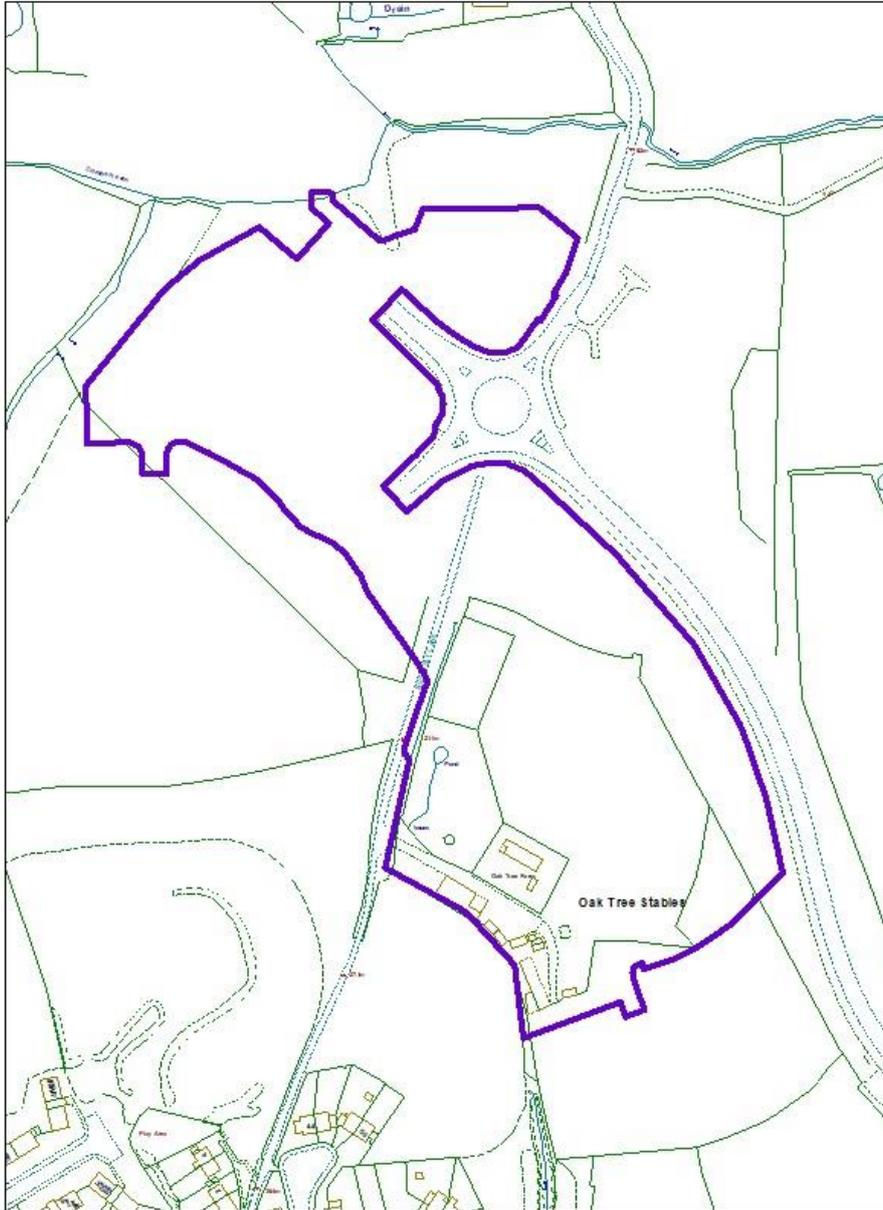


SITE PLAN

BEXHILL

RR/2018/2790/P

Buckholt Lane - Land at



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Not To Scale

Rother District Council

Report to	-	Planning Committee
Date	-	10 October 2019
Report of the	-	Executive Director
Subject	-	Application RR/2018/2790/P
Address	-	Buckholt Lane - Land at BEXHILL
Proposal	-	Reserved matters (for part of development) pursuant to outline permission RR/2017/2181/P. Erection of B1 & B2 industrial units (8328sqm gross external area) with access road, parking, landscaping and external works.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED:** To **REFUSE (RESERVED MATTERS)**

Head of Service: Tim Hickling

Applicant: Westcott Leach Ltd
Agent: MJB Architecutre Ltd
Case Officer: Mr J. Pyrah (Email: jeff.pyrah@rother.gov.uk)

Parish: BEXHILL

Ward Member(s): Councillors J.J. Carroll and S.J. Coleman

Reason for Committee consideration: Head of Service Strategy and Planning referral: Strategic Importance – part of North East Bexhill allocation

Statutory 13 week date: 8 February 2018
Extension of time agreed to: 15 September 2019

This application is included in the Committee site inspection list.

1.0 SUMMMARY

1.1 The principle of employment development was established by the allocation of the site through Policy BX3 of the adopted Local Plan (2006). The Council's adopted North-East Bexhill Supplementary Planning Document (SPD) provides more detailed policy guidance and also sets out clear, strong design and landscape principles and an over-arching vision for the development of this site (in Section 7: 'Spatial Strategy – Land North of Sidley'). Outline planning permission (RR/2017/2181/P) was granted on 4 May 2018. This increased the quantum of business floorspace originally set out in the SPD to up to 33,500sqm.

- 1.2 The outline application committee report (15 March 2018), noted in paragraph 6.2.2 that *“Any increase will be acceptable only if the siting, scale, appearance and landscape details, which will be submitted as reserved matters applications, are appropriate and follow the landscape strategy required to mitigate for the visual and landscape impacts of the development on the urban edge”*.
- 1.3 The committee report also advised that the indicative master-plan submitted at that stage deviated significantly and unacceptably from the SPD’s clear, strong design and landscape principles and over-arching vision for the development of this site resulting in a very poorly laid out illustrative master-plan, and as such, the master-plan was specifically not approved by the outline planning permission.
- 1.4 The current Reserved Matters application provides the first opportunity to consider whether the quantum of development proposed by this reserved matters application is appropriate in this portion of the overall BX3 site, and whether the details of layout and siting, scale, appearance and landscape adequately respond to the policy framework.
- 1.5 Unfortunately, the layout and form of the scheme proposed is an unacceptable response to both the adopted SPD and other development plan policies.
- 1.6 The scheme lacks an appropriate response to context, topography and landscape, and is devoid of place-making qualities. The road layout and internal site circulation, proposed tree and hedgerow loss, insufficient new structural landscaping, both as buffer and as green space within the development, and cramped development dominated by hard landscaping, all combine to create an unacceptably poor approach to commercial site planning, as if it were in an anonymous urban fringe context rather than a place-specific, landscape-led, rural business park with a high quality design and place-making vision at its heart. It falls well short of the SPD and North-East Bexhill Design Study objective of an exemplary innovative new type of ‘eco-business park’ based on sustainable design principles of respecting and responding positively to existing landscape and wildlife features, habitats, and ecology systems. The absence of an acceptable, policy compliant and robust master-plan relating to the entire policy area to inform the design process is considered to have contributed to the strategic layout issues with the reserved matters scheme.
- 1.7 The proposal involves a unacceptable amount of tree and hedgerow loss which will adversely impact on important landscape character. All the trees on the site are subject to Tree Preservation Orders (TPOs). The proposal demonstrates no response (except for a number of recent protected species surveys) to the biodiversity value and habitats identified in the outline planning application’s Environmental Statement. Furthermore, it displays little consideration of how the road and buildings of this application will affect the creation of spaces by future applications, and with pedestrian and cycle linkways seemingly unplanned outside of the reserved matters application site.
- 1.8 As such this first reserved matters proposal is contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary

Planning Document and Policies OSS4, SRM2, EN1, EN3, EN5, TR3 and TR4 of the Rother Local Plan Core Strategy and Policies DEN1, DEN4, DEN5 and BEX1 of the submitted Development and Site Allocations Local Plan.

- 1.9 In the interests of trying to secure the delivery of employment floorspace on this site, officers have attempted to work positively with the applicant and Sea Change Sussex to secure amendments to the scheme, but these have not been forthcoming in a meaningful and significant enough way. The economic benefits of the scheme do not outweigh the landscape, ecological and design concerns and the proposal conflicts with adopted planning policy, set out in more detail in the report.

2.0 SITE

- 2.1 The site forms part of the larger development area of North East Bexhill and part of the land allocated for employment use as BEX1 in the Development and Site Allocations (DaSA) Local Plan (also as BX3 within the adopted Local Plan (2006)). It is within, but on the edge of, the development boundary for Bexhill, as defined by the DaSA. The site is not within the High Weald Area of Outstanding Natural Beauty.
- 2.2 This reserved matters site is directly adjacent to the North Bexhill Access Road (Combe Haven Avenue) which runs along its eastern edge. It includes land on both sides of the access created to serve the three distinct agricultural fields which form BEX1, comprising the northern two-thirds of the southernmost field and the northern part of the middle field. It also includes land to the north of Combe Haven Avenue, adjacent to the roundabout.
- 2.3 The land is to the north of woodland including Levetts Wood designated as ancient woodland. Levetts Wood separates the site from housing to the south in Sidley. The two fields to which this application relates are each clearly defined by well-established hedges, mature trees and wooded copses. These trees were made the subject of Tree Preservation Orders in September 2019. Buckholt Lane divides the two fields and hence the application site. The land slopes down to the north towards the Combe Haven.
- 2.4 The southern field previously contained Oaktree Farm and its small outbuildings and stables remain on the site.

3.0 PROPOSAL

- 3.1 This application seeks reserved matters approval for 7895sqm (gross internal area) of B1 and B2 floorspace. The reserved matters application is pursuant to outline planning permission (RR/2017/2181/P) for a business park of up to 33,500sqm (net internal area).
- 3.2 The floorspace would be provided through 24 industrial units, located in three parcels, each with communal parking, turning facilities and landscaping. The units would be of various sizes and are designed to be occupied singularly or combined to create larger premises.
- 3.3 In addition, the proposed development includes an access road formed from Buckholt Lane roundabout. As well as the industrial units, this road would also

provide access to the remaining areas of land within the outline planning permission area (the southern third of the southern field, the southern part of the middle field and the western field). The application also provides details of attenuation ponds and a foul drainage treatment plant north on Combe Haven Avenue.

- 3.4 The application was registered on 9 November 2018. The applicant is Westcott Leach Ltd. They have developed similar schemes in East Sussex including in Burgess Hill, Hailsham, Golden Cross and Newhaven. The landowner, and applicant for the outline permission to which this reserved matters application relates, is Sea Change Sussex. Sea Change Sussex and East Sussex County Council has secured £1.94m of Local Growth Fund monies towards the cost of infrastructure (roads and drainage) to facilitate the delivery of this employment allocation.
- 3.5 The original application included a number of errors. It stated that there were *“no trees and hedgerows inside the curtilage of the site”* and therefore the design took no account of the 31 trees and one hedgerow within the site. It also stated that the detailed design proposed responded to the *“previously established landscape design principles rehearsed under the outline application”*. However no design principles were established. In fact, the outline planning permission specifically did not approve either the ‘indicative masterplan’ or the ‘parameters plan’ submitted as part of that application and the decision notice (agreed by planning committee) stated this. The decision notice stated in Note 1 that the ‘parameters plan’ *“is not accepted as an indication of the extent of the developable areas and buffer zones required for landscaping and biodiversity purposes to mitigate the development. Those matters will be established at reserved matters stage”*.
- 3.6 The applicant was advised of these issues on 24 Dec 2018 and advised that master-planning was a requirement. Two meetings (one on site) were held in January and February 2019 to discuss these issues and in February 2019 an indicative masterplan was submitted by Sea Change Sussex, although no assessment of the impact on the trees and hedges on the site was submitted.
- 3.7 On 10 May 2019, officers wrote to the applicant and Sea Change Sussex to advise that reserved matters approval would be refused for six reasons - unacceptable phasing; lack of master-planning; impact on landscape character; impact on trees; impact on biodiversity and poor design.
- 3.8 Given the significant employment benefits of delivering development on this site and the site’s allocation, firstly under adopted Local Plan (2006) Policy BX3 and now under submitted DaSA Policy BEX1, the Council offered to work collaboratively with the applicant and Sea Change Sussex in order to unlock the site. Sea Change Sussex submitted details pursuant to outline planning permissions conditions 8 (phasing) and 10 (soft landscaping) in July 2019. This included a phasing plan and explanatory note and an indicative strategic landscape plan and indicative strategic design principles. Following two further meetings in July 2019 (one on site), an Arboricultural Impact Assessment was submitted together with amendments to the layout on 18 August 2019. It is this submission which is reported to planning committee and assessed in this report.
- 3.9 Details have also been submitted by Sea Change Sussex to seek to discharge Conditions 8 (phasing), 9 (hard landscaping), 10 (soft landscaping),

15 (surface water drainage) and 29 (flood risk) pursuant on the outline planning permission.

4.0 HISTORY

- 4.1 RR/2017/2181/P - Outline: Business park for up to 33,500sq.m (net internal area) of employment floor space (within Use Classes B1 and B2) with roads and ancillary infrastructure and services. APPROVED. 4 May 2018.
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5.0 POLICIES

- 5.1 The following 'saved' policies of the adopted [Rother District Local Plan 2006](#) are relevant to the proposal:

- DS3 (use of development boundaries).
- BX3 (Land north of Sidley).

The adopted Rother District Local Plan (2006) allocates land north of Sidley, including Preston Hall Farm, for a mix of housing, business and related uses (Policy BX3).

- 5.2 The North Bexhill Master Plan Supplementary Planning Document (SPD) was adopted by Rother District Council on 29 June 2009. It is a material planning consideration, to be used in determining planning applications for development in the area. This document was also informed by the North-East Bexhill Design Study (2007).

- 5.3 The SPD sets the vision for the whole north-east Bexhill allocation, suggesting that once fully completed an observer should comment:

'it's a great place to live, varied in character but contemporary, has an active community, just what it needs in terms of local services and jobs, which are easy to get to, and with a wide range of formal and informal recreation on the doorstep in the adjacent Countryside Park'.

'it has a reputation as one of the leading examples of sustainable design. Moreover, it has transformed Bexhill in that there are now more firms - and therefore jobs - for people. This, together with the affordable housing, has helped keep young people and families here and boosted the whole 'feel' of the town'.

- 5.4 With regard to employment space, the SPD sets out the Development Principles for employment uses and the rationale for the focus on delivering this use. The text in the SPD (paragraphs 5.29-5.40) can be summarised as follows:

- Increasing job opportunities is a clear priority in the Local Plan.
- The North East Bexhill development should create significant job growth in Bexhill, which is regarded as vital to improve job opportunities and to increase the quality of life and future prosperity of local people.
- Average household income in Rother is currently only about 80% of the average for the region and Bexhill is below the district average. Many

people have to commute out of Bexhill for work, while the limited supply of business sites and premises constrains the growth of local firms.

- There is pent-up local demand. High quality, modern business sites, which the town currently lacks, may help attract investment into the area.
- A co-ordinated approach is required, linked to skills development and training, improved communications and marketing. Seaspace (now SeaChange) actively fosters this approach. Their role in securing business development is recognised in the SPD.
- While the topography and other sensitivities of the area may limit very large buildings, plots should be capable of providing a range of accommodation, from start-up units and managed workspace to prestige headquarters, in order to meet local needs and encourage new firms.
- The business land should be developed as early as possible.

5.5 The design principles for NE Bexhill are set out in paragraphs 5.91-95 and are summarised in paragraph 5.96. They are based around three Key Principles covering *Creating an Identifiable Sense of Place*, *Integrating with the Wider Environment*, and *Developing a Contemporary, Sustainable and Safe Place*.

5.6 Paragraph 5.86 advises that ‘good connectivity’ to the rest of Bexhill (and to Hastings) is a key aspect of the development. These access principles include that the existing public rights of way network should be retained and enhanced and that on-site and off-site cycle routes should be provided to connect with the Link Road ‘greenway’, local services, existing employment areas (such as Bexhill College, Sidley Centre and Bexhill Town Centre) and the Countryside Park. Paragraph 5.85 identifies a need for development to incorporate links to the Countryside Park, as well as contribute to its creation.

5.7 Part 7 sets out specific policy relating to the land north of Sidley to which this application relates. Paragraph 8.31 requires master-planning for each Policy Area so as to enable individual elements to be designed in detail within a clear overall structure. It advises that the master-planning should carry forward the principles and distribution of uses proposed in the SPD and specifically:

- Include proposals for the movement network within the site and linking to adjacent areas.
- Show the scale and character of open spaces as part of this network.
- Define the form, height, density and massing of ‘blocks’ of buildings, with specific regard to the relationship between adjoining blocks.

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

- PC1: (presumption in favour of sustainable development)
- OSS4: (general development considerations)
- BX3: (Development Strategy (for Bexhill), identifying 60,000sqm of new business floorspace for Bexhill, focused on new strategic employment areas)
- SRM1: (towards a low carbon future, seeking a comprehensive energy strategy)
- SRM2: (water supply and wastewater management)

- EC2: (Identifies plans for 100,000sqm of employment floorspace across the District (including Bexhill), with an increased supply of high quality employment sites, including new major business sites at Bexhill)
- C04: (supports young people by giving priority to making growing up, living and working in Rother attractive to young people and families including accessible employment opportunities)
- EN1: (landscape stewardship)
- EN3: (design quality)
- EN5: (biodiversity and green space)
- EN7: (flood risk and development)
- TR2: (integrated transport)
- TR3: (access and new development, minimising the need to travel)
- TR4: (car parking)

5.9 The following policy of the emerging [Development and Site Allocations Local Plan](#) (submitted for examination in January 2019) is relevant to the proposal:

- DEN1: (Maintaining Landscape Character)
- DEN4: (Biodiversity and Green Space)
- DEN5: (Sustainable Drainage)
- BEX1: (Land at Levetts Wood and Oaktree Farm, Sidley, Bexhill)

5.10 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.

6.0 CONSULTATIONS

6.1 Highway Authority –**OBJECTION**

6.1.1 30 Sep 19 - The connections needed for non-motorised users with this application tie-in with the DfT stopping-up order for Buckholt Lane and the condition attached to the NBAR consent to provide alternative provision for non-motorised users. The DfT order was granted on the basis of the pedestrian and cyclist provision shown on the NBAR plans, with a link to NBAR substantially on the alignment of the old Lane. In support of the revised 2018 stopping-up order the equestrian link was removed, but with a commitment to provide a route within the BX3 site to connect to the pegasus crossing for the BHLR Greenway. It is worth noting that objections to the stopping up order were conditionally withdrawn on that basis.

The pedestrian and cyclist connection with NBAR on the current plans for this site is a circuitous route alongside the site access road. This is not a convenient connection and accentuates the severance of Buckholt Lane as any kind of continuous route. It would also be problematic in terms of the status of the connecting route and the future maintenance arrangements.

The connection will need to be a short length of cycle track distinct from the privately maintainable access road. A safe crossing of the site access road should be as direct as possible and on the alignment proposed by the NBAR plans.

A further stopping-up order or permanent traffic regulation order would still be required to stop-up the byway open to all traffic south of the site access road. However, equestrian rights will need to be retained over the remainder of the lane and a safe continuation for horse riders is needed. The bridleway link to the BHLR Greenway therefore also needs to be provided.

- 6.1.2 2 Sept 19 - The parking provision made is based on 1 space per 35-40 sqm which for B1 light industry is acceptable. The cycle and vehicle parking is acceptable. The layouts appear to accommodate industrial layout characteristics.

There are 2 accesses forming a looped internal estate road section in area 3a and the footway stops prior to reaching the buildings – assuming that this is a shared surface. Industrial estate roads are not shared surfaces and generally carry large vehicles, possibly making reverse manoeuvres. Pedestrians should be safeguarded by having a definitive route to each building that does not conflict with the road activity.

6.2 County Landscape Architect - **OBJECTION**

- 6.2.1 5 Sept 19 - The submissions state that the proposed buffer between the buildings on Site 3a and the NBAR would be a minimum of 18m. This would help to ensure that the buildings are adequately mitigated in views from the north. The proposed species mix for tree and understorey planting in the buffer is now acceptable.

- 6.2.2 A detailed Arboricultural Impact Assessment has been provided by PJC for sites 2a, 3a and 3b. This does identify the quality and value of these trees and whether they will be felled due to the development. This report does not provide details of the tree loss to the access between sites 1 and 2 and it is not clear whether these are identified in the schedule. The tree impacts for the areas assessed would be as follows:

- a) Four category B trees would be lost to the road. Tree 67 (category A) and 68 (category B) would be retained with the revised alignment. These would be close to the road and their protection would need to be carefully monitored during construction. A tree protection methodology has been provided in the Arboricultural Method Statement and this would need to be closely followed to ensure the long term stability and retention of these trees.
- b) Of the group of mature trees 30 – 35 to the south of site 3a it is noted that only 31, 32 and 33 would be retained and protected. The best trees in this group 30 (Category A1) and 35 (category B1) would be felled. The loss of these trees is not acceptable and could most likely be avoided with some minor modifications to the layout.
- c) Hedge 37 is indicated as being retained on the planting plan but removed according to the Arboricultural Impact Assessment. This requires clarification and the hedge should be retained as part of the established buffer between the site and the NBAR.
- d) A plan is provided of tree loss to the western access road but details of losses are not included in the Arboricultural Impact Assessment. It would appear that at least one category A tree would be lost.

- 6.2.3 It is noted that the detailed planting plans within the amenity areas of the development have been changed to create a wider variety of species and

more year round interest. This will also benefit pollinating insects. These planting proposals and associated street tree planting are acceptable.

6.2.4 It is noted that the building colours have not been changed to reference to the High Weald Colour Study methodology. This is regrettable as although the site is not within the AONB colours selected for the woodland setting would help to better integrate them into the local landscape. A mix of muted green colours and timber cladding would be preferred.

6.2.5 26 March 19 – The proposal would not comply with National Planning Policy Framework policies for conserving and enhancing the natural environment. It would not address the issues raised on the outline application in November 2017. It would not achieve the ‘high degree of containment of each of the “cells” for business development’. It is not considered that the mitigation measures set out in the Environmental Impact Assessment (EIA) could be met.

6.3 County Ecologist - **OBJECTION**

6.3.1 27 Sept 19 - It is noted that the minimum buffer between buildings on site 3a and the NBAR has been increased. However, although the documentation states it now achieves a minimum width of 18m, this is not the case. Given the amount of foraging and commuting habitat that would be lost to the development, wider buffers are required.

Hedge H37 would be lost under the current plans. This was identified as a species rich intact hedgerow in the original ecological survey reports and should be retained.

The plans provide little certainty of the route through the tree line between sites 1 and 2 and it is therefore unclear what the impact is likely to be. The plan of the BEPN Western Access Road (ref. 12702-CRH-ZZ-XX-SK-D-1010 P2) shows the northern edge of the road as c. 15.84m from a badger sett. Works are therefore likely to require a licence and the sett may require closure. As the sett is not a main sett (or wasn't at the time of the surveys), closure will not need the provision of an alternative sett. However, it is likely to change the way badgers use the site as a whole. Clarification is required as to whether this is the intention.

It remains the case that the details and requirements set out at the outline stage have not been addressed by the current submissions. My previously submitted advice therefore remains unchanged and I recommend that the application cannot be supported from an ecological perspective.

6.3.2 28 Mar 19 – The ecological note provided summarises potential direct impacts on protected species and habitats specifically related both to the application site itself, but does not address the wider issues of retaining/creating foraging and commuting habitat throughout the wider development. The layout is based on indicative plans provided at the outline application stage. However it was noted at outline stage that the indicative masterplans offered insufficient mitigation for the likely impacts on biodiversity. The details and requirements set out at the outline stage have not been addressed by the current application or additional ecology note.

- 6.3.3 6 Feb 19 - Ecology does not seem to have been fully considered in the design layout other than a statement that the principles of landscape design include enablement of ecology and wildlife corridors to permeate throughout the site and around the periphery. However, the plans do not clearly show these corridors or how they connect to the wider area.
- 6.4 County Archaeologist – **NO OBJECTION**
- 6.4.1 Subject to conditions imposed on the outline permission.
- 6.5 Pevensey and Cuckmere Water Level Management Board and Lead Local Flood Authority - **OBJECTION**
- 6.5.1 11 Sept 19 - There does not appear to be any new information on the surface water drainage arrangements, as a result our formal letter dated 21 December 2018 stands. Although Campbell Reith and Monson [the site-wide and reserved matters engineers respectively] appear to have satisfied each other about the drainage designs, no information clarifying the on plot drainage design and how it ties in with the strategic drainage infrastructure has been provided for us to be satisfied that surface water runoff has been managed appropriately.
- 6.5.2 21 Dec 18 - The indicative drainage system at outline application stage included permeable pavement on the majority of the car parks with only parcel 3A having underground tanks. However, the on-parcel drainage is proposing only underground tanks. Given the size of the car-parks proposed, this removes a water treatment stage which had previously been provided. This reduces the water quality improvement to the surface water runoff from the application site and water quality improvement should be incorporated to ensure no deterioration to the designated site.
- 6.6 Southern Water – **NO OBJECTION**
- 6.6.1 Southern Water request a condition requiring occupation to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement.
- 6.7 Environmental Health – **NO OBJECTION**
- 6.8 Environment Agency – **NO OBJECTION**
- 6.8.1 Subject to conditions imposed on the outline permission.
- 6.9 Sussex Police – **NO OBJECTION**
- 6.10 Planning Notice
- 6.10.1 Two letters of support from Locate East Sussex and the County Council's Director of Communities, Economy and Transport. The reasons are summarised as follows:
- This application will go some way towards satisfying an increasing demand for industrial space in the area. We are in discussions with several businesses either looking to relocate into the county or for local companies looking for expansion space. The increased employment

opportunities that this development will bring will contribute to a positive economic impact on both the local community and the Rother District in general (Locate East Sussex).

- As recently announced the County has been provisionally allocated £5.4 million of Local Growth Fund monies for three projects aimed at further developing the East Sussex economy and improving skills. As part of this, £1.94m has been awarded towards the cost of infrastructure that will facilitate the delivery of the Bexhill Enterprise Park North employment allocation, next to the newly-opened North Bexhill Access Road. This investment could create up to 493 jobs.
- As I am sure you recognise, the development of this land is another important milestone in the delivery of the economic growth policies set by the Development Plan for Rother District and meeting the need for high quality, new employment space in the wider county. In light of this, East Sussex County Council, within its remit of economic development, is supportive of this application and the jobs it will create for local residents (County Council's Director of Communities, Economy and Transport).

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 None.

8.0 APPRAISAL

8.1 Issues for Consideration

8.1.1 Outline planning permission for up to 33,500sqm (net internal area) of employment floorspace (within use classes B1 and B2) was granted on 4 May 2018. This was a substantial uplift on adopted Local Plan (2006) Policy BX3 which planned for 'some 26,000sqm of business floorspace' and the 2009 SPD, which considered that 28,000sqm could be successfully achieved on the allocation.

8.1.2 The outline application committee report (15 March 2018), noted in paragraph 6.2.2 that *"the quantum of development now sought – being up to 33,500sqm – remains higher than specified in policy. While some increase in floorspace may be possible, this application relates to the principle of development only. Any increase will be acceptable only if the siting, scale, appearance and landscape details, which will be submitted as reserved matters applications, are appropriate and follow the landscape strategy required to mitigate for the visual and landscape impacts of the development on the urban edge"*.

8.1.3 It further advised in paragraph 6.3.2 that: *"While the employment use is acceptable in principle, the precise details of any scheme should seek to achieve more of an exemplary innovative new type of 'eco-business park'; such an approach being based on sustainable design principles respecting and responding positively to existing landscape and wildlife features, habitats, and ecology systems, as always envisaged by the SPD"*.

8.1.4 The current Reserved Matters application provides the first opportunity to consider those details. It is necessary to consider whether the quantum of development proposed by this reserved matters application is appropriate and whether the submitted details of siting, scale, appearance and landscape adequately respond to the policy framework. It is also necessary to consider whether the details proposed by this reserved matters application enable the future delivery of the entire site in accordance with planning policy.

8.1.5 These issues are considered below under the following headings:

- comprehensive masterplanning;
- layout strategy (including impact on landscape character);
- tree loss;
- ecology;
- built form and detailed design
- parking provision;
- sustainable drainage and foul water connection;
- consistency with the vision, objectives and principles of the SPD; and
- phasing;

8.1.6 Regrettably, despite officers' attempts to secure amendments during the consideration of the application, the scheme as submitted provides an unsatisfactory response against these headings, as explained in more detail below.

8.2 Comprehensive Master-Planning

8.2.1 Adopted Policy BX3 (through our adopted Supplementary Planning Document) and submitted DaSA Policy BEX1 require master-planning for each North East Bexhill policy area.

8.2.2 Paragraph 8.31 of the SPD requires master-planning for each Policy Area so as to enable individual elements (phases) to be designed in detail within a clear overall structure. It advises that the master-planning should carry forward the principles and distribution of uses proposed in the SPD and specifically:

- *Include proposals for the movement network within the site and linking to adjacent areas.*
- *Show the scale and character of open spaces as part of this network.*
- *Define the form, height, density and massing of 'blocks' of buildings, with specific regard to the relationship between adjoining blocks.*

8.2.3 The master-planning requirement was recognised at the outline planning application process and an indicative master-plan was submitted to justify up to 38,000sqm of employment floorspace. While the application was subsequently amended (and approved) to grant outline permission for up to 33,500sqm of employment floorspace, the committee report advised that the indicative master-plan deviated significantly and unacceptably from the SPD's clear, strong design and landscape principles and over-arching vision for the development of this site resulting in a very poorly laid out illustrative master-plan, with:

- *fields completely infilled with buildings and hardstanding car parking,*

- *identikit building footprints simply ‘stamped’ over the site with no response to context, topography, landscape, and wider place-making qualities or strategic design/character vision for the site.*
- *Lack of consideration of spaces between buildings, with extensive ‘left-over’ space between buildings*
- *A main access route that bisects each of the cells centrally, limiting the subsequent layout options and strategy for development within the cells.*
- *Pedestrian and cycle linkways forced round the backs of commercial buildings or through car parks, or along the main access road, which does not make for attractive, desirable leisure routes and connectivity.*

8.2.4 As such, the master-plan was specifically not approved by the outline planning permission. Paragraph 6.4.6 of the outline planning committee report advised that *“development of the site should result in a rural business park with a high quality design and place-making vision at its heart in line, which is in line with the adopted SPD and policy, and also in view of its location on the new approach to Bexhill on the NBAR”*.

8.2.5 Reserved matters therefore provides the platform for master-planning to be undertaken, debated and considered. However, there were no references to master-planning within the reserved matters submission when it was received in November 2018 and officers highlighted this to the applicant by letter on 24 December 2018. Master-planning is an extant requirement of the SPD, being as an acceptable masterplan was not submitted or approved at outline stage. Moreover, master-planning should be a key influence on the matters of layout, siting, and landscaping which form part of the reserved matters.

8.2.6 An indicative strategic landscape plan was subsequently submitted in July 2019. The plan is not dissimilar in concept and form to the indicative master-plan submitted with the outline planning application and critiqued in paragraph 8.3.3 above, and it does not indicate convincingly that the level of accommodation proposed for the application site is appropriate.

8.2.7 The absence of an agreed masterplan therefore remains a concern both in terms of SPD compliance and the lack of a robust strategy under which to consider matters of siting, design, external appearance and landscaping.

8.3 Layout Strategy

8.3.1 Turning to the layout of the portion of the site the subject of the reserved matters application, officers have identified a number of ways in which the proposed layout fails against the adopted SPD and wider Core Strategy and National Planning Policy Framework policies.

8.3.2 Overall, the scheme fails to promote a quality place-making vision for this key site within the North East Bexhill allocation. Instead, it merely proposes a fairly ubiquitous industrial estate, uninspiring in design, and failing to provide a place-specific response.

8.3.3 The proposal fails to provide an acceptable movement network (roads and footways) within the site or link to adjacent areas. The lack of a wider site master-planning context has resulted in many of the pedestrian footways being located directly adjacent to the main access roads, which would add to the urban character of the proposal, as well as being less pleasant to use (as

opposed to a more permeable approach to movement within the site utilising green links to connect spaces). The interface and connection with the existing pedestrian route/bridleway that is Buckholt Lane is unsatisfactory, with this important route terminated by the proposed new access road, and the route instead diverted along roadside pavement to the proposed central T-junction within the site, across to the NBAR roundabout to the north. There is also no provision for equestrian users through the site from Buckholt Lane. A connection is required to the BHLR Greenway.

8.3.4 Moreover, the location of the roads have dictated and constrained the size and shape of the development 'parcels' and the subsequent building layout within. Paragraph 4.03.05 in the Planning Statement refers to land parcels being formed by the location of the main spine road within the site, and this disjointed sequential approach in the design process has contributed to a number of the strategic layout concerns, including impacting on field boundaries/hedgerows, ecological impact, and creating inappropriate developable spaces.

8.3.5 The layout appears cramped and dominated by hard landscaping, with little strategic soft landscaping within the built development. The layout fails to deliver within the site the 'high level of grassed surfaces' set out in paragraph 7.16 the SPD; a small 'amenity area' is suggested on the illustrative plans outside the red line boundary of this reserved matters application. In addition, there is a small copse and pond in the western part of the eastern field (adjacent to Buckholt Lane) around which an attractive amenity space could have been created, as a green focal point for this part of the site, and where the footpath/cycleway through the site could connect to Buckholt Lane. Unfortunately this opportunity has not been taken up in the proposed layout, and instead this important and character-creating landscape feature is merely backed onto by the rear elevations of a pair of industrial units.

8.3.6 The master-planning and site-wide issues identified above mean that the proposals set out in this reserved matters application fail to appropriately respond to landscape character for the following reasons:

- The proposal does not create a high quality landscape setting within which to set the buildings both through and within the site (as per paragraph 7.26 of the SPD) to minimise visual impact. Furthermore the proposal does not meet the mitigation measures set out in paragraph 11.6.6 of the site's Environmental Statement instead relying on buffer areas and infill around the ends of car-parking and around proposed buildings. This is not a response to the landscape setting of the site.
- The landscape buffer proposed between NBAR and the proposed development is not adequate and would not ensure the character of NBAR as a countryside avenue is created, but instead would dominate views from the road. The applicant has explained that large 'terraces' of industrial units are required to enable building flexibility and suit a variety of business requirements. If this is the case, it may be that this type of development is not best suited to some of the most visible parts of the BX3 site.

8.3.7 In order to seek to find a resolution and enable development, officers identified, in addition to their previously stated, consistent site-wide advice

regarding phasing and master-planning, four key specific issues with the layout approach, which it was considered needed to be addressed in this first reserved matters application (advising the applicant by letter dated 30 July 2019). These issues are:

- i. Buckholt Lane tree belt crossing*
- ii. NBAR frontage*
- iii. Copse and hedge in southern field*
- iv. Woodland belt between middle and western field*

8.3.8 Officers identified that successfully addressing the combination of these issues, with an amended road layout and landscape strategy, would result in a change in the shape of the developable area of this reserved matters application, and encouraged the applicant to explore options to reconfigure the layout once the necessary landscape and access parameters were established on plan.

8.3.9 Some minor amendments to the layout have subsequently been submitted in August 2019 in response to officers' concerns. These amendments reduce a little the number of parking spaces; slightly adjust building positions (but do not reduce the proposed floorspace); and remove one pavement from the access road. Explanation has also been provided as to how the applicant believes that excavation and construction can take place within root protection areas to enable the provision of roads, hard-landscaping and buildings with less tree loss. However, officers do not consider these amendments sufficiently address the key concerns, or the wider strategic site planning issues. These amended proposals are considered in more detail below.

- i. Buckholt Lane tree belt crossing*

8.3.10 The 'finger' of trees and hedgerow on Buckholt Lane, which presently divides the middle and eastern fields is hugely important to the landscape character of the site and in establishing the distinct landscape parcels of the scheme as well as being an important wildlife corridor. This has been consistently highlighted as such in the SPD and through officer advice. In addition, it is identified as such on the submitted indicative strategic landscape plan.

8.3.11 The proposals would remove four important trees, comprising 3 oaks and 1 beech, to enable provision of the access road at the diagonal angle proposed on the drawings. A further two trees are proposed to be retained with the revised alignment, though these would be very close to the road. Despite a tree protection methodology having been provided by the applicants, it is officers' view is that the proposed road alignment and proximity of the construction and built development to these trees is a risk to the long-term health of these trees and therefore detrimental to the landscape and ecological role they play. These trees, as all trees on the site, are subject to a Tree Preservation Order (TPO). The loss of the four trees, together with the risk to the further two, would have an unacceptable impact on the established landscape character of the site and local area. Additionally, the proposed culverting of the ditch adjacent to the line of trees on Buckholt Lane is an inappropriately urban approach for this landscape and ecology feature, and it is not clear what impact such an engineered approach will have on the roots of the retained trees here.

8.3.12 Officers have suggested that the access road could break through this tree belt in a much squarer direction, perpendicular to the hedgerow, and slightly

further south than the current proposal, where the understorey is sparser. In such a scenario, the width of construction through the tree belt would be reduced, fewer trees would appear to be lost, and the risk to the retained trees reduced. However, despite exploring a sketch option for this approach (though still not sufficiently refined), the applicants have chosen to leave the road in its current location with the associated unacceptable impact on this important tree belt.

8.3.13 Associated with this, while the proposed north-western elevation of the closest building has been moved south-eastwards in the amended plans, the opportunity has not been taken to extend the Buckholt Lane tree belt north-eastwards. If this was considered and designed in a meaningful way, it could provide increased tree enclosure to the buildings when viewed on approach along the NBAR from the north-west and to enable the wildlife corridor identified.

ii. NBAR frontage

8.3.14 Achieving a high degree of containment to each of the 'cells' for business development and enabling different characters to be established is a key expectation for this site (paragraph 7.22 of the SPD). Providing a meaningful landscape enclosure and woodland corridor along NBAR is essential and should consist of woodland belt planting. During the consideration of the application, officers were asked by the applicant to state a depth for this buffer which would be acceptable and a *minimum* of 18m, maintained for the full length (including around any car-parking) was suggested - including the NBAR landscape strip if it contains the same planting.

8.3.15 While the applicant asserts that they have endeavoured to achieve this in the amended plans, unfortunately it has not been achieved along its full length. Officers consider that the buffer depth and planting proposed would not provide an adequate landscape setting for the development. In the view of officers, the lack of master-planning has resulted in compromises to the width and acceptability of planting along NBAR to the detriment of the development of the site as a whole.

iii. Copse and hedge in eastern field

8.3.16 Of the group of mature trees, predominantly oak trees, in the eastern field (at the eastern end of the reserved matters application), the best tree is T30 (a Category A1 oak tree) and this would be felled along with T35 (a category B1 oak tree) in order to accommodate the southern end of the access road here and its associated turning head. Again, these trees are subject to a TPO. The loss of these trees would have an unacceptable impact on the landscape character and setting of the site and could easily be avoided with some minor modifications to the layout. However, the applicants have been unwilling to amend the layout to retain these trees.

8.3.17 Also in this area of the site, Hedgerow H37, which runs in a gully north from this copse, has not been considered in the proposals and is also proposed to be removed. If it were retained in situ it could be the basis of an amenity area. The SPD is clear that hedgerows should be retained as part of the landscape character of the place and this hedgerow was identified as a grade 2 hedgerow which should be retained in the Nature Conservation Assessment which informed the SPD and identified as a 'species-rich intact hedgerow' in Applied Ecology Ltd's Phase 1 survey, submitted as part of Sea Change

Sussex's Environmental Statement with the outline planning application. Its value is increased now that it can link up with the hedge proposed adjacent to NBAR.

8.3.18 It is very disappointing that, while this copse has been identified in the submitted landscape strategy, as the basis for an amenity area, two key trees and the hedgerow (which could strengthen the value of this area) have been proposed for removal. Again, this issue appears to have resulted from the lack of meaningful master-planning.

iv. Woodland belt between middle and western fields

8.3.19 The reserved matters application proposed the alignment of the access road through the middle field but the road stops short of the 30m wide belt of trees that separate the two field. If this reserved matters application were approved, it would dictate the location of the opening in the tree belt without full consideration of its impact. To agree the alignment of the access road across the middle field, it is necessary to understand the impact on this 30m wide belt of trees, including impact on ecological habitats. One drawing has been submitted which shows the trees in this area. Details of losses are not included in the Arboricultural Impact Assessment. It would appear that at least one category A tree would be lost. No other locations for the road to cross the tree belt appear to have been considered. The level of information submitted in relation to this issue is minimal and again, this is a limitation of the lack of master-planning. Officers are concerned that if the reserved matters proposals were approved, there would be unnecessary impacts on this tree belt to the detriment of landscape character, place-making and ecology.

8.3.20 In conclusion, with regard to layout strategy, the scheme lacks an appropriate response to context, topography and landscape, and is devoid of place-making qualities. The road layout and internal site circulation, proposed tree and hedgerow loss, insufficient new structural landscaping, both as buffer and as green space within the development, and cramped development dominated by hard landscaping, all combine to create an unacceptably poor approach to commercial site planning, as if it were in an anonymous urban fringe context rather than a place-specific, landscape-led, rural business park with a high quality design and place-making vision at its heart. It falls well short of the SPD and North-East Bexhill Design Study objective of an exemplary innovative new type of 'eco-business park' based on sustainable design principles of respecting and responding positively to existing landscape and wildlife features, habitats, and ecology systems. The absence of an acceptable, policy compliant and robust master-plan relating to the entire policy area to inform the design process is considered to have contributed to the strategic layout issues with the reserved matters scheme. Furthermore, the proposal displays little consideration of how the road and buildings of this application will affect the creation of spaces by future applications, and with pedestrian and cycle linkways seemingly unplanned outside of the reserved matters application site. As such this first reserved matters proposal is contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, SRM2, EN1, EN3, EN5, TR3 and TR4 of the Rother Local Plan Core Strategy and Policies DEN1, DEN4, DEN5 and BEX1 of the submitted Development and Site Allocations Local Plan.

8.4 Tree Loss

- 8.4.1 An Arboricultural Survey was submitted with the outline planning application. It surveyed and assessed all the trees and hedgerows across the site. It identifies the '*dominant arboricultural features*' at Oak Tree Farm. Within the application site, it advises that this comprises a belt of mature oaks (G19) and a clump of mature trees (T22-26) most of which are oaks between the middle and eastern fields; and a further clump of mature trees on the eastern boundary (T30-35).
- 8.4.2 In total there are 31 trees and one hedge within this application site boundary including 5 graded category A and 15 category B. All are the subject of a Tree Preservation Order. Six trees, one group and part of another group of trees and one hedge are proposed to be removed. These have been discussed above. In addition, construction works for hard-standing for vehicular and/or pedestrian access are proposed within the root protection areas of 12 trees, building footprints would encroach the root protection area of T22, the service strip would encroach the root protection of 2 trees and a storm drain would encroach the root protection areas of 4 trees.
- 8.4.3 While an arboricultural method statement has been submitted which explains sympathetic construction methodologies for these areas, the extent of encroachment puts the long-term health of these trees at risk.
- 8.4.4 In addition, the proposed alignment and level of the access road would lead to substantial tree loss between the middle and western fields.
- 8.4.5 While some selective tree removal will inevitably be necessary to facilitate development, this application proposes significant tree loss, both in quantum and landscape impact, and puts the long term health of many other trees on the site at risk. Such an approach would erode the landscape character of the site and reduce its biodiversity. In this respect, the proposal would be contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, EN1, EN3, EN5, TR3 and TR4 of the Rother Local Plan Core Strategy and Policies DEN1, DEN4 and BEX1 of the submitted Development and Site Allocations Local Plan.

8.5 Ecology

- 8.5.1 The Environmental Statement submitted with the outline planning application identified the ecology and nature conservation issues relevant to this site. This included minimising woodland loss associated with a new access road through the woodland belt (as discussed above) and retention and protection of higher value habitats and features.
- 8.5.2 In addition to the loss of existing trees and the hedgerow (and the potential impact on dormice and bats), this application site also includes the loss of open pasture grassland, used by badgers for foraging and commuting.
- 8.5.3 The proposed mitigation identified in the Environmental Statement is the 2:1 replacement of higher value habitats (broad-leaved semi-natural woodland, semi-improved neutral grassland and species-rich hedgerow), a dormouse bridge along the severed woodland belt and bat boxes.

- 8.5.4 No assessment is submitted with this application of the impact on biodiversity. An ecology note, submitted on 25 February 2019, merely explains that survey work is ongoing to establish the current presence of dormice, tree roosting bats and nesting birds and that there is no direct effect on badger setts. No reference to the wider issues of retaining and creating foraging and commuting habitat and providing and protecting wildlife corridors, as identified at outline planning application stage by the Environmental Statement and within which mitigation was identified, is made.
- 8.5.5 From the information submitted with the application, it is not apparent whether the requirements of outline planning permission conditions 17, 18, 19 and 22 relating to new wetland habitats; ecological design strategy; protection of badgers; and lighting and design strategy for biodiversity are met by this first reserved matters application. It is also noted that in the applicant's letter, dated 6 February 2019, it is stated that there are no ecology matters in respect of the reserved matters application site. This is fundamentally untrue.
- 8.5.6 In summary, biodiversity has not been considered by this first reserved matters application and while it is stated that the landscape design enables ecology and wildlife corridors to permeate throughout the site and around the periphery, the plans do not clearly show how these corridors would connect to the wider area. The application fails to mitigate for its impacts on biodiversity and to provide appropriate compensation and enhancement. As such, the proposal is contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4 and EN5 of the Rother Local Plan Core Strategy and Policies DEN4 & BEX1 of the submitted Development and Site Allocations Local Plan.

8.6 Built Form and Detailed Design

- 8.6.1 The Planning Statement highlights that varying sizes of business units are proposed, however, the largely homogenous building footprints within which these units have been placed fails to capitalise on this. Whilst it is acknowledged that there is an inevitability about the broad size and bulk of light industrial buildings, opportunities for a more imaginative, landscape-led approach to building placement and grouping have not been utilised in the submitted scheme.
- 8.6.2 In terms of building appearance, it is disappointing that the Planning Statement dismisses any attempt at '*ultra-high green credentials*' and '*more radical forms of design*' due to '*undeliverable levels of construction cost*' (paragraph 4.04.1). No supporting financial information has been submitted to justify this claim, focussing solely on construction cost rather than whole life costs (operating costs, energy consumption etc), and there has been no exploration of green building technologies such as green roofs or shared rainwater harvesting systems for example. Critically, the approach is contrary to the vision of the SPD which sets out the objective of achieving an exemplary innovative eco-business park based on sustainable design principles on this site. This does not appear to be a site-specific or scheme specific approach, confirmed by Westcott Leach's letter, dated 6 February 2019, which advises that '*the broad designs have been developed by us elsewhere in East Sussex*'. Such a generic approach is not suitable on this prominent site on the rural edge.

8.6.3 A similarly limited and unacceptable approach is proposed for hard landscaping materials, with the Planning Statement dismissing the use of '*softer, more attractive*' hard landscaping materials on maintenance grounds, despite identifying them as being of '*great visual benefit*'.

8.6.4 The proposals fail to take the site-specific design opportunities this site offers, and policy requires and as such, does not provide a high design quality solution based on key design principles. It is therefore contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, EN1, EN3 and of the Rother Local Plan Core Strategy and Policy BEX1 of the submitted Development and Site Allocations Local Plan.

8.7 Parking Provision

8.7.1 The Highway Authority has confirmed that the amount of parking proposed is appropriate. However, this does not take account of any future mezzanines. While none are proposed by the application, high level windows are proposed, which could serve future first floor accommodation. If permission were to be granted, a condition should be imposed to prevent the introduction of mezzanines, given the impact on parking requirements.

8.8 Sustainable drainage and foul water connection

8.8.1 The Local Lead Flood Authority and Pevensey and Cuckmere Water Level Management Board object to the proposals. They have requested additional information and are concerned that the drainage proposed for this reserved matters application may not take into account the strategic drainage requirements of the entire site. They therefore cannot confirm that surface water runoff will be managed appropriate.

8.8.2 They also highlight that permeable paving is not proposed despite the outline application submission indicating that it would be utilised. They advise that this means that there is greater reliance of underground storage tanks. This removes a water treatment stage which had previously been proposed and they advise that this reduces the water quality improvement to the surface water runoff on site. This is a concern as the Combe Haven SSSI is approximately 1km downstream of the application site. The application therefore cannot be supported until this issue is resolved and is a reason for refusal.

8.8.3 The site does not have a connection into the foul water connection. This is because there is not capacity within Southern Water's network. This is an issue affecting sites across the North East Bexhill allocations and one the Local Planning Authority is pursuing with Southern Water through a series of meetings in partnership with the land-owners, which includes Sea Change Sussex. The result here is that a private foul water system is proposed as a temporary measure. The expectation is that this will be replaced with a pumping station as part of a new North Bexhill sewer system, connecting to the existing Pebsham Waste Water Treatment Works. The proposed private foul water system is considered acceptable.

8.9 Energy Strategy

8.9.1 Condition 23 on the outline planning permission requires submission and approval of an energy statement. Core Strategy Policy SRM1 requires all developments of over 1,000sqm to provide a comprehensive energy strategy. Paragraph 6.26 of the planning statement advises that details of the energy strategy will be submitted separately. These details have not been provided. Putting aside the issues already raised, the application could not be supported until the details are submitted, understood and agreed.

8.10 Consistency with the Vision, Objectives and Principles of the SPD

8.10.1 The SPD was underpinned by the North-East Bexhill Design Study, prepared by ATLAS / English Partnerships in conjunction with the Council. Within the wider Northeast Bexhill allocation, this document analysed this area as 'Character Area 3: Levetts Wood & Oaktree Farm', noting that the landscape impression created here is very much one of a woodland clearing, and setting out Site Objectives:

"The opportunity exists here to create an exemplary innovative new type of 'eco-business park' with strong commercial branding based on sustainable design principles of:

- *respecting and responding positively to existing landscape and wildlife features, habitats, and ecology systems.*
- *low-embodied energy content of building construction.*
- *low-emissions buildings in operating mode, incorporating energy-efficient technologies.*

To achieve this level of environmentally responsible development, a high quality of architecture will be expected, exploiting latest eco-technologies in buildings, and contributing positively in its built form and design to the existing natural beauty of the area. This might be brought about by an architect-led site masterplan or by design-coding."

8.10.2 To achieve this the SPD set out clear, strong design and landscape principles and an over-arching vision for the development of this site (in Section 7: 'Spatial Strategy – Land North of Sidley') and included images and photo example of indicative high quality commercial developments set within strong landscape structures to help demonstrate this.

8.10.3 Whilst it is acknowledged that the 'Movement Framework' paragraphs in this part of the SPD (7.3-7.12 inclusive) have largely been superseded by changes to the previously approved primary road layout and vehicular access point into the site – though the pedestrian and cycle links across the sites here set out in para 7.10 still pertain – it important to recognise that the changes to the access road in no way negate the importance of the subsequent provisions of the SPD.

8.10.4 These reserved matters proposals and the indicative landscape strategy plan on which they are based do not follow the SPD approach. In particular, and for reasons highlighted earlier in the appraisal section of this report, the scheme is not an appropriate response to the 'Green Space' section of the SPD (paras 7.13-7.16 inclusive, nor to the 'Employment Areas' section (paragraphs 7.22, 7.25, 7.26 and 7.27).

8.10.5 Many of the layout shortcomings of the scheme highlighted earlier in this report stem from the failure of the design to recognise the adopted SPD, its clear, strong design and landscape principles and its over-arching vision for the development of this site, as a key influence in the design process.

8.10.6 It has been particularly disappointing that despite officers' repeated, detailed advice, the applicants have been unwilling to seriously address the underlying key issues with the layout and masterplanning approach.

8.11 Phasing

8.11.1 Condition 8 of the outline planning permission requires, phasing of the reserved matters to be agreed by the Local Planning Authority. The outline application committee report advised that *"it is considered essential that detailed proposals – to be brought forward as reserved matters – are for suitably sized land parcels so that the landscape strategy is developed into a detailed proposal and a sustainable development delivered. A phasing condition is recommended to agree the phases in advance of the consideration of reserved matters applications"*.

8.11.2 Therefore Condition 8 of the outline planning permission requires a phasing plan to delineate the physical extent of each phase across the whole BX3 site and for it to demonstrate that this provides for no more than 33,500sqm and includes for parking, loading and turning facilities. The condition reason explains that the condition is to ensure that each phase includes an appropriate parcel of land, quantum of buildings, associated parking and other facilities and landscaping, with associated access links, SuDs and biodiversity space.

8.11.3 This first reserved matters application has been submitted in advance of agreement of phasing. The planning statement (in paragraphs 6.02 & 6.11) advises that Phase 1 consists of construction of an access road from Buckholt roundabout together with attenuation ponds and surface water drainage and a foul drainage treatment plan and network, while phase 2 consists of building out the development applied for in this reserved matters application.

8.11.4 Subsequently, and as a result of officers' requests, a phasing plan and explanatory note was submitted in July 2019 pursuant to condition 8. The phasing is based around the alignment of the main spine road, which is based on the submitted indicative strategic landscape plan. However, this strategic plan is very similar to the indicative masterplan submitted with and rejected by the outline planning permission. This is discussed in the subsequent section of this report.

8.11.5 In summary, this reserved matters application is an illogical first phase land parcel. While the site is presently clearly divided into three fields, with strong landscaped edges, this application leaves the southern part of the eastern field for future consideration, and only the northern part of the middle field is considered. The developed area of the middle field is defined by the location of the access road, If agreed, in the absence of an acceptable site masterplan (see section 8.2 of this report, above), this phasing would limit development options for the remaining parts of these two fields and dictate the route of the access road through the 30m wide wooded belt that separates the middle and

western fields without due consideration of its impacts on landscape character, tree loss and biodiversity impact.

8.11.6 As such, the application would also fail to comply with condition 8 of the outline planning permission as it does not relate to an agreed first phase and therefore be contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, SRM2, EN1, EN3, EN5 and TR4 of the Rother Local Plan Core Strategy and Policies DEN1, DEN4, DEN5 and BEX1 of the submitted Development and Site Allocations Local Plan.

9.0 PLANNING BALANCE AND CONCLUSION

9.1 The principle of development was established by Policy BX3 of the adopted Local Plan (2006) which allocated the site and confirmed by the granting of outline planning permission in 2018. This application is concerned solely with the reserved matter details of scale, layout, appearance and landscaping for part of the site.

9.2 There is no question that the Council wishes to support the delivery of employment floorspace and this is highlighted by the Council's clear planning policy, allocation of this site and approval of outline planning permission. The submission of an application by a private developer is also to be welcomed. Sea Change Sussex and the County Council's Director of Communities, Economy and Transport advise that £1.94m has been awarded towards the cost of infrastructure (roads and drainage) that will facilitate the delivery of this employment allocation. These economic benefits carry weight.

9.3 However, despite officer's advice and a series of meetings to seek an amended approach, the issues and concerns discussed in Section 8.0 of this report remain; that is the lack of an appropriate response to context, topography and landscape character, through the strategic approach to place-making, the road layout and internal site circulation, tree and hedgerow loss, insufficient new structural landscaping and cramped development dominated by hard landscaping.

9.4 On balance, these concerns outweigh the economic benefits of supporting this proposal. As such, it is recommended that reserved matters application be refused.

RECOMMENDATION: REFUSE (RESERVED MATTERS)

REASONS FOR REFUSAL:

1. The application fails to comply with condition 8 of the outline planning permission as it does not relate to an agreed first phase and as such is contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, SRM2, EN1, EN3, EN5 and TR4 of the Rother Local Plan Core Strategy and Policies DEN1, DEN4, DEN5 and BEX1 of the submitted Development and Site Allocations Local Plan.

2. The application has been submitted in the absence of an acceptable, policy compliant and robust master-plan relating to the entire policy area and as such the opportunity for such a masterplan to inform the design process and strategic layout has been lost. The application scheme does not propose an appropriate response to context, topography and landscape and is devoid of place-making qualities. The road layout and internal site circulation; significant tree and hedgerow loss; insufficient new structural landscaping, both as buffer and as green space within the development; building layout and cramped development dominated by hard landscaping; all combine to create an unacceptably poor approach to site planning. It does not deliver a place-specific, landscape-led, rural business park with a high quality design and place-making vision at its heart and falls well short of the SPD and North-East Bexhill Design Study objective of an exemplary innovative new type of 'eco-business park' based on sustainable design principles (both site-strategy and buildings) of respecting and responding positively to existing landscape and wildlife features, habitats, and ecology systems. Furthermore, the proposal displays little consideration of how the road and buildings of this application will affect the creation of spaces by future applications, and with pedestrian and cycle linkways seemingly unplanned outside of the reserved matters application site. As such this first reserved matters proposal is contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, SRM2, EN1, EN3, EN5, TR3 and TR4 of the Rother Local Plan Core Strategy and Policies DEN1, DEN4, DEN5 and BEX1 of the submitted Development and Site Allocations Local Plan.
3. The application would lead to the loss of significant, protected trees, along with hedgerows and this, together with the minimal width of planting proposed alongside the North Bexhill Access Road (Combe Haven Avenue), would lead to development which would unacceptably erode the landscape character of the site and reduce its biodiversity. In this respect, the proposal would be contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, EN1, EN3, EN5, TR3 and TR4 of the Rother Local Plan Core Strategy and Policies DEN1, DEN4 and BEX1 of the submitted Development and Site Allocations Local Plan.
4. Biodiversity has not been adequately considered on a site-wide basis and as a result, this first reserved matters application fails to mitigate for its impacts on biodiversity and to provide appropriate compensation and enhancement. As such, the proposal is contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4 and EN5 of the Rother Local Plan Core Strategy and Policies DEN4 & BEX1 of the submitted Development and Site Allocations Local Plan.
5. The surface water drainage proposals do not appear to have taken into account the strategic drainage requirements of the entire site. It is not clear whether surface water runoff will be managed appropriately and this leads to an unacceptable flood risk. In addition, permeable paving is not proposed. This places greater reliance on underground storage tanks and removes a water treatment stage which had previously been proposed and this reduces the water quality improvement to the surface water runoff on site and potentially, to the Combe Haven SSSI. As such the proposals fail to comply

with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy and Policies DEN5 & BEX1 of the submitted Development and Site Allocations Local Plan.

6. The proposed diversion to Buckholt Lane would erode this existing route for non-motorised users and particularly for horse riders and not meet the policy requirement to create attractive pedestrian and cycle routes to the various developments coming forward in North Bexhill with the existing Bexhill Hastings Link Road and the Combe Valley Countryside Park. As such this first reserved matters proposal is contrary to adopted Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies TR3 and TR4 of the Rother Local Plan Core Strategy and Policies DEN4 and BEX1 of the submitted Development and Site Allocations Local Plan.

NOTE:

1. This refusal of reserved matters relates to the following drawings:
2217/P100.1
2217/P101-118
2217/P201-204
2217/P214
2217/P221-224
2217/P231-234
2217/P241-244
2217/P251-254
2217/P261-264
2217/P271-274
2217/P81

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.