

PLANNING COMMITTEE

23 March 2023

Minutes of the Planning Committee meeting held at the Town Hall, Bexhill-on-Sea on Thursday 23 March 2023 at 9:30am.

Committee Members present: Councillors J. Vine-Hall (Chair), J. Barnes (Substitute), Mrs. M.L. Barnes, T.J.C. Byrne, Mrs V. Cook (Substitute) (remote), B.J. Drayson, S.J. Errington, A.E. Ganly, N. Gordon, P.J. Gray, K.M. Harmer (ex-officio), C.A. Madeley (in part) and G.F. Stevens.

Other Members present: Councillors J.J. Carroll, S.J. Coleman and L.M. Langlands (in part).

Advisory Officers in attendance: Development Manager, Interim Development Manager, Development Management Team Leader, Planning Policy Manager, Planning Lawyer, Planning Consultant and Democratic Services Officer.

Also present: 15 members of the public in the Council Chamber and 75 via the live webcast.

PL22/133. **MINUTES**

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 16 March 2023 as correct record of the proceedings.

PL22/134. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

Apologies for absence were received from Councillors G.C. Curtis, Rev. H.J. Norton, A.S. Mier and S.M. Prochak.

It was noted that Councillor J. Barnes was present as a substitute for Councillor Curtis and Councillor Mrs Cook was present as a substitute for Councillor Norton.

PL22/135. **DISCLOSURE OF INTEREST**

(5)

Declarations of interest were made by Councillors in the Minutes as indicated below:

Drayson Agenda Items 7, 8 and 9 – Personal Interest as a Member of Bexhill-on-Sea Town Council who had made a representation on the application and confirmed he was not pre-determined.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL22/136. PLANNING APPLICATIONS - INDEX

(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 Director – Place and Climate Change 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. This delegation also allows the Director – Place and Climate Change 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 detailed below.

PL22/137. RR/2022/2364/P - KITEYE FARM, NINFIELD ROAD, BEXHILL

(7)

DECISION: GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO CONFIRM THE SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT, SUBJECT TO THE AGREEMENT OF THE CHAIR OF PLANNING COMMITTEE (with the authority to finalise any matter including conditions, legal agreement terms, or any later variations) subject to the conditions and the informatives contained in the Council's report).

The Planning Committee requested that a clause be included in the Section 106 Planning Obligation, in consultation with the Chair, in relation to a Viability Review Mechanism to be put in place should a

Viability Assessment be brought forward which was agreed with the Gladman's representative at the planning committee meeting.

CONDITIONS:

1. Reserved matters: details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority not later than two-years from the date of this permission prior to the commencement of development and the development shall be carried out as approved.
Reason: In accordance with section 91 and 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Expiration: the development as permitted shall commence not later than the expiration of one-year from the date of approval of the reserved matters 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).
3. Approved plans and details: the development hereby permitted shall be carried out in accordance with the following approved:
Red Line Location Plan (Ref. CSA/5655/111 Rev B; dated: February 2023).
Proposed Site Access (B0311404-TTE-00-XX-PL-D-003-P03; dated: 8 March 2023).
4. Development Framework Plan: the development hereby permitted shall be carried out in broad accordance with the Development Framework Plan as submitted to and approved in writing by the Local Planning Authority.
Development Framework Plan (CSA/5655/100/ Rev. I; dated: February 2023).
Reason: For the avoidance of doubt and in the interests of proper planning and 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. Roadworks (Estate Roads): prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed estate 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 consultation with East Sussex County Council Highways Authority. The estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
Reason: In the interests of highway safety to secure satisfactory standards of access for the proposed development and for the benefit and convenience of the public at large in accordance

with Policies TR(i) and TR3(i)(ii) of the Rother Local Plan Core Strategy.

6. Bus Stop (NBAR): prior to the commencement of development on site, detailed drawings for the provision of a pair of new bus stops on the NBAR to the north of the site in the vicinity of the main site access (one in each direction) each requiring a raised kerb, bus shelter, lighting, seating and real time information display; the bus stop on the north side of the road will need an accessible pedestrian route from the crossing; the bus stop on the south side may need to be accommodated within a new bus stop layby, with the pedestrian/cycle route adjusted accordingly to allow for this, shall be submitted and approved in writing by the Local Planning Authority (in consultation with East Sussex County Council Highways Authority). The bus stops shall be designed and provided to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

The developer will address all issues regarding legal and third-parties land ownership relating to the provision of the bus stop and possible future adoption of the bus stop.

Reason: To ensure the safety of persons and development and for the benefit and convenience of the public at large in accordance with Policies TR2(ii)(iv)(vi) and TR3(ii) of the Rother Local Plan Core Strategy.

7. Surface water drainage: the reserved matters application(s) shall be accompanied by a detailed surface water drainage management proposal, including address within the requirements of Policy BEX3 North Bexhill (cumulative impact) shall be submitted to and approved in writing by the Local Planning Authority in consultation with The Pevensy and Cuckmere Water Level Management Board (Lead Local Flood Authority) and Southern Water, and the development shall thereafter be completed and maintained in accordance with the approved details. The surface water drainage system shall incorporate inter-alia the following and details as required by the LLFA; and, shall be prepared in consultation with the Board and take due reference of their byelaw requirements:

- i. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the mean annual runoff rate for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations. The calculations should demonstrate that system can half drain within 24 hours.
- ii. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be

submitted as part of a detailed design including cross sections and invert levels.

- iii. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- iv. Groundwater monitoring study: the detailed design of the surface water drainage features (underground tank and pond, etc.) shall be informed by findings of groundwater monitoring study undertaken between October and March to determine the highest winter groundwater table. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measure which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.
- v. Prior to the construction of the outfall, a survey of the condition of the watercourses which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

Reason: Pre-commencement condition as the details required are integral to development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy; to control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2(iii) and EN7(iii) of the Rother Local Plan Core Strategy and National Planning Policy Framework paragraphs 163 and 165.

8. Drainage Plan: a maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA) to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
 - i. The plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - ii. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The approved plan shall remain in place for the lifetime of the development.

Reason: Pre-commencement condition as the details are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy.

9. Construction Management Plan: 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 be restricted to the following matters:
- i. The anticipated number, frequency and types of vehicles used during construction.
 - ii. Delivery and construction phase working hours.
 - iii. The method of access and egress and routing of vehicles during construction.
 - iv. The parking of vehicles by site operatives and visitors.
 - v. The loading and unloading of plant, materials and waste.
 - vi. The storage of plant and materials used in construction of the development.
 - vii. The erection and maintenance of security hoarding, including provision to protected identified landscapes.
 - viii. 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 Traffic Regulation Orders).
 - ix. Scheme for the control of noise and dust.
 - x. Details of public engagement both prior to and during construction works.
 - xi. The erection and maintenance of security hoarding to the Public Right-of-Way to ensure continued safe access to this route during construction.
 - xii. The Applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: Pre-commencement condition for works to ensure that the amenities of existing occupiers are protected and in the interests of and for the safety of persons and vehicles using the local road network serving the site, having regard to National Planning Policy Framework paragraphs 174 and 185, and Policy OSS4(iii) of the Rother Local Plan Core Strategy.

10. Ecological Design Strategy: no development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of protect species (e.g. hazel dormice, Great Crested Newts) and addressing compensation for the loss of habitat, protection of retained habitat, including the provision of dark corridors through and around the site, and enhancement of the site including the site identified as Biodiversity Net Gain areas to provide measurable biodiversity net gain of at least 10%, in line with the Development Framework Plan and the Biodiversity Net Gain Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the following:

- i. Purpose and objectives for the proposed works.
- ii. Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
- iii. Extent and location of proposed works shown on appropriate scale maps and plans.
- iv. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- v. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- vi. Persons responsible for implementing the works.
- vii. Initial aftercare and long-term maintenance (where relevant).
- viii. Disposal of any wastes arising from the works.
The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: Pre-commencement condition for works to protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended.

11. Construction Environmental Management Plan: no development shall take place (including demolition, ground works, vegetation clearance) until a Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to and implemented throughout the construction period in accordance with the approved details. The Plan shall include, but is not limited to, the following:
 - i. Information on the persons/bodies responsible for identified activities associated with the CEMP that demonstrate they are qualified for the activity they are undertaking including an ecological Clerk of Works and lines of communication.
 - ii. Practical measures (both physical measures and sensitive working practices) to be used during the development in order to minimise environmental impact of the works (inter-alia, considering both potential disturbance and pollution including air quality (dust and PM10), noise, and including traffic routing to reduce vehicles emissions, compounds for storage of plant/machinery/materials, protective fencing, exclusion barriers and warning signs for the protection of existing hedgerows, trees and other landscape features to be retained, detailed method statements considering construction noise, vibration and lighting effects and plant operation, storage and spillage of oil/chemicals and soil protection measures (may be provided as a set of method statements).
 - iii. Identification of “biodiversity protection zones”.
 - iv. Any necessary mitigation for protected species.

- v. A map or plan identifying biodiversity protection zones and measures to protect minimum 15m buffer zones to surrounding treed hedgerows and woodlands and minimum 8m wide buffer zone alongside the main watercourse feeding into the existing watercourse, during works.
- vi. A Soil Management Plan including proposals for stripping and storing soil for later reuse on site in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soil on Construction Sites September 2009.
- vii. Risk assessment of potentially damaging construction activities.
- viii. Lighting used for construction must be kept to a minimum and switched off when not in use. Lighting should be positioned so as not to spill on to adjacent land or retained vegetation. Night working (see Working Hours condition) should be avoided where possible to reduce lighting of sensitive habitats and disturbance to species.
- ix. The timing of the works including timings to avoid harm to environmentally sensitive area or features and the times when specialist ecologists need to be present on site to oversee works.
- x. Implementation of a construction-phase drainage strategy to intercept, capture and attenuate surface water runoff to avoid detrimental impacts on the interest features of the Combe Haven SSSI and waterbodies from ground and/or surface water pollution. Chemicals and fuels must be stored in secure containers located away from watercourses or water bodies. Spill kits must be available on site.
- xi. Measures to manage flood risk, both on and off the site, during the construction phase. This may be incorporated into the Construction Management Plan or form a standalone document.
- xii. Use of protective fences, exclusion barriers and warning signs.
- xiii. Excavations must be covered or securely fenced (with no potential access points beneath fencing) when the construction site is closed to prevent entrapment of animals (especially badgers).
- xiv. A detailed method statement for the long-term management and control of Japanese Knotweed on the site including measures to prevent its spread during any operations and measures to ensure that any soils brought onto the site are free of the seeds/root/stem on any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended).
- xv. Any necessary pollution protection methods.

Reason: Pre-commencement condition to ensure that any adverse environmental impacts of development activities are mitigated in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy.

12. Birchen Shaw Woodland Management Plan: prior to the commencement of development, a Plan, including a woodland enhancement and management scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the Plan so approved. The Plan should include:
- i. Purpose, aims and objectives for the Plan, taking into account the site's existing biodiversity and recommendations arising from any surveys.
 - ii. A full specification and method statement for implementation of the enhancement/ habitat creation proposals.
 - iii. Personnel responsible for implementation of the Plan.
 - iv. The funding for implementation.
 - v. Aftercare and long-term maintenance and management.
 - vi. Timing of the works and timetable for implementation.
- Reason: Pre-commencement condition to ensure the management and maintenance of Birchen Shaw in accordance with Policy BEX3a(vii) of the Rother Local Plan Core Strategy.
13. Play equipment: no building shall not be occupied until the play areas, locations as shown on the Development Framework Plan, or required as per policy, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and those areas shall not thereafter be used for any purpose other than as a play area.
- Reason: To secure a necessary community facility and provide local amenity space in accordance with Policies CO3(ii)(iii) and CO4(iv) of the Rother Local Plan Core Strategy.
14. Foul and surface water drainage: no development shall commence until a scheme for the provision of foul sewerage and surface water disposal has been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water) and none of the development shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.
- Reason: The details required are integral to the associate and adjacent area to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy.
15. Sustainable Urban Drainage (SUDS): no development shall commence until details of the proposed SUDS has been submitted to and approved in writing by the Local Planning Authority in consultation with statutory consultees including a timetable for the implementation and monitoring of the habitat and arrangements for its monitoring by the Local Planning Authority to ensure compliance and measures to be undertaken to ensure ongoing compliance. The strategy will address:
- i. New ponds, attenuation basins, swales and wetland planting.

- ii. To operate as a water filtration system to maintain the quality and quantity of the surface water run-off entering the adjacent stream.
- iii. Specify a timetable for implementation.
- iv. Specify the responsibilities of each party for the implementation of the SuDS scheme.
- v. Provide a management and maintenance plan for the lifetime of the development.
- vi. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the habitat is developed in a way that contributes to the nature conservation value of the site in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

16. Travel Plan: prior to the occupation of any building, a Travel Plan (live for 5-years as at first occupation) to substantively accord with the Interim Travel Plan (Ref. Tetra Tech) detailing the provision of alternative transport arrangements to enable access to and from the site other than by single-occupancy car has been submitted to and approved in writing by the Local Planning Authority (in collaboration with the East Sussex County Council Highways Authority) including a timetable for the implementation and monitoring of the Plan and arrangements for its monitoring by the Local Planning Authority and/or ESCC Highways to ensure compliance and measures to be undertaken to ensure ongoing compliance.

Reason: To ensure that the development hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

17. Car Club Electric Vehicle Strategy: the development shall not be occupied until details relating to the provision of dedicated parking areas, including electric charging facilities, bay numbers as agreed, have been submitted and approved in writing by the Local Planning Authority and shall be installed ready for use and shall thereafter be retained for that use and shall not be used other than for the charging of electric vehicles.

The proposed parking spaces shall measure at least 2.5m by 5m.

Reason: To ensure that the development meets the objectives of sustainable development and carbon neutral objectives and in accordance with Policy TR3(iii) of the Rother Local Plan Core Strategy.

18. Highway Works (Access): the development shall not be occupied until details of the layout of the new access as shown on drawing Proposed Site Access (B0311404-TTE-00-XX-PL-D-

003-P03; dated: March 2023) and the specification for the construction of the access have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the construction of the access has been completed in accordance with the approved specification.

There shall be no obstruction to visibility greater than 600mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120m in each direction of the access as shown on drawing number B031404-TTE-00-XX-PL-D-003-01-P02. Having regard to the size of vehicles to be attending the site during the construction phase such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: Pre-commencement condition to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway. To ensure the safety of persons and cyclists entering and leaving the access in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

19. Highway Works (Little Common): No more than 50% of the dwellings shall be occupied until the scheme of works at Little Common (A259) roundabout shown on (Arden Consulting Engineers) drawing 180300-003 Revision F has been fully implemented and opened to all traffic.

Reason: To ensure that the A259 continues to be effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirement of road safety.

20. Highway Works (King Offa Way): No more than 50% of the dwellings shall be occupied until the scheme of works at the Bexhill Leisure Centre (A269)/King Offa Way (A259) junction shown on (Prime Transport Planning) drawing P18063-004 has been fully implemented and opened to all traffic.

Reason: To ensure that the A259 continues to be effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

21. Highway Works (Broadoak Lane): No more than 50% of the dwellings shall be occupied until the junction improvement works at the Little Common Road (A259)/Broadoak Lane junction shown on (Tera Tech) Drawing No. 7840A115791-TTE-00-XX-PL-D-002 Revision P01 have been fully implemented and opened to all traffic.

Reason: To ensure that the A259 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

22. Access road to Outdoor Sport Grounds: the buildings shall not be occupied until the part of the service road which provides access to the sport field site and the allocated parking spaces related it to have been constructed. This should provide provision for road bell mouths/junctions including any underground ducting, or similar, to allow for future infrastructure services.
Reason: To 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 TR3 of the Rother local Plan Core Strategy.
23. Pedestrian/cycle link (Haven Brook Avenue): no development shall commence until details, including timing, for the provision of a pedestrian/cycle link within and up to the application site boundary adjoining Haven Brook Avenue have been submitted and approved in writing by the Local Planning Authority and thereafter this link shall be provided, maintained and in no way obstructed.
Reason: To facilitate a pedestrian link between Haven Brook Avenue and Bexhill via the development for the benefit of residents of the new development and existing residents in the locality and to promote walking and physical activity in accordance with National Planning Policy Framework paragraphs 98 and 104 respectively and in accordance with Policies TR2(iii) and TR3 of the Rother Local Plan Core Strategy.
24. Pedestrian/cycle link – Kiteye Farm: as part of the Reserved Matters submission, details of a footpath link connecting the application site from Ninfield Road Kiteye Farm’s access, across the existing bridge, up to and extending to Haven Brooke Avenue/ NBAR and the Outdoor Sport Grounds’ club house facility shall be submitted to and approved in writing by the Local Planning Authority and thereafter this footpath shall be provided, maintained and in no way obstructed.. The footpath link shall:
- i. Have a bound surface.
 - ii. Have tactile dropped kerbs at crossing points.
 - iii. Have low level lighting.
 - iv. Have natural surveillance.
 - v. Be a minimum of 2m in width.
 - vi. Address the structural integrity of the bridge.
 - vii. Be to an adoptable standard.
- Reason: To facilitate a pedestrian link via the development for the benefit of residents of the new development and existing residents in the locality and to promote walking and physical activity in accordance with National Planning Policy Framework paragraphs 98 and 104 and in accordance with Policies TR2(iii) and TR3 of the Rother Local Plan Core Strategy.
25. Footpath 56 improvements: Public right of way 56 shall be subject to improvement works, agreed as the diversion of the public footpath within the site or the creation of parallel footpaths within the site along the stream in accordance with a written

scheme which has been submitted to and approved in writing by the Local Planning Authority. The footpaths will be provided apart from a length of circa 20m which falls outside the site demise for which a commuted sum will be secured. The works shall be implemented in accordance with such scheme prior to the occupation of any dwelling.

Reason: To ensure the continued use of the public right of way within the appeal site to promote walking and physical activity in accordance with National Planning Policy Framework paragraphs 98 and 104 respectively.

26. Sport facilities: the building shall not be occupied until the sport fields, club facilities, associated utilities, and landscaping as illustrated on the Development Framework Plan have been constructed and those areas shall not thereafter be used for any purpose other than as a play area.

Reason: To secure a necessary community facility and provide local amenity space in accordance with Policy CO4(iv) of the Rother Local Plan Core Strategy.

27. Landscape and Ecological Management Plan (LEMP): The Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The content of the Plan shall include the following:

- i. Description and evaluation of features to be managed.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management.
- iv. Appropriate management options for achieving aims and objectives.
- v. Prescriptions for management actions, together with a plan of management compartments.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- vii. Details of the body or organisation responsible for implementation of the plan.
- viii. Ongoing monitoring and remedial measures.

The Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the Applicant with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term

management of habitats, species and other biodiversity features.

Reason: To ensure the enhancement of wildlife and supporting habitats in accordance with Policy EN5 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

28. Drainage (as constructed): the buildings shall not be occupied until evidence (including photographs) has been submitted showing that the drainage system has been constructed as per the final agreed detailed drainage design. These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy.

29. Time Limit on development before further surveys are required: if the development hereby approved does not commence (or, having commenced, is suspended for more than 12-months) within one year from the date of the planning consent, the approved ecological measures secured through condition(s) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of badgers, bats, hazel dormouse and reptiles; and, ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed.

Reason: To ensure that the habitat is developed in a way that contributes to the nature conservation value of the site in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

NOTES:

1. This permission is the subject of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

2. The East Sussex County Council authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the Applicant and East Sussex County Council. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. Section 38 Agreement of the Highways Act, 1980 – Provision of Adoptable Highway: the Applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
4. National/East Sussex County Council Highways have advised that the Construction Management Plan shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation, numbers, frequency, routing and type of vehicles visiting the site (including measure to limit delivery journeys on the Strategic Road Network during highway peak hours such as the use vehicle booking systems etc.); measure to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc. from entering the public highway (and means to remove if it occurs).
5. National/East Sussex County Council Highways would wish to see the roads within the site that are not to be offered for adoption be laid out and constructed to standards at, or at least close to, adopted standards.
6. 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.
7. 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.

8. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.
9. The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore, the Applicant is required to agree surface water discharge rates into the internal drainage district with the Water Level Management Board. This should be done at the time of fixing the development layout.
10. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
11. The Applicant is reminded that Public Footpath Bexhill 56 (BEX/56/1) shall remain available at all times during construction and following any development, unless an application for a diversion is made under Section 257 of the Town and Country Planning Act 1990, or unless a temporary closure is applied under Sections 14 and 15 of the Road Traffic Regulation Act 1984, and appropriate permissions sought under the Countryside and Rights of Way Act 2000.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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.

(Councillor Drayson declared a Personal Interest in this matter in so far as he was a Member of Bexhill-on-Sea Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

PL22/138. **RR/2022/1584/P - LAND AT MAYO LANE, BEXHILL**

(8)

DECISION: GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO CONFIRM THE

SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT, SUBJECT TO THE AGREEMENT OF THE CHAIR OF PLANNING COMMITTEE (with the authority to finalise any matter including conditions, legal agreement terms, or any later variations) subject to the conditions and the informatives contained in the Council's report).

The Planning Committee requested that a clause be included in the Section 106 Planning Obligation, in consultation with the Chair, in relation to a Viability Review Mechanism to be put in place should a Viability Assessment be brought forward which was agreed with the Gladman's representative at the planning committee meeting. In addition, the Gladman's representative agreed that they would not object to the inclusion of and the funding of Highway features to close or part closing of Mayo Lane to specifically prevent this road being used to access Ninfield road or Watermill Lane by this development subject to the Highways Authority's agreement.

CONDITIONS:

1. Reserved matters: details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority not later than two-years from the date of this permission prior to the commencement of development and the development shall be carried out as approved.
Reason: In accordance with section 91 and 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Expiration: the development as permitted shall commence not later than the expiration of one-year from the date of approval of the reserved matters 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).
3. Approved plans and details: the development hereby permitted shall be carried out in accordance with the following approved:
Site Location Plan (Ref. CSA/4879/103 Rev-; dated March 2020).
Access Layout Optioneering (Option 1: Shuttle working with 3.7m wide carriageway and varied width footway Ref. A117113-TTE-00-XX-PL-D-002-P02; dated: 9 March 2023).
4. Development Framework Plan: the development hereby permitted shall be carried out in broad accordance with the Development Framework Plan as submitted to and approved in writing by the Local Planning Authority.
Development Framework Plan (Option 3 - CSA/4879/111 Rev. A; dated: March 2020).
Reason: For the avoidance of doubt and in the interests of proper planning and 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. Road Safety Audit Stage 1: no development shall take place until the Applicant has undertaken a Road Safety Audit which shall be submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council Highways.

Reason: Pre-commencement condition to ensure safe access for pedestrians and cyclists to the site comply with the National Planning Policy Framework (National Planning Policy Framework 2021) and Policies TR2 and TR3 of the Rother Local Plan Core Strategy (2014).
6. Roadworks (Estate Roads): prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed estate 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 consultation with East Sussex County Council Highways Authority. The estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

Reason: In the interests of highway safety to secure satisfactory standards of access for the proposed development and for the benefit and convenience of the public at large in accordance with Policies TR(i) and TR3(i)(ii) of the Rother Local Plan Core Strategy.
7. Bus Stop (Haven Brooke Avenue): prior to the commencement of development on site, detailed drawings for the provision of a pair of new bus stops on Haven Brooke Avenue (one in each direction) each requiring a raised kerb, bus shelter, lighting, seating and real time information display; the bus stop on the north side of the road will need an accessible pedestrian crossing and route from the crossing; the bus stop on the south side may need to be accommodated within a new bus stop layby, with the pedestrian/cycle route adjusted accordingly to allow for this and connected to the footpath provided to Watermill Lane, shall be submitted and approved in writing by the Local Planning Authority (in consultation with East Sussex County Council Highways Authority). The bus stops shall be designed and provided to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

The developer will address all issues regarding legal and third-parties land ownership relating to the provision of the bus stop and possible future adoption of the bus stop.

Reason: To ensure the safety of persons and development and for the benefit and convenience of the public at large in

accordance with Policies TR2(ii)(iv)(vi) and TR3(ii) of the Rother Local Plan Core Strategy.

8. Surface water drainage: the reserved matters application(s) shall be accompanied by a detailed surface water drainage management proposal, including address within the requirements of Policy BEX3 North Bexhill (cumulative impact) shall be submitted to and approved in writing by the Local Planning Authority in consultation with The Pevensey and Cuckmere Water Level Management Board (Lead Local Flood Authority) and Southern Water, and the development shall thereafter be completed and maintained in accordance with the approved details. The surface water drainage system shall incorporate inter-alia the following and details as required by the LLFA; and, shall be prepared in consultation with the Board and take due reference of their byelaw requirements:
 - i. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the mean annual runoff rate for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations. The calculations should demonstrate that system can half drain within 24 hours.
 - ii. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
 - iii. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - iv. Groundwater monitoring study: the detailed design of the surface water drainage features (underground tank and pond, etc.) shall be informed by findings of groundwater monitoring study undertaken between October and March to determine the highest winter groundwater table. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measure which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.
 - v. Prior to the construction of the outfall, a survey of the condition of the watercourses which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

Reason: Pre-commencement condition as the details required are integral to development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy; to control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2(iii) and EN7(iii) of the Rother Local Plan Core Strategy and National Planning Policy Framework paragraphs 163 and 165.

9. Drainage Plan: a maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA) to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
- i. The plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - ii. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The approved plan shall remain in place for the lifetime of the development.

Reason: Pre-commencement condition as the details are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy.

10. Construction Management Plan: 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 be restricted to the following matters:
- i. The anticipated number, frequency and types of vehicles used during construction.
 - ii. Delivery and construction phase working hours.
 - iii. The method of access and egress and routing of vehicles during construction.
 - iv. The parking of vehicles by site operatives and visitors.
 - v. The loading and unloading of plant, materials and waste.
 - vi. The storage of plant and materials used in construction of the development.
 - vii. The erection and maintenance of security hoarding, including provision to protected identified landscapes.
 - viii. 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 Traffic Regulation Orders).
 - ix. Scheme for the control of noise and dust.

- x. Details of public engagement both prior to and during construction works.
- xi. The erection and maintenance of security hoarding to the Public Right-of-Way to ensure continued safe access to this route during construction.
- xii. The Applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: Pre-commencement condition for works to ensure that the amenities of existing occupiers are protected and in the interests of and for the safety of persons and vehicles using the local road network serving the site, having regard to National Planning Policy Framework paragraphs 174 and 185, and Policy OSS4(iii) of the Rother Local Plan Core Strategy.

- 11. Ecological Design Strategy: no development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of protect species (e.g. hazel dormice, Great Crested Newts) and addressing compensation for the loss of habitat, protection of retained habitat, including the provision of dark corridors through and around the site, and enhancement of the site including the site identified as Biodiversity Net Gain areas to provide measurable biodiversity net gain of at least 10%, in line with the Development Framework Plan and the Biodiversity Net Gain Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the following:

- i. Purpose and objectives for the proposed works.
- ii. Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
- iii. Extent and location of proposed works shown on appropriate scale maps and plans.
- iv. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- v. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- vi. Persons responsible for implementing the works.
- vii. Initial aftercare and long-term maintenance (where relevant).
- viii. Disposal of any wastes arising from the works.

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

Reason: Pre-commencement condition for works to protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended.

12. Construction Environmental Management Plan: no development shall take place (including demolition, ground works, vegetation clearance) until a Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to and implemented throughout the construction period in accordance with the approved details. The Plan shall include, but is not limited to, the following:
- i. Information on the persons/bodies responsible for identified activities associated with the CEMP that demonstrate they are qualified for the activity they are undertaking including an ecological Clerk of Works and lines of communication.
 - ii. Practical measures (both physical measures and sensitive working practices) to be used during the development in order to minimise environmental impact of the works (inter-alia, considering both potential disturbance and pollution including air quality (dust and PM10), noise, and including traffic routing to reduce vehicles emissions, compounds for storage of plant/machinery/materials, protective fencing, exclusion barriers and warning signs for the protection of existing hedgerows, trees and other landscape features to be retained, detailed method statements considering construction noise, vibration and lighting effects and plant operation, storage and spillage of oil/chemicals and soil protection measures (may be provided as a set of method statements).
 - iii. Identification of “biodiversity protection zones”.
 - iv. Any necessary mitigation for protected species.
 - v. A map or plan identifying biodiversity protection zones and measures to protect minimum 15m buffer zones to surrounding treed hedgerows and woodlands and minimum 8-metre wide buffer zone alongside the main watercourse feeding into the existing watercourse, during works.
 - vi. A Soil Management Plan including proposals for stripping and storing soil for later reuse on site in accordance with DEFRA’s Construction Code of Practice for the Sustainable Use of Soil on Construction Sites September 2009.
 - vii. Risk assessment of potentially damaging construction activities.
 - viii. Lighting used for construction must be kept to a minimum and switched off when not in use. Lighting should be positioned so as not to spill on to adjacent land or retained vegetation. Night working (see Working Hours condition) should be avoided where possible to reduce lighting of sensitive habitats and disturbance to species.
 - ix. The timing of the works including timings to avoid harm to environmentally sensitive area or features and the times when specialist ecologists need to be present on site to oversee works.
 - x. Implementation of a construction-phase drainage strategy to intercept, capture and attenuate surface water runoff to

avoid detrimental impacts on the interest features of the Combe Haven SSSI and waterbodies from ground and/or surface water pollution. Chemicals and fuels must be stored in secure containers located away from watercourses or water bodies. Spill kits must be available on site.

- xi. Measures to manage flood risk, both on and off the site, during the construction phase. This may be incorporated into the Construction Management Plan or form a standalone document.
- xii. Use of protective fences, exclusion barriers and warning signs.
- xiii. Excavations must be covered or securely fenced (with no potential access points beneath fencing) when the construction site is closed to prevent entrapment of animals (especially badgers).
- xiv. A detailed method statement for the long-term management and control of Japanese Knotweed on the site including measures to prevent its spread during any operations and measures to ensure that any soils brought onto the site are free of the seeds/root/stem on any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended)
- xv. Any necessary pollution protection methods.

Reason: Pre-commencement condition to ensure that any adverse environmental impacts of development activities are mitigated in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy.

13. Play equipment: no building shall not be occupied until the play areas, locations as shown on the Development Framework Plan, or required as per policy, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and those areas shall not thereafter be used for any purpose other than as a play area.

Reason: To secure a necessary community facility and provide local amenity space in accordance with Policies CO3(ii)(iii) and CO4(iv) of the Rother Local Plan Core Strategy.

14. Foul and surface water drainage: no development shall commence until a scheme for the provision of foul sewerage and surface water disposal has been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water) and none of the development shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: The details required are integral to the associate and adjacent area to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy.

15. Sustainable Urban Drainage (SUDS): no development shall commence until details of the proposed SUDS has been submitted to and approved in writing by the Local Planning

Authority in consultation with statutory consultees including a timetable for the implementation and monitoring of the habitat and arrangements for its monitoring by the Local Planning Authority to ensure compliance and measures to be undertaken to ensure ongoing compliance. The strategy will address:

- i. New ponds, attenuation basins, swales and wetland planting.
- ii. To operate as a water filtration system to maintain the quality and quantity of the surface water run-off entering the adjacent stream.
- iii. Specify a timetable for implementation.
- iv. Specify the responsibilities of each party for the implementation of the SuDS scheme.
- v. Provide a management and maintenance plan for the lifetime of the development.
- vi. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the habitat is developed in a way that contributes to the nature conservation value of the site in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

16. Travel Plan: prior to the occupation of any building, a Travel Plan (live for 5-years as at first occupation) to substantively accord with the Interim Travel Plan (Ref. Tetra Tech) detailing the provision of alternative transport arrangements to enable access to and from the site other than by single-occupancy car has been submitted to and approved in writing by the Local Planning Authority (in collaboration with the East Sussex County Council Highways Authority) including a timetable for the implementation and monitoring of the Plan and arrangements for its monitoring by the Local Planning Authority and/or ESCC Highways to ensure compliance and measures to be undertaken to ensure ongoing compliance.

Reason: To ensure that the development hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

17. Car Club Electric Vehicle Strategy: the development shall not be occupied until details relating to the provision of dedicated parking areas, including electric charging facilities, bay numbers as agreed, have been submitted and approved in writing by the Local Planning Authority and shall be installed ready for use and shall thereafter be retained for that use and shall not be used other than for the charging of electric vehicles.

The proposed parking spaces shall measure at least 2.5m by 5m.

Reason: To ensure that the development meets the objectives of sustainable development and carbon neutral objectives and in accordance with Policy TR3(iii) of the Rother Local Plan Core Strategy.

18. Highway Works (Access): the development shall not be occupied until details of the layout of the new access as shown drawing Access Layout Optioneering (Option 1: Shuttle working with 3.7m wide carriageway and varied width footway Ref. A117113-TTE-00-XX-PL-D-002-P02; dated: 9 March 2023) and the specification for the construction of the access have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the construction of the access has been completed in accordance with the approved specification.

Reason: Pre-commencement condition to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway. To ensure the safety of persons and cyclists entering and leaving the access in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

19. Pedestrian/cycle link – Mayo Rise: as part of the Reserved Matters submission, details of a footpath link connecting the application site from Watermill Lane with Mayo Rise shall be submitted to and approved in writing by the Local Planning Authority and thereafter this footpath shall be provided, maintained and in no way obstructed. The footpath link shall:

- i. Have a bound surface.
- ii. Have tactile dropped kerbs at crossing points.
- iii. Have low level lighting.
- iv. Have natural surveillance.
- v. Be a minimum of 2m in width.
- vi. Be to an adoptable standard.
- vii. Shall extend to the full extent of the title boundary along Windmill Lane and directly abut Mayo Rise.

Reason: To facilitate a pedestrian link between Watermill Lane and Bexhill via the development for the benefit of residents of the new development and existing residents in the locality and to promote walking and physical activity in accordance with National Planning Policy Framework paragraphs 98 and 104 and in accordance with Policies TR2(iii) and TR3 of the Rother Local Plan Core Strategy.

20. Footpath 56 improvements: Public right of way 56 shall be subject to improvement works, agreed as the diversion of the public footpath within the site or the creation of parallel footpaths within the site along the stream in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority. The footpaths will be provided apart from a length of circa 20m which falls outside the site demise for which a commuted sum will be secured. The works shall be implemented in accordance with such scheme prior to the occupation of any dwelling.

Reason: To ensure the continued use of the public right of way within the appeal site to promote walking and physical activity in accordance with National Planning Policy Framework paragraphs 98 and 104 respectively.

21. Landscape and Ecological Management Plan (LEMP): The Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The content of the Plan shall include the following:
- i. Description and evaluation of features to be managed.
 - ii. Ecological trends and constraints on site that might influence management.
 - iii. Aims and objectives of management.
 - iv. Appropriate management options for achieving aims and objectives.
 - v. Prescriptions for management actions, together with a plan of management compartments.
 - vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - vii. Details of the body or organisation responsible for implementation of the plan.
 - viii. Ongoing monitoring and remedial measures.

The Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the Applicant with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features.

Reason: To ensure the enhancement of wildlife and supporting habitats in accordance with Policy EN5 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

22. Drainage (as constructed): the buildings shall not be occupied until evidence (including photographs) has been submitted showing that the drainage system has been constructed as per the final agreed detailed drainage design. These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and

to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy.

23. Time Limit on development before further surveys are required: if the development hereby approved does not commence (or, having commenced, is suspended for more than 12-months) within one year from the date of the planning consent, the approved ecological measures secured through condition(s) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of badgers, bats, hazel dormouse and reptiles; and, ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.
- As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed.
- Reason: To ensure that the habitat is developed in a way that contributes to the nature conservation value of the site in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

NOTES:

1. This permission is the subject of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
2. The East Sussex County Council authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the Applicant and East Sussex County Council. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. Section 38 Agreement of the Highways Act, 1980 – Provision of Adoptable Highway: the Applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The Applicant is requested to contact the

Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

4. National/East Sussex County Council Highways have advised that the Construction Management Plan shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation, numbers, frequency, routing and type of vehicles visiting the site (including measure to limit delivery journeys on the Strategic Road Network during highway peak hours such as the use vehicle booking systems etc.); measure to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc. from entering the public highway (and means to remove if it occurs).
5. National/East Sussex County Council Highways would wish to see the roads within the site that are not to be offered for adoption be laid out and constructed to standards at, or at least close to, adopted standards.
6. 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.
7. 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.
8. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. (BEX3B) The Applicant's attention is drawn to the letter (January 2023) and map issued by Southern Water (Ref. TQ7309NW; dated: January 2023) indicating the current alignment of the sewerage infrastructure across the site.
9. The application site drains surface water runoff to the Pevensay and Cuckmere Water Level Management Board drainage district. Therefore, the Applicant is required to agree surface water discharge rates into the internal drainage district with the Water Level Management Board. This should be done at the time of fixing the development layout.

10. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
11. The Applicant is reminded that Public Footpath Bexhill 56 (BEX/56/1) shall remain available at all times during construction and following any development, unless an application for a diversion is made under Section 257 of the Town and Country Planning Act 1990, or unless a temporary closure is applied under Sections 14 and 15 of the Road Traffic Regulation Act 1984, and appropriate permissions sought under the Countryside and Rights of Way Act 2000.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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.

(Councillor Drayson declared a Personal Interest in this matter in so far as he was a Member of Bexhill-on-Sea Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

PL22/139. **RR/2021/2545/P - WATERMILL LANE - LAND OFF, BEXHILL**

(9)

DECISION: GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO CONFIRM THE SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT, SUBJECT TO THE AGREEMENT OF THE CHAIR OF PLANNING COMMITTEE (with the authority to finalise any matter including conditions, legal agreement terms, or any later variations) subject to the conditions and the informatives contained in the Council's report).

The Planning Committee requested that a clause be included in the Section 106 Planning Obligation, in consultation with the Chair, in relation to a Viability Review Mechanism to be put in place should a Viability Assessment be brought forward, and that the results of the

road speed audit on Watermill Lane be confirmed as correct. The Viability review mechanism was agreed with the Gladman's representative at the planning committee meeting. In addition, the Gladman's representative agreed that they would not object to the inclusion of and the funding of Highway features to close or part closing of Mayo Lane to specifically prevent this road being used to access Ninfield road or Watermill Lane by this development subject to the Highways Authority's agreement.

CONDITIONS:

1. Reserved matters: details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority not later than two-years from the date of this permission prior to the commencement of development and the development shall be carried out as approved.
Reason: In accordance with section 91 and 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Expiration: the development as permitted shall commence not later than the expiration of one-year from the date of approval of the reserved matters 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).
3. Approved plans and details: the development hereby permitted shall be carried out in accordance with the following approved:
Red Line Site Location Plan (Ref. CSA/5621/105 Rev B; dated: February 2023).
Access Layout (Including a pedestrian connection into adjacent site (BEX3b) Ref. B027940-TTE-00-XX-PL-D-005-P02; dated: February 2023) or
Access Layout (No connection to adjacent site Ref. B027940-TTE-00-XX-PL-D-006-P02; dated February 2023) if application RR/2022/1584/P (site BEX3b) is not approved or has not commenced on site.
4. Development Framework Plan: the development hereby permitted shall be carried out in broad accordance with the Development Framework Plan as submitted to and approved in writing by the Local Planning Authority.
RR/2021/2545/P (Watermill Lane): Development Framework Plan (CSA/5621/100/ Rev. E; dated: August 2021).
Reason: For the avoidance of doubt and in the interests of proper planning and 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. Road Safety Audit Stage 1: no development shall take place until the Applicant has undertaken a Road Safety Audit which shall be submitted to and approved in writing by the Local

Planning Authority in consultation with East Sussex County Council Highways.

Reason: Pre-commencement condition to ensure safe access for pedestrians and cyclists to the site comply with the National Planning Policy Framework (National Planning Policy Framework 2021) and Policies TR2 and TR3 of the Rother Local Plan Core Strategy (2014).

6. Roadworks (Estate Roads): prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed estate 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 consultation with East Sussex County Council Highways Authority. The estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

Reason: In the interests of highway safety to secure satisfactory standards of access for the proposed development and for the benefit and convenience of the public at large in accordance with Policies TR(i) and TR3(i)(ii) of the Rother Local Plan Core Strategy.

7. Bus Stop (Haven Brooke Avenue): prior to the commencement of development on site, detailed drawings for the provision of a pair of new bus stops on Haven Brooke Avenue (one in each direction) each requiring a raised kerb, bus shelter, lighting, seating and real time information display; the bus stop on the north side of the road will need an accessible pedestrian crossing and route from the crossing; the bus stop on the south side may need to be accommodated within a new bus stop layby, with the pedestrian/cycle route adjusted accordingly to allow for this and connected to the footpath provided to Watermill Lane, shall be submitted and approved in writing by the Local Planning Authority (in consultation with East Sussex County Council Highways Authority). The bus stops shall be designed and provided to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

The developer will address all issues regarding legal and third-parties land ownership relating to the provision of the bus stop and possible future adoption of the bus stop.

Reason: To ensure the safety of persons and development and for the benefit and convenience of the public at large in accordance with Policies TR2(ii)(iv)(vi) and TR3(ii) of the Rother Local Plan Core Strategy.

8. Surface water drainage: the reserved matters application(s) shall be accompanied by a detailed surface water drainage management proposal, including address within the requirements of Policy BEX3 North Bexhill (cumulative impact)

shall be submitted to and approved in writing by the Local Planning Authority in consultation with The Pevensey and Cuckmere Water Level Management Board (Lead Local Flood Authority) and Southern Water, and the development shall thereafter be completed and maintained in accordance with the approved details. The surface water drainage system shall incorporate inter-alia the following and details as required by the LLFA; and, shall be prepared in consultation with the Board and take due reference of their byelaw requirements:

- i. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the mean annual runoff rate for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations. The calculations should demonstrate that system can half drain within 24 hours.
- ii. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
- iii. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- iv. Groundwater monitoring study: the detailed design of the surface water drainage features (underground tank and pond, etc.) shall be informed by findings of groundwater monitoring study undertaken between October and March to determine the highest winter groundwater table. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measure which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.
- v. Prior to the construction of the outfall, a survey of the condition of the watercourses which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

Reason: Pre-commencement condition as the details required are integral to development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy; to control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2(iii)

and EN7(iii) of the Rother Local Plan Core Strategy and National Planning Policy Framework paragraphs 163 and 165.

9. Drainage Plan: a maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA) to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
- i. The plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - ii. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The approved plan shall remain in place for the lifetime of the development.

Reason: Pre-commencement condition as the details are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy.

10. Construction Management Plan: 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 be restricted to the following matters:
- i. The anticipated number, frequency and types of vehicles used during construction.
 - ii. Delivery and construction phase working hours.
 - iii. The method of access and egress and routing of vehicles during construction.
 - iv. The parking of vehicles by site operatives and visitors.
 - v. The loading and unloading of plant, materials and waste.
 - vi. The storage of plant and materials used in construction of the development.
 - vii. The erection and maintenance of security hoarding, including provision to protected identified landscapes.
 - viii. 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 Traffic Regulation Orders).
 - ix. Scheme for the control of noise and dust; and,
 - x. Details of public engagement both prior to and during construction works.
 - xi. The erection and maintenance of security hoarding to the Public Right-of-Way to ensure continued safe access to this route during construction.
 - xii. The Applicant should detail measures to manage flood risk, both on and off the site, during the construction

phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: Pre-commencement condition for works to ensure that the amenities of existing occupiers are protected and in the interests of and for the safety of persons and vehicles using the local road network serving the site, having regard to National Planning Policy Framework paragraphs 174 and 185, and Policy OSS4(iii) of the Rother Local Plan Core Strategy.

11. Ecological Design Strategy: no development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of protect species (e.g. hazel dormice, Great Crested Newts) and addressing compensation for the loss of habitat, protection of retained habitat, including the provision of dark corridors through and around the site, and enhancement of the site including the site identified as Biodiversity Net Gain areas to provide measurable biodiversity net gain of at least 10%, in line with the Development Framework Plan and the Biodiversity Net Gain Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the following:

- i. Purpose and objectives for the proposed works.
- ii. Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
- iii. Extent and location of proposed works shown on appropriate scale maps and plans.
- iv. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- v. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- vi. Persons responsible for implementing the works.
- vii. Initial aftercare and long-term maintenance (where relevant).
- viii. Disposal of any wastes arising from the works.

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

Reason: Pre-commencement condition for works to protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended.

12. Construction Environmental Management Plan: no development shall take place (including demolition, ground works, vegetation clearance) until a Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to and implemented throughout the construction period in accordance with the approved details. The Plan shall include, but is not limited to, the following:

- i. Information on the persons/bodies responsible for identified activities associated with the CEMP that demonstrate they are qualified for the activity they are undertaking including an ecological Clerk of Works and lines of communication.
- ii. Practical measures (both physical measures and sensitive working practices) to be used during the development in order to minimise environmental impact of the works (inter-alia, considering both potential disturbance and pollution including air quality (dust and PM10), noise, and including traffic routing to reduce vehicles emissions, compounds for storage of plant/machinery/materials, protective fencing, exclusion barriers and warning signs for the protection of existing hedgerows, trees and other landscape features to be retained, detailed method statements considering construction noise, vibration and lighting effects and plant operation, storage and spillage of oil/chemicals and soil protection measures (may be provided as a set of method statements).
- iii. Identification of “biodiversity protection zones”.
- iv. Any necessary mitigation for protected species.
- v. A map or plan identifying biodiversity protection zones and measures to protect minimum 15-metres buffer zones to surrounding treed hedgerows and woodlands and minimum 8-metre wide buffer zone alongside the main watercourse feeding into the existing watercourse, during works.
- vi. A Soil Management Plan including proposals for stripping and storing soil for later reuse on site in accordance with DEFRA’s Construction Code of Practice for the Sustainable Use of Soil on Construction Sites September 2009.
- vii. Risk assessment of potentially damaging construction activities
- viii. Lighting used for construction must be kept to a minimum and switched off when not in use. Lighting should be positioned so as not to spill on to adjacent land or retained vegetation. Night working (see Working Hours condition) should be avoided where possible to reduce lighting of sensitive habitats and disturbance to species.
- ix. The timing of the works including timings to avoid harm to environmentally sensitive area or features and the times when specialist ecologists need to be present on site to oversee works.
- x. Implementation of a construction-phase drainage strategy to intercept, capture and attenuate surface water runoff to avoid detrimental impacts on the interest features of the Combe Haven SSSI and waterbodies from ground and/or surface water pollution. Chemicals and fuels must be stored in secure containers located away from watercourses or water bodies. Spill kits must be available on site.

- xi. Measures to manage flood risk, both on and off the site, during the construction phase. This may be incorporated into the Construction Management Plan or form a standalone document.
 - xii. Use of protective fences, exclusion barriers and warning signs.
 - xiii. Excavations must be covered or securely fenced (with no potential access points beneath fencing) when the construction site is closed to prevent entrapment of animals (especially badgers).
 - xiv. A detailed method statement for the long-term management and control of Japanese Knotweed on the site including measures to prevent its spread during any operations and measures to ensure that any soils brought onto the site are free of the seeds/root/stem on any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended).
 - xv. Any necessary pollution protection methods.
Reason: Pre-commencement condition to ensure that any adverse environmental impacts of development activities are mitigated in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy.
13. Play equipment: no building shall not be occupied until the play areas, locations as shown on the Development Framework Plan, or required as per policy, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and those areas shall not thereafter be used for any purpose other than as a play area.
Reason: To secure a necessary community facility and provide local amenity space in accordance with Policies CO3(ii)(iii) and CO4(iv) of the Rother Local Plan Core Strategy.
14. Foul and surface water drainage: no development shall commence until a scheme for the provision of foul sewerage and surface water disposal has been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water) and none of the development shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.
Reason: The details required are integral to the associate and adjacent area to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy.
15. Sustainable Urban Drainage (SUDS): no development shall commence until details of the proposed SUDS has been submitted to and approved in writing by the Local Planning Authority in consultation with statutory consultees including a timetable for the implementation and monitoring of the habitat and arrangements for its monitoring by the Local Planning Authority to ensure compliance and measures to be undertaken to ensure ongoing compliance. The strategy will address:
- i. New ponds, attenuation basins, swales and wetland

- planting.
- ii. To operate as a water filtration system to maintain the quality and quantity of the surface water run-off entering the adjacent stream.
 - iii. Specify a timetable for implementation.
 - iv. Specify the responsibilities of each party for the implementation of the SuDS scheme.
 - v. Provide a management and maintenance plan for the lifetime of the development.
 - vi. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the habitat is developed in a way that contributes to the nature conservation value of the site in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

16. Travel Plan: prior to the occupation of any building, a Travel Plan (live for 5-years as at first occupation) to substantively accord with the Interim Travel Plan (Ref. Tetra Tech) detailing the provision of alternative transport arrangements to enable access to and from the site other than by single-occupancy car has been submitted to and approved in writing by the Local Planning Authority (in collaboration with the East Sussex County Council Highways Authority) including a timetable for the implementation and monitoring of the Plan and arrangements for its monitoring by the Local Planning Authority and/or ESCC Highways to ensure compliance and measures to be undertaken to ensure ongoing compliance.

Reason: To ensure that the development hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

17. Car Club Electric Vehicle Strategy: the development shall not be occupied until details relating to the provision of dedicated parking areas, including electric charging facilities, bay numbers as agreed, have been submitted and approved in writing by the Local Planning Authority and shall be installed ready for use and shall thereafter be retained for that use and shall not be used other than for the charging of electric vehicles.

The proposed parking spaces shall measure at least 2.5m by 5m.

Reason: To ensure that the development meets the objectives of sustainable development and carbon neutral objectives and in accordance with Policy TR3(iii) of the Rother Local Plan Core Strategy.

18. Highway Works (Access):The development shall not be occupied until details of the layout of the new access as shown

on either Access Layout (Including a pedestrian connection into adjacent site (BEX3b) Ref. B027940-TTE-00-XX-PL-D-005-P02; dated: February 2023) or Access Layout (No connection to adjacent site Ref. B027940-TTE-00-XX-PL-D-006-P02; dated February 2023) if application RR/2022/1584/P (site BEX3b) is not approved or has not commenced on site and the specification for the construction of the access have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the construction of the access has been completed in accordance with the approved specification.

Reason: Pre-commencement condition to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway. To ensure the safety of persons and cyclists entering and leaving the access in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

19. Footpath 56 improvements: Public right of way 56 shall be subject to improvement works, agreed as the diversion of the public footpath within the site or the creation of parallel footpaths within the site along the stream in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority. The footpaths will be provided apart from a length of circa 20 meters which falls outside the site demise for which a commuted sum will be secured. The works shall be implemented in accordance with such scheme prior to the occupation of any dwelling.

Reason: To ensure the continued use of the public right of way within the appeal site to promote walking and physical activity in accordance with National Planning Policy Framework paragraphs 98 and 104 respectively.

20. Landscape and Ecological Management Plan (LEMP): The Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The content of the Plan shall include the following:

- i. Description and evaluation of features to be managed.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management.
- iv. Appropriate management options for achieving aims and objectives.
- v. Prescriptions for management actions, together with a plan of management compartments.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- vii. Details of the body or organisation responsible for implementation of the plan.
- viii. Ongoing monitoring and remedial measures.

The Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the Applicant with the management

body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features.

Reason: To ensure the enhancement of wildlife and supporting habitats in accordance with Policy EN5 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

21. Drainage (as constructed): the buildings shall not be occupied until evidence (including photographs) has been submitted showing that the drainage system has been constructed as per the final agreed detailed drainage design. These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy.

22. Time Limit on development before further surveys are required: if the development hereby approved does not commence (or, having commenced, is suspended for more than 12-months) within one year from the date of the planning consent, the approved ecological measures secured through condition(s) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of badgers, bats, hazel dormouse and reptiles; and, ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed.

Reason: To ensure that the habitat is developed in a way that contributes to the nature conservation value of the site in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

NOTES:

1. This permission is the subject of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
2. The East Sussex County Council authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the Applicant and ESCC. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. Section 38 Agreement of the Highways Act, 1980 – Provision of Adoptable Highway: the Applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
4. National/East Sussex County Council Highways have advised that the Construction Management Plan shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation, numbers, frequency, routing and type of vehicles visiting the site (including measure to limit delivery journeys on the Strategic Road Network during highway peak hours such as the use vehicle booking systems etc); measure to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).
5. National/East Sussex County Council Highways would wish to see the roads within the site that are not to be offered for adoption be laid out and constructed to standards at, or at least close to, adopted standards.
6. 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.

7. 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.
8. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.
9. The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore, the Applicant is required to agree surface water discharge rates into the internal drainage district with the Water Level Management Board. This should be done at the time of fixing the development layout.
10. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
11. The Applicant is reminded that Public Footpath Bexhill 56 (BEX/56/1) shall remain available at all times during construction and following any development, unless an application for a diversion is made under Section 257 of the Town and Country Planning Act 1990, or unless a temporary closure is applied under Sections 14 and 15 of the Road Traffic Regulation Act 1984, and appropriate permissions sought under the Countryside and Rights of Way Act 2000.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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.

(Councillor Drayson declared a Personal Interest in this matter in so far as he was a Member of Bexhill-on-Sea Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

PL22/140. TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS

(10)

The next site inspection was scheduled to be held on Tuesday 11 April 2023 at 9:00am departing from the Town Hall, Bexhill.

CHAIR

The meeting closed at 3:33pm