

Planning Committee

- Date and Time - **Thursday 23 March 2023**
9:30am – 1:00pm and 2:00pm until close of business
(At the discretion of the Chairman, the timing of lunch may be varied)
- Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
-

Councillors appointed to the Committee:

J. Vine-Hall (Chair), S.M. Prochak, MBE (Vice-Chair), Mrs M.L. Barnes, T.J.C. Byrne, G.C. Curtis, B.J. Drayson, S.J. Errington, A.E. Ganly, N. Gordon, P.J. Gray, K.M. Harmer (ex-officio), C.A. Madeley, A.S. Mier, Rev H.J. Norton and G.F. Stevens.

Substitute Members: J. Barnes, Mrs V. Cook and L.M. Langlands.

AGENDA

1. **MINUTES**

To authorise the Chair to sign the minutes of the meeting of the Planning Committee held on the 16 March 2023 as a correct record of the proceedings.

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

3. **ADDITIONAL AGENDA ITEMS**

To consider such other items as the Chair decides are urgent and due notice of which has been given to the Head of Paid Service by 12 noon on the day preceding the meeting.

4. **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.

5. **DISCLOSURE OF INTEREST**

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the

NOTE: Representations on any items on the Agenda must be received in writing by 9:00am on the Monday preceding the meeting.

**This agenda can be made available in large print, Braille, audiotape/CD or in another language upon request. For all enquiries please contact louise.hollingsworth@rother.gov.uk
Tel: 01424 787815**

Rother District Council putting residents at the heart of everything we do.

Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

6. **PLANNING APPLICATIONS - INDEX** (Pages 3 - 4)
7. **RR/2022/2364/P - KITEYE FARM, NINFIELD ROAD, BEXHILL** (Pages 5 - 40)
8. **RR/2022/1584/P - LAND AT MAYO LANE, BEXHILL** (Pages 41 - 78)
9. **RR/2021/2545/P - WATERMILL LANE - LAND OFF, BEXHILL** (Pages 79 - 114)
10. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**
Tuesday 11 April 2023 at 9:00am departing from the Town Hall, Bexhill.

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 15 March 2023

NOTE: Representations on any items on the Agenda must be received in writing by 9:00am on the Monday preceding the meeting.

Enquiries – please ask for Louise Hollingsworth (Tel: 01424 787815)
For details of the Council, its elected representatives and meetings, visit the Rother District Council website www.rother.gov.uk

Rother District Council

Report to	-	Planning Committee
Date	-	23 March 2023
Report of the	-	Director - Place and Climate Change
Subject	-	Planning Applications – Index

Director: Ben Hook

Planning Committee Procedures**Background Papers**

These are planning applications, forms and plans as presented in the agenda, pertinent correspondence between the applicant, agents, consultees and other representatives in respect of the application, previous planning applications and correspondence where relevant, reports to Committee, decision notices and appeal decisions which are specifically referred to in the reports. Planning applications can be viewed on the planning website <http://www.rother.gov.uk/planning>

Planning Committee Reports

If you are viewing the electronic copy of the Planning Applications report to Planning Committee then you can access individual reported applications by clicking on the link ([View application/correspondence](#)) at the end of each report.

Consultations

Relevant statutory and non-statutory consultation replies that have been received after the report has been printed and before the Committee meeting will normally be reported orally in a summary form.

Late Representations

Unless representations relate to an item which is still subject to further consultation (and appears on the agenda as a matter to be delegated subject to the expiry of the consultation period) any further representations in respect of planning applications on the Planning Committee agenda must be received by the Director - Place and Climate Change in writing by 9am on the Monday before the meeting at the latest. Any representation received after this time cannot be considered.

Delegated Applications

In certain circumstances the Planning Committee will indicate that it is only prepared to grant/refuse planning permission if/unless certain amendments to a proposal are undertaken or the application is subject to the completion of outstanding or further consultations. In these circumstances the Director - Place and Climate Change can be delegated the 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 which cannot be satisfactorily concluded, then the application will 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.

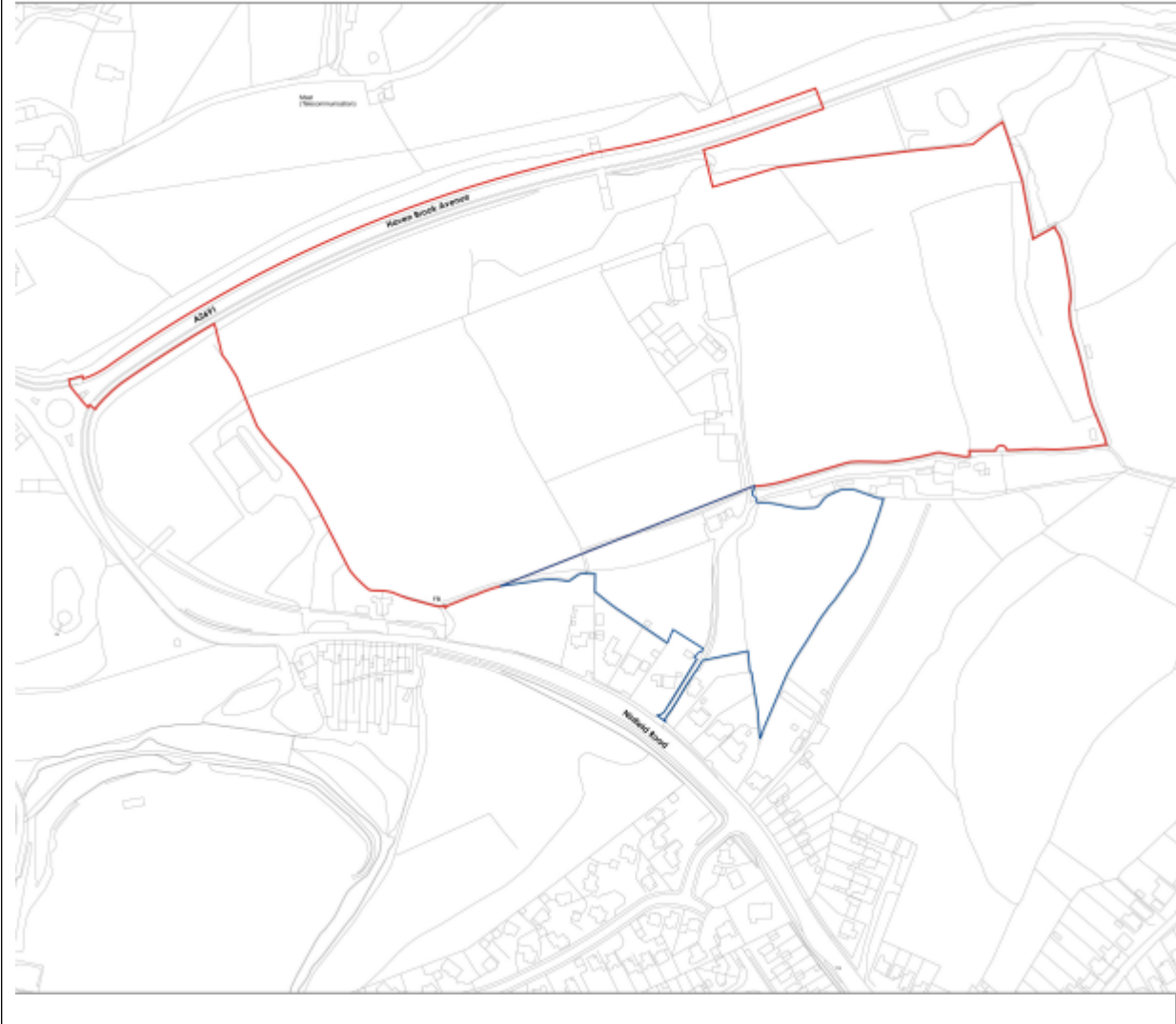
Applications requiring the applicant entering into an obligation under section 106 of the Town & Country Planning Act 1990 (as amended) are also delegated.

Order of Presentation

The report on planning applications is presented in the following order as shown below:

Agenda Item	Reference	Parish	Site Address	Page No.
7	RR/2022/2364/P	BEXHILL	Kiteye Farm Ninfield Road Bexhill TN39 5DD	5
8	RR/2022/1584/P	BEXHILL	Land at Mayo Lane Bexhill	41
9	RR/2021/2545/P	BEXHILL	Watermill Lane – Land off Bexhill	79

SITE PLAN RR/2022/2364/P	BEXHILL Kiteye Farm Ninfield Road
-----------------------------	---



Rother District Council

Report to	-	Planning Committee
Date	-	23 March 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/2364/P
Address	-	Kiteye Farm, Ninfield Road BEXHILL
Proposal	-	Outline permission for the demolition of Kiteye Farm and associated outbuildings and the erection of up to 250 residential dwellings (including 30% affordable housing), with recreational facilities, public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO RESOLVE THE OUTSTANDING STRATEGIC ROAD IMPROVEMENT ISSUES IN CONSULTATION WITH NATIONAL HIGHWAYS AND TO CONFIRM THE SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT** (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)

Director: Ben Hook

Applicant: Gladman Developments Ltd
Agent: -
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)

Parish: BEXHILL - SIDLEY
Ward Members: Councillors J.J. Carroll and S.J. Coleman

Reason for Committee consideration: Councillor call in: Councillor Coleman: Large development, part of a number of large developments by the same developer. Large public interest.

Statutory 13-week date: 4 January 2023
Extension of time agreed to: 24 March 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 The site is allocated for residential development and open space within the Development and Site Allocations Local Plan (DaSA) (BEX3 and BEX3a) and therefore the principle of the proposal has been accepted.
- 1.2 Paragraph 60 of the National Planning Policy Framework sets out the objective of significantly boosting the supply of housing. Paragraph 73 sets out a requirement for local planning authorities to provide a minimum five-year housing land supply.
- 1.3 The provision of up to 250 dwellings, including 75 affordable units, would significantly boost the supply of housing, which should be afforded substantial weight. There are also other benefits including some short-term benefits to the construction industry and further economic benefits from the spend of future occupants which can be given moderate weight in favour of the scheme. The Applicant has also agreed to provide a Local Employment and Skills Plan as a Section 106 Obligation which attracts positive weight. A financial contribution to outdoor sports facilities as identified in policy is also proposed.
- 1.4 Whilst a car club (eight vehicles) is proposed, there is currently insufficient evidence and no scheme in a comparable location that can prove either way if it is likely to be successful. Consequently, extreme caution must be given to a car share in this location as to its deliverability and viability over the long-term. For this reason, only limited positive weight can be attached to this perceived benefit.
- 1.5 Although there are some outstanding issues relating to improvements to the strategic road network (National Highways), it is anticipated that there will be a solution, for which an update will be provided in due course.
- 1.6 Overall, the social and economic benefits of granting outline permission for this allocated site are significant, whilst environmental matters can be satisfactorily secured by conditions and Section 106 Obligations.

1.7 PROPOSAL DETAILS

PROVISION	
No of houses (up to)	250
No of affordable houses (up to)	75
Other developer contributions 1	Off-site highway works
Other developer contributions 2	Electric vehicle sharing club
Other developer contributions 3	Travel plan audit fee
Other developer contributions 4	Cycle vouchers
Other developer contributions 5	Outdoor sports facilities
Other developer contributions 6	Local Employment and Skills Plan
Other developer contributions 7	Biannual visits by a bike doctor
Other developer contributions 8	Bus travel vouchers
Other developer contributions 9	New bus service along Haven Brook Avenue (NBAR)
CIL (approx.)	Calculated at reserved matters stage
New Homes Bonus (approx.)	£1,671,000

2.0 SITE

- 2.1 The application site consists of a series of fields, pockets of woodland and some modern agricultural buildings between the North Bexhill Access Road (NBAR) (A2691) and Ninfield Road (A269). The site is focussed around Kiteye Farm. This holding has been severed by the NBAR. The application site totals around 12.5 hectares in area, consisting of the majority of the DaSA allocation BEX3a.
- 2.2 The west end of the site is within the development boundary of Bexhill, whereas the east end is outside and therefore in the countryside. There are three small pockets of woodland within the site, including areas to the north, south and eastern edge. Adjoining the site to the northeast is a small area of ancient woodland, together with another area to the south, on the opposite side of the allotments. Combe Valley stream runs through the site from west to east, which is within Flood Zone 3a.
- 2.3 The site is to the west of the unallocated application site for up to 80 dwellings on Watermill Lane and to the northwest of the BEX3b allocation.
-

3.0 PROPOSAL

- 3.1 Outline permission is sought for the demolition of Kiteye Farm and associated outbuildings and the erection of up to 250 residential dwellings (including 30% affordable housing), with recreational facilities, public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters are reserved except for means of vehicular access, which is proposed from the NBAR.
- 3.2 The plans, reports and assessments submitted with the application include:
- Location plan
 - Illustrative masterplan
 - Overarching development plan (three sites)
 - Planning statement
 - Design and access statement
 - Transport assessment
 - Interim travel plan
 - Landscape and visual impact assessment
 - Archaeological survey
 - Preliminary ecological appraisal
 - Ecological reports
 - Biodiversity net gain assessment
 - Arboricultural impact assessment report, including tree retention, removal and protection plan
 - Shadow Habitats Regulations Assessment (information to inform Habitat Regulations assessment)
 - Planning and affordable housing statement
 - Socio-economic benefits statement
 - Ground investigation report
 - Air quality assessment
 - Noise screening assessment
 - Flood risk assessment
 - Utilities statement

- Statement of community involvement
-

4.0 HISTORY

- 4.1 No relevant planning history.
-

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- PC1 (Presumption in favour of Sustainable Development)
- OSS1 (Overall Spatial Development Strategy)
- OSS2 (Use of Development Boundaries)
- OSS3 (Location of Development)
- OSS4 (General Development Considerations)
- BX1 (Overall Strategy for Bexhill)
- BX3 (Development Strategy)
- RA2 (General Strategy for the Countryside)
- RA3 (Development in the Countryside)
- SRM1 (parts ii – viii) (Towards a Low Carbon Future)
- SRM2 (Water Supply and Wastewater Management)
- CO3 (Improving Sports and Recreation Provision)
- CO4 (Supporting Young People)
- CO5 (Supporting Older People)
- CO6 (Community Safety)
- LHN1 (Achieving Mixed and Balanced Communities)
- EC1 (Fostering Economic Activity and Growth)
- EN1 (Landscape Stewardship)
- EN2 (Stewardship of the Historic Built Environment)
- EN3 (Design Quality)
- EN5 (Biodiversity and Green Space)
- EN6 (Flood Risk Management)
- EN7 (Flood Risk and Development)
- TR2 (Integrated Transport)
- TR3 (Access and New Development)
- TR4 (Car Parking)

- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DRM1 (Water Efficiency)
- DRM3 (Energy Requirements)
- DHG1 (Affordable Housing)
- DHG3 (Residential Internal Space Standards)
- DHG4 (Accessible and Adaptable Homes)
- DHG6 (Self-build and Custom Housebuilding)
- DHG7 (External Residential Areas)
- DHG11 (Boundary Treatments)
- DHG12 (Accesses and Drives)
- DEN1 (Maintaining Landscape Character)
- DEN4 (Biodiversity and Green Space)

- DEN5 (Sustainable Drainage)
- DEN7 (Environmental Pollution)
- DIM1 (Comprehensive Development)
- DIM2 (Development Boundaries)
- BEX3 (Land at North Bexhill – Infrastructure)
- BEX3a (Kiteye Farm and adjoining land)

- 5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations. The National Planning Policy Framework chapters of relevance include:
2. Achieving sustainable development
 4. Decision making
 5. Delivering a sufficient supply of homes
 6. Building a strong, competitive economy
 8. Promoting healthy and safe communities
 9. Promoting sustainable transport
 11. Making effective use of land
 12. Achieving well-designed places
 14. Meeting the challenge of climate change, flooding and coastal change
 15. Conserving and enhancing the natural environment
 16. Conserving and enhancing the historic environment

6.0 CONSULTATIONS

6.1 National Highways – **HOLDING OBJECTION**

- 6.1.1 27 October 2022: Recommend that planning permission is not granted for a specified period for a period of three months from the date of this response (27 October 2022 – 26 January 2023) to allow the applicant to resolve the outstanding matters:

ACTION: Policy sections referring to the DfT Circular 02/2013 are to be revised to reference Paragraph 25 of this document, in which are set out the tests required to demonstrate that the development will not materially affect the safety, reliability and/or operation of the SRN.

ACTION: Assessment years need to conform with DfT Circular 02/2013: • assessments should be carried out for the opening year, assuming full build-out and occupation, and either a date ten years after the date of registration of the associated application or the end of the Local Plan period (whichever is greater) • the opening of development shall be taken to be the date at which the development first becomes available for occupation.

ACTION: All base year models need to be validated, for example with queue data.

ACTION: Applicant to obtain committed development information from the LPA and take it into account for the junction capacity analysis.

ACTION: A detailed STATS 19 collision analysis is required at the A259/A269 London Road junction. Collision data should cover five years pre-pandemic, as well as the pandemic period. This analysis may need to

be extended to other SRN junctions dependent upon the degree of development impact further afield; this is yet to be determined.

6.2 East Sussex County Council (ESCC) Highway Authority – NO OBJECTION

6.2.1 Email from HA dated 27-02-23 setting out the highway requirements:

- *The provision of a new vehicular access onto NBAR. A footway leading into the site will also need to be provided alongside the new access and this will continue onto NBAR as detailed below.*
- *The provision of two new bus stops on NBAR to the north of the site in the vicinity of the main site access.*
- *The new bus stops would require linking by way of good pedestrian access to the proposed development and a suitable crossing point on the A2691 would also be required.*
- *Any works necessary to improve the pedestrian route into the site at the point where the Kiteye Farm access meets Ninfield Road.*
- *Upgrading of the existing public footpath route (Footpath 56), which emerges onto Ninfield Road close to the Ninfield Road 'Recreation Ground' bus stops.*
- *The provision of fully accessible bus stops on Ninfield Road within an acceptable walking distance of the site. This could potentially be achieved through the upgrading and/or relocation of the 'Recreation Ground' bus stops to meet accessible standards; or through the provision of new bus stops on Ninfield Road closer to the Kiteye Farm pedestrian access (to be agreed following further input from the ESCC Passenger Transport Team).*
- *Provision of a safe and accessible pedestrian route between the PROW and/or the Kiteye Farm access to the nearest bus stops on Ninfield Road will also need to be provided, including a crossing point on Ninfield Road, with dropped kerbs and tactile paving (details to be agreed following further input from the ESCC Passenger Transport Team).*

All of the off-site works listed above will need to be carried out under Section 278 agreement.

We would also wish to secure the following under a Section 106 agreement:

- *A bus funding contribution of £1,100 per dwelling towards establishing the new bus service along Haven Brooke Avenue.*
- *A Travel Plan to include cycle vouchers, shopping delivery vouchers through a selected retailer(s), and biannual visits from a bike doctor etc. Resident to be provided with free bus travel and discounted tickets for a set period.*
- *A Travel Plan auditing fee of £6,000.*
- *Financial contribution towards a fully-serviced EV car club scheme for a period of three years.*

6.2.2 Email from HA dated 01/03/23:

Some of the points raised below have been covered in our recent meetings; however, I would like to make the following additional comments:

1. *Non-motorised user (NMU) access points [Pedestrian, cycle and wheeling]. – LHA request*

As discussed previously, it is unlikely that PROW FP5 could be made fully accessible (especially as there are land ownership issues); however, there is scope to improve the route significantly and following

further discussions with our PROW and Implementation teams I can confirm that we would require the works, including to the bridge itself, to be carried out under a s278 agreement (works of this type to upgrade ROW's have been secured in the past). A commuted sum would also need to be secured for the future maintenance of the bridge.

As mentioned below a safe and accessible pedestrian route between the PROW and the bus stops will also need to be provided, including a crossing point on Ninfield Road, with dropped kerbs and tactile paving. The crossing point proposed, as indicated on drawing PL-D-006 rev P01, is acceptable in principle; however, this would be dependent to some extent on whether the existing bus stops will require relocating as part of the development proposal.

It is now acknowledged that the site is not reliant on FP56 as the main NMU connection to Ninfield Road and that a suitable pedestrian/cycle link can be provided via the Kiteye Farm access. I note that the route extends from the development site to Ninfield Road via the land secured for Biodiversity Net Gain (BDNG) and that this existing track will be improved with an additional route to connect to the site also provided further to the west.

I am satisfied that the routes would accommodate for the desire line for the future residents to the centre and to the west of the site; however, we would require confirmation that the route could be made fully accessible, safe and attractive for residents in order for the works to then be secured via a condition.

2. Bus stops on Ninfield Road – LHA / LPA request

In order to encourage use of the Ninfield Road bus service as much as possible we would wish for bus stops to be located as close as possible to the pedestrian accesses serving the site. We would also need to ensure that a safe and accessible pedestrian route between the PROW 2 and/or the Kiteye Farm access to the nearest bus stops on Ninfield Road is provided, including a crossing point on Ninfield Road.

With this in mind the distance between the main pedestrian access at Kiteye Farm access and the nearest bus stop on Ninfield Road close to Mayo Rise is not ideal, especially for residents located to the north of the site who would be required to walk 550m+.

However, I acknowledged that for the reason provided it would be difficult to provide an additional bus stop on the stretch of road between the existing stops at the Recreation Ground and Mayo Rise and with this in mind I have requested feedback on this from our Passenger Transport team (which I am hoping to receive before the end of the week).

My initial view is that relocating the southbound Recreation Ground bus stop closer to the PROW access would be beneficial, as previously discussed; however, it is likely that for residents using the Kiteye Farm pedestrian access the existing pedestrian route south to the Mayo Rise bus stops would be more appealing and therefore more likely to be used. I will get back to you on this as soon as I have received feedback from our Passenger Transport team.

3. Bus stops on the NBAR – LHA request

Correspondence with Sea Change Sussex is noted; however, rather than the provision of an appropriate financial contribution to fund the implementation of the new bus stops and crossing point upon adoption of the NBAR, we would instead require that the works are carried out under a s278 as part of the development proposal.

4. Site access – Minor amendment to drawing – LHA request

Accepted.

5. *Site access – Road Safety Audit – LHA request Accepted and await receipt of the RSA and Designers Response.*
6. *Clarification of what is included within the traffic impact assessments – LPA request. Accepted.*
7. *Travel Plan – cycle commitment – LPA request The full Travel Plan will need to include cycle vouchers, shopping delivery vouchers through a selected retailer(s), and biannual visits from a bike doctor etc. Resident to be provided with free bus travel and discounted tickets for a set period. Further details to be confirmed. A Travel Plan auditing fee of £6000 would also be required as well as a financial contribution towards a fully-serviced EV car club scheme for a period of three years.*

6.3 Environment Agency – **NO OBJECTION**

- 6.3.1 The additional information submitted relating to flood risk has overcome their initial objection.

6.4 Lead Local Flood Authority – **NO OBJECTION**

- 6.4.1 No objection subject to the imposition of conditions.

6.5 NatureSpace – **NO OBJECTION**

- 6.5.1 No objection subject to the imposition of a condition on any approval.

6.6 East Sussex Fire and Rescue – **GENERAL COMMENTS**

- 6.6.1 Strongly recommend the installation of sprinklers in all new developments.

6.7 Sussex Police – **GENERAL COMMENTS**

- 6.7.1 General advice provided on design, reducing crime, improving natural surveillance and improving safety.

6.8 ESCC Rights of Way – **GENERAL COMMENTS**

- 6.8.1 Recommends the imposition of conditions relating to improvements to the rights of way network.

6.9 ESCC Landscape Officer – **NO OBJECTION**

- 6.9.1 Recommends approval subject to the imposition of conditions.

6.10 ESCC Archaeologist – **NO OBJECTION**

- 6.10.1 No objection subject to the imposition of conditions.

6.11 ESCC Ecologist – **NO OBJECTION**

- 6.11.1 Recommendation for approval subject to the imposition of conditions.

6.12 RDC Housing – **NO OBJECTION**

6.12.1 No objection if affordable housing is provided in accordance with policy, including first homes. Advice also provided in respect of accessible and adaptable homes requirements.

6.13 Southern Water – **COMMENTS AWAITED**

6.13.1 Note that Southern Water has raised no objection to the two related adjacent Gladman application sites. The general advice on those applications is as follows:

6.13.2 In terms of network improvements, Southern Water additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

6.13.3 Condition recommended so that occupation of the development is phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

6.14 Planning Notice

6.14.1 44 letters of objection have been received. The concerns raised are summarised as follows:

Principle/Policy:

- No consideration for the provision of extra doctors, rubbish collection, water and sewage needs, school's broadband etc.
- There is no infrastructure to support them let alone the people who are already here.
- We have not got all the amenities like water, electricity and gas.
- Small horrible boxes that no one can afford.
- Unfair on residents – local infrastructure cannot support what we have.
- West and Northwest Bexhill areas are being subjected to numerous Planning Applications - What no one seems to appreciate is the 'cumulative impact' on the area and infrastructure?
- Stop spoiling our green areas and adding to the pollution.
- Any new homes, especially affordable, should be prioritised for Bexhill residents.
- This will destroy the natural habitat and put a strain on the local services.
- Local area and local schools cannot support a development of that size.

- If indeed there is a proven need to build more homes in Bexhill look to re-develop brown sites rather than any more of the green sites that are currently being destroyed and lost forever.
- We need to save our town from becoming overpopulated and destroying all the qualities we love about Bexhill.
- Given the number and scale of similar developments within the same area, unthinkable pressure will be placed upon the already stretched, existing social infrastructure with no plans in place to increase the number of schools, doctors, dentists and community centres.
- The development site overlooks the existing properties around St Marys Cottages and Jasmine Cottage, the proposed planting needs to be extended to ensure their privacy and needs to be established prior to the start of construction.

Accessibility and Sustainability including energy efficiency. Footpaths and cycleways. Car club. Sustainable transport modes. Modal shift?

- The proposed entrance to the site seems quite small and could lead to congestion or even accidents.
- There are no major bus or train links here which means even more cars on the road.
- Object for any further building development on the grounds that the new housing will not be accessible from the new NBAR.
- The access to the development looks to be on the Hill of haven brook av. which would mean a severe lack of visual safety for vehicles travelling at 40mph to see slow moving traffic as it exits the development.
- The carbon footprint of this development and loss of countryside will only add to climate change.

Highway safety, including parking

- Over the past 18 months roads around this area have notably increased traffic flow.
- We have a narrow road going past our cottages and the traffic will get worse with the extra buildings.
- What about the roads, they are poorly maintained at the best of times and introducing more footfall and traffic in the area is really not going to help.
- Excess water flowing since Haven Brooke road opened and this has resulted in my garden starting to capsize into the stream.
- The location of the proposed NMU crossing point on Ninfield Road in the vicinity of Kiteye Farm as it will make access and egress from the driveway of 216 Ninfield Road difficult and dangerous due to the position of the central island.
- The proposed crossing island will make turning left onto Ninfield Road difficult for the large vans with trailers which access Jim's Place.

Biodiversity:

- Concerns for greenspace diminishing at a fast rate.
- We need more land for allotments to support mental health.
- We are supposed to be saving our planet not destroying it more and more.
- More space taken away for the wildlife.
- This bid to get rid of all green space is disgusting, causing more traffic, pollution and the destruction of wildlife.

- The environmental impact will be huge to the local wildlife and replaced with hideous cheap housing.
- This area is packed with wildlife trees and Sussex countryside which would all be destroyed.
- Building on greenfield sites is damaging to the environment in comparison to the development of brownfield sites and this should be more of a focus for the council's housing plans.
- Increase in traffic in the local area is a real concern to residents' safety from vehicles and also the effect of more cars and initially construction traffic in the area will also increase the air pollution.
- This is all Farmland, not meant for housing. The land is waterlogged.
- There is already significant construction taking place in the local area, with the continued loss of green spaces and nature environments.
- A wide range of wild animals' insects and birds occupy this land including Buzzards Thrush Cuckoo, Barn and Tawny Owl and more recent addition of green Parakeets. a wide range of Biodiverse plants and fungi that take decades if not hundreds of years to establish.
- Farmland is very important for our future but not just for humans but animals as well that is the future not a concrete jungle.
- The development will cause additional light pollution beyond the existing natural boundary of North Bexhill. Flooding and the environment. The land in this area does not drain well as on Sussex clay. existing footpaths in this development area are often waterlogged or flooded in the winter months.

Drainage

- increase the risks for land flooding.
- Southern Water has demonstrated plainly that it cannot manage the foul water system now, so how will facilities cope.
- South-East Water struggles to cope with drier climatic conditions now, what is proposed to increase safe drinking water supplies?
- Southern Water are regularly discharging neat sewerage into the sea as the existing infrastructure cannot cope.
- insufficient drainage details.

6.14.2 One letter of support have been received. The reasons are summarised as follows:

- Providing affordable housing during such uncertain financial times will also be a god send to the families.
- More homes = more people using the local amenities which is a good thing for the area.

6.14.3 Two letters with general comments have been received. The comments are summarised as follows:

- It would not impact the residents that are in the surrounding areas as much as the other proposed sites and the access is on to Haven Brook rather than using nearby lanes.
- Infrastructure for the extra houses is still not in place, such as schools, doctors and dentists.
- development is too large for the site especially when viewed along with the other local proposed sites.

6.14.4 Ramblers – General comments advising that footpath 56 should be protected. If a diversion is required, due process would need to be followed.

6.15 Town/Parish Council – **OBJECTION**

6.15.1 *‘...has grave concerns about the lack of infrastructure for education and health to support this development. The concerns already raised regarding wildlife and newts should be addressed. The town council wishes to see the affordable housing spread evenly around the site.’*

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, although this would need to be calculated at reserved matters stage.

7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £1,671,000 over four years.

7.3 Other finance considerations include S106 Planning Obligations which are detailed further on in the report.

8.0 APPRAISAL

8.1 The application site consists of the majority of the DaSA Policy BEX3a housing allocation. The main issues to consider include:

- Principle/policy position, including comprehensive development policy and infrastructure.
- Highway safety, accessibility and sustainability.
- Other issues not fully covered by site specific policy – ecology; landscape impact; archaeology; neighbouring amenities; contaminated land; and air quality.

8.2 Principle/policy position

8.2.1 The site is allocated for residential development and open space within the development boundary as set out in the DaSA Local Plan and therefore the principle of the proposal has been accepted.

Infrastructure

8.2.2 Policy BEX3: Land at North Bexhill – Infrastructure of the DaSA states:
The development of sites which are the subject of Policies BEX3a, BEX3b and BEX3c shall contribute to shared infrastructure by:

- (i) the provision of an overarching foul drainage strategy, in conjunction with Southern Water;*
- (ii) the design and provision of complementary sustainable surface water drainage schemes in accordance with Policy DEN5;*
- (iii) having regard to the transport requirements and impacts of the combined allocations and make proportionate financial contributions to off-site highway and cycleway/footpath improvements;*

- (iv) *as part of (iii) above, all developments off Watermill Lane should provide an integrated approach to ensuring safe and convenient movement for pedestrians and cyclists, as well as vehicles;*
- (v) *ensuring an integrated approach to establishing a multi-functional 'green corridor' along the Combe Haven stream, extending from the A269 to the planned Enterprise Park (and beyond);*
- (vi) *as part of (v) above, all developments will contribute to the provision of outdoor sports facilities within site BEX3a, either directly or through proportionate (to the respective quantum of residential development) financial contributions;*
- (vii) *investigation of a common approach to securing superfast broadband.*

The above shared infrastructure requirements shall be implemented by a combination of direct provision and legal (s106) agreements attached to the respective development proposals.

BEX3 (i) Foul drainage

8.2.3 The development would connect to the existing mains sewer. Whilst comments on this specific development are still awaited from Southern Water, they have provided comments on applications RR/2021/2545/P and RR/2022/1584/P. In those applications Southern Water advise in terms of network improvements additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the developer will need to work together in order to review if the delivery of their network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

The matters outlined above can be managed via condition so that occupation of the development is phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

BEX3 (ii) Sustainable surface water drainage scheme

8.2.4 The application is accompanied by a flood risk assessment and outline surface water drainage strategy. This explains that the site is predominantly greenfield and slopes towards the Combe Haven stream towards the south of the site. Greenfield runoff rates are provided in the assessment.

8.2.5 In terms of future off-site discharge options, based on information obtained from historic borehole logs, infiltration is not likely to provide sufficient infiltration rates for surface water drainage from the site.

8.2.6 Discharging surface water directly to a watercourse is considered feasible as there is an existing watercourse to the south of the site along the southern boundary and on the eastern boundary. Total discharge rates to

the receiving watercourses will be limited to the pre-development 1 in 1 year greenfield run off rate of 28.69 l/s to ensure flood risk is managed in line with Pevensey & Cuckmere Water Level Management Board (IDB) requirements and ensure risk is not increased offsite.

- 8.2.7 The Lead Local Flood Authority are happy with the approach detailed within the drainage strategy but require submission of further information at the reserved matters stage when the Applicant seeks to fix the quantum of development at the site.

BEX3 (iii) Transport requirements including off-site improvements

- 8.2.8 In terms of National Highways, their holding objection response requests that the A259/A269 junction is modelled. The Applicant's transport consultant has confirmed that this work has been carried out. In summary they explained in an e-mail to National Highways dated 9 March 2023:

- The methodology for the modelling was previously agreed with National Highways.
- The junction model is as per the Fryatts Way assessment which they previously had detailed correspondence on, before reaching an agreed position.
- The junction modelling is highly robust as the Bex3a traffic volumes are included twice, once within the DASA modelled flows and then applied again as specific net traffic assignment.
- The Applicant is willing to accept the same planning condition as was provided for the Fryatts Way proposals relating to this junction.

- 8.2.9 Comments are awaited from National Highways, which should be received prior to the 23 March 2023 Committee meeting.

- 8.2.10 The Highway Authority has set out their requirements in terms of off-site highway, footpath and bus stop improvements, which are summarised in the consultations section. These matters can be secured by Section 106 Planning Obligations.

BEX3 (iv) Safety on Watermill Lane

- 8.2.11 This policy criterion is not applicable to the BEX3a allocation as the site is not accessed via Watermill Lane.

BEX3 (v) Multi-functional green corridor

- 8.2.12 The lower part of Combe Haven valley comprises an important feature within the Site. The opportunity exists to create an attractive green corridor here, incorporating the existing watercourse as well as an enhanced footpath and cycleway, to link with the BEX3b allocation site to the southeast and unallocated site to the east. The opportunity also exists to divert the public footpath that currently runs through 'Jim's Place', to the north of this site. Suitable conditions and Section 106 Obligations can be secured at outline stage to ensure the multi-functional green corridor is provided.

BEX3 (vi) Outdoor sports facilities

- 8.2.13 Pages 41-42 of the Design and Access Statement explain outdoor sports facilities measuring 1.8ha will be accommodated on site in the area indicated on the Detail Map of BEX3a Policy. Furthermore, landscaping in the form of new tree, thicket and wildflower planting will be used to create a

sense of place and provide an opportunity for amenity, ecological and recreational benefits. Policy BEX3a (ii) requires at least 2.64 hectares of space for outdoor sports facilities which means that what is proposed is not compliant with the policy. Comparing the Detail Map accompanying DaSA Policy BEX3a to the indicative plans within the Design and Access Statement, a relatively small triangular piece at the far north of the site intended to form part of the sports facilities lies outside the Applicant's ownership. The remainder of the land is within the Applicant's ownership, but they are proposing to create a wildlife area on the other part of land intended for sports facilities to help with biodiversity net-gains. The short comings of the amount of sports facilities will need to be considered in the planning balance.

BEX3 (vii) Broadband

- 8.2.14 The accompanying utilities statement explains that there is existing telecoms apparatus nearby which could be connected to by the development site. The Ofcom website indicates that both superfast (up to 76 Mbps) and ultrafast (1000 Mbps) is available in the area. A condition could be attached to any permission to secure superfast broadband as a minimum.

Site specific: BEX3a

- 8.2.15 Policy BEX3a: Kiteye Farm and adjoining land of the DaSA states: *Kiteye Farm and adjoining land, as shown on the Policies Map, is allocated for housing and open space, including outdoor sports facilities. Proposals will be permitted where:*
- (i) some 250 dwellings will be provided within the residential area as indicated on the Detail Map, of which 30% should be affordable;*
 - (ii) an open space to include provision for outdoor sports facilities of at least 2.64 hectares is set aside and laid out in the area indicated on the Detail Map;*
 - (iii) access arrangements will be subject to a findings of a Transport Assessment, with the expectation that vehicular access is provided either:
 - (a) from the North Bexhill Access Road (NBAR), with the small development area south of the stream being separately accessed from Ninfield Road, or*
 - (b) from Ninfield Road (by the demolition of Folly House);**
 - (iv) the lower part of the valley is kept open and laid out as part of a green corridor, incorporating an enhanced footpath/cycleway, which should include a diversion to the north of Jim's Place;*
 - (v) there is a generous setback of development from the NBAR, with avenue tree planting along the edge of the site and intermediate landscaping;*
 - (vi) development adjacent to (and well set back from) the A269/NBAR junction has principal elevations towards the roundabout;*
 - (vii) a woodland management scheme is prepared and implemented for Birchen Shaw;*
 - (viii) the outdoor sports facilities shall be laid out at the same time as housing development, in accordance with a phasing plan to be agreed with the Local Planning Authority;*
 - (ix) the infrastructure requirements set out in Policy BEX3 are met.*

Appraisal of the site-specific requirements

- 8.2.16 (i) 250 dwellings are proposed, but some of the allocated site is not included. This land, to the west end of the site, is in separate ownership and subject to a separate application proposing 32 dwellings (RR/2021/1059/P). Therefore, the two applications combined, propose 282 dwellings – which is 32 extra. Permitting extra dwellings is not necessarily an issue provided a satisfactory layout is secured at reserved matters stage. The indicative plans show one way a scheme could be provided for around 250 units, which raises some layout and design concerns, including lots of forecourt parking. However, the layout and design are issues to be considered at reserved matters stage. It is important to note that the description of development states ‘up to 250’, and therefore that top number would only be permitted if a satisfactory layout and design were provided.
- 8.2.17 Policy BEX3a (i) of the DaSA requires 30% of the houses to be affordable. It is proposed to provide a policy compliant number of affordable homes which equates to 75 units. This will need to be secured by legal agreement. The affordable housing will need to be pepperpotted in line with Policy DHG1, which will be detailed and secured at RM stage.
- 8.2.18 (ii) Outdoor sports facilities measuring 1.8ha will be accommodated on the BEX3a allocated site in the area indicated on the Detail Map. Furthermore, landscaping in the form of new tree, thicket and wildflower planting will be used to create a sense of place and provide an opportunity for amenity, ecological and recreational benefits. Policy BEX3a (ii) requires at least 2.64 hectares of space for outdoor sports facilities which means that what is proposed is not compliant with the policy. Comparing the Detail Map accompanying DaSA Policy BEX3a to the indicative plans within the Design and Access Statement, a relatively small triangular piece at the far north of the site intended to form part of the sports facilities lies outside the Applicant’s ownership. The remainder of the land is within the Applicant’s ownership, but they are proposing to create a wildlife area on the other part of land intended for sports facilities to help with biodiversity net-gains. The short comings of the amount of sports facilities will need to be considered in the planning balance. However, if minded to support the scheme, this proposal would need to deliver the outdoor sports facilities, with proportionate financial contributions coming from the BEX3b and BEX3c allocations, together with the Watermill Lane application (RR/2021/2545/P).
- 8.2.19 (iii) Vehicular access to the site is proposed via the NBAR. A Road Safety Audit of this arrangement has only recently been received (11 March 2023). The Highway Authority will need to review this and provide comments. Any updates will be reported.
- 8.2.20 (iv) The lower part of Combe Haven valley comprises an important feature within the Site. The opportunity exists to create an attractive green corridor here, incorporating the existing watercourse as well as an enhanced footpath and cycleway, to link with the BEX3b allocation site to the southeast and unallocated site to the east. The opportunity also exists to divert the public footpath that currently runs through ‘Jim’s Place’, to the north of this site. Suitable conditions and Section 106 Obligations can be secured at outline stage to ensure the multi-functional green corridor is provided.

- 8.2.21 (v) The indicative layout plans show the developed area of the site to be set back by around 10m from the NBAR, with an intervening avenue of trees and soft landscaping. The set back appears to be a little less than that indicated on the allocations Detail Map (Figure 21 of the DaSA), but to no great extent. In any case, the exact set back and impact of traffic noise on future residents will need to be assessed at reserved matters stage.
- 8.2.22 (vi) The orientation of dwellings will be secured at reserved matters stage.
- 8.2.23 (vii) Birchen Shaw is in the Applicant's ownership immediately to the south of the application site. It is part of the BEX3a site allocation. The policy requires a woodland and management scheme to be prepared and implemented for Birchen Shaw which can be secured via Section 106 Obligation.
- 8.2.24 (viii) Pages 41-42 of the Design and Access Statement explain outdoor sports facilities measuring 1.8ha will be accommodated on site in the area indicated on the Detail Map of BEX3a Policy. This will need to be provided at the same time as the housing and can be secured by condition.
- 8.2.25 (ix) The infrastructure requirements for BEX3a are largely met as detailed in paragraphs 8.2.3 – 8.2.14 of this report.

8.3 Highway safety, accessibility and sustainability

- 8.3.1 As detailed earlier in the report, there is an outstanding objection from National Highways. However, the Applicant's Transport Consultant has carried out the necessary modelling work on the A259/A269 junction. Comments are awaited from National Highways, which should be received prior to the 23 March 2023 Committee meeting.
- 8.3.2 In terms of the Highway Authority, it is acknowledged that various improvements are required to make the site more accessible and enable future residents to have access to and choice of a variety of sustainable transport modes.
- 8.3.3 Discussions have taken place throughout the application, with agreement in principle reached to secure a car sharing scheme consisting of eight family sized electric vehicles. In terms of planning determination, public benefit needs to be measured in this case on financial viability over the long-term. There is currently insufficient evidence and no scheme in a comparable location that can prove either way. Consequently, extreme caution must be given to a car share in this location as to its deliverability and viability over the long-term.
- 8.3.4 A travel plan is to be secured to include free bus travel to new residents for a month, together with auditing fee, a cycle voucher scheme and provision of a biannual bike-doctor visit.
- 8.3.5 In terms of public transport, fully accessible bus stops on Ninfield Road within an acceptable walking distance of the site is to be secured through Section 106 Obligation. This is to be achieved through the upgrading and/or relocation of the existing bus stops to meet accessible standards; or through the provision of a pair of new bus stops on Ninfield Road closer to the Kiteye

Farm's access (to be agreed following further input from the ESCC Passenger Transport Team). The provision of the bus stops each requiring as a minimum a raised kerb; bus shelter, lighting, seating, real time information display, road crossing and the provision of a suitable pedestrian link with appropriate width footways along Ninfield Road to the bus stop from the site (to ESCC Highway's specification or approval). A bus funding contribution of £1,100/dwelling towards establishing the new bus service along Haven Brooke Avenue, paid at inception of works, is also to be sought.

- 8.3.6 The provision and necessary upgrading of the existing public footpath route (Footpath 56) from the two bus stops on Ninfield Road, along the Combe Haven stream (from Ninfield Road to Watermill Lane) (details to be agreed following further input from the ESCC Passenger Transport Team) including works to the Kiteye Farm's bridge are also necessary to improve accessibility. This is to be provided as a low maintenance surface (e.g. compacted Type 1 MOT) to a width suitable to accommodate upgrade to a multi-user route (e.g. a bridleway/cycle route). Improvement of the existing footbridge to be to adoptable standards.

8.4 Other issues

Ecology

- 8.4.1 The submitted Shadow Habitats Regulations Assessment looks at the impact of the development on the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), the Pevensy Levels Special Area of Conservation (SAC), the Pevensy Levels Ramsar and the Hastings Cliffs SAC. Potential impact pathways, water quality and recreational pressures have been assessed on each for the proposed development alone and in combination. The findings and conclusion of the shadow assessment are agreed. On this basis, as competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is recommended that Rother District Council concludes that the proposed development will have no likely significant effects, either alone or in combination with other plans or projects, on the European sites. As such, further Appropriate Assessment is not required.
- 8.4.2 Most of the site comprises improved grassland fields which are rotationally grazed and maintained as a short sward. The two fields in the east of the site comprise semi-improved grassland; these fields are less intensively managed and agriculturally improved, and subsequently have a slightly longer sward and higher species diversity. There are two blocks of broadleaved woodland within the site, one centrally along the northern boundary (W1) which includes a pond, and one along the eastern boundary (W3). Neither of these blocks meets the criteria for Habitats of Principal Importance (HPI). There are hedgerows and treelines on the southern, eastern and western boundaries as well as some internal hedgerows and treelines dividing the fields. The most significant hedgerow (H3 in the Ecological Impact Assessment (EclA)) runs from north to south in the eastern part of the site, and is to be retained within the area proposed for outdoor sports facilities on the Development Framework Plan (DFP, CSA Environmental, 01/03/22, Drawing No. CSA/5655.100 Rev F). Other habitats on site include tall ruderal vegetation, buildings and hard standing, bare ground and a stream/ditch along the southern extent of the site. The habitats

of greatest significance are the woodlands, hedgerows and treelines, and the stream ditch the majority of which are to be retained, buffered and enhanced.

- 8.4.3 The EclA (CSA Environmental, November 2022) reports that hedgerows H8 and H10 will be removed in their entirety and a short section (30m) of H2 will be lost to provide access. H8 and H10 are native species-poor hedgerows, with H10 being defunct, and H2 is native species-rich. Loss of these hedgerows should be compensated through the creation of new native species-rich hedgerows within the site which should be managed for biodiversity rather than amenity. In addition to their intrinsic value, these hedgerows offer value for protected species, including bats and breeding birds; this is discussed further below.
- 8.4.4 The area of land immediately to the south of the site includes Birchen Shaw and is considered as it is proposed to provide off-site mitigation/compensation and biodiversity net gain (BNG). This site currently comprises semi-improved natural grassland (W2 Birchen Shaw), hedgerows and treelines, buildings and hardstanding, and a portion of the Combe Haven Stream discussed above. Proposals for this part of the site include habitat creation and enhancement to contribute towards BNG which is supported.
- 8.4.5 The impact on protected species, including badgers, bats, breeding birds, great crested newts, hazel dormouse and reptiles, is assessed in detail by the County Ecologist. Various conditions are recommended for their protection.
- 8.4.6 In addition to the mitigation measures detailed above, the site offers opportunities which will help the Council address its duties and responsibilities to provide measurable BNG under national and local planning policy. Information submitted by the Applicant during the application predicts that the development could deliver BNG of 17.56% in habitat units and 14.12% in hedgerow units, based on the DFP. This will be achieved through embedded mitigation in the design, as well as habitat creation and enhancement. This is welcomed. Whilst BNG cannot be fully ascertained at the outline stage, it is recommended that an Ecological Design Strategy (EDS) is required by condition, including the above recommendations for dark corridors and increased buffers, and those in the EclA and the DFP, to ensure that projected BNG is delivered at the detailed design stage. A Landscape and Ecological Management Plan (LEMP) will be required to ensure maintenance of retained and created habitat for biodiversity in the long term (30 years).
- 8.4.7 In addition to the habitat creation and enhancement measures considered by the metric, the EclA recommends a suite of other enhancement measures, including bird, bat, dormouse and insect boxes, habitat piles, wildlife ponds and the use of species of known wildlife value within the landscape scheme, including night-scented species. These are supported and details should be provided in the EDS. Given the location of the site and its proximity to designated sites and ancient woodland, the landscaping scheme should include a high proportion (at least 75% of native species). All planting within the buffer zones, 'wildlife area' and off-site offset/BNG site should be native.

- 8.4.8 In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.
- Landscape impact*
- 8.4.9 Policy OSS4(iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 8.4.10 Policy EN1 provides that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (*inter alia*) (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes; (vi) ancient woodland; and (vii) other key landscape features across the district, including native hedgerows, copses, field patterns, ancient routeways, ditches and barrows, and ponds and water courses. This is backed up by Policy DEN1 of the DaSA which provides that the siting, layout and design of the development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics, in accordance with Rother Local Plan Core Strategy Policy EN1. Policy EN3 of the Rother Local Plan Core Strategy requires all development to be of a high-quality design.
- 8.4.11 The National Planning Policy Framework (2021) Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 174 states:
Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*
- 8.4.12 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) and this provides a description of the baseline landscape, visual and planning policy context for the site and surrounding area. The LVIA outlines that the site is allocated for housing in the Rother Local Plan Core Strategy. The DaSA identifies land at North Bexhill as a site allocation (BEX3). Policy BEX3a, Kiteye Farm and adjoining land, identifies the site as well as the fields between the site and Ninfield Road as an allocation for up to 250 houses. The site and surrounding area would not be considered valued landscape in the context of the National Planning Policy Framework. The LVIA outlines the policy requirements for the site.
- 8.4.13 The LVIA summarises the conclusions of previous landscape assessments that were carried out to inform the site allocations process. It goes on to provide an updated assessment of the potential landscape and visual effects of the proposal. The conclusions of the LVIA are not disputed subject to the

full implementation of the proposed landscape masterplan along with some additional landscape mitigation as outlined below.

- 8.4.14 The Development Framework Plan (page 29 of the Design and Access Statement) indicates avenue tree planting along the primary street. This has not been fully carried through onto the site masterplan as there are some gaps in the proposed avenue compared with the Development Framework Plan. There are also fewer street trees indicated on the secondary roads. The proposed avenue of trees on the east side of the housing, fronting the sports area, has also been omitted from the masterplan.
- 8.4.15 The Development Framework Plan also indicates land within the blue line to the south of the site to be an area for habitat creation/enhancement including management of Birchen Shaw (the latter being a policy requirement). These suggestions have not been carried forward to the masterplan.
- 8.4.16 The proposals do include recreational routes to link with the existing right of way however it is not clear whether this meets the policy requirement to include an enhanced cycle/footway which includes a diversion to the north of Jim's Place.
- 8.4.17 It is recommended that the landscape buffer to the NBAR is at least 20m in width and planted with large species trees such as oak and lime with an understorey of native shrubs. This will help to screen open views to the housing from the countryside to the north and retain the character of the NBAR as a country avenue.
- 8.4.18 An adequate separation needs to be provided between the treed hedgerow on the western side of the development and the proposed houses. On the masterplan layout the houses and gardens on this boundary would be shaded by mature trees T48 and T49 and the overgrown hazel trees along this boundary. There is a considerable overhang from the mature hazel/ holly/ hawthorn hedge. This can be cut back to some extent however potential conflict could be overcome with greater separation between the houses and the hedge, possibly achieved with longer gardens on this boundary.
- 8.4.19 A section of hedge would be removed through the centre of the site. This is assessed as being of category B. It is acknowledged that the retention of the hedge would compromise high quality access and layout for the development. A wider landscape buffer with trees and understorey to the NBAR, as suggested above, would help to compensate for the loss of this hedge.
- 8.4.20 From a landscape perspective it is recommended that the proposal can be supported in principle subject to consideration of the landscape masterplan suggestions outlined above, which could be secured by condition.

Neighbouring amenities

- 8.4.21 The application is accompanied by a noise screening assessment. In respect of existing noise sources, traffic noise from the A269 and potential commercial noise from the SLR Services site to the west are potential issues. To safeguard against traffic noise, dwellings may need a higher

glazing specification compared to the rest of the site. Turning to potential commercial noise from the SLR Services site, this will require a detailed assessment, which could be secured by condition.

8.4.22 There also will be potential noise impacts at existing properties during the construction of the development and these will need to be addressed in a Construction Management Plan and for the hours and days of the construction working week to be restricted by condition.

8.4.23 Impacts on nearby residential properties relating to the physical impacts of the development will need to be considered at reserved matters stage.

Archaeology

8.4.24 The county Archaeologist has advised that the proposed development is of archaeological interest due to its location within a landscape with evidence of past human activity since the Mesolithic period at least.

8.4.25 Recent fieldwork in advance of the construction of the Hastings to Bexhill bypass immediately to the north of the site identified extensive evidence for prehistoric activity. This included numerous scatters of Mesolithic worked flint, along with Mesolithic pits, a Late Neolithic/Early Bronze Age ring ditch Bronze Age burnt mounds and evidence for Late Iron Age/Romano-British activity. In particular, the remains of a possible Bronze Age field system and features of Late Iron Age/Romano-British date recorded directly to the north, may extend into the current application site itself.

8.4.26 Further Neolithic and/or Bronze Age activity, including a pit and a ring ditch has also been recorded to the south-east of the site. Evidence for medieval activity in the wider environs of the site is rather more limited and largely indicative of essentially agricultural land use associated with many medieval farmsteads in the wider landscape. The agricultural character of the site and its environs continued into the post-medieval period with the establishment of an outfarm within the site boundary in the 19th century.

8.4.27 A Heritage Statement submitted as part of this application includes a thorough consideration of the archaeological potential of the site, concluding that the site has a high potential to contain evidence for prehistoric and Romano-British activity and a low potential to contain evidence for medieval and later activity. Whilst we largely concur with this assessment, we consider the post-medieval potential of the site to be rather higher, based on the below-ground remains of the former outfarm known to exist on the site, which may be considered to comprise non-designated heritage assets.

8.4.28 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works, which can be secured by condition.

Contaminated land

8.4.29 The site has been in agricultural/equestrian use and includes some buildings in the middle of the site. A Preliminary Risk Assessment report accompanies the application which includes a desktop study of the potential for land contamination constraints to the proposed development. The report recommends intrusive exploratory works with supplementary laboratory

testing, monitoring and subsequent risk assessment as the next step, especially along the farm tracks and the centre of the site where agricultural buildings are present. This can be secured by condition.

Air quality

- 8.4.30 An Air Quality Screening Report letter from Wardell Armstrong accompanies the application which confirms that impacts during both the construction and operational phases of the proposed development should not be significant and also fulfils the requirement for an air pollution damage cost assessment as detailed in the 'Air quality and emissions mitigation guidance for Sussex (2021).' A scheme for protecting future and existing residential occupiers in the vicinity from the effects of nitrogen dioxide (NO_x) and airborne particulate matter (PM_{2.5}) arising from the development and mitigation measures to alleviate the impact of the development equivalent to the calculated damage costs can be secured by condition.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The site is allocated for residential development and open space within the development boundary as set out in the DaSA Local Plan and therefore the principle of the proposal has been accepted.
- 9.2 Paragraph 60 of the National Planning Policy Framework sets out the objective of significantly boosting the supply of housing. Paragraph 73 sets out a requirement for local planning authorities to provide a minimum five-year housing land supply.
- 9.3 The provision of up to 250 dwellings, including 75 affordable units, would significantly boost the supply of housing, which should be afforded substantial weight. There are also other benefits including some short-term benefits to the construction industry and further economic benefits from the spend of future occupants which can be given moderate weight in favour of the scheme. The Applicant has also agreed to provide a Local Employment and Skills Plan as a Section 106 Obligation which attracts positive weight.
- 9.4 Whilst a car club (eight vehicles) is proposed, there is currently insufficient evidence and no scheme in a comparable location that can prove either way if it is likely to be successful. Consequently, extreme caution must be given to a car share in this location as to its deliverability and viability over the long-term. For this reason, only limited positive weight can be attached to this perceived benefit.
- 9.5 Although there are some outstanding issues relating to improvements to the strategic road network (National Highways), it is anticipated that there will be a solution, for which an update will be provided in due course. The under provision of sports pitches can also be accepted on the basis that the remaining land identified in the DaSA Detail Map would be used as a wildlife area.
- 9.6 Overall, the social and economic benefits of granting outline permission for this allocated site are significant, whilst environmental matters can be satisfactorily secured by conditions and Section 106 Obligations.

- 9.7 We draw Member's attention to the determination by the Planning Inspector regarding Fryatts Way (RR/2021/1656/P) where he found that the lack of a five-year housing supply was a significant consideration in granting consent.
-

RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO RESOLVE THE OUTSTANDING STRATEGIC ROAD IMPROVEMENT ISSUES IN CONSULTATION WITH NATIONAL HIGHWAYS AND TO CONFIRM THE SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT** (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)

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; 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.

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); and,
 - 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 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.

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 (Ardent 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; and,
 - 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.

SITE PLAN RR/2022/1584/P	BEXHILL Land at Mayo Lane
-----------------------------	------------------------------



Rother District Council

Report to - Planning Committee
Date - 23 March 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/1584/P
Address - Land at Mayo Lane,
BEXHILL
Proposal - Outline planning application for up to 130 residential dwellings (including 30% affordable housing), with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO RESOLVE THE OUTSTANDING HIGHWAY SAFETY ISSUES IN CONSULTATION WITH THE HIGHWAY AUTHORITY AND TO CONFIRM THE SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT** (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)

Director: Ben Hook

Applicant: Gladman Developments Ltd
Agent: -
Case Officer: Mr M Worsley
(Email: matthew.worsley@rother.gov.uk)

Parish: BEXHILL - SIDLEY
Ward Members: Councillors J.J. Carroll and S.J. Coleman

Reason for Committee consideration: Director – Place and Climate Change: Scale of application and two related applications (RR/2021/2545/P and RR/2022/2364/P) by same applicant also under consideration following call ins by Councillor Coleman.

Statutory 13-week date: 6 October 2022
Extension of time agreed to: 24 March 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 The site is allocated for residential development and open space within the Development and Site Allocations Local Plan (DaSA) (BEX3 and BEX3b) and therefore the principle of the proposal has been accepted.
- 1.2 Paragraph 60 of the National Planning Policy Framework sets out the objective of significantly boosting the supply of housing. Paragraph 73 sets out a requirement for local planning authorities to provide a minimum five-year housing land supply.
- 1.3 The provision of up to 130 dwellings, including 39 affordable units, would significantly boost the supply of housing, which should be afforded substantial weight. There are also other benefits including some short-term benefits to the construction industry and further economic benefits from the spend of future occupants which can be given moderate weight in favour of the scheme. The Applicant has also agreed to provide a Local Employment and Skills Plan as a Section 106 Obligation which attracts positive weight. Financial contribution to Outdoor Sports Grounds are also proposed as identified in policy.
- 1.4 Whilst a car club (three vehicles) is proposed, there is currently insufficient evidence and no scheme in a comparable location that can prove either way if it is likely to be successful. Consequently, extreme caution must be given to a car share in this location as to its deliverability and viability over the long-term. For this reason, only limited positive weight can be attached to this perceived benefit.
- 1.5 Although there are some outstanding issues relating to highway safety and accessibility, it is anticipated that there will be a solution, for which an update will be provided in due course.
- 1.6 Overall, the social and economic benefits of granting outline permission for this allocated site are significant, whilst environmental matters can be satisfactorily secured by conditions and Section 106 Obligations.

1.7 PROPOSAL DETAILS

PROVISION	
No of houses (up to)	130
No of affordable houses (up to)	39
Other developer contributions 1	Off-site highway works
Other developer contributions 2	Electric vehicle sharing club
Other developer contributions 3	Travel plan audit fee
Other developer contributions 4	Cycle vouchers
Other developer contributions 5	Outdoor sports facilities
Other developer contributions 6	Local Employment and Skills Plan
Other developer contributions 7	Biannual visits by a bike doctor
Other developer contributions 8	Bus travel vouchers
Other developer contributions 9	New bus service along Haven Brook Avenue (NBAR)
CIL (approx.)	Calculated at reserved matters stage
New Homes Bonus (approx.)	£868,920

2.0 SITE

- 2.1 The application site consists of five fields and a small area of woodland which are located behind and to the northwest side of Mayo Lane. The site also adjoins Watermill Lane to the east and is behind road fronting development on Ninfield Road to the southwest. In total the site measures around six hectares and consists of the DaSA allocation BEX3b.
- 2.2 There is an area of ancient woodland adjoining the site to the west and another area on the opposite side of Watermill Lane. Combe Valley stream runs across the northern boundary of the site, which is within Flood Zone 3a.
- 2.3 The site is to the south of the unallocated application site for up to 80 dwellings on Watermill Lane and to the southeast of the BEX3a allocation.
-

3.0 PROPOSAL

- 3.1 Outline planning permission is sought for the erection of up to 130 dwellings (including 30% affordable housing), with public open space, landscaping, sustainable drainage and vehicular access point. All matters are reserved except for means of vehicular access, which is proposed from Watermill Lane.
- 3.2 The plans, reports and assessments submitted with the application include:
- Location plan
 - Development framework plan
 - Overarching development plan (three sites)
 - Planning statement
 - Design and access statement
 - Socio-economic benefits statement
 - Affordable housing statement
 - Landscape and visual impact statement
 - Ecological impact assessment
 - Biodiversity net gain assessment
 - Shadow habitat regulation assessment
 - Arboricultural statement
 - Heritage statement
 - Ground investigation report
 - Flood risk assessment
 - Utilities statement
 - Air quality screening report
 - Noise screening assessment
 - Transport assessment
 - Travel plan
 - Statement of community involvement
-

4.0 HISTORY

- 4.1 No relevant planning history.
-

5.0 POLICIES

5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- PC1 (Presumption in favour of Sustainable Development)
- OSS1 (Overall Spatial Development Strategy)
- OSS2 (Use of Development Boundaries)
- OSS3 (Location of Development)
- OSS4 (General Development Considerations)
- BX1 (Overall Strategy for Bexhill)
- BX3 (Development Strategy)
- SRM1 (parts ii – viii) (Towards a Low Carbon Future)
- SRM2 (Water Supply and Wastewater Management)
- CO3 (Improving Sports and Recreation Provision)
- CO4 (Supporting Young People)
- CO5 (Supporting Older People)
- CO6 (Community Safety)
- LHN1 (Achieving Mixed and Balanced Communities)
- EC1 (Fostering Economic Activity and Growth)
- EN1 (Landscape Stewardship)
- EN2 (Stewardship of the Historic Built Environment)
- EN3 (Design Quality)
- EN5 (Biodiversity and Green Space)
- EN6 (Flood Risk Management)
- EN7 (Flood Risk and Development)
- TR2 (Integrated Transport)
- TR3 (Access and New Development)
- TR4 (Car Parking)

5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DRM1 (Water Efficiency)
- DRM3 (Energy Requirements)
- DHG1 (Affordable Housing)
- DHG3 (Residential Internal Space Standards)
- DHG4 (Accessible and Adaptable Homes)
- DHG6 (Self-build and Custom Housebuilding)
- DHG7 (External Residential Areas)
- DHG11 (Boundary Treatments)
- DHG12 (Accesses and Drives)
- DEN1 (Maintaining Landscape Character)
- DEN4 (Biodiversity and Green Space)
- DEN5 (Sustainable Drainage)
- DEN7 (Environmental Pollution)
- DIM1 (Comprehensive Development)
- DIM2 (Development Boundaries)
- BEX3 (Land at North Bexhill – Infrastructure)
- BEX3b (Land west of Watermill Lane)

5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations. The National Planning Policy Framework chapters of relevance include:

2. Achieving sustainable development
 4. Decision making
 5. Delivering a sufficient supply of homes
 6. Building a strong, competitive economy
 8. Promoting healthy and safe communities
 9. Making effective use of land
 12. Achieving well-designed places
 14. Meeting the challenge of climate change, flooding and coastal change
 15. Conserving and enhancing the natural environment
 16. Conserving and enhancing the historic environment
-

6.0 CONSULTATIONS

6.1 National Highways – NO OBJECTION

- 6.1.1 Comment that the site forms Policy BEX3b in the Rother Local Plan Core Strategy and DaSA (December 2019). In accordance with Policy BEX3 (iii) this site is required to make a proportionate financial contribution to off-site highway improvements on the A259 Trunk Road.

6.2 East Sussex County Council (ESCC) Highway Authority – OBJECTION

- 6.2.1 Formal consultation response dated 21/09/22 (summarised):

- I am satisfied that a suitable access into the site can be provided.
- The capacity assessments undertaken as part of the development proposal demonstrate that development traffic would not have a detrimental impact on the highway from a capacity perspective with junctions nearest the site continuing to function satisfactorily in the future year scenarios. However, the proposal would result in a material increase in vehicular and pedestrian traffic on Watermill Lane and also Mayo Lane and I am not satisfied that this impact has been assessed or mitigated fully.
- Watermill Lane is relatively narrow and lacks pedestrian facilities in the vicinity of the site access and whilst a new footway and road widening is proposed it has not been demonstrated that a suitable scheme can be put in place that would improve access to the site sufficiently, particularly for non-car modes of travel.
- Mayo Lane is also narrow and lacks pedestrian facilities and whilst capacity is unlikely to be an issue its use by development traffic and increased footfall has not been considered in the assessments carried out as part of proposal. With this in mind there remains a need to provide an improved pedestrian link to the south, which would ideally be routed through the site and through to Mayo Rise, or at least to a point just north of the Mayo Lane junction.
- I also have concerns regarding the accessibility of the site as a whole. The site is located a considerable distance away from the nearest bus stops which would provide residents with a frequent service. Residents of the development would therefore have few opportunities for alternative modes of travel available and this would in turn result in an over-reliance on the private motor car. Facilities such as shops, doctor's surgery, schools, pubs etc are also located a significant distance away from the site and it has not been demonstrated that a suitable pedestrian/cycle link to the site could be provided, as detailed above.

- Further work would also be required to determine whether there is scope to provide new bus stops on NBAR and this should take into the account the visibility requirements for the bus stops, the provision of suitable pedestrian link and also whether a new bus service is likely to be provided in time to serve residents of the sites.
- Based on these observations the site is considered to be poorly located from an accessibility perspective and as the opportunity for improvements to be put in place as part of the proposal is limited the development proposal as submitted is considered to be unacceptable.
- In order to address this issue suitable measures will need to be provided to improve travel options for residents and to provide a viable alternative to travel by private car; however, it is unclear at this stage whether this is feasible.
- It is also considered necessary to assess the proposed scheme against the relevant DaSA policies for the allocated sites in this area. With this in mind, Policy BEX3 (North Bexhill Infrastructure) requires development of the sites to:
 - (iii) having regard to the transport requirements and impacts of the combined allocations and make proportionate financial contributions to off-site highway and cycleway/footpath improvements; and
 - (iv) as part of (iii) above, all developments off Watermill Lane should provide an integrated approach to ensuring safe and convenient movement for pedestrians and cyclists, as well as vehicles.
- These requirements largely mirror those listed previously; however, due to the scale of the works required and also the lack of highway land and land within the Applicants control a combined approach with all developers/landowners for this, and the adjacent sites is the most realistic and only way of delivering a suitable scheme to improve pedestrian and vehicular access to this area.
- Due to the lack of a combined approach, it is not known at this stage whether a suitable improvement scheme to Watermill Lane is achievable and therefore a condition to secure appropriate highway/accessibility improvements could not be put in place.
- With this in mind I object to the development proposal on accessibility grounds. It should also be noted that the developments impact on Mayo Lane also requires consideration with appropriate mitigation being put in place as is necessary.

6.2.2 Email from HA dated 27/02/23:

Two design options for improvement works on Watermill Lane have been submitted. The works proposed are located on Watermill Lane between the site access serving Bex3b (RR/2022/1584/P) and Mayo Lane; however, it should be noted that the application site to the north (RR/21/2545) would also be reliant on the provision of a suitable improvement scheme on this stretch of road.

I am waiting for feedback on both options from our Implementation Team; however, my view at this stage is that the measures proposed are insufficient to address the concerns raised in my formal responses to planning applications RR/21/2545 & RR/2022/1584/P as neither option provides a suitable carriageway width between the site access and the junction with Mayo Lane, and instead proposes a shuttle working arrangement. This is unlikely to be acceptable on a road which, post development, is likely to serve in excess of 300 dwellings where suitable

access for emergency and refuse vehicles would also be required. The minimum footpath widths of 1.2m proposed under Option 1 are also a concern, especially considering the narrow carriageway width provided.

Conditions and Section 106 Obligations suggested despite concerns.

- 6.2.3 E-mail from HA 10/03/2023:
*'...met Gladman and Tetra Tech this morning to discuss the pedestrian connections etc. for Watermill Lane, Mayo Lane and Mayo Rise. It looks like we have agreement on Mayo Rise footway connection. Gladman are to agree with us the wording of a suitable condition. Also, they have agreed to provide/upgrade bus stops and a crossing point on Ninfield Road at/close to Mayo Rise. We discussed Watermill Lane at length. Their actions are:
To provide Road Safety Audits ASAP
To provide modelling for the proposed shuttle working and Mayo Lane/Watermill Lane junction
To provide details of Mayo Lane features to deter vehicle use improve lane for pedestrians
All for our further comment -and hopefully fed soon into updated formal comments on each application. We need the RSAs in particular to come to a view on the proposals.*

6.3 Environment Agency – **NO OBJECTION**

6.4 Lead Local Flood Authority – **NO OBJECTION**

6.4.1 No objection subject to the imposition of conditions.

6.5 ESCC Ecologist – **NO OBJECTION**

6.5.1 No objection subject to the imposition of conditions.

6.6 NatureSpace – **NO OBJECTION**

6.6.1 Comment that they are satisfied with the further ecological information provided, but recommend an informative is attached to any permission to remind the Applicant about their duties under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

6.7 Sussex Fire and Rescue – **NO COMMENTS RECEIVED**

6.8 Sussex Police – **GENERAL COMEMNTS**

6.8.1 General advice provided on design, reducing crime, improving natural surveillance and improving safety.

6.9 ESCC Rights of Way – **NO OBJECTION**

6.9.1 No objection subject to the imposition of conditions relating to footpath diversions and improvements.

6.10 ESCC County Archaeologist – **NO OBJECTION**

6.10.1 No objection subject to the imposition of conditions.

6.11 Southern Water – **NO OBJECTION**

6.11.1 Advise that the proposed development will lie over an existing public foul sewer, which will not be acceptable to Southern Water.

6.11.2 In terms of network improvements, Southern Water additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

6.11.3 Condition recommended so that occupation of the development is phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

6.12 RDC Housing – **NO OBJECTION**

6.12.1 No objection if affordable housing is provided in accordance with policy, including first homes. Advice also provided in respect of accessible and adaptable homes requirements.

6.13 RDC Environmental Health – **NO OBJECTION**

6.13.1 No objection subject to conditions being imposed relating to traffic noise, land contamination, air quality, construction management plan, working hours during construction and lighting.

6.14 Planning Notice

6.14.1 112 letters of objection have been received. The concerns raised are summarised as follows:

Principle/Policy:

- There appears to be no buffer zone between our property boundary and houses shown in the plan.
- No infrastructure to support the housing stock we currently have let alone bringing families to this area.
- There should be higher percentage to be for social housing and for those with a link to Bexhill.
- The impact to the community is ill-considered.
- There will be a significant erosion of the visual landscape from all properties surrounding.

- It makes no sense to consider a building proposal based on an out of date plans that does not take account of a major road in existence.
- The infrastructure is already at breaking point and another few hundred houses, will just make it impossible.
- Bexhill is too overcrowded already.
- Overstretched infrastructure does not support these large housing developments and we are crying out for more green community space not less.
- it will not be an appropriate scale and character in keeping with existing development, there is not the infrastructure for such a large amount of housing.
- Extra strain on the already overstretched infrastructure, this will make it worse.
- Immoral to proposed 70% un-affordable housing in the area.

Accessibility and Sustainability including energy efficiency. Footpaths and cycleways. Car club. Sustainable transport modes. Modal shift?

- Told by Gladman that they are unable to talk to the NBAR owners about access to this site via the NBAR, and therefore access must be via Watermill Lane and Mayo Lane, a frankly dangerous idea.
- Where will access road be, watermill lane is too narrow to accommodate up to potentially 300 cars.
- I hope the proposed benefits in terms of cycleways playground etc do materialise, all too often these disappear.
- proposed access is an accident waiting to happen.
- Watermill Lane is a narrow country lane with no pavements, & the extra traffic that would be generated would inevitably use Mayo Lane.
- Mayo Lane is now used as a rat run from extra traffic from the recent Foundry Meadows as it is a shortcut to link road.
- There's not enough public transport in this area for it to make sense for a development.
- The lane is already not wide enough for 2-way traffic / emergency vehicles and with additional housing this would cause danger to life for dog walkers and school children with no pavements present.

Highway safety, including parking

- Traffic from the new housing will increase, in particular in Mayo Lane which cannot sustain further traffic.
- The traffic survey that has been conducted was poor with signs being put up at the time of the survey to slow traffic down and for 3 days, an inadequate and not accurate time period.
- The speed of cars has become dangerous as the lane is already a rat run.
- A proper survey must be done to see the real cumulative effects of this development.
- Mayo Lane is unsuitable for the increased traffic levels.
- The roads in and out are not suitable for such a large development.
- impact of increased volume of traffic and the safety of other road users of Watermill Lane and Mayo Lane, neither of which currently have a footpath.
- As this is only the first phase of the development you should add the traffic increase of the other developments to get a realistic appraisal of projected traffic flow.

- The access onto Watermill Lane, which will subsequently increase the traffic flow in Mayo Lane.
- The proposed access is unsafe with narrow lanes leading onto a road with extremely poor visibility, it will not only increase congestion but create accident hot spots.
- Existing junctions of Ninfield Road and Watermill Lane with Mayo Lane have sub-standard visibility.
- Walking along Mayo Land and watermill lane with lorries going past me at speed would be unacceptable and unsafe.
- The increase of traffic, pollution & noise is a massive concern.
- Already the area is full of traffic and more house/people in the area will only increase this.
- Traffic is bad enough in Bexhill, if road close the traffic will get worse.
- The Traffic Calming Measures proposed are ridiculous and will only cause inconvenience to residents and a choke point off the Ninfield Road/Mayo Lane junction.
- The fire Brigade should be consulted for this and RR/2021/2545/P.
- Turning is difficult and impossible to see at Turkey Road/St Marys lane – increase in cars would create safety issues.

Biodiversity:

- We are losing all our green spaces and becoming urbanised.
- Fumes into houses at Ninfield Road end while queuing traffic wait to get out.
- Some areas need to be kept as 'countryside' if it can be, do not unnecessarily spoil it when there are other sites that can be used that will not damage the space that we have.
- More green space being lost to development.
- Building more houses here would spoil natural habitats.
- No mitigation measure can replace this natural environment as is it based on the combination of nearby ancient woodlands, allotments and topography of the land.
- Any widening or making provision for a footpath along Watermill lane would result in further destruction .
- There is ancient woodland and hedgerow that supports a wide variety of wildlife including badger setts, foxes, small vertebrate mammals and lizards. Buzzards and other birds' species often seen of the trees and hedgerows.
- No consideration has been given to the local environment, both humans who live by and close to, and animals that live on the designated area.
- Loss of countryside and wildlife with high density housing would be detrimental to the area.
- More proposed destruction of our open space with no thought or consideration for the local community that these proposals affect or for the wider community with an already stretched infrastructure.
- The size of the intended development would have a negative environmental impact to this beautiful area of Bexhill.
- Destruction of the thriving eco-system
- Pollution to both environment and local residents
- Threat to wildlife / protected species / protected trees
- Negative effects to the soil protection laws and nitrogen levels.

Drainage:

- Concerns with increase of severe flooding to surrounding neighbouring residential properties

6.14.2 One letter of support has been received.

6.14.3 Five letters with general comments have been received. The comments are summarised as follows:

- Query of the validity of the Statement of Community Involvement – no contact by developer.
- Lack of safety for pedestrians, horse riders and local residents exiting their drives onto Mayo Lane, which is a narrow lane with no pavements.
- Should the current 60mph speed limit also be reviewed and reduced for the section of Watermill Lane.
- Higher percentage to be for social housing and for those with a link to Bexhill, thus reducing the impact on public services.
- Stop up Mayo Lane and Watermill Lane at the junction and construct a new access from Haven Brook Road.
- Site Visits requested – one at the access point at watermill lane and the mayo rise where the building construction will take place.

6.15 Town Council – **OBJECTION**

6.15.1 *'The town council strongly objects to this application due to highways safety issues that will be created on Mayo Lane. The town council is concerned that the current road structure is not sustainable for the number of dwellings proposed and alternative access should be considered. Allotments should also be part of a future proposal, in order provide a benefit to Bexhill. It was noted that the town council is extremely concerned that Rother District Council does not have an up to date Local Plan and this is giving developers opportunities to flout the system.'*

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, although this would need to be calculated at reserved matters stage.

7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £868,920 over four years.

7.3 Other finance considerations include Section 106 Planning Obligations which are detailed further on in the report.

8.0 APPRAISAL

8.1 The application site consists of the DaSA Policy BEX3b housing allocation. The main issues to consider include:

- Principle/policy position, including infrastructure.
- Highway safety, accessibility and sustainability.

- Other issues not fully covered by site specific policy – ecology; landscape impact; archaeology; contaminated land; and air quality

8.2 Principle/policy position

8.2.1 The site is allocated for residential development and open space within the development boundary as set out in the DaSA Local Plan and therefore the principle of the proposal has been accepted.

Infrastructure

8.2.2 Policy BEX3: Land at North Bexhill – Infrastructure of the DaSA states:
The development of sites which are the subject of Policies BEX3a, BEX3b and BEX3c shall contribute to shared infrastructure by:

- i. the provision of an overarching foul drainage strategy, in conjunction with Southern Water;*
 - ii. the design and provision of complementary sustainable surface water drainage schemes in accordance with Policy DEN5;*
 - iii. having regard to the transport requirements and impacts of the combined allocations and make proportionate financial contributions to off-site highway and cycleway/footpath improvements;*
 - iv. as part of (iii) above, all developments off Watermill Lane should provide an integrated approach to ensuring safe and convenient movement for pedestrians and cyclists, as well as vehicles;*
 - v. ensuring an integrated approach to establishing a multi-functional 'green corridor' along the Combe Haven stream, extending from the A269 to the planned Enterprise Park (and beyond);*
 - vi. as part of (v) above, all developments will contribute to the provision of outdoor sports facilities within site BEX3a, either directly or through proportionate (to the respective quantum of residential development) financial contributions;*
 - vii. investigation of a common approach to securing superfast broadband.*
- The above shared infrastructure requirements shall be implemented by a combination of direct provision and legal (Section 106) agreements attached to the respective development proposals.*

BEX3 (i) Foul drainage

8.2.3 The development would connect to the existing mains sewer. Southern Water has advised that the proposed development will lie over an existing public foul sewer, which will not be acceptable to them. They also advise in terms of network improvements additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the developer will need to work together in order to review if the delivery of their network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

8.2.4 The matters outlined above can be managed via condition so that occupation of the development is phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

BEX3 (ii) Sustainable surface water drainage scheme

8.2.5 The application is accompanied by a flood risk assessment and outline surface water drainage strategy. This explains that the site is wholly greenfield and slopes towards the Combe Haven stream to the north of the site. Greenfield runoff rates are provided in the assessment.

8.2.6 In terms of future off-site discharge options, the assessment explains that based on the information obtained from historic borehole record data, it is expected water seepage would be encountered at shallow depths at the north of the site due to the nearby watercourse (Combe Haven stream), thus infiltration-based SuDS are not considered a feasible method of surface water disposal from the site. Instead, discharging surface water directly to a watercourse is considered feasible as there is an existing watercourse to the north of the site along the northern boundary. Discharge rates to the receiving watercourses would be limited to the pre-development 1 in 1-year greenfield run off rates to ensure flood risk is managed in line with Pevensey & Cuckmere Water Level Management Board (IDB) requirements and ensure risk is not increased offsite.

8.2.7 The Lead Local Flood Authority are happy with the approach detailed within the drainage strategy but require submission of further information at the reserved matters stage when the Applicant seeks to fix the quantum of development at the site.

BEX3 (iii) Transport requirements including off-site improvements & (iv) Safety on Watermill Lane

8.2.8 National Highways are only concerned with the impact development has on the strategic road network. They raise no objection to the application provided a proportionate financial contribution to off-site highway improvements on the A259 Trunk Road is secured.

8.2.9 In terms of the local road network which ESCC Highway Authority are concerned with, two design options for improvement works on Watermill Lane have been submitted. The works proposed are located on Watermill Lane between the site access serving BEX3b (RR/2022/1584/P) and Mayo Lane. However, it should be noted that the application site to the north (RR/2021/2545/P) would also be reliant on the provision of a suitable improvement scheme on this stretch of road. Further, we note that BEX3c (c.150 dwellings) would also take access off Watermill Lane.

8.2.10 The Highway Authority are waiting for feedback on both options from their Implementation Team. However, their view is that the measures proposed are insufficient to address the concerns raised in their formal responses to planning applications RR/2021/2545/P & RR/2022/1584/P as neither option provides a suitable carriageway width between the site access and the junction with Mayo Lane, and instead proposes a shuttle working arrangement. This is unlikely to be acceptable on a road which, post development, is likely to serve in excess of 300 dwellings where suitable

access for emergency and refuse vehicles would also be required. The minimum footpath widths of 1.2m proposed under Option 1 are also a concern, especially considering the narrow carriageway width provided.

- 8.2.11 An update on necessary highway improvement works is expected by the time of the Committee meeting on the 23 March 2023.

BEX3 (v) Multi-functional green corridor

- 8.2.12 The lower part of Combe Haven valley comprises an important feature at the northern end of the site. The opportunity exists to create an attractive green corridor here, incorporating the existing watercourse as well as an enhanced footpath and cycleway, to link with the unallocated site to the north and BEX3a allocation to the west. Suitable conditions and Section 106 Obligations can be secured at outline stage to ensure the multi-functional green corridor is provided.

BEX3 (vi) Outdoor sports facilities

- 8.2.13 Outdoor sports facilities measuring 1.8ha will be accommodated on the BEX3a allocated site in the area indicated on the Detail Map. Furthermore, landscaping in the form of new tree, thicket and wildflower planting will be used to create a sense of place and provide an opportunity for amenity, ecological and recreational benefits. Policy BEX3a (ii) requires at least 2.64 hectares of space for outdoor sports facilities which means that what is proposed is not compliant with the policy. Comparing the Detail Map accompanying DaSA Policy BEX3a to the indicative plans within the Design and Access Statement, a relatively small triangular piece at the far north of the site intended to form part of the sports facilities lies outside the Applicant's ownership. The remainder of the land is within the Applicant's ownership, but they are proposing to create a wildlife area on the other part of land intended for sports facilities to help with biodiversity net-gains. The short comings of the amount of sports facilities will need to be considered in the planning balance. However, if minded to support the scheme this proposal would need to secure proportionate financial contributions.

BEX3 (vii) Broadband

- 8.2.14 The accompanying utilities statement explains that there is existing telecoms apparatus nearby which could be connected to by the development site. The Ofcom website indicates that both superfast (up to 76 Mbps) and ultrafast (1000 Mbps) is available in the area. A condition could be attached to any permission to secure superfast broadband as a minimum.

Site specific: BEX3b

- 8.2.15 Policy BEX3b: land west of Watermill Lane of the DaSA states:
Land west of Watermill Lane, as shown on the Policies Map, is allocated for housing and open space. Proposals will be permitted where:
- (i) some 130 dwellings will be provided within the residential area as indicated on the Detail Map, of which 30% should be affordable;*
 - (ii) the northern part of the site towards the stream course is kept open and laid out as part of a green corridor, incorporating an enhanced footpath/cycleway, which should extend to the planned outdoor sports facilities (see Policy BEX3a);*
 - (iii) access is from Watermill Lane, the details of which will be subject to a findings of a Transport Assessment, with the expectation that:*

- (a) *A single access will be provided where appropriate sight lines can be achieved;*
- (b) *Traffic management measures are introduced on Watermill Lane to calm traffic, with specific regard to the short section north of Mayo Lane and to ensure the safe movement of pedestrians and cyclists between the site and Sidley in association with the provision of a new footway/cycleway along most of the length of the Lane from the Mayo Lane junction to the stream (to dovetail with requirements under Policy BEX3c);*
- (c) *The development will incorporate a convenient route for pedestrians and cyclists to Ninfield Road, via Mayo Rise;*
- (iv) *trees on the western boundary are retained and safeguarded, alongside a buffer to protect the Ancient Woodland of at least 15m depth;*
- (v) *due regard is paid to the amenities of adjacent properties in terms of height and proximity of dwellings;*
- (vi) *the infrastructure requirements set out in Policy BEX3 are met.*

Appraisal of the site-specific requirements

- 8.2.16 (i) Up to 130 dwellings are proposed, including 30% affordable. This complies with the site-specific policy. The number of affordable homes to be provided equates to 39 units. This can be secured by legal agreement. The affordable housing will need to be pepperpotted in line with Policy DHG1, which will be detailed and secured at RM stage.
- 8.2.17 (ii) The indicative layout plans show the northern part of site is broadly in line with the BEX3b Detail Plan (Figure 22 of the DaSA). They show it is to be kept open and laid out as part of a green corridor, incorporating an enhanced footpath/cycleway, which would extend to the planned outdoor sports facilities on the BEX3a allocation.
- 8.2.18 (iii) (a) Single access onto Watermill Lane is proposed. A Road Safety Audit (required by the Highway Authority) was only received on the 13 March 2023. This will need to be reviewed by the Highway Authority. Updates will be provided in due course.
 (b) Traffic management measures along Watermill Lane are proposed – these too are subject to the Highway Authority comments and approval. Updates will be provided in due course
 (c) s first submitted, the indicative plans did not show any pedestrian and cycle link via Mayo Rise. However, this was discussed with the Applicant and the Highway Authority during the application. Highway rights appear to exist to allow pedestrian and cycle connectivity via Mayo Rise. This is included on a recently submitted amended Development Framework Plan.
- 8.2.19 (iv) Trees are proposed to be safeguarded on the western boundary with a 15m minimum buffer to the ancient woodland. Conditions can be imposed to secure this and would need to be detailed further in any reserved matters application.
- 8.2.20 (v) The main properties to be directly affected by the development include those along Mayo Rise, Mayo Lane and those to the south of the site fronting Ninfield Road. The height and proximity of dwellings are the considerations the policy raises. These are matters that will need considering at reserved matters stage. Policy on external residential areas

(10m minimum rear gardens) will be an important consideration to secure to facilitate appropriate separation.

8.2.21 (vi) The infrastructure requirements for BEX3b are largely met as detailed in paragraphs 8.2.3 – 8.2.14 of this report.

8.3 Highway safety, accessibility and sustainability

8.3.1 National Highways raise no objection to the scheme

8.3.2 In terms of the Highway Authority, it is acknowledged that various improvements are required to make the site more accessible and enable future residents to have access to and choice of a variety of sustainable transport modes.

8.3.3 Discussions have taken place throughout the application, with agreement in principle reached to secure a car sharing scheme consisting of three family sized electric vehicles. In terms of planning determination, public benefit needs to be measured in this case on financial viability over the long-term. There is currently insufficient evidence and no scheme in a comparable location that can prove either way. Consequently, extreme caution must be given to a car share in this location as to its deliverability and viability over the long-term.

8.3.4 A travel plan is to be secured to include free bus travel to new residents for a month, together with auditing fee, a cycle voucher scheme and provision of a biannual bike-doctor visit.

8.3.5 In terms of public transport, the provision of fully accessible bus stops on Ninfield Road within an acceptable walking distance of the site must be provided. This is to be achieved through the upgrading and/or relocation of the 'Mayo Rise' bus stops to meet accessible standards; or through the provision of a pair of new bus stops on Ninfield Road closer to the Kiteye Farm's access (to be agreed following further input from the ESCC Passenger Transport Team). The provision of the bus stops each requiring as a minimum a raised kerb; bus shelter, lighting, seating, real time information display, road crossing and the provision of a suitable pedestrian link with appropriate width footways along Ninfield Road to the bus stop from the site (to ESCC Highway's specification or approval). A bus funding contribution of £1,100/dwelling towards establishing the new bus service along Haven Brooke Avenue, paid at inception of works, is also to be sought.

8.3.6 The provision and necessary upgrading of the existing public footpath route (Footpath 56) from the two bus stops on Ninfield Road, along the Combe Haven stream (from Ninfield Road to Watermill Lane) (details to be agreed following further input from the ESCC Passenger Transport Team) including works to the Kiteye Farm's bridge are also necessary to improve accessibility. This is to be provided as a low maintenance surface (e.g. compacted Type 1 MOT) to a width suitable to accommodate upgrade to a multi-user route (e.g. a bridleway/cycle route). Improvement of the existing footbridge to be to adoptable standards.

8.4 Other issues

Ecology

- 8.4.1 The submitted Shadow Habitats Regulations Assessment looks at the impact of the development on the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), the Pevensy Levels Special Area of Conservation (SAC), the Pevensy Levels Ramsar and the Hastings Cliffs SAC. Potential impact pathways, water quality and recreational pressures have been assessed on each for the proposed development alone and in combination. The findings and conclusion of the shadow assessment are agreed. On this basis, as competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is recommended that Rother District Council concludes that the proposed development will have no likely significant effects, either alone or in combination with other plans or projects, on the European sites. As such, further Appropriate Assessment is not required.
- 8.4.2 Issues relating to trees and the adjacent ancient woodland have been dealt with under the site-specific site allocation BEX3b (iv) above, under the principle/policy position section.
- 8.4.3 The site comprises a series of grass fields(F), separated and bound by hedgerow (H) and woodland (W). Other habitats include one pond, one structure (an old barn/stable), scrub, tall ruderal, and adjacent (off site) watercourses, most notably Combe Haven to the north. Combe Haven is an ordinary watercourse, becoming a main river c. 230m west of the site.
- 8.4.4 Rhododendron, an invasive plant listed on Schedule 9 of Wildlife and Countryside Act 1981, as amended was noted at the southern end of H2. A cotoneaster species is also listed as a component of H5 and H6 but it is not confirmed if it is one of the five species of cotoneaster listed on Sch9 – this must be qualified. The scheme should seek to remove and appropriately dispose of any Sch9 species present on site and must include details of the agreed work method in a Biodiversity Method Statement (BMS).
- 8.4.5 The southern fields (F1-F4) are relatively species-rich and categorised as semi-improved neutral grassland, although the Habitat Plan/Appendix D has them incorrectly mapped and this should be updated. The northern fields (F5-F7) comprise species-poor semi-improved grassland. There are ten hedgerows (H1-10) all of which are Habitats of Principal Importance (HPI) under Section 41 of the NERC Act. H1-H4 and H10 are considered to be species-rich (containing five or more native woody species), and H5-H9 are considered to be species-poor (contain four or less native woody species). H3 contains a stand of butcher's broom which is stated in the EclA as being retained. This is an interesting ancient woodland indicator species indicating the potential age of some of the site's boundaries. Efforts should be made to retain it if it were to be impacted by the revised layout of the 2022 DFP.
- 8.4.6 The EclA and 2020 DFP shows that most of the trees, hedgerows and woodland are to be retained, and these should be protected in accordance with BS5837:2012. H2 (c. 54m) and H8 (c. 45m) are being lost in their entirety and one section of H1 (c. 9m) and four sections of H4 (c. 45m) are being removed for road/pedestrian crossing points. Loss of these hedgerows should be compensated through the creation of new native

species-rich hedgerows within the site which should be managed for biodiversity rather than amenity. In addition to their intrinsic value, these hedgerows offer value for protected species, including bats and dormice and this is discussed further below.

- 8.4.7 There are two blocks of on-site woodland (W1 and W2) and one block adjacent to the site (W3), all of which are HPI under Section 41 of the NERC Act. The proposed access road off Watermill Lane crosses the widest point of W1 and it is estimated from the 2020 DFP to be c.10m wide, but 17m at the junction splay. The Arboricultural Impact Assessment (AIA) (CSA Environmental, October 2022, Report Ref: CSA/4879/04) indicates that part of Group 4 (Category B) and Tree 13 (category A) will be removed for this access. T13 is a mature (1.1m diameter), oak tree, whose loss should be avoided wherever possible. The AIA states that there are 'no viable and safe alternatives' to site access, but the Tree Survey & Constraints Plan (Barton Heyett Associates, 21/09/2020, Drawing No. MBER BHA_784_01) indicates that the access would only need to be moved c.10m northward to avoid the root protection area of this oak tree. If this cannot be achieved, then compensatory planting should be provided. The AIA states that an overall net gain in the tree resource (in terms of both canopy cover and species diversity) can be delivered despite the initial high impact of tree removal for road/pedestrian access. The recommendation to provide a detailed AIA supported by a Tree Protection Plan and Arboricultural Method Statement at the detailed planning and design stages is supported and should be conditioned.
- 8.4.8 W2 will be included within the POS area which could result in increased disturbance from recreational pressure, although the ground flora is described as being relatively sparse here. Managing recreation via informal woodland pathways will help to reduce this possible impact and should be included as part of the site's access strategy. No access into W3 from W2 should be allowed as W3 is not part of the POS and contains ASNW that could be impacted (see below). W2 will be enhanced with scrub/structural planting (0.56ha). All these details should be included in the Landscape and Ecological Management Plan (LEMP).
- 8.4.9 The 2020 DFP shows that the 15m ASNW buffer has been applied to W3, which accords with Policy BX3b(iv) of the DaSA Plan 2019. The use of woodland edge planting within this buffer to both enhance the site and prevent public access is supported. It is recommended that to further mitigate the risk of recreational pressure on this ASNW, that an additional fence line is installed towards the outer edge of the proposed woodland edge planting. This will also protect the planting during establishment but must be permeable to badgers e.g. by cutting gaps at the bottom of any netting/mesh used or by using post and rail fencing. As introduced above, the boundary between W2 and W3 should be secured with a fence to stop any informal access. Buffer planting should use appropriate native species of local provenance and where possible a high percentage of thorn species to create a dense screen that covers the recommended fencing. It is also recommended that woodland edge planting takes place at least one (and preferably two) seasons in advance of site occupation so that it can establish.

- 8.4.10 The Design and Access Statement (Gladman, Feb 2022, P.30) states that footways are proposed on both sides of the Site's access on Watermill Lane. The southern footway would extend along Watermill Lane to the junction with Mayo Lane. The northern footway would extend along Watermill Lane, beyond Combe Haven (culverted) and then service the adjacent Watermill Lane Scheme (RR/2021/2545/P) opposite Chetwynd residential property. Two drawings in Appendix A of the Transport Assessment (Tetra Tech, January 2022 Rev03) show this in more detail and are discussed below.
- 8.4.11 Site Access Junction and Footway Connection Option (WYG 03/2020, Proj.No: A117113/27/C, Drawing No. P001) shows the southern footway as 2m wide for approximately half its length (reducing to 1.2m) and intersecting with the woodland/wood bank along the northbound carriage of Watermill Lane and also requiring retaining walls. Whilst this woodland is not classified as ASNW it borders Watermill Lane which is a relatively narrow and part-sunken rural lane and at least the roadside sections are likely to be ancient in origin. Several ancient woodland indicator species, including bluebell, wood anemone and potentially wood melick, are visible on this wood bank from Google Street View. It is unclear if realignment of the existing 4.8m carriageway affects the woodland/wood bank on the southbound carriageway side, in particular opposite 31 Mayo Lane. ASNW borders c.35m of Watermill Lane in this location and the majority of woodland on the eastern side of Watermill Lane (including the ASNW) receives a Tree Preservation Order (TPO 113).
- 8.4.12 Site Access Incorporating Pedestrians (Tetra Tech 09/2021, Proj.No: A117113 RevP01) shows the northern footway as 1.2m wide requiring road realignment and widening resulting in the need to cut up to 1m into the existing wooded bank alongside the southbound carriageway for c.130m. Trees are adjacent to the carriageway and TPO 113 is adjacent to c.75m of the proposed cut.
- 8.4.13 The potential impact of footways including the associated cutting and retaining walls do not look to be included in the AIA. The impact of footpaths on woodland habitat is also not discussed in the EclA, but it is acknowledged that for the majority of their length, these lie outside the redline boundary. However, any impact on woodland habitat (including ASNW), individual trees (including TPO woodland) and the protected species they may support must be clarified and appropriately assessed.
- 8.4.14 In respect of species' specific surveys, eight species of bats have been recorded using the site for foraging and commuting. Foraging hotspots were recorded in the northern fields, predominantly the north-western corner of the site around W2 and H4 with data heavily dominated by common and soprano pipistrelle. No key commuting corridors were observed. Most of activity recorded during the static monitoring was along the eastern boundary of the Site, close to W1, but it may be that one or two bats continuously foraging in this area were responsible for this result. This area did however have the highest diversity (8 No.) of species recorded at any location. Monitoring on the western edge of the site adjacent to W3/ASNW recorded the second highest number of bat passes.
- 8.4.15 The presence of rarer species, such as Leisler's, on this site, and the adjacent site at Watermill Lane (ref RR/2021/2545/P), albeit limited to

occasional passes, demonstrates the importance of maintaining connectivity south to north across both sites. With exception to H2 and H8, the majority of hedgerows are to be retained in full, with five c. 10m wide sections of H1 and H4 being removed for internal access. All access points should be designed to minimise the width of gap created (see Dormice below for further information). A c. 17m wide gap in W1 will be created to form the access onto Watermill Lane. The highest diversity of bats was recorded at this wooded location, which forms an extension to the canopy of the adjacent off-site woodland, part of which is ASNW. To maintain the tree canopy at the site's access and along the east boundary, a 'hopover' should be provided.

- 8.4.16 Recommendations in the EclA include maintenance (and enhancement through planting) of green corridors/boundaries, no direct lighting of boundaries with light spill onto ASNW avoided and spill onto other habitats reduced to acceptable levels (demonstrated through Lux modelling) and the use of night-scented plant species in the landscaping scheme, all of which are supported. Full details should be set out in the Ecological Lighting Strategy, LEMP and CEMP accordingly.
- 8.4.17 At least eight bat boxes are proposed on mature trees/new buildings. Where appropriate, these should be incorporated into the fabric of new buildings. A specification for the bat boxes should be provided as part of the Ecological Design Strategy (EDS) and include information on target species and box number, type, location, installation and maintenance.
- 8.4.18 Turning to great crested newts, the on-site pond will be lost but an enhancement to open water habitats will be provided in the form of two new wildlife ponds. As only eDNA surveys were undertaken for the on-site pond the presence of other amphibian species such toads (which are a Species of Principal Importance (SPI) under Section 41 of the NERC Act) cannot be ruled out. It is recommended that the pond be removed in a way that does not harm amphibians and that the method of this work is detailed in the BMS.
- 8.4.19 The proposed location of the northernmost of the two-wildlife pond looks optimal in terms of ecological connectivity, but the Tree Survey & Constraints Plan with Indicative Tree Shading (Barton Hyett Associates, 21/09/2020 Drwg. No: BHA_784_01 RevB) suggests that it may not receive sufficient light. This should be reviewed and clarified.
- 8.4.20 The two SuDS basins at the northern end of the site will also provide additional wetland habitat providing they are appropriately designed to encourage wildlife to use them. At least part of their margin should provide a shallow profile for amphibian access, and a safe means of escape in case mammals such as deer and badgers fall in.
- 8.4.21 All works must proceed under a European Protected Species Mitigation licence for dormice. The recommendation in the EclA including a detailed mitigation strategy, planting of species of known value to dormice, buffer planting along the edge of W1, scrub/structural planting in W2, no direct lighting of boundaries with light spill onto ASNW avoided and spill onto other habitats reduced to acceptable levels (demonstrated through Lux modelling) and provision of nesting boxes post construction are all supported. Details

should be set out in the BMS, Ecological Lighting Strategy, EDS, LEMP and CEMP accordingly. It is acknowledged that mitigation details will be included in the licence application, but for clarity they should also be included in the wider BMS required.

- 8.4.22 It is acknowledged that predation rates could increase from domestic cats as a result of the proposed development, as well as increase disturbance from recreational activity and lighting. Suitable habitat (particularly woodland and hedgerows present on and adjacent to the site) should be enhanced and buffered and be maintained as dark corridors. Providing information on dormice via home-owner information packs was recommended as part of the Kiteye Farm Scheme (RR/2022/2364/P) and should also be adopted for this scheme.
- 8.4.23 The functionality of hedgerows will also be impacted by new roads with five c. 10m wide sections of H1 and H4 being removed and most of the retained sections of H3 and H4 becoming isolated from other habitats. To mitigate this, the number of access points should be minimised as far as possible, all access points should be designed to minimise the width of gap created and, where safe and practical to do so, these points should be reduced down to one carriageway by employing a bottle neck junction (which will also act as a traffic calming measure). Where trees are present along boundaries the access points should be positioned adjacent to their canopies or heavy standard trees should be planted either side of the gap created. Scrub/hedgerows should be planted right up to the road edge and footpaths should be off set from the road. The details of how crossing points have been designed to maintain connectivity for dormice (and other species such as bats) should be provided in the EDS.
- 8.4.24 In respect of badgers, the recommendation in the EclA including a detailed mitigation strategy, preconstruction badger survey, monitoring during construction, standard best practice methods during construction and no lighting of the artificial (or any retained) sett are supported. Full details should be set out in the EDS, Ecological Lighting Strategy and CEMP.
- 8.4.25 The County Ecologist also recommends conditions are attached relating to the protection of birds, reptiles, hedgehogs and other protected species.
- 8.4.26 In addition to the mitigation measures detailed above, the site offers opportunities which will help the Council address its duties and responsibilities to provide measurable BNG under national and local planning policy. The EclA states that the 'Baseline Habitat Biodiversity Value has been determined through assessment using the Natural England Biodiversity Metric 2.0 (Appendix F)', but Appendix F only includes data on habitat types and plant species. During the application, further details on BNG were submitted but indicates an overall loss. Therefore, at the detailed design stage, it is recommended that the most up to date Defra Biodiversity Metric is used to demonstrate how the proposed embedded mitigation by design and habitat creation will deliver net benefits for biodiversity. A condition has been agreed with the Applicant. Note that new or enhanced habitat at the adjacent schemes (Kiteye Farm and Watermill Lane) cannot be double counted.

- 8.4.27 Semi-improved neutral grassland (described as relatively species rich) looks to make up approximately two thirds of the site, the majority of which will be lost. Wildflower meadow grassland is proposed across the site and should comprise native species of local (Weald) provenance. For meadows to function ecologically and be robustly included in the BNG calculation they must be of sufficient size (to minimise edge effects) and ideally connected to other habitat types.
- 8.4.28 It is recommended that an Ecological Design Strategy (EDS) is required by condition, incorporating the ecologically sensitive lighting, bird and bat box specification, and the above recommendations for road crossing points/hop-overs, ponds/basins, buffer planting/fencing, and any other relevant measures presented in the EclA and the 2020 DFP, to ensure that projected BNG is delivered at the detailed design stage. A BMS (which can be included as part of the CEMP) is required to ensure mitigation strategies for invasive plants, reptiles, breeding birds, amphibians, badgers and dormice are agreed in advance of works, including outline information on protected species licencing. A CEMP will be required to ensure all environmental (including ecological) requirements are understood by contractors and implemented during construction. A LEMP will be required to ensure maintenance of retained and created habitat for biodiversity in the long term (30 years).
- 8.4.29 The EclA recommends other enhancement measures, including log piles, dormouse boxes, information on dormice via home-owner information packs and the use of species of known wildlife value within the landscape scheme, including night-scented species. These are supported and details should also be provided in the EDS. All informal planting i.e. within the buffer zones and wildlife areas should be native. Given the location of the site and its proximity to designated sites, watercourses and ASNW, the formal planting scheme should include a high proportion (at least 75%) of native species or species of recognised wildlife value. The use of any invasive species in the landscape planting, particularly species that could impact ASNW or wetland habitats should be avoided.
- 8.4.30 In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

Archaeology

- 8.4.31 The County Archaeologist has advised that the application site is not currently located within an Archaeological Notification Area. However, archaeological remains from the Mesolithic period onwards have been identified in the wider area in advance of many residential, commercial and infrastructure developments within the last decade or so.
- 8.4.32 The application is supported by a Heritage Desk-Based Assessment (CSA Environmental report reference CSA/5621/09 dated December 2021). This document is generally well researched, in respect of recent archaeological fieldwork which is recorded on the East Sussex Historic Record. Although this document recognises that no fieldwork has been undertaken within the site itself, the evidence from immediately to the north of the site associated with the A2691 is likely to be a good indicator of archaeological potential which is generally considered to be low to moderate and perhaps more likely

to represent agricultural activity rather than associated settlement. Based on available evidence it is unlikely that remains of national importance which may be worthy of preservation in situ, exist within the site but remains of local or regional significance could reasonably be expected.

- 8.4.33 The County Archaeologist has also advised that the northern site boundary is delineated by the Combe Haven watercourse and the closest mapped superficial deposits associated with this watercourse lie approximately 440m west of the site. It is evident from LiDAR imagery that this watercourse flows eastwards through a shallow-sloped valley which may contain palaeoenvironmental deposits of at least local interest. Attenuation basins are proposed within this low-lying area of the site.
- 8.4.34 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works, which can be secured by condition.

Landscape impact

- 8.4.35 Policy OSS4(iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 8.4.36 Policy EN1 provides that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (*inter alia*) (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes; (vi) ancient woodland; and (vii) other key landscape features across the district, including native hedgerows, copses, field patterns, ancient routeways, ditches and barrows, and ponds and water courses. This is backed up by Policy DEN1 of the DaSA which provides that the siting, layout and design of the development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics, in accordance with Rother Local Plan Core Strategy Policy EN1. Policy EN3 of the Rother Local Plan Core Strategy requires all development to be of a high-quality design.
- 8.4.37 The National Planning Policy Framework (2021) Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 174 states:
- Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*

- 8.4.38 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) and this provides a description of the baseline landscape, visual and planning policy context for the site and surrounding area. The LVIA outlines that the site is allocated for housing in the Rother Local Plan Core Strategy. The DaSA identifies land at North Bexhill as a site allocation (BEX3). Policy BEX3b, land west of Watermill Lane, identifies the site as an allocation for up to 130 houses. The site and surrounding area would not be considered valued landscape in the context of the National Planning Policy Framework. The LVIA outlines the policy requirements for the site.
- 8.4.39 The LVIA summarises the conclusions of previous landscape assessments that were carried out to inform the site allocations process. It goes on to provide an updated assessment of the potential landscape and visual effects of the proposal. The conclusions of the LVIA are not disputed subject to the full implementation of the proposed landscape masterplan, which would be considered in more detail at reserved matters stage. From a landscape perspective it is recommended that the proposal can be supported in principle.

Living conditions

- 8.4.40 The application is accompanied by a 'Noise Screening Report' prepared by Wardell Armstrong which has been reviewed by Environmental Health. Whilst the document makes no mention of ProPG: Planning & Noise Professional Practice Guidance on Planning and Noise for New Residential Development (published by the ANC, IOA and CIEH in May 2017) it essentially fulfils the role of a 'Stage 1: Initial Site Noise Risk Assessment as described in that guidance document. The 'Development Framework Plan Option 3' drawing for the proposal indicates that the proposed residential areas of the site will not be any closer than 10m from Watermill Lane and on that basis, there is no obvious need for a full noise assessment. However, should that separation distance be significantly reduced in the detailed scheme, the contribution of road traffic noise on Watermill Lane at the closest houses would need to be assessed quantitatively to ascertain the need or otherwise for noise mitigation. This could be secured by condition.
- 8.4.41 There also will be potential noise impacts at existing properties during the construction of the development and these will need to be addressed in a Construction Management Plan and for the hours and days of the construction working week to be restricted by condition.
- 8.4.42 Impacts on nearby residential properties relating to the physical impacts of the development will need to be considered at reserved matters stage.

Air quality

- 8.4.43 Environmental health has reviewed the Air Quality Screening Report letter from Wardell Armstrong which confirms that impacts during both the construction and operational phases of the proposed development should not be significant and also fulfils the requirement for an air pollution damage cost assessment as detailed in the 'Air quality and emissions mitigation guidance for Sussex (2021).' A scheme for protecting future and existing residential occupiers in the vicinity from the effects of nitrogen dioxide (NO_x) and airborne particulate matter (PM_{2.5}) arising from the development and

mitigation measures to alleviate the impact of the development equivalent to the calculated damage costs can be secured by condition.

Ground investigation report

- 8.4.44 The site has been in agricultural/equestrian use. A Preliminary Risk Assessment report accompanies the application which includes a desktop study of the potential for land contamination constraints to the proposed development. The report recommends intrusive exploratory works with supplementary laboratory testing, monitoring and subsequent risk assessment as the next step. This can be secured by condition.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The site is allocated for residential development and open space within the development boundary as set out in the DaSA Local Plan and therefore the principle of the proposal has been accepted.
- 9.2 Paragraph 60 of the National Planning Policy Framework sets out the objective of significantly boosting the supply of housing. Paragraph 73 sets out a requirement for local planning authorities to provide a minimum five-year housing land supply.
- 9.3 The provision of up to 130 dwellings, including 39 affordable units, would significantly boost the supply of housing, which should be afforded substantial weight. There are also other benefits including some short-term benefits to the construction industry and further economic benefits from the spend of future occupants which can be given moderate weight in favour of the scheme. The Applicant has also agreed to provide a Local Employment and Skills Plan as a Section 106 Obligation which attracts positive weight.
- 9.4 Whilst a car club (three vehicles) is proposed, there is currently insufficient evidence and no scheme in a comparable location that can prove either way if it is likely to be successful. Consequently, extreme caution must be given to a car share in this location as to its deliverability and viability over the long-term. For this reason, only limited positive weight can be attached to this perceived benefit.
We note that discussions are on-going regarding resolution to the above, but in light of the fact that site BEX3b and BEX3c (adjacent to this application) as designated in policy take similar access off Windmill Lane and Mayo Lane, as suitable highway solution will require compromise between parties. We note that the pedestrian/ cycleway across site BEX3b will go some way in addressing pedestrian and cycling safety concerns.
- 9.5 Although there are some outstanding issues relating to highway safety and accessibility, it is anticipated that there will be a solution, for which an update will be provided in due course.
- 9.6 Overall, the social and economic benefits of granting outline permission for this allocated site are significant, whilst environmental matters can be satisfactorily secured by conditions and Section 106 Obligations.

- 9.7 We draw Member's attention to the determination by the Planning Inspector regarding Fryatts Way (RR/2021/1656/P) where he found that the lack of a five-year housing supply was a significant consideration in granting consent.
-

RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO RESOLVE THE OUTSTANDING HIGHWAY SAFETY ISSUES IN CONSULTATION WITH THE HIGHWAY AUTHORITY AND TO CONFIRM THE SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT** (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)

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 ESCC 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 ESCC 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 ESCC 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 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.

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); and,
 - 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 ESCC 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; and,
- 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 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.

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; and,
- 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 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.

This page is intentionally left blank

SITE PLAN RR/2021/2545/P	BEXHILL Watermill Lane – Land off
-----------------------------	--------------------------------------



Rother District Council

Report to	-	Planning Committee
Date	-	23 March 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2021/2545/P
Address	-	Watermill Lane – land off, BEXHILL
Proposal	-	Outline: Erection of up to 80 residential dwellings (including 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO RESOLVE THE OUTSTANDING HIGHWAY SAFETY ISSUES IN CONSULTATION WITH THE HIGHWAY AUTHORITY AND TO CONFIRM THE SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT** (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)

Director: Ben Hook

Applicant: Gladman Developments Ltd
Agent: -
Case Officer: Mr M Worsley
(Email: matthew.worsley@rother.gov.uk)

Parish: BEXHILL - SIDELY
Ward Members: Councillors J.J. Carroll and S.J. Coleman

Reason for Committee consideration: Councillor call in: Councillor Coleman: Access issues - potential for 'rat run' down Mayo Lane. Large development, significant public interest.

Statutory 13-week date: 14 January 2022
Extension of time agreed to: 24 March 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 The site lies outside of but is immediately adjacent to the development boundary of Bexhill as delineated by the Development and Site Allocations Local Plan (DaSA). It is also surrounded by housing allocations in the DaSA (BEX3a, BEX3b and BEX3c).
- 1.2 Although the site is technically within the countryside, the Council cannot currently demonstrate a five-year supply of housing (2.79 years of housing supply, November 2022) and therefore its policies relating to housing supply must be considered out of date.
- 1.3 The presumption in favour of sustainable development contained within the National Planning Policy Framework therefore applies. For decisions this means, under paragraph 11, granting permission unless; (d)(i) the application of policies to protect areas and assets of particular importance provide a clear reason to refuse the development or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole.
- 1.4 The scheme does not conflict with any policies that protect areas and assets of particular importance and therefore determination of the proposal falls to be considered against paragraph 11 (d) (ii) of the National Planning Policy Framework.
- 1.5 Paragraph 60 of the National Planning Policy Framework sets out the objective of significantly boosting the supply of housing. Paragraph 73 sets out a requirement for local planning authorities to provide a minimum five-year housing land supply.
- 1.6 The provision of 80 dwellings, including 24 affordable units, would significantly boost the supply of housing, which should be afforded substantial weight. There are also other benefits including some short-term benefits to the construction industry and further economic benefits from the spend of future occupants which can be given moderate weight in favour of the scheme. The Applicant has also agreed to provide a Local Employment and Skills Plan as a Section 106 Obligation which attracts positive weight, together with a financial contribution to outdoor sports facilities as identified in policy.
- 1.7 Whilst a car club (two vehicles) is proposed, there is currently insufficient evidence and no scheme in a comparable location that can prove either way if it is likely to be successful. Consequently, extreme caution must be given to a car share in this location as to its deliverability and viability over the long-term. For this reason, only limited positive weight can be attached to this perceived benefit.
- 1.8 Against this there would be some limited harm to the rural character of the surroundings, but this is tempered by the presence of the NBAR to the north and three other allocated housing sites to the south, east and west. It is also the case that the application site is not particularly prominent in the wider landscape and benefits from good vegetation screening to most boundaries.

- 1.9 Whilst there are some outstanding issues relating to highway safety and accessibility, it is anticipated that there will be a solution, for which an update will be provided in due course.
- 1.10 Overall, the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, on this occasion other considerations indicate the decision should be taken otherwise than in accordance with the development plan and therefore it is recommended that permission is granted.

1.11 **PROPOSAL DETAILS**

PROVISION	
No of houses (up to)	80
No of affordable houses (up to)	24
Other developer contributions 1	Off-site highway works
Other developer contributions 2	Electric vehicle sharing club
Other developer contributions 3	Travel plan audit fee
Other developer contributions 4	Cycle vouchers
Other developer contributions 5	Outdoor sports facilities
Other developer contributions 6	Local Employment and Skills Plan
Other developer contributions 7	Biannual visits by a bike doctor
Other developer contributions 8	Bus travel vouchers
Other developer contributions 9	New bus service along Haven Brook Avenue (NBAR)
CIL (approx.)	Calculated at reserved matters stage
New Homes Bonus (approx.)	£534,720

2.0 SITE

- 2.1 The application relates to four undulating fields which are bound by mature trees on their boundaries. The site lies to the south of the North Bexhill Access Road (NBAR) and west of Watermill Lane. It is unallocated and measures around 4.74 hectares in area.
- 2.2 There is a small area of ancient woodland adjoining the site to the northwest. Combe Valley stream runs across the southern boundary of the site, which is within Flood Zone 3a.
- 2.3 This site is to the east of the BEX3a allocation and north of the BEX3b allocation.

3.0 PROPOSAL

- 3.1 Outline permission is sought for the erection of up to 80 residential dwellings (including 30% affordable housing), the introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved apart from the main site access.
- 3.2 The plans, reports and assessments submitted with the application include:

- Location plan
- Development framework plan
- Overarching development plan (three sites)
- Planning statement
- Design and access statement
- Transport assessment
- Travel plan
- Interim travel report
- Landscape and visual impact assessment
- Archaeological survey
- Economic survey
- Affordable housing statement
- Ecological impact assessment
- Biodiversity net gain assessment
- Information to inform a habitat regulations assessment
- Tree survey
- Heritage assessment
- Land contamination assessment
- Flood risk assessment
- Surface water drainage technical note
- Air quality assessment
- Noise impact assessment
- Utilities statement
- Statement of community involvement

4.0 HISTORY

- 4.1 No relevant planning history.

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1 (Presumption in favour of Sustainable Development)
 - OSS1 (Overall Spatial Development Strategy)
 - OSS2 (Use of Development Boundaries)
 - OSS3 (Location of Development)
 - OSS4 (General Development Considerations)
 - BX1 (Overall Strategy for Bexhill)
 - BX3 (Development Strategy)
 - RA2 (General Strategy for the Countryside)
 - RA3 (Development in the Countryside)
 - SRM1 (parts ii – viii) (Towards a Low Carbon Future)
 - SRM2 (Water Supply and Wastewater Management)
 - CO3 (Improving Sports and Recreation Provision)
 - CO4 (Supporting Young People)
 - CO5 (Supporting Older People)
 - CO6 (Community Safety)
 - LHN1 (Achieving Mixed and Balanced Communities)
 - EC1 (Fostering Economic Activity and Growth)

- EN1 (Landscape Stewardship)
- EN2 (Stewardship of the Historic Built Environment)
- EN3 (Design Quality)
- EN5 (Biodiversity and Green Space)
- EN6 (Flood Risk Management)
- EN7 (Flood Risk and Development)
- TR2 (Integrated Transport)
- TR3 (Access and New Development)
- TR4 (Car Parking)

5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DRM1 (Water Efficiency)
- DRM3 (Energy Requirements)
- DHG1 (Affordable Housing)
- DHG3 (Residential Internal Space Standards)
- DHG4 (Accessible and Adaptable Homes)
- DHG6 (Self-build and Custom Housebuilding)
- DHG7 (External Residential Areas)
- DHG11 (Boundary Treatments)
- DHG12 (Accesses and Drives)
- DEN1 (Maintaining Landscape Character)
- DEN4 (Biodiversity and Green Space)
- DEN5 (Sustainable Drainage)
- DEN7 (Environmental Pollution)
- DIM1 (Comprehensive Development)
- DIM2 (Development Boundaries)
- BEX3 (Land at North Bexhill – Infrastructure)

5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations. The National Planning Policy Framework chapters of relevance include:

2. Achieving sustainable development
4. Decision making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

6.0 CONSULTATIONS

6.1 National Highways – **NO OBJECTION**

6.1.1 *'...Although we do not entirely agree with the submitted Transport Assessment, based on our own assessment we consider that the proposals will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly*

paragraphs 9 & 10, and MHCLG National Planning Policy Framework 2021 paragraphs 110-113) in this location and its vicinity.

Should the Council attach a condition requiring a Construction Management Plan to any permission granted, we ask that the Construction Management Plan seeks to avoid construction traffic using the SRN during the network peak hours of 08:00-09:00 and 17:00-18:00 and ensures that any loose loads on vehicles using the SRN are adequately sheeted .

This application has been assessed by the National Highways South East Region Spatial Planning Team. This NHPR form represents National Highways' formal recommendation regarding the application. It is copied to the Department for Transport as per the terms of our Licence...'

6.2 Highway Authority – **OBJECTION**

6.2.1 Formal consultation response dated 13/01/22 (summarised):

- I am satisfied that a suitable access into the site can be provided.
- The capacity assessments undertaken as part of the development proposal demonstrate that development traffic would not have a detrimental impact on the highway from a capacity perspective with junctions nearest the site continuing to function satisfactorily in the future year scenarios. However, the proposal would result in a material increase in vehicular and pedestrian traffic on Watermill Lane and also Mayo Lane and I am not satisfied that this impact has been assessed or mitigated fully.
- Watermill Lane is relatively narrow and lacks pedestrian facilities in the vicinity of the site access and whilst a new footway and road widening is proposed it has not been demonstrated that a suitable scheme can be put in place that would improve access to the site sufficiently, particularly for non-car modes of travel.
- Mayo Lane is also narrow and lacks pedestrian facilities and whilst capacity is unlikely to be an issue its use by development traffic and increased footfall has not been considered in the assessments carried out as part of proposal.
- I also have concerns regarding the accessibility of the site as a whole. The site is located a considerable distance away from the nearest bus stops which would provide residents with a frequent service. Residents of the development would therefore have few opportunities for alternative modes of travel available and this would in turn result in an over-reliance on the private motor car. Facilities such as shops, doctor's surgery, schools, pubs etc are also located a significant distance away from the site and it has not been demonstrated that a suitable pedestrian/cycle link to the site could be provided, as detailed above.
- Based on these observations the site is considered to be poorly located from an accessibility perspective and as the opportunity for improvements to be put in place as part of the proposal is limited the development proposal as submitted is considered to be unacceptable.
- In order to address this issue suitable measures will need to be provided to improve travel options for residents and to provide a viable alternative to travel by private car; however, it is unclear at this stage whether this is feasible.
- Whilst the site is not allocated, it is also considered necessary to assess the proposed scheme against the relevant DaSA policies for the adjacent allocated sites. With this in mind, Policy BEX3 (North Bexhill Infrastructure) requires development of the sites to:

- (iii) having regard to the transport requirements and impacts of the combined allocations and make proportionate financial contributions to off-site highway and cycleway/footpath improvements; and
 - (iv) as part of (iii) above, all developments off Watermill Lane should provide an integrated approach to ensuring safe and convenient movement for pedestrians and cyclists, as well as vehicles.
- These requirements largely mirror those listed previously; however, due to the scale of the works required and also the lack of highway land and land within the Applicants control a combined approach with all developers/landowners for this, and the adjacent sites is the most realistic and only way of delivering a suitable scheme to improve pedestrian and vehicular access to this area.
 - Due to the lack of a combined approach, it is not known at this stage whether a suitable improvement scheme to Watermill Lane is achievable and therefore a condition to secure appropriate highway/accessibility improvements could not be put in place.
 - With this in mind I object to the development proposal on accessibility grounds. It should also be noted that the developments impact on Mayo Lane also requires consideration with appropriate mitigation being put in place as is necessary.

6.2.2 E-mail from HA 27/02/23:

Two design options for improvement works on Watermill Lane have been submitted. The works proposed are located on Watermill Lane between the site access serving Bex3b (RR/2022/1584/P) and Mayo Lane; however, it should be noted that the application site to the north (RR/21/2545) would also be reliant on the provision of a suitable improvement scheme on this stretch of road.

I am waiting for feedback on both options from our Implementation Team; however, my view at this stage is that the measures proposed are insufficient to address the concerns raised in my formal responses to planning applications RR/21/2545 & RR/2022/1584/P as neither option provides a suitable carriageway width between the site access and the junction with Mayo Lane, and instead proposes a shuttle working arrangement. This is unlikely to be acceptable on a road which, post development, is likely to serve in excess of 300 dwellings where suitable access for emergency and refuse vehicles would also be required. The minimum footpath widths of 1.2m proposed under Option 1 are also a concern, especially considering the narrow carriageway width provided.

Conditions and Section 106 Obligations suggested despite concerns.

6.2.3 E-mail from HA 10/03/2023:

By way of update, Mark and I met Gladman and Tetra Tech this morning to discuss the pedestrian connections etc for Watermill Lane, Mayo Lane and Mayo Rise.

It looks like we have agreement on Mayo Rise footway connection. Gladman are to agree with us the wording of a suitable condition. Also, they have agreed to provide/upgrade bus stops and a crossing point on Ninfield Road at/close to Mayo Rise.

*We discussed Watermill Lane at length. Their actions are:
To provide Road Safety Audits ASAP*

To provide modelling for the proposed shuttle working and Mayo Lane/Watermill Lane junction

To provide details of Mayo Lane features to deter vehicle use improve lane for pedestrians

All for our further comment -and hopefully fed soon into updated formal comments on each application from Ben. We need the RSAs in particular to come to a view on the proposals.

Wanted to flag this as they/we still have work to do.

6.3 Environment Agency – **NO OBJECTION**

6.3.1 *'...We have assessed this application as having a low environmental risk. We therefore have no comments to make...'*

6.4 Southern Water – **NO OBJECTION**

6.4.1 In terms of network improvements, Southern Water additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

6.4.3 Condition recommended so that occupation of the development is phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

6.5 Lead Local Flood Authority – **NO OBJECTION**

6.5.1 *'...The Applicant submitted additional information in response to our previous comments in the letter dated 26/11/2021. These comments have been made on the understanding that this is an outline application where the number of residential units sought is not fixed and there is potential to increase the space required for surface water management at reserved matters stage.*

We are still not satisfied that the ponds outlined on the drainage strategy are big enough to accommodate the surface water runoff from the application site and discharge at the mean annual runoff rate. However, the Applicant can improve this at detailed design stage and also review the quantum of development sought if more space is required at reserved matters stage. Therefore, any reserved matters application which seeks to fix the layout should demonstrate that enough space has been reserved for surface water management while taking earthworks into account...'

6.5.2 If permission is granted, advice on the wording for conditions is provided.

- 6.6 East Sussex County Council (ESCC) Ecologist – **NO OBJECTION**
- 6.6.1 No objection subject to any permission including ecological conditions.
- 6.7 ESCC Archaeologist – **NO OBJECTION**
- 6.7.1 No objection subject to the imposition of conditions.
- 6.8 ESCC Landscape Officer – **GENERAL COMMENTS**
- 6.8.1 In their initial response dated 26.11.21, an objection was raised. Comments included:
'...It is recommended that the proposed development is not supported as it would result in the loss of a fragile area of countryside and in this context the proposal would have an unacceptable impact on local landscape character and visual amenity...'
- 6.8.2 Subsequently, the Applicant submitted a masterplan for consideration and talks between the Local Planning Authority and County Landscape Officer took place.
- 6.8.3 Follow up comments received 16 February 2022:
'The proposed landscape masterplan for the site would be acceptable and would help to mitigate adverse effects. The proposals would protect and enhance existing site features such as tree belts and hedgerows. It would also be important to enhance the Combe Haven stream corridor. The key issue would be the loss of the open character of the site, however as we discussed when we met the significance of the area as countryside needs to be considered in the context of recent development and allocated sites.'
- 6.9 Sussex Fire and Rescue – **NO COMMENTS RECEIVED.**
- 6.10 Sussex Police – **GENERAL COMMENTS**
- 6.10.1 General advice provided on design, reducing crime, improving natural surveillance and improving safety.
- 6.11 ESCC Rights of Way – **NO COMMENTS RECEIVED**
- 6.12 RDC Environmental Health – **NO OBJECTION**
- 6.12.1 No objection subject to conditions being imposed relating to traffic noise, land contamination, air quality, construction management plan, working hours during construction and lighting.
- 6.13 RDC Housing – **NO OBJECTION**
- 6.13.1 No objection if affordable housing is provided in accordance with policy, including first homes. Advice also provided in respect of accessible and adaptable homes requirements.
- 6.14 Planning Notice

6.14.1 37 letters of objection have been received. The concerns raised are summarised as follows:

Principle/Policy:

- The area is over-developed.
- Lack of services – nearest medical practitioners are not accepting new registrations.
- Cannot happen until the serving water company can treat all sewage without dumping into sea when there is heavy rain.
- Our doctors, hospitals and schools are already overstretched.
- The application is completely out of character to the existing housing density in the area and would result in further urbanisation of a quiet countryside area causing further strain to existing community resources.
- Further detailed assessments are required in regard to the ecological damage, management of air quality, road access and ongoing management, impact on landscape and character of the area cannot be assessed individually but as a cumulative development.
- Social infrastructure in the area is already at breaking point, in order to support an influx in new residents (as well as provide for current residents), new schools, new community centres and new doctors and dentists need to be part of any developments of this size and scale.
- Given the number and scale of similar developments within the same area, unthinkable pressure will be placed upon the already stretched, existing social infrastructure with no plans in place to increase the number of schools, doctors, dentists and community centres.

Accessibility and Sustainability including energy efficiency. Footpaths and cycleways. Car club. Sustainable transport modes. Modal shift?

- The footpaths heading to the east and west away from the site are generally unusable, either being blocked by farmers or extremely poorly maintained.
- Has the fire Brigade been invited to comment about access to this site?
- It does not make sense to use these as access road, when there is access via Haven Brook Avenue which has proper pavements and Armco.

Highway safety, including parking

- Access to site not off NBAR – impact on Mayo Lane will become a rat run with no pavement, poor lighting on the lane.
- Inappropriate access arrangements – it will be narrow at some points being extremely hazardous and difficult for cars to pass - Perhaps close off one end of mayo to create a cul-de-sac.
- Concerns with the impact on the rural, quiet nature of the lane.
- NBAR needs to be adopted and connected developments should not be agreed until this happens.
- The traffic survey shows three days duration this is not enough – Watermill Lane and Mayo Lane are not wide enough to allow for pedestrian footpath that is safe for both separate cars / pedestrians – cannot accommodate wheelchairs.
- Increase in traffic will increase accidents.
- NBAR should be used as an access to the site.
- Concerns with Mayo Lane as it is a narrow country lane without pavements – not wide enough for two cars to pass.

- Accidents likely to happen with the use of a country lane for 80 houses.
- Concerns with the huge increase in traffic down a quiet residential lane.
- Mayo Lane will become a shortcut for cars twice a day on school run.
- Safety in Mayo Lane which has no pavements and is used by many people out walking.
- Traffic survey is not representative of normal conditions – increase in traffic is too dangerous.
- Proposed bus stops appear to be too far and too dangerous from existing stops for people to walk.
- No permission should be considered until Bex 3B site and the overall effect can be measured.
- Concerns with access for fire brigade being too narrow.
- Safety concerns at the junction of Mayo Lane and Ninfield Road.
- Watermill Lane has no footpaths or lighting and is bounded by high sides with no pedestrian protection from cars.
- Considerable increase in traffic through Mayo Lane.
- Mayo Lane has no pavements and it was impossible, and dangerous, to walk along the side of the road or to stop and speak to neighbours in the road.
- Mayo Lane is unsuitable for the increased traffic levels.
- Traffic calming measures would not be enough to prevent the increased traffic, they would only serve to further the inevitable rise in noise pollution and emissions from vehicles.
- It is ludicrous to expect anyone to access or exit their drive with any more cars, moreover construction vehicles on either of these roads.
- A previous planning application for 45 houses on Watermill Lane was refused with a key reason being that Watermill Lane was unsuitable due to its narrow width, poor alignment and lack of footpaths as well as being poorly placed for local transport.
- The developers also claim that they want to encourage walking and cycling which on these roads would be clearly dangerous and irresponsible to encourage.
- Cause traffic chaos with the increase in traffic in the lane.

Biodiversity:

- Environmental damage to Mayo Lane and Watermill Lanes as neither were intended for HGV use.
- Impact on wildlife – habitat for owls, bats, and huge array of creatures.
- Pollution will increase in the area as cars are forced to use either Watermill Lane or Mayo Lane, rather than a more obvious connection onto the new A2691.
- Any widening or making provision for a footpath along Watermill Lane would result in further destruction of the trees and hedgerows.
- Such significant adverse effects on the rare and protected species.
- Devastate a large wildlife area of great biodiversity, including bats and rare insect life.
- Climate change is a real threat and the more of our environment we destroy, the more habitats we destroy, the more negative effects humans will be face with.
- The effect of more cars and initially lots of construction traffic in the area which will also increase the air pollution levels in the area.

- The loss of green space and wildlife habitats is quite frankly disgraceful and at a time when climate change is high on the agenda, no consideration is being given to the negative effects this.
- The access routes proposed will vastly increase the amount of traffic through residential and built up areas, which include schools and nurseries.
- Higher levels of air pollution and the subsequent adverse effects on both children's and adult's health.

Drainage

- Road surface drainage concerns along Watermill lane near to the proposed access.
- During periods of wet weather it consists of open water along the side of the road - made worse when the catchment pond for the NBAR adjacent to the roundabout is drained or overflows.

6.14.2 No letters of support have been received.

6.14.3 No letters with general comments have been received.

6.15 Town Council – **OBJECTION**

6.15.1 *'Bexhill-on-Sea Town Council met with residents at its most recent planning committee and has views on the proposed development of the 3a and 3b sites. The town council supports the views of residents that the access to the site should have access via Haven Brook Avenue. Watermill Lane and Mayo Rise are not suitable for the volumes of traffic this development will bring. The council is also concerned about the existing surface water issues on the meadow and how this will be displaced with the new homes. Please take into account all of the concerns of residents as the council supports every one of these matters.'*

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, although this would need to be calculated at reserved matters stage.

7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £534,720 over four years.

7.3 Other finance considerations include Section 106 Planning Obligations which are detailed further on in the report.

8.0 APPRAISAL

8.1 The application relates to an unallocated site for housing adjacent to the development boundary of Bexhill, as defined in the DaSA. The main issues to consider include:

- Principle/policy position.

- Highway safety, accessibility and sustainability.
- Other issues – ecology; flood risk and drainage; archaeology; living conditions; landscape impact; archaeology; open space; affordable housing; contaminated land; and air quality.

8.2 Principle/policy position

- 8.2.1 The site is located outside of but adjoins the development boundary of the town of Bexhill as defined within the DaSA. In policy terms the site would be defined as countryside.
- 8.2.2 Being outside the development boundary, the proposal is contrary to Policy OSS2 of the Rother Local Plan Core Strategy, which advocates that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not.
- 8.2.3 The proposal is not for agriculture, economic or tourism needs and as such it would be contrary to Policy RA2 of the Rother Local Plan Core Strategy, which provides an overarching strategy for new development in the countryside. Furthermore, as the new dwellings would not be to support farming or other land-based industries, re-use existing agricultural buildings, or provide affordable housing (an exception site) the planning application proposal would not meet the criteria for development in the countryside set out by either Policy RA2 or RA3 of the Rother Local Plan Core Strategy.
- 8.2.4 However, the Council cannot currently demonstrate a five-year supply of housing (2.79 years of housing supply – as per the April 2022 position statement published November 2022) and therefore its policies relating to housing supply must be considered out of date.
- 8.2.5 The presumption in favour of sustainable development contained within the National Planning Policy Framework therefore applies. For decisions this means, under paragraph 11, granting permission unless; (d)(i) the application of policies to protect areas and assets of particular importance provide a clear reason to refuse the development or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole.
- 8.2.6 The merits of the scheme therefore fall to be considered and then weighed in the planning balancing exercise at the end of the report.
- 8.2.7 Given that this unallocated site is significant in size, surrounded by three DaSA allocated sites and will be accessed via Watermill Lane, to assess the acceptability of the scheme, it is both logical and reasonable to apply the infrastructure requirements of DaSA Policy BEX3. This position has been accepted by the Applicant.
- 8.2.8 Policy BEX3: Land at North Bexhill – Infrastructure of the DaSA states:
The development of sites which are the subject of Policies BEX3a, BEX3b and BEX3c shall contribute to shared infrastructure by:
 (i) *the provision of an overarching foul drainage strategy, in conjunction with Southern Water;*

- (ii) *the design and provision of complementary sustainable surface water drainage schemes in accordance with Policy DEN5;*
 - (iii) *having regard to the transport requirements and impacts of the combined allocations and make proportionate financial contributions to off-site highway and cycleway/footpath improvements;*
 - (iv) *as part of (iii) above, all developments off Watermill Lane should provide an integrated approach to ensuring safe and convenient movement for pedestrians and cyclists, as well as vehicles;*
 - (v) *ensuring an integrated approach to establishing a multi-functional 'green corridor' along the Combe Haven stream, extending from the A269 to the planned Enterprise Park (and beyond);*
 - (vi) *as part of (v) above, all developments will contribute to the provision of outdoor sports facilities within site BEX3a, either directly or through proportionate (to the respective quantum of residential development) financial contributions; and*
 - (vii) *investigation of a common approach to securing superfast broadband.*
- The above shared infrastructure requirements shall be implemented by a combination of direct provision and legal (s106) agreements attached to the respective development proposals.*

BEX3 (i) Foul drainage

8.2.9 The development would connect to the existing mains sewer. Southern Water has advised in terms of network improvements additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the developer will need to work together in order to review if the delivery of their network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

8.2.10 The matters outlined above can be managed via condition so that occupation of the development is phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

BEX3 (ii) Sustainable surface water drainage scheme

8.2.11 The application is accompanied by a flood risk assessment and outline surface water drainage strategy. This explains that the site is wholly greenfield and slopes towards the Combe Haven stream to the south of the site. Greenfield runoff rates are provided in the assessment.

8.2.12 In terms of future off-site discharge options, the assessment explains based on the information obtained from the site investigation into infiltration rates, infiltration-based drainage does not have to be discounted as rates provided are feasible for surface water disposal from the site. However, the rates achieved are at the limit of what is deemed feasible. Given the topography of the site, there are no appropriate locations to provide basins with a large

enough base to provide sufficient infiltration for the 100 year plus 40% climate change event. Therefore, infiltration SuDS as a primary solution to discharge have been discounted. Instead, discharging surface water directly to a watercourse is considered feasible as there is an existing watercourse to the south of the site along the northern boundary. Discharge rates to the receiving watercourses would be limited to the pre-development 1 in 1-year greenfield run off rates to ensure flood risk is managed in line with Pevensy & Cuckmere Water Level Management Board (IDB) requirements and ensure risk is not increased offsite.

- 8.2.13 The Lead Local Flood Authority are happy with the approach detailed within the drainage strategy but require submission of further information at the reserved matters stage when the Applicant seeks to fix the quantum of development at the site.

BEX3 (iii) Transport requirements including off-site improvements & (iv) Safety on Watermill Lane

- 8.2.14 National Highways are concerned with the impact development has on the strategic road network. They raise no objection to the application provided a proportionate financial contribution to off-site highway improvements on the A259 Trunk Road is secured.

- 8.2.15 In terms of the local road network which ESCC Highway Authority are concerned with, two design options for improvement works on Watermill Lane have been submitted. The works proposed are located on Watermill Lane between the site access serving Bex3b (RR/2022/1584/P) and Mayo Lane. However, it should be noted that the application site to the north (RR/2021/2545/P) would also be reliant on the provision of a suitable improvement scheme on this stretch of road.

- 8.2.16 The Highway Authority are waiting for feedback on both options from their Implementation Team. However, their view is that the measures proposed are insufficient to address the concerns raised in their formal responses to planning applications RR/2021/2545/P & RR/2022/1584/P as neither option provides a suitable carriageway width between the site access and the junction with Mayo Lane, and instead proposes a shuttle working arrangement. This is unlikely to be acceptable on a road which, post development, is likely to serve in excess of 300 dwellings where suitable access for emergency and refuse vehicles would also be required. The minimum footpath widths of 1.2m proposed under Option 1 are also a concern, especially considering the narrow carriageway width provided.

- 8.2.17 An update on necessary highway improvement works is expected by the time of the Committee meeting on the 23 March 2023.

BEX3 (v) Multi-functional green corridor

- 8.2.18 The lower part of Combe Haven valley comprises an important feature at the southern end of the site. The opportunity exists to create an attractive green corridor here, incorporating the existing watercourse as well as an enhanced footpath and cycleway, to link with the adjacent allocated sites to the west (BEX3a) and south (BEX3b). Suitable conditions and S106 Obligations can be secured at outline stage to ensure the multi-functional green corridor is provided.

BEX3 (vi) Outdoor sports facilities

- 8.2.19 Outdoor sports facilities measuring 1.8ha will be accommodated on the BEX3a allocated site in the area indicated on the Detail Map. Furthermore, landscaping in the form of new tree, thicket and wildflower planting will be used to create a sense of place and provide an opportunity for amenity, ecological and recreational benefits. Policy BEX3a (ii) requires at least 2.64 hectares of space for outdoor sports facilities which means that what is proposed is not compliant with the policy. Comparing the Detail Map accompanying DaSA Policy BEX3a to the indicative plans within the Design and Access Statement, a relatively small triangular piece at the far north of the site intended to form part of the sports facilities lies outside the Applicant's ownership. The remainder of the land is within the Applicant's ownership, but they are proposing to create a wildlife area on the other part of land intended for sports facilities to help with biodiversity net-gains. The short comings of the amount of sports facilities will need to be considered in the planning balance. However, if minded to support the scheme this proposal would need to secure proportionate financial contributions.

BEX3 (vii) Broadband

- 8.2.20 The accompanying utilities statement explains that there is existing telecoms apparatus nearby which could be connected to by the development site. The Ofcom website indicates that both superfast (up to 76 Mbps) and ultrafast (1000 Mbps) is available in the area. A condition could be attached to any permission to secure superfast broadband as a minimum.

8.3 Highway safety, accessibility and sustainability

- 8.3.1 National Highways raise no objection to the scheme

- 8.3.2 In terms of the Highway Authority, it is acknowledged that various improvements are required to make the site more accessible and enable future residents to have access to and choice of a variety of sustainable transport modes.

- 8.3.3 Discussions have taken place throughout the application, with agreement in principle reached to secure a car sharing scheme consisting of two family-sized electric vehicles. In terms of planning determination, public benefit needs to be measured in this case on financial viability over the long-term. There is currently insufficient evidence and no scheme in a comparable location that can prove either way. Consequently, extreme caution must be given to a car share in this location as to its deliverability and viability over the long-term.

- 8.3.4 A travel plan is to be secured to include free bus travel to new residents for a month, together with auditing fee, a cycle voucher scheme and provision of a biannual bike-doctor visit.

- 8.3.5 In terms of public transport, the provision of fully accessible bus stops on Ninfield Road within an acceptable walking distance of the site must be provided. This is to be achieved through the upgrading and/or relocation of the 'Mayo Rise' bus stops to meet accessible standards; or through the provision of a pair of new bus stops on Ninfield Road closer to the Kiteye Farm's access (to be agreed following further input from the ESCC Passenger Transport Team). The provision of the bus stops each requiring

as a minimum a raised kerb; bus shelter, lighting, seating, real time information display, road crossing and the provision of a suitable pedestrian link with appropriate width footways along Ninfield Road to the bus stop from the site (to ESCC Highway's specification or approval). A bus funding contribution of £1,100/dwelling towards establishing the new bus service along Haven Brooke Avenue, paid at inception of works, is also to be sought.

- 8.3.6 The provision and necessary upgrading of the existing public footpath route (Footpath 56) from the two bus stops on Ninfield Road, along the Combe Haven stream (from Ninfield Road to Watermill Lane) (details to be agreed following further input from the ESCC Passenger Transport Team) including works to the Kiteye Farm's bridge are also necessary to improve accessibility. This is to be provided as a low maintenance surface (e.g. compacted Type 1 MOT) to a width suitable to accommodate upgrade to a multi-user route (e.g. a bridleway/cycle route). Improvement of the existing footbridge to be to adoptable standards.

8.4 Other issues

Ecology

- 8.4.1 The submitted Shadow Habitats Regulations Assessment looks at the impact of the development on the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), the Pevensey Levels Special Area of Conservation (SAC), the Pevensey Levels Ramsar and the Hastings Cliffs SAC. Potential impact pathways, water quality and recreational pressures have been assessed on each for the proposed development alone and in combination. The findings and conclusion of the shadow assessment are agreed. On this basis, as competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is recommended that Rother District Council concludes that the proposed development will have no likely significant effects, either alone or in combination with other plans or projects, on the European sites. As such, further Appropriate Assessment is not required.
- 8.4.2 Most of the site comprises semi-improved grassland fields, some of which are rotationally grazed and maintained as a short sward. Fields F1, F2 and F4 showed no signs of recent management at the time of the survey and supported a slightly longer sward. Grassland was relatively species rich across all fields, although wildflowers were less visible within grazed fields. Field F1 was relatively wet with patches of pendulous sedge along the southern boundary close to Combe Haven Stream. Fields F3, F5-6 and F8-10 supported improved grassland. The site is bound on all aspects by hedgerows, with some internal hedgerows and treelines dividing the fields. All the hedgerows are Habitats of Principal Importance (HPI) under Section 41 of the NERC Act. Other habitats include tall ruderal vegetation, hardstanding and five buildings.
- 8.4.3 The EclA (CSA Environmental, 20/12/21, Rev B) shows that the majority of tree and hedgerows can be retained and should be protected in accordance with BS5837:2012. Small sections of hedgerows H4 (c. 12m) and H8 (c. 15m) are proposed for removal for access. H4 is a tree line and H8 is a species-poor hedgerow. Loss of these hedgerows should be compensated through the creation of new native species-rich hedgerows within the site

which should be managed for biodiversity rather than amenity. In addition to their intrinsic value, these hedgerows offer value for protected species, including bats and breeding birds; this is discussed further below.

- 8.4.4 The Design and Access Statement DAS (Gladman, Oct 2021, P.30) states that there will be pedestrian links to Mayo Lane and the surrounding area. The adjacent development (RR/2022/1584/P Mayo Lane) proposes footways on both sides of the Site's access on Watermill Lane. The southern footway would extend along Watermill Lane to the junction with Mayo Lane. The northern footway would extend along Watermill Lane, beyond Combe Haven (culverted) and then service the current Watermill Lane Scheme (RR/2021/2545/P) opposite Chetwynd residential property. Appendix A of the Transport Assessment (Tetra Tech, October 2021 Rev02) and the parallel report submitted for the Mayo Lane application show this in more detail.
- 8.4.5 In respect of protected species, the County Ecologist has provided details comments and recommendations.
- 8.4.6 The recommendation in the EclA for updated badger surveys is supported, as are the general safeguards during construction. Full details should be set out in a Construction Environmental Management Plan (CEMP).
- 8.4.7 In respect of bats, Activity surveys were conducted in July, August and September; this comprises two surveys during the summer season, one during the autumn, and none in the spring. Whilst this does not meet best practice, surveys recorded at least eight species of bats using the site for foraging and commuting, Particular hotspots of foraging activity were recorded along the central hedgerows H4, H5 and J7 and the eastern and western boundaries, especially along H1 and the eastern end of H5. Activity was limited to foraging and general dispersal with no key commuting corridors recorded. Whilst most hedgerows are to be retained in full, small sections of H4 and H8 are proposed for removal. Gaps should be kept as small as possible, and heavy standards should be planted either side of the gap to maintain connectivity as far as possible. Hedgerows should be buffered and maintained as dark corridors. The presence of rarer species, including Leisler's, on this site, and the adjacent site at Mayo Lane (ref RR/2022/1584/P), albeit limited to very occasional passes, demonstrates the importance of maintaining connectivity north to south across both sites.
- 8.4.8 To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
- 8.4.9 Habitats on site offer potential for amphibians, including GCN, especially the hedgerow bases, scrub, tall ruderal vegetation and woodland with good connectivity to suitable off-site habitat. Most of the site lies within the green zone of the impact risk maps for the district licence scheme, indicating moderately suitable habitat and possible presence of GCN. Given the distance between the site and known populations of GCN (the pond on the

adjacent Kiteye Farm site was negative for GCN), GCN are not considered a constraint to development in this case and no specific mitigation is required.

- 8.4.10 Hedgerows and woodland on and off-site offer suitable habitat for dormice, and there is good connectivity to further suitable habitat in the surrounding landscape. Surveys recorded no evidence of dormice on site. However, surveys for adjacent development (RR/2022/1584/P – Land at Mayo Lane) confirmed breeding populations within connected habitat. The recommendation in the EclA for a precautionary approach to the removal of any suitable habitat is therefore supported. Given the risk of increased predation by domestic cats from residential development, suitable habitat should be enhanced and buffered. The recommendation for home-owner information packs is also supported.
- 8.4.11 Surveys recorded low populations of slow worms and common lizards on site, largely using the margins of the grassland habitats. The EclA recommends habitat manipulation rather than capture and translocation. Whilst it is agreed that a precautionary approach to habitat clearance would be acceptable in this case, details should be provided in a Biodiversity Method Statement. This should show areas of retained habitat to be used by reptiles and include enhancements to increase their carrying capacity.
- 8.4.12 As recommended in the EclA, care should be taken during the clearance of suitable hedgehog habitat, and gaps should be provided in fences/boundaries within the site to ensure permeability for hedgehogs throughout the site.
- 8.4.13 In addition to the mitigation measures detailed above, the site offers opportunities which will help the Council address its duties and responsibilities to provide measurable BNG under national and local planning policy. An assessment of BNG has been provided during consideration of the application but indicates an overall loss. However, the EclA and DFP make recommendations for embedded mitigation by design and enhancements which are supported and are likely to result in measurable BNG. It is recommended that an Ecological Design Strategy (EDS) is required by condition, including the above recommendations for dark corridors and increased buffers, and those in the EclA and the DFP, to ensure that projected BNG is delivered at the detailed design stage. This has been agreed by the Applicant. A Landscape and Ecological Management Plan (LEMP) will be required to ensure maintenance of retained and created habitat for biodiversity in the long term (30 years).
- 8.4.14 The EclA recommends a suite of other enhancement measures, including bird, bat, dormouse and insect boxes, habitat piles, wildlife ponds and the use of species of known wildlife value within the landscape scheme, including night-scented species. These are supported and details should be provided in the EDS. Given the location of the site and its proximity to designated sites and ancient woodland, the landscaping scheme should include a high proportion (at least 75% of native species). All planting within the buffer zones and wildlife area should be native.
- 8.4.15 In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

Archaeology

- 8.4.16 The County Archaeologist has advised that the application site is not currently located within an Archaeological Notification Area. However, archaeological remains from the Mesolithic period onwards have been identified in the wider area in advance of many residential, commercial and infrastructure developments within the last decade or so.
- 8.4.17 The application is supported by a Heritage Desk-Based Assessment (CSA Environmental report reference CSA/5621/09 dated August 2021). This document is generally well researched, in respect of recent archaeological fieldwork which is recorded on the East Sussex Historic Record. Although this document recognises that no fieldwork has been undertaken within the site itself, the evidence from immediately to the north of the site associated with the A2691 is likely to be a good indicator of archaeological potential which is generally considered to be low to moderate and perhaps more likely to represent agricultural activity rather than associated settlement. Based on available evidence it is unlikely that remains of national importance which may be worthy of preservation in situ, exist within the site but remains of local or regional significance could reasonably be expected.
- 8.4.18 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works, which can be secured by condition.

Landscape impact

- 8.4.19 Policy OSS4(iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 8.4.20 Policy RA2 of the Rother Local Plan Core Strategy provides that the general strategy for the countryside is to (viii) generally conserve the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 8.4.21 Policy RA3 of the Rother Local Plan Core Strategy states that proposals for development in the countryside will be determined on the basis of (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 8.4.22 Policy EN1 provides that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (*inter alia*) (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes; (vi) ancient woodland; and (vii) other key landscape features across the district, including native hedgerows, copses, field patterns, ancient routeways, ditches and barrows, and ponds and water courses. This is backed up by Policy DEN1 of the DaSA which provides that the siting, layout and design of the development should maintain and reinforce the natural and built landscape character of the area in which it is

to be located, based on a clear understanding of the distinctive local landscape characteristics, in accordance with Rother Local Plan Core Strategy Policy EN1. Policy EN3 of the Rother Local Plan Core Strategy requires all development to be of a high-quality design.

- 8.4.23 The National Planning Policy Framework (2021) Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 174 states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*

- 8.4.24 The County Landscape Officer initially raised concerns over the proposed development and recommended that it was not supported as it would result in the loss of a fragile area of countryside and in this context the proposal would have an unacceptable impact on local landscape character and visual amenity.

- 8.4.25 Subsequently, the Applicant submitted a masterplan for consideration and talks between the Local Planning Authority and County Landscape Officer took place. Follow up comments were received from the County Landscape Officer on the 16 February 2022 which advised the proposed landscape masterplan for the site would be acceptable and would help to mitigate adverse effects. The proposals would protect and enhance existing site features such as tree belts and hedgerows. It would also be important to enhance the Combe Haven stream corridor. The key issue would be the loss of the open character of the site, however the significance of the area as countryside needs to be considered in the context of recent development and allocated sites.

- 8.4.26 The site is currently undeveloped and consists of undulating fields with mature trees to the boundaries. It makes a positive contribution to the rural character and appearance of Watermill Lane and the surrounding area. Nevertheless, the site is surrounded by the NBAR to the north, the BEX3a allocation to the west, the BEX3c allocation to the east and the BEX3b allocation to the south. It is also the case that the site occupies a lower ground level than the NBAR, sloping away towards the south, and is not prominent in the wider landscape. A wildlife area is detailed on the indicative layout plan together with landscape buffers on the boundaries. Whilst the character of the site would change from open countryside to a housing estate, given its context on the edge of Bexhill and surrounded by other development, the harm would be no greater than that on the surrounding allocated sites. For the reasons explained, and subject to the wildlife area and landscape buffer areas being secured, the proposal can be supported from a landscape perspective.

Living conditions

- 8.4.27 The application is accompanied by a Noise Screening Report letter from Wardell Armstrong which has been reviewed by Environmental Health. The general conclusion is agreed in that there are no particular sensitivities with regards to noise either affecting or resulting from the proposed development except as regards noise from the proposed vehicular access arrangements via Watermill Lane which has not been addressed adequately. Existing properties on Watermill Lane, including for example Chetwynd and Preston Lodge, will currently experience very little passing traffic (as the Design and Access Statement acknowledges) but on completion the proposed development is likely to change that situation very significantly. Similarly properties on Mayo Lane and Watermill Lane, particularly near to the junction of those two roads, may experience considerably more traffic than currently. Therefore, an assessment of the impact of noise from road traffic on the access road to the proposed development affecting existing residential properties on Watermill Lane and Mayo Lane and proposals for mitigating the effects on those properties needs to be secured by condition.
- 8.4.28 There also will be potential noise impacts at existing properties during the construction of the development and these will need to be addressed in a Construction Management Plan and for the hours and days of the construction working week to be restricted by condition.
- 8.4.29 Impacts on nearby residential properties relating to the physical impacts of the development will need to be considered at reserved matters stage.

Affordable housing

- 8.4.30 Policy DHG1(i) of the DaSA requires 30% of the houses to be affordable. It is proposed to provide a policy compliant number of affordable homes which equates to 24 units. This will need to be secured by legal agreement. The affordable housing will need to be pepperpotted in line with Policy DHG1, which will be detailed and secured at RM stage.

Open space

- 8.4.31 Policy CO3 of the Rother Local Plan Core Strategy states that the provision of sufficient, well-managed and accessible open spaces, sports and recreation facilities, including indoor sports facilities, will be achieved by (*inter alia*) (ii) allocating land for open space, sports and recreation purposes, and permitting proposals for the improvement of existing or provision of new facilities, in localities where deficits in facilities are identified; and (iii) application of the quantity, access and quality standards of Rother's Open Space, Sport and Recreation Study across all open spaces, including indoor sports facilities within the district.
- 8.4.32 The Council has already adopted open space standards through the 'Open Space, Sport and Recreation Study', as applied in Rother Local Plan Core Strategy Policy CO3. These standards, which include accessible natural or semi-natural greenspace, apply in both urban and rural areas, where practicable and appropriate in the environmental context.
- 8.4.33 The indicative layout plans show that a wildlife area, open space and footpaths could be provided throughout the development, including along the southern part of the site to link in with the green corridors of the BEX3a and BEX3b allocations. A play area is also indicated in the centre of the site.

Contaminated land

- 8.4.34 The site has been in agricultural/equestrian use. A Preliminary Risk Assessment report accompanies the application which includes a desktop study of the potential for land contamination constraints to the proposed development. The report recommends intrusive exploratory works with supplementary laboratory testing, monitoring and subsequent risk assessment as the next step. This can be secured by condition.

Air quality

- 8.4.35 Environmental health has reviewed the Air Quality Screening Report letter from Wardell Armstrong which confirms that impacts during both the construction and operational phases of the proposed development should not be significant and also fulfils the requirement for an air pollution damage cost assessment as detailed in the 'Air quality and emissions mitigation guidance for Sussex (2021).' A scheme for protecting future and existing residential occupiers in the vicinity from the effects of nitrogen dioxide (NO_x) and airborne particulate matter (PM_{2.5}) arising from the development and mitigation measures to alleviate the impact of the development equivalent to the calculated damage costs can be secured by condition.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The site lies outside of but is immediately adjacent to the development boundary of Bexhill as delineated by the DaSA. It is also surrounded by housing allocations in the DaSA (BEX3a, BEX3b and BEX3c).
- 9.2 Although the site is technically within the countryside, the Council cannot currently demonstrate a five-year supply of housing (2.79 years of housing supply, November 2022) and therefore its policies relating to housing supply must be considered out of date.
- 9.3 The presumption in favour of sustainable development contained within the National Planning Policy Framework therefore applies. For decisions this means, under paragraph 11, granting permission unless; (d)(i) the application of policies to protect areas and assets of particular importance provide a clear reason to refuse the development or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- 9.4 The scheme does not conflict with any policies that protect areas and assets of particular importance and therefore determination of the proposal falls to be considered against paragraph 11 (d) (ii) of the National Planning Policy Framework.
- 9.5 Paragraph 60 of the National Planning Policy Framework sets out the objective of significantly boosting the supply of housing. Paragraph 73 sets out a requirement for local planning authorities to provide a minimum five-year housing land supply.
- 9.6 The provision of 80 dwellings, including 24 affordable units, would significantly boost the supply of housing, which should be afforded substantial weight. There are also other benefits including some short-term benefits to the construction industry and further economic benefits from the

spend of future occupants which can be given moderate weight in favour of the scheme. The Applicant has also agreed to provide a Local Employment and Skills Plan as a Section 106 Obligation which attracts positive weight.

- 9.7 Whilst a car club (two vehicles) is proposed, there is currently insufficient evidence and no scheme in a comparable location that can prove either way if it is likely to be successful. Consequently, extreme caution must be given to a car share in this location as to its deliverability and viability over the long-term. For this reason, only limited positive weight can be attached to this perceived benefit.
- 9.8 Against this there would be some limited harm to the rural character of the surroundings, but this is tempered by the presence of the NBAR to the north and three other allocated housing sites to the south, east and west. It is also the case that the application site is not particularly prominent in the wider landscape and benefits from good vegetation screening to most boundaries.
- 9.9 Whilst there are some outstanding issues relating to highway safety and accessibility, it is anticipated that there will be a solution, for which an update will be provided in due course.
We note that discussions are on-going regarding resolution to the above, but in light of the fact that site BEX3b and BEX3c (adjacent to this application) as designated in policy take similar access off Windmill Lane and Mayo Lane, as suitable highway solution will require compromise between parties. We note that the pedestrian/ cycleway across site BEX3b will go some way in addressing pedestrian and cycling safety concerns.
- 9.10 Overall, the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, on this occasion other considerations indicate the decision should be taken otherwise than in accordance with the development plan and therefore it is recommended that permission is granted.
- 9.11 We draw Member's attention to the determination by the Planning Inspector regarding Fryatts Way (RR/2021/1656/P) where he found that while the site was unallocated, and fell outside the development boundary, the lack of a five-year housing supply was a significant consideration in granting consent.

RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO RESOLVE THE OUTSTANDING HIGHWAY SAFETY ISSUES IN CONSULTATION WITH THE HIGHWAY AUTHORITY AND TO CONFIRM THE SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT** (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)

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 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.

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.

This page is intentionally left blank