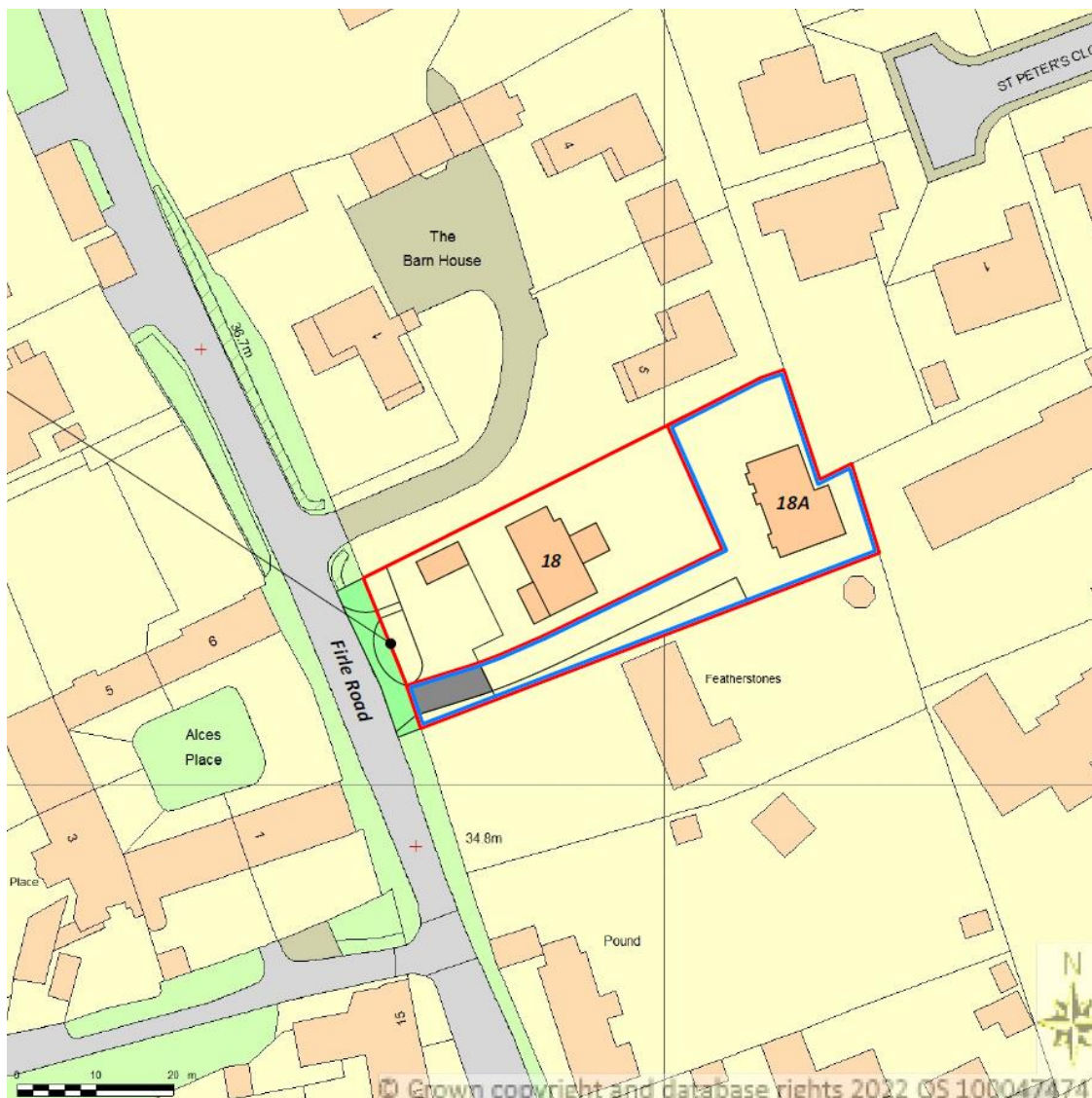


Report to: Planning Applications Committee
Date: 12th June 2024
Application No: LW/23/0699
Location: 18a Firle Road, Seaford
Proposal: Rebuilding of the front garden wall, relocation of vehicular and pedestrian access points including associated landscaping.
Applicant: D Wood
Ward: Seaford North
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.
Site Location Plan: (Below)



1	Executive Summary
1.1	The proposed development involves the rebuilding and reconfiguration of the existing boundary wall in a way that would improve its structural integrity and also preserve the intimate character of the East Blatchington Conservation Area.
2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision-making</p> <p>8. Promoting healthy and safe communities</p> <p>12. Achieving well-designed places</p> <p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment</p>
2.2	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP10 – Natural Environment and Landscape</p> <p>CP11 – Built and Historic Environment & Design</p> <p>CP12 – Flood Risk, Coastal Erosion & Drainage</p>
2.3	<p><u>Lewes Local Plan Part 2 (LLP2)</u></p> <p>DM20 – Pollution Management</p> <p>DM22 – Water Resources and Water Quality</p> <p>DM23 – Noise</p> <p>DM25 – Design</p> <p>DM24 – Protection of Biodiversity and Geodiversity</p> <p>DM33 – Heritage Assets</p>
2.4	<p><u>Seaford Neighbourhood Plan (SNP):</u></p> <p>SEA2 – Design</p> <p>SEA3 – Conservation Areas</p>

3.	Site Description
3.1	The site falls within the settlement boundary and within East Blatchington Conservation Area. The existing wall flanks Firle Road, with a grass verge area running along the front, and contributes to the intimate, semi-rural character of the Conservation Area.
3.2	On the other side of the, buffered by soft landscaping, is a hard surfaced car parking area serving 18 Firle Road as well as the base of a new

	access that passes to the east of 8 Firle Road, sloping up northwards towards a separate hard surfaced parking area to the front of a recently built bungalow dwelling, that was approved under application LW/....
3.3	The surrounding area is characterised by residential development, much of which is historic, that exhibits a variety of designs and scales. Buildings are generally set well back from the road and partially screened by boundary walling and landscaping.

4.	Proposed Development
4.1	<p>The proposed development involves dismantling the existing front boundary wall and reconstructing it along the same alignment but with openings for pedestrian and vehicular access being repositioned. A modern planter extension would be removed and the area to the front of the wall retained as grass verge.</p> <p>The existing parking areas and driveways serving 18 Firle Road and the newly built bungalow to the rear would also be resurfaced.</p>

5.	Relevant Planning History:
5.1	<p>LW/80/1445 - Double garage and widening of access – Approved 25th September 1980</p> <p>LW/18/0146 - Construction of new bungalow to rear of existing property and widening of existing pedestrian gate to provide vehicular access – Refused 26th June 2018</p> <p>LW/18/0653 - Construction of new bungalow to rear of existing property and widening of existing pedestrian gate to provide vehicular access – Refused 5th October 2018 – Appeal Dismissed 30th May 2019</p> <p>LW/19/0451 - New dwelling to the rear of the property – Approved 19th September 2019</p> <p>LW/20/0656/CD - Discharge of Conditions 3- Boundary Treatments, 4- External Materials, 5 - Landscaping, 7- Parking, 9 - permeable surfacing and 11-site access in relation to planning application LW/19/0451 – Approved 12th June 2023</p>

6.	Consultations:
6.1	<p>Seaford Town Council</p> <p>At the meeting of the Planning and Highways Committee on 21st December it was RESOLVED to OBJECT to the application for the following reasons:-</p>

	<p>The loss the length of flint wall involved in the provision of separate accesses would have a serious adverse impact on the East Blatchington Conservation Area and would be totally contrary to the conclusions of the Inspector in the decision dated 30th May 2019 on application LW/18/0653 Appeal ref APP/P1425/W/18/3215206.</p> <p>The wall is an important heritage asset which local records show is over 200 years old. Other similar lengths of wall in the locality are listed in their own right. No evidence has been put forward to justify replacing this heritage asset with a new wall which would inevitably detract from the special character of the area.</p> <p>The proposals would therefore be contrary to policies DM 33 of the Lewes Local Plan and SEA 3 of the Seaford Neighbourhood Plan as well as para 207 of the NPPF.</p>
6.2	<p>Heritage Officer</p> <p>The application seeks planning permission to rearrange the drive entrance by way of its repositioning and make alterations to existing flowerbeds etc.</p> <p>The site is not a listed building but does lie within a conservation area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to LPAs when exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.”</p> <p>The motivation for the rearrangement is clear, currently the driveway is located centrally and subsequently vehicles would have to transverse the site to gain access to the new development to the rear.</p> <p>It is noted that the legislative requirement is to pay special regard to character and appearance rather than the historic and architectural interest seen in listed building legislation. There is no doubt that the wall possesses some historic interest but equally it has been significantly amended, inappropriately maintained and although of some heritage value, it is not of such value to warrant statutory listing. Therefore in terms of the principle of its demolition to be replaced with a wall that adequately reflects character and appearance is accepted.</p> <p>Having regard to section 72 of the Planning (Listed Buildings and Conservation Areas Act), subject to satisfaction of conditions, the proposed by virtue of design, appearance and materiality will preserve the character and appearance of the East Blatchington Conservation Area and would satisfy both local and national policy.</p> <p>OFFICER COMMENT: The Heritage Officer requested amendments the scheme as originally submitted, asking that relocated gate be positioned to centrally align with the entrance of the principle residence, the removal of planters – which were considered unacceptably suburbanising – and substitution with grass verge and further details of driveway surfacing (including mortar mix). An amended scheme has been submitted, addressing comments regarding gate positioning and provision of grass</p>

	verge and the heritage officer is satisfied that additional details on surfacing can be secured by condition.
6.3	<p>Contaminated Land Officer</p> <p>I am aware that the site is lying on a radon affected area, where basic radon protective measure is required. Informative recommended.</p>

7.	Other Representations:
7.1	<p>2 letters of objection have been received, with material planning concerns raised summarised below.</p> <ul style="list-style-type: none"> • The application for the new house was approved on the basis that the boundary wall would not be altered; • Will take place on land owned by ESCC Highways; • The new arrangements are not necessary; • Would detract from the character of the Conservation Area; • Other reconstructed/repared walls in the area have used inappropriate materials/finishes. • The existing gateway should not be removed, to do so would conflict with comments made by the Planning Inspectorate; • Walling and planters would obstruct visibility from neighbouring access points; <p>OFFICER COMMENT: The crossover works to access the highway require a licence to be issued by ESCC Highways. This is a separate process which is administered by the County Council. The planters shown on the plans as originally submitted have been removed.</p>
7.2	<p>1 letter of support has been received, with material planning matters raised summarised below.</p> <ul style="list-style-type: none"> • Would preserve/enhance the setting; • The existing wall is in poor condition; • Would improve highway safety;

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>

	<p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The main considerations relate to the impact the proposed development would have upon the significance of the East Blatchington Conservation Area.</p>
8.2	<p><u>Principle of Development</u></p> <p>Para. 205 of the NPPF states that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’</p> <p>Para. 206 states that ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.’</p> <p>In determining an application, the Local Planning Authority must therefore identify any harm to the significance of the heritage asset and then determine if that harm is substantial or less than substantial with appropriate weighting attached in the decision making process.</p> <p>The stance set out in the NPPF is reflected in LLP1 policy CP11, LLP2 policy DM33 and SNP policies SEA2 and SEA3.</p>
8.3	<p><u>Design and Impact Upon Character of the Surrounding Conservation Area</u></p> <p>A key quality of the East Blatchington Conservation Area is its intimate, semi-rural character, which is of particular significance as it reflects the fact that, historically, East Blatchington was a rural village that was distinct from the settlement of Seaford.</p> <p>The importance of the front boundary wall that is subject of this application is reflected in the appeal decision issued for application LW/18/0653, which refused permission for a new dwelling to the rear of 18 Firlie Road due to the development incorporating a widened access that would have resulted in a significant open space allowing views through to 18 Firlie Road and the dwelling behind, thereby eroding the intimate character of the street. The concerns raised by the Inspector, made in para. 9 of their report, are provided verbatim below.</p> <p><i>The removal of part of the front wall and raised planter and the formation of a new vehicular crossover would reduce the sense of enclosure along this stretch of Firlie Road and would have a suburbanising impact on the street scene. The situation would be exacerbated by the proposed driveway, which would involve the loss of lawn and planting. If the new boundary to the existing dwelling comprised a flint wall, this would go some way towards mitigating the harm caused by the loss of part of the existing front wall. However, it would not address the suburbanising impact resulting from the reduced sense of enclosure within the street scene resulting from the formation of a new crossover. Also, any new tall wall</i></p>

along the side of the existing dwelling would detract from the existing spacious and verdant appearance of the existing garden area.

A subsequent application for a new dwelling to the rear of No. 18 was approved under LW/19/0451, with the support of the Council's Conservation Officer, due to the planning inspectors concerns being addressed by the revised design making no significant modifications to the boundary wall.

The comments made by the Inspector are therefore of importance in the determination of the current application, given that involves reconstruction of the boundary wall with repositioned openings.

The reconstructed boundary wall would follow the same alignment as the existing wall. The wall would be reconstructed using recovered materials from the existing wall (other than more modern materials associated with unsympathetic repair work) as well as new materials of appropriate characteristics where required. The height of the wall and its general design would be consistent with the existing wall. However, the openings for vehicular and pedestrian access would be repositioned.

It is noted that vehicular access points on Firle Road are typically positioned towards the sides of plots rather than centrally as is the case for the current access to the site. The overall width of the openings would not increase and there would be an appreciable separation between the gated pedestrian opening and the vehicular access. It is therefore considered that the wall would remain as a prominent feature, with opening offering only glimpsed views of the dwellings positioned behind it, and that the intimate character of the conservation area would therefore be retained. Whilst these views would include the side of 18 Firle Road, the new bungalow to the rear would remain well screened due to its positioning and the presence of boundary treatment and site landscaping.

Therefore, whilst the proposed works would remove a section of the wall, the closing off of the existing access by new walling and provision of additional landscaping would address the concerns raised by the inspector in the dismissal of LW/18/0653 in that the overall width of the opening would not be increased and any landscape/walling removed to accommodate the access would be compensated for in the closing off of the existing access.

The existing wall is leaning and cracked in places and also features a number of poor repair jobs as well as added features such as stone planters that, in the view of the Conservation Area, have resulted in an unacceptable suburbanising impact. The reconstruction of the wall would allow for its structural integrity to be improved and, therefore, its long term future to be safeguarded. Unsympathetic additions would be removed resulting in an improved appearance and grass verging, which helps define the semi-rural character of the Conservation Area, would be reinstated. These elements of the works are considered to represent an enhancement to the significance of the Conservation Area. The repositioning of the pedestrian access to align with the entrance to 18 Firle Road is also considered to be beneficial in reinforcing its relationship with the dwelling at 18 Firle Road.

	<p>The proposed application of a new surface is considered acceptable in principle but it is important that its appearance is not overly generic and is sympathetic to the character of the Conservation Area. This includes not only the surfacing material by the mortar applied in pointing. The Conservation Officer is satisfied that additional details to ensure the use of appropriate materials can be secured by condition.</p>
8.4	<p><u>Impact Upon Amenities of Neighbouring Residents</u></p> <p>Para. 135 f) requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is consistent with LLP1 policy CP11 (viii) and LLP2 policy DM25 (7) both of which seek safeguard residential amenity in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.</p> <p>The repositioned vehicular site access would be closer to the neighbouring property to the south, 16 Firle Road. The neighbouring dwelling is set well back from the road, approx. 26 metres from the proposed access point. The driveway serving the recently completed bungalow would remain in its approved position, flanking the eastern site boundary but with landscaping in place to soften its impact. Given the distance of the proposed new access from the neighbouring dwelling and the relatively light use that would be generated by the occupants of the two dwellings it would serve, it is considered that neighbouring residents would not be subject to unacceptable disruption due to noise nuisance associated with its use. There is also considered to be sufficient screening in place to prevent unacceptable light intrusion from headlights. In agreeing an appropriate surface, the level of surface noise generated by movements across it will be a consideration so as to minimise noise generation in the interest of the amenities of neighbouring residents.</p>
8.5	<p><u>Landscaping</u></p> <p>The repositioning of the access will require the removal of a group of modestly sized trees and other planting in the south western corner of the site. Mature landscaping is an important contributor to the semi-rural character of the conservation area and the loss of this planting is regrettable in this context. However, it is considered that appropriate compensation could be provided through new planting of appropriate species, particularly in the area where the existing vehicular access is to be closed off. Details of appropriate planting can be secured by condition.</p> <p>The proposed development would remove existing suburbanising planters and reinstate grass verging. The area of grass verge removed to accommodate the new access would also be re-provided to the front of the wall that would close off the existing vehicular access.</p> <p>It is therefore considered that the proposed development would not compromise the semi-rural character of the site or the wider street scene/conservation area.</p>

8.6	<p><u>Parking Demand and Highway Impact</u></p> <p>The proposed site access would be positioned in an area with a good level of visibility in both directions. The opening onto Firle Road would be wide enough to allow vehicles travelling in opposite directions to pass one another.</p> <p>The provision of a separate pedestrian access reduces potential for conflict between moving vehicles and pedestrians.</p> <p>The overall quantum of parking provided for occupants/visitors at 18 Firle Road and the newly built bungalow would not be reduced as a result of the proposed works. Suitable turning space would also be retained within the site to ensure vehicles can enter and leave in forward gear.</p> <p>It is therefore considered that the proposed development would not result in any unacceptable impact upon the safe operation or functionality of the highway network.</p>
8.7	<p><u>Flooding and Drainage</u></p> <p>It is important that appropriate drainage arrangements are put in place to prevent surface water being discharged from the hard surfaced parking/driveway areas, that are on raised ground, onto neighbouring property and the public highway which is downslope. These details can be secured by condition.</p>
8.9	<p><u>Human Rights Implications:</u></p> <p>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 considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
8.10	<p><u>Conclusion.</u></p> <p>It is considered that the proposed development would integrate well with the existing built environment, strengthening the definition of the urban edge whilst not compromising the character and setting of the adjacent downland. It is considered that the amenities of neighbouring residents would be protected, that good quality living accommodation would be provided and that, overall, the scheme represents a sustainable form of development.</p>

9.	Recommendations
9.1	Approve subject to the conditions listed below.

10.	Conditions:
10.1	<p>Time Limit</p> <p>The development hereby permitted shall be begun within three years from the date of this permission.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>Closing off Existing Access</p> <p>Within a maximum of 8 weeks of the new access being formed, the existing access shall be closed off, with the wall and grass verge in place as per the approved plans and in accordance with approved conditions.</p> <p>Reason: In order to protect the intimate, semi-rural nature of the East Blatchington Conservation Area in accordance with LLP1 policy CP11, LLP2 policy DM33 and SNP policy SEA3 and para. 135 of the NPPF.</p>
10.2	<p>Materials</p> <p>Notwithstanding the approved drawings, prior to commencement of works details and/or samples of the following materials should be provided to the local planning authority for approval in writing:</p> <ol style="list-style-type: none"> 1. Paving materials details for both within the grounds of the site and upon the approach to the site. 2. Details of the proposed mortar mix to be used. 3. Any additional flint beyond what is reused from demolition (a sample or photograph) 4. Any additional bricks beyond what is reused from demolition (a sample or photograph) <p>Any photographs submitted should be in context to demonstrate the aesthetic compatibility with existing materials.</p> <p>Details shall also be provided in regard to the method employed to dismantle the existing wall and to retain existing materials for re-use.</p> <p>Once approved in writing the works shall be carried out in accordance with the approved details and materials and retained as such thereafter.</p> <p>Reason: To ensure the works preserve or enhance the character and appearance of the East Blatchington Conservation Area in accordance with LLP1 policy CP11, LLP2 policy DM33, SNP policy SEA 3 and and para. 135 of the NPPF.</p>
10.3	<p>Drainage</p> <p>Prior to the formation of the new access, details of appropriate means to prevent the discharge of surface water onto neighbouring land and the</p>

	<p>public highway shall be submitted to and approved by the Local Planning Authority and the development shall thereafter be carried out and maintained in accordance with the approved details</p> <p>Reason: In order to manage flood risk and in the interest of highway safety in accordance with LLP1 policy CP12, LLP2 policy DM22, and para. 173 of the NPPF.</p>
10.4	<p>Landscaping</p> <p>Prior to the first use 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:</p> <ul style="list-style-type: none"> • Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees; <p>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.</p> <p>Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened, delivers biodiversity enhancements and preserved the semi-rural character of the East Blatchington Conservation Area e occupants in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM33 and para. 174 of the NPPF.</p>
11.	<p>Informatives</p>
11.1	<p>Waste on-site</p> <p>The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:</p> <ul style="list-style-type: none"> • <i>excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution</i> • <i>treated materials can be transferred between sites as part of a hub and cluster project</i> • <i>some naturally occurring clean material can be transferred directly between sites</i>

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

11.2 Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

12. Plans:

12.1 This decision relates solely to the following plans:

<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
Site Location Plan	21.11.2023	Rev A
Proposed Plans	20.03.2024	02A

12. Appendices

12.1 None.