 3 no. 'Big Buoy' benches.
Ward: Seaford Central
Recommendation:

1. To approve.
2. Having resolved to approve the application, to delegate authority to the Head of Planning to make an application to the Department of Transport under the s.249 Highways Act 1990 as set out in paragraph 10.3 of the report.

Contact Officer: **Name:** James Emery
James Emery **E-mail:** james.emery@lewes-eastbourne.gov.uk

Map Location:



1. **Executive Summary**

- 1.1.1 The application concerns the southern end of Cliff Close, close to the seafront in the Town of Seaford.
- 1.1.2 The application site is currently an unpaved roadway which is open to vehicular traffic, to the east of the application site is a terrace of residential dwellings, with open land to the north, south and west.
- 1.1.3 The proposed development is seeking full planning permission for stopping up the roadway to form a climate change educational beach Garden featuring 7x decorative planters, surfacing of National cycleway C and creation of a footpath containing 3 x 'Big Buoy' benches.
- 1.1.4 This application is coming before the committee as the application would require a legal 'Stopping Up' Order under s.249 of the Highways Act. If the Committee resolves to approve the application, delegated authority to make the application for a Stopping Up' Order is sought on the basis the Order is required to improve the amenity of the area.

2. **Relevant Planning Policies**

- 2.1 National Planning Policy Framework
 - 2 Achieving sustainable development.
- 2.2 Lewes District Local Plan Part 1 – Joint Core Strategy:
 - CP4 Economic Development and Regeneration
 - CP11 Built and Historic Environment and Design
- 2.3 Lewes District Local Plan Part 2:
 - DM25 Design
- 2.4 Seaford Neighbourhood Plan:
 - SEA2 Design

3. **Site Description**

- 3.1.1 The application site is currently an unpaved roadway which is open to vehicular traffic, to the east of the application site is a terrace of residential dwellings, with open land to the north, south and west.

4. **Relevant Planning History**

- 4.1 *none*

5. **Proposed Development**

- 5.1 The proposed development is seeking full planning permission for stopping up the roadway to form a climate change educational beach Garden

featuring 7x decorative planters, surfacing of National cycleway C and creation of a footpath containing 3 x 'Big Buoy' benches.

5.2 Although unsurfaced and privately maintained the public have right of access. This section of highway would need to be stopped up, it is suggested that this will be done under the s.249 of the highways act to remove rights for motor vehicles and people on horseback.

5.3 The proposed bridge shall have a width of approx. 3.1m, with a length of 12.4m. It is to be 2.35m high above the roadway with railings 1.1m high above the bridge deck level.

6. Consultations

6.1 Main Town Or Parish Council:

6.1.1 The Town council responded that, as landowners they gave their support to this project at a Full Council meeting in January 2022. The subsequent letter of support from Seaford Town Council is used as a piece of supporting documentation by the applicant.

6.2 ESCC Archaeology

6.2.1 No archaeological recommendations.

6.3 ESCC Highways:

6.3.1 No objection, subject to conditions.

6.4 Sussex Police

6.4.1 No Objection.

6.5 East Sussex Fire and Rescue Service

6.5.1 No comment received.

6.6 South-East Coast Ambulance Service:

6.6.1 No comment received.

6.7 LDC Contaminated Land

6.7.1 No objection, subject to an informative regarding site clearance.

7. Neighbour Representations

7.1 A total of one letter of objection have been received, the points raised are summarised below.

- Impact upon road safety.
- Loss of access to the beach for emergency vehicles.
- Suitability of the materials.
- Alternative locations would be better.

Neighbour representations are addressed in the assessment below.

7.2 Sixteen letters in support have been received, all of which offering that the proposed development would enhance the seafront location.

8. **Appraisal**

8.1 Principle of Development

8.1.1 Para. 11 of the revised NPPF (2019) states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay. Underlining that there is to be a presumption in favour of sustainable development.

8.1.2 Para. 192 of the Revised National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

8.1.3 Policy CP4 of the Lewes District Joint Core Strategy aims to support development which supports the provision of sustainable tourism, including recreation, leisure, cultural and creative sectors, and having particular regard to the opportunities provided by the South Downs National Park, both within and outside the National Park boundary.

8.1.4 Policy CP5 of the Lewes District Joint Core Strategy recognises the need to promote and achieve a sustainable tourism industry in and around the district.

8.1.5 The application would accord with the above as it would see the development of a pedestrianised and cycle-friendly climate change garden which would be enjoyed by pedestrians and cyclists alike, representing an important extension of the national cycle infrastructure.

8.1.6 It is therefore considered that the principle of the development is acceptable subject to compliance with relevant local and national planning policies, against which the development will be assessed in the main body of this report.

8.2 Seaford Neighbourhood Plan:

8.2.1 Policy SEA6 (Development on the Seafront) of the Seaford Neighbourhood Plan recognises the importance of fostering appropriate development on the seafront in Seaford.

8.2.2 It outlines that a key aspiration of the Neighbourhood Plan is to support development which would enhance amenity use of the seafront (*Criterion e*), particularly by improving opportunities for walking and cycling (*Criterion f*).

8.2.3 Neighbour comments regarding alternative locations for the development are notes, however as outlined above, it is a stated objective of the Neighbourhood Plan to support enhancement of the

seafront for pedestrians and cyclists. By virtue of the fact that the proposed works would support the enhancement of walking and cycling opportunities, it is considered that the proposals are wholly in compliance with the aims and objectives of the above-mentioned policy.

8.3 Design and Appearance

- 8.3.1 This application would see the existing unmade road stopped up and replaced with a climate change educational beach garden featuring 7x decorative planters, surfacing of National cycleway C and creation of a footpath containing 3 x 'Big Buoy' benches.
- 8.3.2 It is considered that appearance of the application site and the street scene would be significantly enhanced by conversion to a climate beach garden in accordance with Policy DM25 of the Lewes District Local Plan Part 2, and policies SEA2 and SEA6 of the Seaford Neighbourhood Plan.
- 8.3.3 The external materials used would comprise a mixture of steel 'Big Bouy' benches and timber planters and benches, with metals finished in black paint. These materials and finishes have been chosen to blend with the streetscape and reflect the marine heritage of the town in accordance with Policy DM25 (Design) of the LDLP Part 2.
- 8.3.4 It is considered that the proposed materials used for the planters and benches are suitably durable materials that would tolerate exposure to the surrounding elements, particularly the sea air, without deteriorating significantly in appearance in accordance with Polices DM25 (Design) of the LDLP Part 2, and policy SEA2 of the Seaford Neighbourhood Plan.
- 8.3.5 Neighbour comments regarding loss of access to vehicles (particularly emergency vehicles) are noted, however, in response to consultation requests - the works are supported by ESCC Highways, and the Emergency Services have not objected to the proposed development.
- 8.3.6 Likewise, neighbour comments regarding materials are noted. In response a pre-commencement condition is sought to ensure that the final proposed materials and colours are suitable for the location.

8.4 Impact on Neighbouring Residents

- 8.4.1 The proposed works would not result in the introduction of any unacceptable increase in noise and disturbance, loss of light, overshadowing or overlooking to near neighbours in accordance with Policy DM25 of the Lewes District Local Plan Part 2, and policy SEA2 of the Seaford Neighbourhood Plan. This is because the development is sited some distance from residential properties and would see the use of the site convert to pedestrian and cycling uses.
- 8.4.2 Comments from residents regarding the impact upon parking during the course of works are noted, however it is considered that due to the essential nature of the works and the prevailing public safety

implications it is necessary for the works to proceed. Parking is a matter that the management of the site will have to take into account and address whilst the works are taking place.

8.5 Other Matters

8.5.1 It is noted that a Stopping Up order under s.249 of the Highways act will be required to facilitate the works. An informative is suggested to reiterate this fact.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1 It is considered that the proposed development is in accordance with the aims and objectives of Policy DM25 of the Lewes District Local Plan Part 2, Policy SEA2 of the Seaford Neighbourhood Plan and Policy CP11 of the Lewes District Joint Core Strategy.

10.2 It is recommended that the application is approved.

10.3 If the committee resolve to approve the application, they are also asked to resolve that the proposal improves the amenity of the area, which involves the public ceasing to have a right of way with vehicles over a highway and to delegate authority to the Head of Planning to make an application to the Department of Transport under the s.249 Highways Act 1990 to remove rights for motor vehicles and people on horseback.

The application is subject to the following conditions:

10.4 (1). *The development hereby permitted shall be carried out in accordance with the following approved drawings:*

Reason: For the avoidance of doubt and in the interests of proper planning.

10.5 (2). *The development shall not be brought into use until revised plans and details incorporating the recommendations given in the Stage 1, 2 and 3 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.*

Reason: In the interests of road safety.

- 10.6 (3). *Prior to commencement of development details of the reconstructed cycleway should be submitted to and agreed by the Local Planning Authority in consultation with the Highway Authority.*

Reason: In the interest of highway safety and for this benefit and convenience of the public at large.

- 10.7 (4). *Before the development hereby approved is commenced on site, details/samples of the material and colour of external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.*

Reason: To ensure a satisfactory development in keeping with the locality having regard to DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

Informatives:

- 10.8 (1). *The applicant is advised that the existing public highway to be incorporated into the development must be formally stopped up to remove the highway rights for motor vehicles and horseback riders. This process must be successfully completed prior to any highway land being enclosed within the development. In order to commence the process, the applicant will need to contact the Highway Land Information Team (01273 482316).*

(2). If any part of the development requires alterations to the adjoining highway the applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

(3). All waste material arising from any site clearance, demolition, preparation, and construction activities should be stored, and removed from the site and disposed of in an appropriate manner.

11. Appeal

- 11.1 Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

12. Background Papers

- 12.1 None.