

PLANNING COMMITTEE

15 March 2018

Minutes of the Planning Committee meeting held at the Town Hall, Bexhill-on-Sea on Thursday 15 March 2018 at 9:30am.

Committee Members present: B. Kentfield (Chairman), G.C. Curtis (Vice-Chairman), A.K. Azad, Mrs M.L. Barnes (Chairman of Council), Mrs D.C. Earl-Williams, R.V. Elliston, A.E. Ganly, Mrs B.A. Hollingsworth, J.M. Johnson, Mrs S.M. Prochak, G.F. Stevens and M.R. Watson.

Other Members Present: Councillors J. Barnes, R.K. Bird (in part), J.J. Carroll, K.P. Dixon (in part) and K.M. Field (in part).

Advisory Officers in attendance: Service Manager – Strategy and Planning, Development Manager, Major Applications and Appeals Manager and Democratic Services Manager.

Also Present: 35 members of public.

PL17/56. MINUTES

The Chairman was authorised to sign the minutes of the meeting held on 8 February 2018 as a correct record of the proceedings.

PL17/57. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.R. Douart, T.W. Graham and Mrs J.M. Hughes.

PART II - DECISIONS TAKEN UNDER DELEGATED POWERS

PL17/58. PLANNING APPLICATIONS

(6)

Outline planning permissions are granted subject to approval by the Council of reserved matters before any development is commenced, which are layout, scale, appearance, access and landscaping. Unless otherwise stated, every planning permission or outline planning permission is granted subject to the development beginning within three years from the date of the permission. In regard to outline permissions, reserved matters application for approval must be made within three years from the date of the grant of outline permission; and the development to which the permission relates must begin no later than whichever is the later of the following dates: the expiration of three years from the date of the grant of outline permission or, the expiration of two years from the final approval of the reserved matters, or in the

case of approval on different dates, the final approval of the last such matters to be approved.

In certain circumstances the Planning Committee will indicate that it is only prepared to grant or refuse planning permission if, or unless, certain amendments to a proposal are undertaken or subject to completion of outstanding consultations. In these circumstances the Service Manager – Strategy and Planning can be given delegated authority to issue the decision of the Planning Committee once the requirements of the Committee have been satisfactorily complied with. A delegated decision does not mean that planning permission or refusal will automatically be issued. If there are consultation objections, difficulties, or negotiations are not satisfactorily concluded, then the application will have to be reported back to the Planning Committee or reported via the internal-only electronic Notified ‘D’ system by means of providing further information for elected Members. This delegation also allows the Service Manager – Strategy and Planning to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee. Any applications which are considered prior to the expiry of the consultation reply period are automatically delegated for a decision.

RESOLVED: That the Planning Applications be determined as shown in Appendix A, attached.

PL17/59. **APPEALS**
(7.1)

Members noted the report on Appeals that had been started, allowed or dismissed since the Committee’s last meeting, together with the list of forthcoming Hearings and Inquiries.

RESOLVED: That the report be noted.

PL17/60. **DATE FOR SITE INSPECTIONS** – Tuesday 17 April 2018 at 8:30am departing from the Town Hall, Bexhill.

CHAIRMAN

The meeting closed at 12:45pm

pl180315.lc

RR/2017/457/P

FAIRLIGHT Former Market Garden, Lower Waites Lane

Construction of 16 houses together with associated parking, access and wildlife area.

Statutory 13 week date: 30 May 2017

Extension of time agreed to: 30 March 2018

RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (COMPLETION OF A SECTION 106 AGREEMENT RELATING TO:

- **Provision of six shared ownership affordable housing units.**
 - **The completion of off-site road improvements at the junction of Lower Waites Lane and Smugglers Way.**
 - **Reptile relocation site.**
-

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Drawing nos. 662/303 P2 dated 26 April 2017;
Drawing nos. 021 P2, 022 P2, 023 P2, 024 P2, 025 P2, 026 P2, 027 P2 and 030 P dated 6 July 2017;
Drawing nos. 007 P3, 008 P3, 028 P3 and 031 P2 dated 8 August 2017;
Drawing nos. 304 P4, 002 P5, 003 P5, 004 P5 006 P4 dated 27 November 2017;
Drainage Strategy and Sustainable Drainage Management and Maintenance Plan (Issue B) Monson dated 11 July 2017;
8330P/301 Rev B Surface Water Drainage Layout and 8330P/302 Rev B Foul Water Drainage Layout dated 11 July 2017;
7556 100 P2 Proposed Carriageway and Access Alignment dated 1 November 2007;
Written Scheme of Archaeological Investigation, Chris Butler Archaeological Services Project No. CBAS0525 dated June 2014;
Arboricultural Report, Sylvan Arb Ref: SA/91/14 dated 27 June 2014.

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. No development shall commence until the vehicular access serving the development and the improvements to Lower Waites Lane and Smugglers

Way have been constructed in accordance with the approved plan drawing no. 7556 100 P2 dated 1/11/2007.

Reason: A pre-commencement condition is required because the works are required to be carried out prior to any other development commencing to ensure that conditions of access and safety on Lower Waites Lane and Smugglers Way are maintained for all road users including during the construction period in accordance with Policies TR3 and CO6 of the Rother Local Plan Core Strategy.

4. No development shall take place including any ground works or works of demolition, until a Construction Management Plan 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 details as appropriate but not restricted to the following matters:
- a) anticipated number, frequency, and types of vehicles used during construction;
 - b) the method of access and egress and routing of vehicles during construction;
 - c) the parking of vehicles by site operatives and visitors;
 - d) the loading and unloading of plant, materials and waste;
 - e) the storage of plant and materials used in the construction of the development;
 - f) the erection and maintenance of security hoarding;
 - g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction on the public highway (including the provision of temporary traffic Regulation Orders);
 - h) details of public engagement both prior to and during construction works; and
 - i) a named construction site manager with full contact details.

Reason: A pre-commencement condition is required because the works need to be managed in all stages of construction to maintain safe traffic conditions on Lower Waites Lane and Smugglers Way, to maintain the safety of all road users and to maintain the amenities of the locality in accordance with Policies OSS4, TR3 and CO6 of the Rother Local Plan Core Strategy.

5. No development 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. The EDS shall include the following:
- a) purpose and conservation objectives of 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; and
 - j) details for disposal of any wastes arising from the works.

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

Reason: A pre-commencement condition is required to enable the Local Planning Authority to properly ensure the protection of protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5 (ii), (v) and (viii) of the Rother Local Plan Core Strategy.

6. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the rescue and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) purpose and objectives of the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant); and
 - g) disposal of waste arising from works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: A pre-commencement condition is required to enable the Local Planning Authority to properly ensure the protection of protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5 (ii), (v) and (viii) of the Rother Local Plan Core Strategy.

7. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with the approved Written Scheme of Investigation (WSI) prepared by Chris Butler Archaeological Services dated June 2014 Project No. CBAS0525.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

8. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority (LLFA): The scheme will require:

- a) Carry forward into the detailed design the principles outlined in the Monson Drainage Strategy and Sustainable Drainage Management and Maintenance Plan (Issue B) dated 11 July 2017. The scheme should limit surface water runoff from the completed development to 2.7l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations should take into account the connectivity of difference surface water drainage features.
- b) The proposed watercourse diversion should be designed such that the amended channel has an equal or greater capacity for conveying water

than currently exists. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings.

- c) A Maintenance and Management Plan for the entire drainage system. The Plan shall clearly state 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. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority as part of the Maintenance and Management Plan.

Thereafter none of the dwellings shall be occupied until the surface water drainage works to serve the development have been provided in accordance with the approved details and evidence of such provided to and approved in writing by the Local Planning Authority.

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

- 9. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

- 10. No development shall commence until details for the protection of existing trees and hedgerows on the site to be retained have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include locations for protective fencing, ground protection and no dig surface construction methods in accordance with the Arboricultural Report prepared by Sylvan Arb, Ref: SA/91/14 dated 2 June 2014. The approved scheme shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: These details are required prior to commencement of works to ensure the protection of retained trees and hedgerows during construction and the creation of a high quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

- 11. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being

trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:

- a) creation of escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: To properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

12. No development above foundation level shall commence until a scheme of soft and hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) details of all hard landscaping;
- b) design, layout and appearance of structural and amenity green space, including verges;
- c) planting plans, including for landscape and ecological mitigation;
- d) written specifications (including cultivation and other operations associated with plant and grass establishment);
- e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- f) details for implementation.

The development shall thereafter be carried out in accordance with the details as approved in writing by the Local Planning Authority and in accordance with an agreed implementation programme.

Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the character and appearance of the development and its locality in accordance with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy.

13. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality development taking account of the semi-rural characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

14. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To preserve the visual amenities of the area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

15. No development above ground level shall take place before any external lighting scheme proposed is submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall comply with the Institution of Lighting Professionals Guidance Note for the reduction of

obtrusive light 2011 (or later versions) and be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage. The lighting scheme shall thereafter be implemented and maintained only as approved.

Reason: To prevent light pollution in the interests of the amenities of adjoining residents and to protect the dark sky environment that is characteristic of Fairlight village in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

16. No part of the development shall be occupied until full details of refuse and recycling storage facilities have first been submitted to and approved in writing and those facilities have been provided in accordance with the approved details. The areas shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure that the satisfactory appearance of the development and the area is maintained in accordance with Policies TR3 and OSS4 (iii) of the Rother Local Plan Core Strategy.

17. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with the approved plan (drawing no. 622/003 P5 dated 27/11/2017). The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the provision of adequate on-site parking that does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.

18. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved drawing no. 622/003 P5 dated 27/11/2017. The space shall thereafter be retained at all times for this use only and shall not be obstructed.

Reason: To ensure the provision of adequate turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6 and TR3 of the Rother Local Plan Core Strategy.

19. No part of the development shall be occupied until the road, footways and parking areas serving the development have been constructed, drained and lit in accordance with plans and details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate pedestrian and vehicular access and on-site parking so as not to prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.

20. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

21. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved WSI and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing by the Local Planning Authority.
Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
22. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape areas including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.
Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character and quality of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.
23. Unless alternative times are specifically agreed in writing by the Local Planning Authority, construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.
Reason: So as not to unreasonably harm the amenities of adjoining properties in accordance with Policies OSS4 (ii) and CO6 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
24. If within a period of five years from the date of occupation any tree planted or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To enhance the appearance of the development and the character and appearance of the locality in accordance with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy.
25. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such

size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
- e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: To ensure that trees are not damaged or otherwise adversely affected by building operations and soil compaction to enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garages hereby approved shall retained for such use and shall not be altered internally or externally for use as habitable accommodation.

Reason: To ensure a satisfactory level of off-road parking facilities so as not to prejudice the free flow of traffic and conditions of general safety along the highway and to accord with Policy TR4 of the Rother Local Plan Core Strategy.

27. Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no fences, gates or walls, buildings or structures of any kind, shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To safeguard the open and green character and appearance of the development and area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

NOTES:

- 1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
- 2. The applicant is reminded of the need to enter into section 278 agreement with the Highway Authority to tie the road improvement works into the public highway.

3. The Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.
4. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
5. Part of the site is affected by a public foul sewer. It might be possible to divert this so long as it would not result in an unacceptable loss of hydraulic capacity and the work is carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Please see Southern Water's correspondence of 13 April 2017 for the relevant criteria to be applied to any diversion of apparatus.
6. Due to changes in legislation that came into force on 1 October 2011 it is possible that a sewer now deemed to be public could be crossing the application site. Should any such sewer be found during construction works an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works take place on site.
7. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
8. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. The presence of protected species cannot be discounted on this site given its character and location and a precautionary approach must be taken to all site clearance and construction works. Should any protected species be encountered during these works, all work on site should cease and advice sought on how to proceed from a suitably qualified and experienced ecologist. Separate licences and consents may be required to undertake work on the site where protected species are found.
9. This development will be subject to the CIL and all interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable

proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)

(Councillor Mrs Prochak declared a personal interest in this matter in so far as her husband was Chairman of the local CPRE who made comments on the application and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof.)

RR/2017/2308/P

BATTLE Darvel Down – land at, Netherfield

Outline: Erection of 25 dwellings.

Statutory 13 week date: 29 January 2018

Extension of time agreed to: 22 March 2018

RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED (FOR EXTERNAL VERIFICATION OF THE ASSESSMENT OF IMPACTS ON THE EUROPEAN NATURE CONSERVATION SITES AND COMPLETION OF A SECTION 106 AGREEMENT RELATING TO:

- **Provision of 40% affordable housing units and nomination rights.**
- **A new vehicular access into the site.**
- **Agreement for any future development of the adjoining site (NE5a) to be able to connect into the internal road.**
- **New pedestrian footway to east side of access, dropped kerbs and tactile paving on new access and Darvel Down.**
- **Traffic Regulation Order to install double yellow lines opposite the vehicular access.**
- **Dedication of three parking spaces on the site for use by the residents of 17, 19 and 21 Darvel Down).**

CONDITIONS:

1. Approval of the details of layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences on the development.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
2. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority (LPA) and shall be carried out as approved.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: In accordance with section 92 of the Town and Country Planning

Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
5. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:
Drawing no. 17/0305/SK02 Rev A, Site Access Design dated June 2017
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
6. The landscaping details to be submitted pursuant to condition 1 shall include the following:
 - a) details of all hard landscaping;
 - b) details of all trees to be retained;
 - c) design, layout and appearance of structural and amenity green space, including verges;
 - d) planting plans, including landscape and ecological mitigation (buffer planting and green buffers);
 - e) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - f) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - g) details for implementation.

The development shall thereafter be carried out in accordance with the details as approved in writing by the Local Planning Authority and in accordance with an agreed implementation programme.

Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald Area of Outstanding Natural Beauty (AONB) in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

7. No work shall commence on site including any site clearance or preparation until a method statement for the sensitive investigation of the root system of tree reference T1 with a view to its retention within the completed development has first been submitted to and approved in writing by the LPA and the investigation shall therefore be carried out in accordance with the approved method and the results presented before or at the same time with the first Reserved Matters application.
Reason: A pre commencement condition is required because any works on the site including those of clearance and preparation are likely to adversely impact on the condition and future viability of the tree unless its underground structure is fully understood and measures have been put in place to protect it in advance of it being established if the tree can be retained. It would be preferable if possible to retain the tree in order to maintain the existing character of the site as seen from external views in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

8. No development shall commence until details for the protection of existing trees and hedgerows on the site to be retained have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include locations for protective fencing, ground protection and no dig surface construction methods in accordance with Appendix E-G of the Arboricultural Survey and Planning Integration Statement by Quaife Woodlands Rev A dated 2 March 2017. The approved scheme shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: These details are required prior to commencement of works to ensure the protection of retained trees and hedgerows during construction and the creation of a high quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy.
9. No works or development shall take place until a full specification of all proposed tree planting has been approved in writing by the Local Planning Authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be protected and the proposed time of planting in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. A schedule of maintenance of the trees until successfully established is to be agreed in writing with the Local Planning Authority and implemented. The schedule shall include provision for replacement planting should establishment fail, such measures having regard to BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.
Reason: Full details of tree planting and their subsequent protection is required prior to commencement of the development as the trees on the site which are to be planted are required to compensate for the loss of existing trees and enhance the appearance of the development, in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.
10. No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.
Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.
11. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority: The scheme details shall:
- 1)

- (a) Carry forward the principles of surface water management outlined in Herrington Consulting's Flood Risk Assessment (March 2017);
 - (b) Provide evidence of (a) in the form of hydraulic calculations to be submitted with the detailed drainage drawings taking into account the connectivity of the different surface water drainage features; and
 - (c) Not include permeable paving constructed in individual private driveways.
- 2)
- (a) Include a maintenance and management plan for the entire drainage system that clearly identifies who will be responsible for managing all aspects of the surface water drainage system including piped drains, and confirmation that the appropriate authority is satisfied with the submitted details; and
 - (b) Include evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

Thereafter none of the dwellings shall be occupied until the surface water drainage works to serve the development have been provided in accordance with the approved details and evidence of such provided to and approved in writing by the Local Planning Authority.

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

12. No development shall be commenced until such time as a Traffic Regulation Order securing the provision of parking restrictions on the north side of Darvel Down has been approved in writing by East Sussex County Council (ESCC) and written confirmation of this approval is made available to the Local Planning Authority.
- Reason: A pre application condition is required because the works subject to the Traffic Regulation Order are required to be carried out prior to any other development commencing to ensure that traffic conditions on Darvel Down maintain the safety of all road users including during the construction period in accordance with Policies TR3 and CO6 of the Rother Local Plan Core Strategy.
13. No development shall commence, including any ground works, until a Construction Management Plan 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 details as appropriate but not be restricted to the following matters:
- a) the anticipated number, frequency and types of vehicles used during construction;
 - b) the method of access and egress and routing of vehicles during construction;
 - c) the parking of vehicles by site operatives and visitors;
 - d) the loading and unloading of plant, materials and waste;
 - e) the storage of plant and materials used in construction of the development;

- f) the erection and maintenance of security hoarding;
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary TRO); and
- h) details of public engagement both prior to and during construction works.

Reason: A pre application condition is required because the works need to be managed in all stages of construction to maintain safe traffic conditions on Darvel Down, to maintain the safety of all road users and to maintain the amenities of the locality in accordance with Policies OSS4, TR3 and CO6 of the Rother Local Plan Core Strategy.

14. No development shall commence 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 by the applicant and approved by the Local Planning Authority.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

15. No development shall commence until details of the foundations, piling configurations, drainage and services, to include a detailed design and method statement, has been submitted to and approved in writing by the Local Planning Authority, such details to show, where necessary, the preservation of surviving archaeological remains which are to remain in situ.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground to remain in situ is safeguarded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

16. No development shall commence 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. The EDS shall include 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; and
- j) details for disposal of any wastes arising from the works.

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

Reason: A pre-commencement condition is required to enable the Local Planning Authority to properly ensure the protection of protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity

Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

17. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:
- a) creation of escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: To properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

18. No other development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing no. 17/0305/SK02 Rev A dated June 2017 and construction details, form HT401, attached to this permission.

Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

19. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

20. Prior to any occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding site and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan

in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

21. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.
Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character and quality of the High Weald AONB in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.
22. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 13 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
23. Unless alternative times are specifically agreed in writing construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.
Reason: So as not to unreasonably harm the amenities of adjoining properties in accordance with Policies OSS4 (ii) and CO6 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
24. If within a period of five years from the date of occupation any retained tree, planted tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To enhance the appearance of the development and the landscape of the High Weald Area of Outstanding Natural Beauty (AONB) in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.
25. No part of the development shall be occupied until all car parking spaces have been constructed and provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority pursuant to condition 1 and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the provision of adequate on-site parking that does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.

26. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority pursuant to condition 1. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
27. No part of the development shall be occupied until a vehicle turning space has been constructed within the site in accordance with details submitted to and approved in writing by the Local Planning Authority pursuant to condition 1 and this space shall thereafter be retained at all times for this use and shall not be obstructed.
Reason: To ensure the provision of adequate turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6 and TR3 of the Rother Local Plan Core Strategy.
28. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure safe access by pedestrians within the development in accordance with Policies CO6 and TR3 of the Rother Local Plan Core Strategy.
29. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
 - d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
 - e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
 - f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection

area that seepage or displacement could cause them to enter a root protection area.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: To ensure that tree(s) are not damaged or otherwise adversely affected by building operations and soil compaction to enhance the appearance of the development and the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

NOTES:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt, the applicant is advised that the design, layout, and elevational information submitted with the application, are not acceptable and are not approved, namely:
Drawing No. DD/522/SP 10 Rev J – proposed site layout at scale 1:250 which indicates access and circulation arrangements, including parking, disposition of development and broad landscaping,
Drawing No. DD/522/BP 01 Rev D – proposed block plan,
Planning, Design & Access Statement which includes the indicative layout and written explanation,
Drawing No. DD/522/SS 10 Rev A – indicative street scenes for illustrative purposes
For the avoidance of doubt, the site layout, internal circulation arrangements, disposition of development, public realm treatment including car-parking, and internal streetscape and elevational massing and forms of buildings, fail to deliver the high quality design required by the National Planning Policy Framework and by the Rother Local Plan Core Strategy.
3. The applicant is reminded of the need to enter into section 38 and section 278 agreements with the Highway Authority.
4. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.
5. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed TRO. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5,000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.
6. In relation to condition 13, the written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the East Sussex County Council (ESCC) document "Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex" (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewes, BN7

7. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
8. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. The presence of protected species cannot be discounted on this site given its character and location and a precautionary approach must be taken to all site clearance and construction works. Should any protected species be encountered during these works all work on site should cease and advice sought on how to proceed from a suitably qualified and experienced ecologist. Separate licences and consents may be required to undertake work on the site where protected species are found.
9. This development will be subject to the CIL and all interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)

RR/2018/174/P

CROWHURST Sabon Gari – Land adj, Crowhurst Road

Two detached dwellings.

RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (REDUCTION IN HEIGHT OF FENCE/ RESTRICTION OF PERMITTED DEVELOPMENT RIGHTS REGARDING FENCING

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Ecological Appraisal dated August 2017

Arboricultural Report dated August 2017

Ecological Survey – Bats dated 20 December 2017

drawing nos:

Drawing no. 5490/LBP/C dated 8/1/18

Drawing no. 5490/4 dated December 2017

Drawing no. 5490/2/A dated Sept 17

Drawing no. 5490/3 dated November 2017

Drawing no. 5490/5/A dated 2/2/18

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. No development or site clearance shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: These details are required prior to commencement of any site clearance or works, as a significant amount of vegetation would be removed to make way for the development. Having regard to the fact that a part of the site is within Flood Zone 3 the scheme will help to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework (NPPF) with accompanying Ministerial Statement of December 2014.

4. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
- (b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site

for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

- (d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
- (e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- (f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: To ensure that tree(s) are not damaged or otherwise adversely affected by building operations and soil compaction to enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

- 5. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.

- 6. Except for that part which must be removed to facilitate the appropriate visibility splay for the existing vehicular access in accordance with the conditions of this permission, the existing roadside hedge on the south-western boundary shall be retained.

Reason: To maintain as far as possible the appearance of the area in accordance with Policies OSS4 (iii), EN1 (i), EN3 (ii) (e) and RA1 (i) of the Rother Local Plan Core Strategy.

- 7. All ecological measures and / or works shall be carried out in accordance with the details contained in Chapter 8 of the 'Preliminary Ecological Appraisal' dated August 2017 as already submitted with the planning application.

Reason: To ensure the protection of existing biodiversity and wildlife present on the site, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and paragraph 109 of the National Planning Policy Framework.

- 8. The recommendations for the enhancement of the site for bats, and the protection of nesting birds, as set out in Chapter 5 of the 'Mountfield Ecology Survey: Bats – Ground Level Tree Inspection' dated 20 December 2017 and accompanying the planning application, shall be implemented during the appropriate stages of the approved development.

Reason: To ensure the protection of and subsequent enhancement of the site and to provide appropriate protection and mitigation to rare and

protected species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy.

9. Prior to the clearance of the site, details shall be submitted to the Local Planning Authority, which will include the following:
- a) A block plan showing the area of the site to be cleared to allow development.
 - b) Scaled drawings and sections showing the levels of the whole site to include the areas being cleared and retained. Sections should show both north-south and east-west to provide an accurate indication of the ground works proposed and relationships with neighbouring land and properties.
 - c) A methodology for the site clearance with particular reference to bats on the site.

Reason: To ensure the protection of existing biodiversity and wildlife present on the site, in accordance with Policy EN5 (ix) of the Rother District Local Plan Core Strategy and paragraph 109 of the National Planning Policy Framework.

10. The dwellings hereby approved shall not be occupied until the vehicular access serving the development has been reconstructed in accordance with the approved drawing (Ref: 5490/3 dated November 2017).

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy.

11. The dwellings hereby approved shall not be occupied until visibility splays of 2.4m by 70m have been provided at the vehicular access onto Crowhurst Road, in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy.

12. The development hereby permitted shall not be occupied until parking areas have been provided for each dwelling in accordance with approved drawing no. 5490/5/A dated 2 February 2018, and the parking areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure a satisfactory level of off-road parking facilities for the new dwellings so as not to prejudice the free flow of traffic and conditions of general safety along the highway, in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.

13. The development hereby permitted shall not be occupied until the vehicle turning spaces as shown on drawing ref 5490/5/A dated 2 February 2018 has been constructed within the site. This space shall thereafter be retained at all times for this use.

Reason: To ensure there is adequate turning facilities within the site for the new dwellings so as not to prejudice the free flow of traffic and conditions of general safety along the highway, in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.

14. The development hereby permitted shall not be occupied until cycle parking spaces have been provided within the site. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.

NOTES:

1. The granting of planning permission does not authorise the felling, lopping or topping of trees within the site which are protected by a Tree Preservation Order unless indicated to be removed on the approved plans.
2. This planning permission does not authorise any interference with, or disturbance of, any private right of way which crosses the site. If a diversion or stopping-up of a right of way is required this must be resolved between the parties concerned.
3. The Community Infrastructure Levy (CIL) applies to this permission.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)

RR/2017/2441/P

BEXHILL Preston Hall Farm, Watermill Lane, Bexhill

Erection of 139 residential units (including 30% affordable), together with associated car parking, cycle storage, open space, landscaping and provision of new vehicular access from Watergate.

Statutory 13 week date: 19 February 2018

Extension of time agreed to: 20 March 2018

RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (FOR EXTERNAL VERIFICATION OF THE ASSESSMENT OF IMPACTS ON THE EUROPEAN NATURE CONSERVATION SITES, FINALISATION OF AMENDMENTS AND CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT RELATING TO:

- **Provision of 30% affordable housing units and nomination rights.**

- **Provision of and future management of the ancient woodland buffer, landscaping and play area/equipment.**
- **Ecology mitigation and biodiversity improvements.**
- **Travel plan with monitoring fee of £6,000.**
- **Public Transport enhancements to service 95 for PM peak over a period of 3 years; bus infrastructure as listed for locations on Watermill Lane and Ninfield Road/Turkey Road secured within a s278 agreement; TRO for junction protection markings (refundable) to secure bus route on Mayo Lane.**
- **Estate roads to remain unadopted and maintained through a management company.**
- **Footway/cycle connection between both BX3 sites for housing and employment.**
- **Contributions to primary school places.**
- **Bus service enhancements).**

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Drawings no. 6001-04 rev. dated
Ecological assessment and mitigation
Landscape and visual impact assessment
Flood risk assessment
Arboricultural survey and impact assessment
Transport statement
Phase I Desk Study and Phase II Site Investigation Reports, by Leap Environmental Ltd.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No ground works shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that any archaeological and historical interest of the site is safeguarded and recorded to comply with Policy EN2 (vi) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
4. 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) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy EN2 (vi) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

5. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval and all works shall be completed in accordance with the approved details.
- a) The contaminated land assessment shall include a desk study to be submitted to the local planning authority for approval. The desk study shall include the history of the site's uses and a walk-over survey. It shall, if necessary, propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface and ground water sampling, in accordance with a quality assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment (including any controlled waters).
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination should be fully assessed and an appropriation remediation scheme submitted to the Local Planning Authority for approval.
 - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: Previous uses of the site may have left the land contaminated and in order to avoid risks to health or the environment investigation and mitigation may be required in accordance with Paragraphs 120-121 of the National Planning Policy Framework (NPPF) and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

6. No ground works shall commence until a scheme for the provision of all foul and surface water drainage works for both the buildings and land within the development site has been submitted to and approved in writing by the Local Planning Authority, in association with the Lead Local Flood Authority and

none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policy SRM2 (ii) & (iii) of the Rother Local Plan Core Strategy.

7. No development shall commence until the vehicular access serving the development and the highway scheme on Watergate has been constructed in accordance with plans and details have been submitted to and approved in writing by the Local Planning Authority in association with the Highway Authority.

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6(ii) and TR3 of the Rother Local Plan Core Strategy.

8. Prior to commencement of development a Code of Practice in respect of the management of construction traffic including deliveries of building materials to the site, shall be submitted to and approved in writing by the local planning authority. The approved Code of Practice shall be implemented for the duration of the development.

Reason: To control the use of the approach roads through the neighbouring residential estates in the interests of the amenities of local residents and highway safety having regard to Policies OSS4 (ii) and CO6 (ii) of the Rother Local Plan Core Strategy.

9. Prior to commencement of any ground works a Traffic Management Scheme for operations at the site shall be submitted to and approved in writing by the Local Planning Authority in association with the Highway Authority. This should include details for an onsite compound for contractors' vehicles, plant, machinery and materials for the duration of the development, and details for wheel washing equipment within the site, during any form of earthworks and/or excavations.

Reason: To maintain the free flow of traffic along the highway and to prevent contamination and damage to the adjacent roads, in the interests of highway safety and for the benefit and convenience of the public at large having regard to Policies OSS4 (ii), CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.

10. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of highway safety having regard to Policies OSS4 (ii), CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.

11. No part of the development shall be occupied until visibility splays of 2.4m by 43m from give way markings have been provided at the proposed site vehicular access onto Watergate and Faygate Close in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6(ii) and TR3 of the Rother Local Plan Core Strategy.

12. No development shall commence until a scheme of the working hours during the construction has been submitted to and approved in writing by the Local Planning Authority. Unless alternative times are specifically agreed construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.
Reason: A pre-commencement condition is required from the outset to ensure highway safety and so as not to unreasonably harm the amenities of adjoining properties in accordance with Policies OSS4 (ii) and CO6 of the Rother Local Plan Core Strategy and the National Planning Policy Framework (NPPF).
13. Prior to the commencement of the development a scheme for the control of noise and dust during construction shall be submitted to and approved in writing by the Local Planning Authority. Development work should be carried out in accordance with the approved scheme and no bonfires will be permitted on site.
Reason: A pre-commencement condition is required so that development from its outset does not unreasonably harm the amenities of adjoining properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and the NPPF.
14. No development shall commence until details for the protection of existing trees and hedgerows on the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include protective fencing. The approved scheme shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: The site contains trees and hedgerows which contribute to the character of the area and should be conserved to ensure that the development is integrated within the local landscape. The commencement of any ground works could potentially impact on trees and hedgerows and pre-commencement measures therefore need to be put in place to ensure that protected trees/hedgerows remain in situ as agreed and with measures in accordance with the British Standard and to accord with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.
15. Prior to the commencement of any ground works on the site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority in association with the Highway Authority. The development shall be completed in accordance with the approved details.
Reason: In the interests of highway safety and for the benefit and convenience of the public at large and having regard to the character and appearance of the locality, in accordance with Policy BX3 of the Rother

District Local Plan (2006) and Policies OSS4 (iii), CO6 (ii), EN1, EN3 and TR3 of the Rother Local Plan Core Strategy.

16. No external means of illumination of any part of the site shall be provided, installed or operated, with the exception that should some limited street lighting be required with a view to adoption as a publicly maintained highway, a scheme for the lighting must first be submitted to and approved in writing by the Local Planning Authority in association with the Highway Authority. Street lighting shall only be installed in accordance with the approved scheme.

Reason: To safeguard the visual amenities of the locality and to maintain the landscape character and appearance of the local rural landscape, in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.

17. No above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:

- a) 1:10 drawings of proposed building details including fenestration, eaves details, barge boards, porches, dormers, roof-lights, chimneystacks, pipes, vents and utility meters and boxes.
- b) Samples of the materials to be used in the construction of all external faces of the buildings.

Reason: To ensure a high building appearance and architectural quality, to ensure that the development where practical reflects the character and/or appearance of the local area and to preserve the visual amenities of the local landscape in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy and the NPPF.

18. No above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) Proposed finished levels or contours.
- b) Boundary treatments and other means of enclosure (fences, railings and walls) indicating the locations, and 1:20 scale typical elevation drawings indicating design, height, materials of such.
- c) specification/samples of hard surfacing materials (including road surfaces, footpaths, parking spaces and other areas of hardstandings, kerbs and tactile paving).
- d) Any street furniture, signage and lighting, bollards and other such items, including proposed locations.
- e) Full details for the play areas including full specification and details of play equipment proposed and its future maintenance and management.

Reason: To ensure the creation of a high quality public realm, landscape setting, minimal impact upon retained trees and architectural quality in accordance with Policies EN3, EN4 and EN1 of the Rother Local Plan Core Strategy.

19. No above ground works shall commence until the following soft and hard landscaping details have been submitted to and approved in writing by the Local Planning Authority, which shall include:

- a) indications of all existing trees and hedgerows on the land including

- details of those to be retained;
- b) planting plans;
- c) written specifications (including cultivation and other operations associated with plant and grass establishment);
- d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- e) details of management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens; and
- f) implementation programme.

Reason: To enhance the appearance of the development and to ensure that the proposed development does not prejudice the landscape setting and enhances the local landscape in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy.

20. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

21. If within a period of five years from the date of the planting of any tree or hedging that tree/hedging, or any planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and maintain its rural setting in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy.

22. No dwelling hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan drawing no. dated, for the parking and turning of vehicles and it shall thereafter be retained for those purposes only.

Reason: To provide on-site parking/turning and thereby ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

23. No dwelling hereby approved shall be occupied until the cycle parking areas have been provided in accordance with the approved plan drawing no. dated and shall thereafter be retained for that use.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

24. A Travel Plan Statement is required in association with this development to ensure that private car trips to and from the site are reduced. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met.
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.
25. No above ground works shall commence until full details for the cycle route, including details for its construction, surfacing and the cross over arrangements with public footpath FP16b, have been submitted to and approved by the local planning authority in association with the Highway Authority and East Sussex County Council (ESCC) Rights of Way Officer.
Reason: To ensure provision of the required cycle way while maintaining the safety of pedestrians and accessibility of the public right of way, in accordance with Policy BX3 of the Rother District Local Plan (2006) and Policies TR3 and EN5 (vii) of the Rother Local Plan Core Strategy.

NOTES:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990
2. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
3. The written scheme of investigation, ensuing works and production of reports required in respect of conditions 3 and 4 should accord with the relevant portions of the East Sussex County Council document "Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex" (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at East Sussex County Council, Transport & Environment, County Hall, Lewes, BN7 1UE or email county.archaeology@eastsussex.gov.uk
4. To give effect to condition 13 you should contact the Transport Development Control of East Sussex County Council at County Hall, St Anne's Crescent, Lewes, BN7 1UE (Telephone 0345 6080193) prior to the commencement of work to obtain an appropriate licence or agreement between yourself and the County Council to enable works to be permitted on the highway).
5. The Highway Authority would wish to see roads within the site that are not to be offered for adoption, laid out and constructed to standards at, or at least close to, adoption standards.
6. The applicant is reminded that the highway works will require an obligation under section 278 of the Highways Act.
7. With regards to the surface water drainage scheme (condition 5) the applicant is referred to the details required to be included within the

proposed scheme as set out in the comments from the Local Lead Flood Authority (LLFA) dated 4 December 2017.

8. The applicant is reminded of the need to contact the Highway Authority with regard to obtaining the necessary licences and Traffic Regulation Order prior to undertaking any highway works.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)

RR/2017/2181/P

BEXHILL Land at Buckholt Lane

Outline: Business park for up to 33,500 sqm (net internal area) of employment floor space (within Use Classes B1 and B2) with roads and ancillary infrastructure and services.

Statutory 13 week date: 26 January 2018

Extension of time agreed to: 20 March 2018

RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED (FOR EXTERNAL VERIFICATION OF THE ASSESSMENT OF IMPACTS ON THE EUROPEAN NATURE CONSERVATION SITES) AND CONSIDERATION OF REVISED PARAMETER PLAN.

CONDITIONS:

1. Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences on each phase of the development.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. Applications may be made on a phased basis.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
5. Subject to the details required by condition 1, the development hereby permitted shall be carried out in accordance with the following approved drawings:
Application Site Location plan GIS001 - B, dated 19/09/17
Reason: For the avoidance of doubt and in the interests of proper planning as advised in the CLG Guidance document 'Greater Flexibility' for Planning Permissions, 2009.
6. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to and approved in writing by, the Local Planning Authority. The purpose of the strategy shall be to establish the effectiveness of buffer zones for badgers, of unlit areas for bats, and of crossing features for dormice by monitoring their continued use by local populations. The content of the strategy shall include the following:
 - a) aims and objectives of monitoring to match the stated purpose;
 - b) identification of adequate baseline conditions prior to the start of development;
 - c) appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measure being monitored can be judged;
 - d) methods for data gathering and analysis;
 - e) location of monitoring;
 - f) timing and duration of monitoring;
 - g) responsible persons and lines of communication; and
 - h) review, and where appropriate, publication of results and outcomes.A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.
Reason: A pre-commencement condition is required as monitoring of the site is essential to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or in part) to achieve stated conservation objectives, and b)

identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved scheme, in accordance with Policy EN5 of the Rother Local Plan Core Strategy and the National Planning Policy Framework (NPPF).

7. The development hereby permitted shall not begin until a scheme to deal with contamination of land, potential ground gas and potential pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
- a) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 - b) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 - c) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any on-going monitoring shall also be determined.
 - d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.
 - e) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: The details submitted with the application indicate the need for additional testing. Previous uses of the site may have left the land contaminated and in order to avoid risks to health or the environment, investigation and mitigation may be required in accordance with Paragraphs 120-121 of the NPPF and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

8. Pursuant to Condition 1, no development shall commence until a phasing plan has been submitted to, and approved in writing by, the Local Planning Authority which delineates the physical extent of each phase and provides in total for no more than 33,500sqm (net internal floorspace) and including appropriate parking, loading and turning facilities compliant with the adopted East Sussex County Council parking standards.

Reason: To ensure that each phase includes an appropriate parcel of land including buildings, parking and other facilities and landscaping, with associated access links, SuDS and biodiversity space, which together will

deliver the creation of a high quality environment in accordance with Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, SRM2, EN1, EN3, EN5 and TR4 in particular of the Rother Local Plan Core Strategy.

9. Pursuant to Condition 1, no development shall commence on each phase until the following hard landscaping for that phase have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved:
- a) Proposed finished levels or contours;
 - b) Means of enclosure (fence, hedging etc.);
 - c) Hard surfacing materials (road surface, cycleway, footpath, crossings);
 - d) Minor artefacts and structures (e.g. curbs, street furniture, signs, signals, lighting etc.); and
 - e) Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: To ensure the creation of a high quality environment in accordance with Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, EN1, EN3 and TR2 in particular of the Rother Local Plan Core Strategy.

10. Pursuant to Condition 1, no development shall commence on each phase until the following soft landscaping and tree planting details for that phase have been submitted to and approved by the local planning authority:
- a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
 - b) Planting plans;
 - c) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - e) Implementation programme.

Reason: To ensure the creation of a high quality environment in accordance with Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, EN1, EN3 and EN5 in particular of the Rother Local Plan Core Strategy.

11. No development shall commence on each phase until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the construction programme, haulage routes and the location of all temporary site construction compounds and fences for and access points to the public highway. The compounds and any temporary associated works shall be removed and the land restored to its previous condition within 3 months of completion of works on site unless otherwise agreed in writing by the Local Planning Authority. The approved plan shall subsequently be implemented in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policies OSS4, CO6 and TR3 of the Rother Local Plan Core Strategy.

12. No development shall commence on each phase until details of proposed bus provision measures sufficient for that phase have been approved in writing by the Local Planning Authority, and no building shall be occupied

until those provisions have been provided in accordance with the approved details.

Reason: To ensure the adequate mitigation of the transportation impacts of the proposal and in accordance with Policy TR2 of the Rother Local Plan Core Strategy.

13. No development shall commence on each phase until details of wheel washing facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the commencement of development on that phase and the facilities shall be maintained in working order during the construction period and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site.

Reason: In the interests of highway safety and in accordance with Policies OSS4 and CO6 of the Rother Local Plan Core Strategy.

14. No development shall commence on each phase until a scheme of the working hours during the construction of that phase has been submitted to and approved in writing by the Local Planning Authority. Unless alternative times are specifically agreed construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 7:00am and 7:00pm on Mondays to Fridays inclusive and 7:00am and 1:00pm on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: To safeguard the rural and residential amenities in the vicinity of the site and in accordance with Policy OSS4 of Rother Local Plan Core Strategy.

15. No development shall commence on each phase until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The overall drainage strategy should demonstrate that total surface water discharge from the application site will not exceed 16 l/s, including those with a 1 in 100 (plus climate change) annual probability of occurrence. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a) All the features set out in the surface water drainage strategy, including the use of water treatment stages, (particularly necessary to avoid pollution to the Combe Haven SSSI).
- b) Details to clarify that there will be no increase to discharge rates from Pond 2.
- c) Measures to manage impacts of high groundwater.
- d) Details of how the scheme shall be maintained and managed after completion.
- e) Details of specific measures to minimise the risk of deterioration in water quality of receiving watercourses and water bodies downstream (for both the construction and operational phases of the development).

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy.

16. No development shall commence on each phase until a plan for the protection and/or mitigation of damage to the Rivers and Streams, and Ponds Priority habitats, both during construction, operation and

decommissioning of that phase and including a timetable of implementation and management responsibilities, has been submitted to and approved in writing by the Local Planning Authority. The Rivers and Streams, and Ponds Protection Plan shall be carried out in accordance with the timetable for implementation as approved.

The scheme shall include the following elements:

- a) A detailed method statement including access and materials storage.
- b) Details of the stream diversion and any mitigation of damage proposals.
- c) Details of treatment of site boundaries and buffers around water bodies.
- d) Details demonstrating how the buffer zones will be protected during development and managed/maintained over the longer term.
- e) Details of any new habitat created on site.
- f) Details of any proposed planting scheme, which should be of native species where reasonably practicable bearing in mind access for maintenance.

Reason: To protect the Rivers and Streams, and Ponds within and adjacent to the development site in accordance with Policy EN5 of the Rother Local Plan Core Strategy. Without it, avoidable damage could be caused to the nature conservation value of the site and the Combe Haven SSSI.

17. No development shall commence on each phase until details of the new wetland habitats (surface water ponds) proposed as part of the SuDS for that phase, including a timetable of implementation, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details and timetable for implementation as approved.

The scheme shall provide for connectivity to adjacent ponds and watercourses to enhance the potential for breeding and dispersal of reptiles and amphibians on and around this site.

Reason: To ensure that the proposed new wetland habitats, as part of the SuDS, are developed in a way that contributes to the nature conservation value of the site in accordance with Policy EN5 of the Rother Local Plan Core Strategy and NPPF paragraphs 109 and 118.

18. No development shall take place on each phase until an ecological design strategy (EDS) addressing: retention and protection of existing habitats during construction; protection and enhancement of suitable buffer zones for protected species and habitats; provision for wildlife corridors, linear features and habitat connectivity; creation, restoration and enhancement of semi-natural habitats; creation of new wildlife features (e.g. bat roosts, bird nesting features and dormouse bridges); and the provision and control of access, has been submitted to and approved in writing by the Local Planning Authority.

The EDS shall include 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 the works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implantation can demonstrate this, in accordance with Policy EN5 of the Rother Local Plan Core Strategy and NPPF paragraphs 109 and 118.

19. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: To ensure badgers are not trapped and harmed on site and to prevent delays to site operation in accordance with Policy EN5 of the Rother Local Plan Core Strategy and NPPF paragraphs 109 and 118.

20. No development shall commence on each phase until a landscape management plan, including long-term design objectives, management responsibilities and a timetable for implementation and maintenance schedules for all landscaped areas related to that phase has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved, in accordance with the agreed programme and timetable of implementation and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) Provision and maintenance of an 8m buffer zone alongside the main river, Combe Haven;
- b) Details of any new habitat created on site;
- c) Details of maintenance regimes;
- d) Details of treatment of site boundaries and/or buffers around water bodies;
- e) Details of any proposed planting scheme, which should be of native species where reasonably practicable, bearing in mind access for maintenance.
- f) Details of management responsibilities.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy EN5 of the Rother Local Plan Core Strategy, paragraphs 109 and 118 of the NPPF and article 10 of the Habitats Directive.

21. No development shall commence on each phase until a Construction Environmental Management Plan (CEMP) for that phase that is in accordance with the approach outlined in the Environmental Statement, has been submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas,

their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- a) The timing of the works;
- b) The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution);
- c) A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works;
- d) Any necessary mitigation for protected species;
- e) Construction methods;
- f) Any necessary pollution protection methods; and
- g) Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved CEMP. Reason: To ensure environmental impacts of construction are prevented or minimised in accordance with Policy EN5 of the Rother Local Plan Core Strategy.

22. Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats, badgers and dormice, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed unless a separate permission has been granted by the Local Planning Authority.

Reason: Bats, dormice and badgers are present on site and are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would be contrary to Policy EN5 of the Rother Local Plan Core Strategy and paragraphs 109 and 118 of the NPPF.

23. No development shall commence on each phase until a comprehensive energy strategy for that phase has been submitted and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: To deliver high levels of energy performance and ensure low carbon or renewable energy generation is pursued in accordance with Policy SRM1 of the Rother Local Plan Core Strategy.

24. No development shall commence on each phase until the developer has secured the implementation of a programme of archaeological work for that phase, in accordance with a Written Scheme of Archaeological Investigation

which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the NPPF.

25. Each phase of the development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 24 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the NPPF.

26. If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development itself and to safeguard the characteristics of the general area on the Hastings ridgeline in accordance with Policy GD1 of the Rother District Local Plan (2006).

27. Each phase of the development hereby permitted shall not be brought into use until the associated connections to the adjoining Public Rights of Way and proposed cycleway and footpaths for that phase have been completed in full accordance with the details approved by the reserved matters, unless otherwise agreed in writing by the Service Manager – Strategy and Planning.

Reason: To ensure the provision of walking and cycling facilities in accordance with Policy BX3 of the Rother District Local Plan (2006), North East Bexhill Supplementary Planning Document and Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

28. The plans and particulars submitted in accordance with Condition 1 shall include a Travel Plan, detailing the provision of alternative transport arrangements to enable access to and from the site other than by car.

Reason: In the interests of providing a sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policy TR2 of the Rother Local Plan Core Strategy.

29. The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment (FRA) by Campbell Reith, dated September 2017, unless subsequently varied and otherwise approved in writing by the Local Planning Authority, and the following mitigation measures detailed within the FRA:

- a) As stated in section 2.9.4 and figure 2.3 and 6.1, the sequential approach whereby all development is located in Flood Zone 1 must be adhered to.
- b) As stated in section 2.9.4 where all proposed development must have a minimum buffer distance of 8m from the main river.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority in association with the Environment Agency.

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and the future occupants in accordance with Policy EN7 of the Rother Local Plan Core Strategy.

NOTES:

1. In relation to Condition 13, special attention will be required to the water quality and ecological elements of the SUDS design to protect the downstream Combe Haven SSSI. With to regard to the detailed design the developer is referred to the comments of the Lead Local Flood Authority (ESCC) in their letter of the 8th February 2018.
2. In relation to Condition 14, these rivers and streams, as headwaters of rivers, are ecologically unique and important habitats which provide a vital link into a protected Biodiversity Action Plan (BAP) habitat, Coastal and Floodplain Grazing Marsh, and an ecological corridor for protected species such as Great Crested Newt. For this reason the Sussex BAP seeks to avoid fragmentation or truncation of linear migration routes and construction of barriers to movement such as roads and culverts. Buffer zones need to be measured from bank top for the whole extent of the site. Bank top is defined as the point at which the bank meets normal ground levels, structures, hard standing, footpaths, fences, lighting or overhanging development and should not include formal landscaping. The buffer zones need to be designed and managed to develop a natural character or left to colonise and regenerate naturally as a natural area for wildlife. Please see the advice of the Environment Agency regarding biodiversity in their letter of 8th November 2017.
3. In relation to Condition 18, the applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
4. In relation to Condition 18, the applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.
5. In relation to Condition 18, this planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981,

the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex, BN7 2PH.

6. In relation to Conditions 20 and 21, the written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the ESCC document "Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex" (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewes, BN7 1UE or telephone 01273 481608.
7. The applicant is advised that they will need an Environmental Permit for Flood Risk Activities, especially where works are within the 8m buffer distance of the main river, including the new and upgraded bridges, resurfacing of rights of way, trees/planting and any other works. For further advice please contact PSOEastSussex@environment-agency.gov.uk
8. Given the close proximity to the main river and flood zones, consideration should be given to the use of flood proofing measures to reduce the impact of flooding when it occurs.
9. The applicant is reminded that an Order will be required to stop up Buckholt Lane.
10. For the avoidance of doubt, the applicant is advised that the design, layout, and access information submitted with the application, namely Drawing No. (08) 005 Indicative Masterplan – which indicates access and circulation arrangements within the site, disposition of development, building footprints and broad landscaping.
Drawing No's. (08) 007 and (08) 008 Indicative Sections – which indicates scale and heights of buildings.
Design & Access Statement are **not** approved.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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RR/2018/79/P

BEXHILL 110 Pebsham Lane, Bexhill

Proposed detached dwelling and new vehicular access.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing nos. 5325/LBP/A and 5325/1/A, dated MAR 2017.
Drawing nos. 5325/2/B and 5325/3/B, dated MAR 2018.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority and the dwelling shall not be occupied until the drainage works to serve the development have been provided in accordance with the approved details.
Reason: A pre-commencement condition is required to ensure the satisfactory drainage of the site in an area liable to surface water flooding in accordance with Policy SRM2 (iii) of the Rother Local Plan Core Strategy.
4. The materials to be used in the construction of the external surfaces of the dwelling hereby approved shall be as described in the application form, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development reflects the character and the visual amenities of the area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
5. The new access shall be in the position shown on the approved plans, drawing no. 5325/3/A, dated MAR 2017 and all works undertaken shall be executed and completed to the written satisfaction of the Local Planning Authority prior to the occupation of the development hereby permitted
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
6. The dwelling hereby permitted shall not be occupied until parking and turning areas have been constructed in accordance with the approved plan, drawing no. 5325/3/A, dated MAR 2017, and these areas shall thereafter be retained for those uses and shall not be used other than for the parking and turning of vehicles.
Reason: To ensure that adequate parking is provided and to ensure the safety of persons and vehicles entering and leaving the access and

proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order, with or without modification), no windows or other openings (other than those expressly authorised by this permission) shall be inserted into the east and west elevations or roof slopes.
Reason: To preclude overlooking and thereby protect the residential amenities of the neighbouring occupiers in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

NOTES:

1. This development will be subject to the Community Infrastructure Levy (CIL) and all interested parties are referred to www.rother.gov.uk/CIL for further information and the charging schedule.
2. The proposed surface water drainage scheme as required by condition no. 3 should be informed by the 'SuDS Decision Support Tool for Small Scale Development' produced by East Sussex County Council, which should form part of the details submitted.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by

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