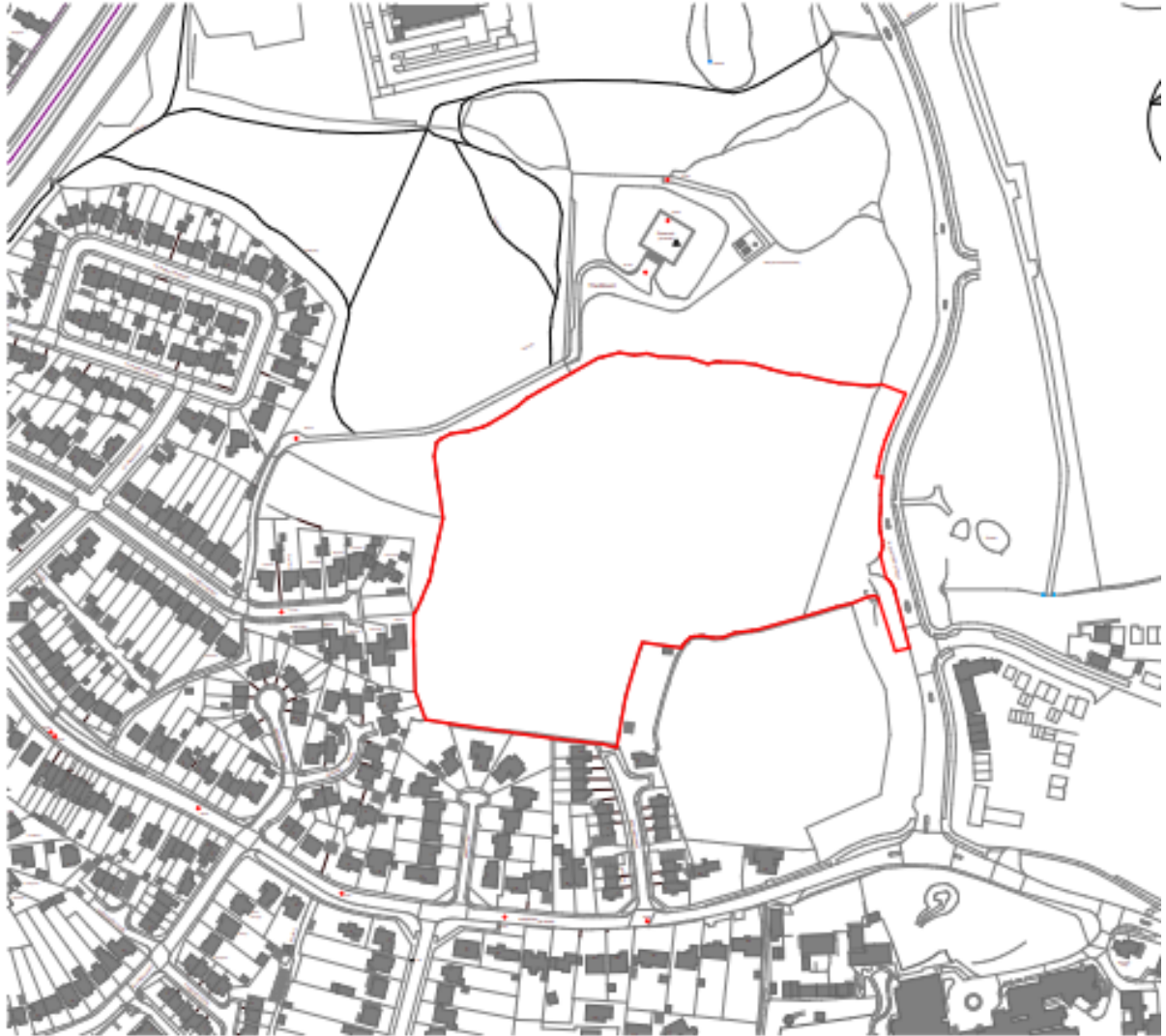


SITE PLAN

BEXHILL

RR/2022/1246/P

MOUNT VIEW STREET



Rother District Council

Report to: Planning Committee
Date: 21 July 2022
Report of the: Director - Place and Climate Change
Subject: Application RR/2022/1246/P
Address: Mount View Street,
BEXHILL
Proposal: Hybrid planning application seeking full permission for erection of an inpatient mental health facility, landscaping, car parking and associated works (Phase 1); and, outline planning permission for an additional inpatient mental health facility and support facilities with all matters reserved (Phase 2).

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL PLANNING FOR PHASE ONE AND OUTLINE PLANNING FOR PHASE 2) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT TO SECURE:**

- (i) To allow for the creation of a registered servitude from Mount View Street site bellmouth and service connection points to provide access road, underground services route, and stormwater management and discharge route to the culvert head, within the site to serve the development sites identified as Phase 2 and Phase 3 including unfettered use and access during construction and operation. Details of servitude and agreement to be submitted as a condition.
- (ii) To provide for the extant scheme obligations relating to the extant application (RR/2015/1760/P) and secured in the legal agreement dated 24 March 2016 ('**extant scheme**'). Wherever possible the extant conditions, as applicable in part or full to this application, have been absorbed within this application's Conditions. The onus however remains with the Applicant to ensure that the extant conditions are discharged as applicable in terms of their land purchase agreement (which is not part of this planning matter).
- (iii) By granting consent for this application, Condition 45 to the extant scheme relating to safeguarding employment ('*the employment land on the western land parcel ... shall not be used for any purposes other than those in use class B1*'), namely Phase 1 & 2, is revoked.
- (iv) To enable Highway Works: access, footway/cycleway and bus infrastructure; travel plan and audit fee. Sum of financial contribution to be agreed between parties.

Director: Ben Hook

Applicant: Sussex Partnership NHS Foundation Trust
Agent: WSP
Case Officers: Peter Dijkhuis and Clare Gibbons
Email: Peter.dijkhuis@rother.gov.uk
and Clare.gibbons@rother.gov.uk

Parish: BEXHILL - OLD TOWN/WORSHAM
Ward Members: Councillors P.J. Gray and C.A. Madeley

Reason for Committee consideration: Director - Place and Climate Change
referral: A major scheme where Rother District Council is the landowner.

Statutory 10-week date: 22 July 2022
Extension of time agreed to: n/a

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 Full planning permission is sought for part single, part two-storey mental health inpatients facility (Phase 1) and outline permission is sought for an extension to the mental health facility to consolidate other facilities across East Sussex (Phase 2).
- 1.2 One of the key issues raised by the proposal is the loss of employment floorspace and residential units. These uses are anticipated on the application site by adopted local planning policies and the extant scheme's permission that sets the framework for development in this location. Whilst the proposed development does not accord with these expectations set for this location, there would be significant social benefit in providing high-quality accommodation to provide specialistic mental health care set in extensive landscaped grounds.
- 1.3 Therefore, on balance, the proposal is considered acceptable subject to the recommended planning conditions and Section 106 obligations to safeguard the amenities of the area and that the requisite associated infrastructure is delivered.
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2.0 SITE

- 2.1 The site is situated on the urban fringe of Bexhill to the north of Pebsham within the development boundary and comprises 4.09ha of undulating agricultural land. The site falls within Flood Zone 1 (very low flood risk), does not fall within a designated landscape, or contain any known designated heritage assets.
- 2.2 The proposed site forms part of a wider strategic development site that has started with the recently constructed Mount View Street (A2691) and new housing beyond it to the east. To the south/south-west is Wrestwood Road with cul-de-sacs radiating from it of predominantly 1960/1970s bungalows and two storey residential dwellings. To the north is woodland and parkland

(the start of Combe Valley Countryside Park which is a designated Site of Important Nature Conservation) and 'Enterprise park' containing recently constructed commercial buildings.

- 2.3 The site comprises two parcels of land referred to as 'Phase 1' and 'Phase 2' which are the subject of a land purchase agreement between the Applicant, the Sussex Partnership NHS Foundation Trust, and the current landowners, Rother Estates. 'Phase 3' (site to the south) is owned by Rother Estates, which is part of Rother District Council.

3.0 PROPOSAL

- 3.1 This is a hybrid application that seeks full planning permission for Phase 1 (new mental health facility) and outline permission for Phase 2 (an inpatient mental health facility and support services). The main elements of each phase comprise the following:

3.2 Phase 1 (Full Planning Permission) – 'a part single-storey and part two storey mental health inpatients facility to the west of the site'

- 3.2.1 This proposal involves the provision of a new inpatient mental health facility. It would involve the provision of a part single, part two-storey building to include three 18-bed wards (totalling 54 beds). For the purposes of this determination, the height of the buildings are proposed as a) the single storey element would have mono-pitch roofs with a maximum 7.2m height to the ridge; and b) the two-storey element would be a maximum 10m height to the ridge.

- 3.2.2 The layout of the building would be formed by a series of 'x' shapes wards radiating from a central hub. The wards would comprise two Working Age Adult Wards, one Older Adult Ward and a neuromodulation suite (which is a form of nerve-targeting therapy). The wards would be supported by therapy facilities, visitor facilities, a café and shop, staff welfare, office and administration, and facilities management spaces.

- 3.2.3 Both pedestrian and vehicular access to the site would be via the existing bell mouth on Mount View Street. 149 car parking spaces are proposed for Phases 1 and 2 with 18 spaces for visitors and 5% of the total allocated for disabled space. 25 cycle parking space would be provided (18 for long-stay and seven for short-stay).

- 3.2.4 Government funding has been secured for Phase 1 on the basis of a build-out by March 2024.

3.3 Phase 2 (Outline Permission) – 'an extension to the mental health facility to consolidate other facilities across East Sussex to the north of the site'

- 3.3.1 This proposal involves further inpatient facilities within a two-storey building to include two 18-bed Working Age Adult Wards, two 18-bed Older Adult Ward, general support spaces, additional facilities management areas, urgent care and a 'S136' suite to provide a 'place for safety' for the most vulnerable inpatients. All matters are reserved.

- 3.4 The application is accompanied by the following documents: Design and Access Statement, Phasing Strategy Plan, Landscaping Design Report, Ecological Statement, Ecological Mitigation and Management Plan, Geo-Environmental Preliminary Risk Assessment, Energy Statement, Archaeological Report, Land Contamination Assessment, Noise Impact Assessment, Sustainable Drainage Strategy and Sustainable Urban Drainage Systems, Transport Assessment, Travel Plan, Arboricultural Impact Assessment, Ventilation and Extraction Report, Statement of Community Involvement and Pre-Application Engagement Statement, Refuse Disposal Strategy and Economic Assessment.
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4.0 HISTORY

- 4.1 The site forms part of a larger development site known as 'Worsham Farm – Land North of Wrestwood Road' that was granted outline permission (RR/2015/1760/P) ('**extant scheme**') for a residential-led mixed use urban extension including 1,050 dwellings (30% affordable), up to 7,000sqm business floorspace (Class B1), a two-form entry primary school and children's nursery, up to 2,100sqm of retail and commercial uses and associated infrastructure. All matters were reserved.
- 4.2 In November 2017 a 'Reserved Matters' application (RR/2016/3245/P) for Phase 1 was granted for 200 dwellings, internal roads and open spaces along with drainage infrastructure and the construction of 'Mount View Street'. This development and related infrastructure have commenced with Mount View Street (which is now adopted public highway) and some of the houses having been constructed with first occupation.
- 4.3 The current site forms part of Phase 2 of this 'live' permission comprising a mix of employment and residential uses (Former classes B1a, b, c/C3) with mixed residential/retail in the south east corner fronting Mount View Street. In total up to 7,000sqm of employment floorspace, approximately 35 residential units were indicated on the western parcel, and 27 residential units with a retail/convenience store (540sqm) in the eastern part of the site.
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5.0 POLICIES

- 5.1 The following policies of the [Rother District Local Plan](#) 2006 are relevant to the proposal:
- BX2: Land north of Pebsham
- 5.2 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: Towards a low carbon future

- SRM2: Water Supply and Wastewater Management
- CO2: Provision and Improvement of Healthcare Facilities
- EC1: Fostering Economic Activity and Growth
- EC2: Business Land and Premises
- EC3: Existing Employment Sites
- EC5: Support for Key Sectors
- EN1: Landscape Stewardship
- EN3: Design Quality
- EN5: Biodiversity and Green Space
- TR3: Access and New Development
- TR4: Car Parking

5.3 The following policies of the [Development and Site Allocations Local Plan \(2019\)](#) are relevant to the proposal:

- DRM1: Water Efficiency
- DRM3: Energy requirements
- DOC1: Retention of Sites of Social or Economic Value
- DEC3: Existing Employment Sites and Premises
- DEN1: Maintaining Landscape Character
- Den4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DEN7: Environmental Pollution
- DIM1: Comprehensive Development
- DIM2: Development Boundaries

5.4 The National Planning Policy Framework, Planning Practice Guidance, 'North East Bexhill Masterplan' (SPD, 2009) are also material considerations.

6.0 CONSULTATION

6.1 National Highways: **NO OBJECTION** subject to conditions that will ensure the proposal would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site.

6.2 Environment Agency: Have commented that this application does not fall within their remit.

6.3 Natural England: No comments received.

6.4 Bexhill-on-Sea Parish Council: No comments received.

6.5 ESCC Highways: **NO OBJECTION** subject to conditions that will ensure a) the Applicant undertakes a Road Safety Audit 1 (including signage) for the access and pedestrian/cycle facilities; b) confirmation that the application can deliver a northbound bus stop, including footpath, on Mount View Street south of the site; c) revision of access detail where the footpath link is provided to the crossing point and new bus stop to the south of the site; d) cycle store details; and e) Travel Plan (live for 5-years).

6.6 ESCC Footpath Officer: No comments received.

- 6.7 County Landscape Architect: **NO OBJECTION** subject to conditions.
- 6.8 County Ecologist: No comments received.
- 6.9 ESCC Archaeologist: **NO OBJECTION** subject to conditions.
- 6.10 Tree Officer: No comments received.
- 6.11 Sussex Wildlife Trust: No comments received.
- 6.12 Sussex Newt Officer: **NO OBJECTION** subject to a compliance condition.
- 6.13 Pevensey and Cuckmere Water Level Management Board and the Local Lead Flood Authority: **NO OBJECTION** subject to conditions and comment that they would be expected to be reconsulted on the reserved matters and highlight the need to comply with the Board's Byelaws.
- 6.14 Romney Marshes Area Internal Drainage Board: No comments received.
- 6.15 Southern Water: **NO OBJECTION** subject to a condition requiring details of foul sewerage and surface water disposal to be submitted and commented that additional sewerage infrastructure will be required.
- 6.16 South East Water Ltd: No comments received.
- 6.17 SGN (Gas Pipelines): No comments received.
- 6.18 RDC Environmental Health: **NO OBJECTION** subject to conditions.
- 6.19 RDC Waste & Recycling: No comments received.
- 6.20 RDC Head of Housing Services: No comments received.
- 6.21 RDC Estates Officer: No comments received.
- 6.22 Sussex Police: **NO OBJECTION** and have made comments on the detailed design and landscaping, including the provision of CCTV and lighting.
- 6.23 East Sussex Fire & Rescue Service: Have provided comments about the detailed design and recommended that an internal fire sprinkler system is provided.
- 6.24 Planning Notice
- 6.24.1 Five representations of objection have been received. The concerns raised are summarised as follows:
- i. Increase pressure on the roads.
 - ii. There is no need for the proposed use, whilst additional housing in the area has created a need for schooling and GP surgery.
 - iii. Existing vacant buildings should be used.
 - iv. The proposed use is not compatible with the existing residential use of the area.
 - v. Development of 'greenbelt' land in an area that has had development.
 - vi. 'Destruction' of wildlife habitat.

- vii. No details on the proposed occupants and concerns about security.
 - viii. Loss of property value.
 - ix. The potential service/emergency access through the end of Bodiam Avenue, which is quite narrow and a heavily parking residential road.
- 6.24.2 Three representations of general comment have been received. The comments are summarised as follows:
- i. Would like a replacement close boarded fence and that the woodland planting buffer has trees as tall as possible.
 - ii. Did not receive formal notification of the application.
- 6.24.3 Two representations of support have been received. The comments are summarised as follows:
- i. Pleased with the steps to maintain existing wildlife/trees and landscape in the areas surrounding and bordering the site.
 - ii. Appreciate the dialogue with the team keeping them up to date and addressing concerns at the Pelham open events.
 - iii. Concerned about extra access from St. James Avenue which is very narrow.
- 6.25 Bexhill Town Council – **NO COMMENT**
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7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The application is for a type of development that is not Community Infrastructure Levy liable.
- 7.2 The application is not one that would provide New Homes Bonus (subject to review by the Government)
- 7.3 Other Local Finance Considerations: Land purchase agreement between the Applicant, the Sussex Partnership NHS Foundation Trust, and the current landowners, Rother Estates (which is part of Rother District Council). Phase 3, the remainder of the NE Bexhill Masterplan Phase 2 site, is owned by Rother Estates.
- 7.4 The application would be subject to a financial contribution towards the extant scheme's Travel Plan and Employment and Skills Plan.
- 7.5 The application would be subject to a S278 financial contribution towards the extant scheme's 'Proposed shared pedestrian/ cycleway' to the western edge of Mount View Street as illustrated in the NE Bexhill Masterplan Parameter Plan 3 – Movement; and, proposed bus stop adjacent to the site.
- 7.6 The application would carry the full financial cost of constructing the access road off the existing Mount View Street bellmouth to create an internal access road to serve the development (Phase 1 and 2), and make provision for a junction point off the access road to address Phase 3, including unfettered use of the access road by the occupiers/users of the all three phases.
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8.0 APPRAISAL

8.1 The key issues for consideration are as follows:

- i. Principle of Development - proposed use and consistency with previous planning permissions RR/2015/1760/P (including the Parameters Plans, Design and Access Statement, and Masterplan) and the NE Bexhill SPD;
- ii. Design and layout;
- iii. Impact on residential amenity;
- iv. Environmental matters; and,
- v. Access, Transportation and Highways Safety.

8.2 Principle of Development

Compliance with the strategic allocation

- 8.2.1 Although submitted as a stand-alone planning application, the site forms part of the extant scheme and a strategic site allocation for a mix of housing, business and related uses. Policy BX2 of the Rother District Local Plan (2006) identifies that the proposed employment uses in this location should be *'high specification, prestige buildings in prominent and 'landmark' locations, contained within a generous landscape framework'*. The extant scheme (RR/2015/1760/P) anticipated that the application site (Phase 1 & 2) and the parcel of land to the south (Phase 3) would provide employment floorspace amounting to 7,000sqm, along with residential units (35 identified in the western part of the site and 27 in the eastern part of the site) and retail/convenience shopping at ground floor level along the recently constructed Mount View Street. The provision of employment floorspace reflected and continues to reflect planning policies that seek to achieve uses in 'north-east Bexhill' that provide employment opportunities.
- 8.2.2 In 2009, the Council adopted a Supplementary Planning Document (SPD) known as the 'North East Bexhill Masterplan' that provides further guidance on the form and layout of development, including the proposed application site. It earmarks the application site as an area for commercial development (paragraph 5.40 of the SPD sets out the key principles for the employment floorspace); development should accord with the sustainability objectives for the area; and, the form and appearance of new development should be of a high quality, with only the highest standards allowed at the northern 'gateway' to the town.
- 8.2.3 The focus on providing employment uses in this location is continued in the Rother Local Plan Core Strategy (2014) with Policy BX3 (Development Strategy) expecting overall at least 60,000sqm of new business floorspace to be focused on new strategic employment areas in Bexhill. Policy BX3 (viii) defines the employment uses as *'either offices, research and development or light manufacturing, falling within Class B1 of the Use Classes Order'*. The proposed use would not be classed as an employment use as it falls within Class C2 (Residential Institution) of the Town and Country Planning Use Classes Order 2015 (as amended) rather than Class E (Commercial, Business and Service). Therefore, there would be a loss of 7,000sqm of employment floorspace. Policy DEC3 (Existing Employment Sites and Premises) of the DaSA seeks to ensure the effective use of employment sites and only if this is not viable then priority would be given to community uses.

8.2.4 The Planning Statement accompanying the application sets out that the loss of employment floorspace in this location would be mitigated by a potential oversupply of office floorspace elsewhere in the District if all the current permissions were to be built out. The most recent Employment Land Supply Position Statement (ELSPS) (April 2021) published by the District Council (November 2021) is cited and the table below has been produced to evidence this position. It has been highlighted that there would be economic benefits from the proposal, which are considered in the sections below.

Table 7-1 - Performance against Core Strategy employment floorspace targets (01/04/2021) - Employment Land Supply Position Statement (November 2021) (sqm)

	Bexhill	Battle	Rye and Rye Harbour	Rural areas	Hastings Fringe	Total
Target	60,000	10,000	10,000	10,000	3,000	100,000
Completed	-755	-154	13,876	10,356	0	23,323
In progress	7,141	1,082	2,189	1,418	0	11,830
Permitted	43,308	-120	16,554	7,586	781	68,109
Identified	14,932	0	0	0	0	14,932
Allocated	0	5,700	0	0	1,800	7,500
Total	64,626	6,508	32,619	19,360	2,581	125,694
Difference	+4,626	-3,492	+22,619	+9,360	-419	+25,694

Loss of consented residential units

8.2.5 The proposal would result in the loss of 13 residential units that were anticipated by the delivery of the extant scheme. Whilst there are no specific policies safeguarding the loss of these residential units, their loss is a material consideration, particularly bearing in mind the Council's housing land supply position. The Planning Statement that accompanies the application considers that this loss is offset by the provision of 20 extra houses under the reserved Matters Applications (RR/2016/3245/P) than were anticipated by the extant scheme (RR/2015/1760/P), which is acknowledged. It is also considered that extra residential units could be accommodated elsewhere in the NE Bexhill masterplan area.

Need for and benefits of proposed development

8.2.6 The Planning Statement accompanying the application justifies the loss of employment floorspace on the basis that the proposed development would meet an identified healthcare need and result in significant economic and social benefits, including a net increase in jobs and related economic benefits when compared with the extant scheme.

8.2.7 The proposal is for a new mental health facility, which would incorporate the re-location of the existing facility at the Department of Psychiatry in Eastbourne General Hospital. The Planning Statement that accompanies the application states that:

'Across the country as a whole, there is a pressing need to ensure that people received high-quality care, close to home, in the most appropriate place for their mental health needs. The provision of high-quality care has

been recognised in national standards which states that facilities, in which people need to be admitted for hospital care, need to be modern, high-quality facilities, in which people need to be admitted for hospital care, need to be modern, high-quality facilities that provide single sex accommodation. In addition, there is a national deadline for eradicating dormitory accommodation in mental health inpatient services which all NHS services need to meet.

Over the last few years, the NHS in Sussex have taken a co-ordinated approach to investing in mental health services to transform the way people receive treatment, both in hospitals and in the community. The COVID-19 pandemic has made this work even more important because it is likely to generate increasing demand for mental health services over the coming years.

In East Sussex, there is a need to urgently address the quality of inpatient beds in East Sussex, there are currently 71 inpatient beds located in out-dated dormitory accommodation. Therefore, improvements are required in how care is provided for people in East Sussex needing to stay in hospital to support their mental health care needs. Such improvements will ensure that the highest standards of patient care can be met now and, in the future’.

...The Eastbourne facility is modelled around dormitory accommodation, which is no longer in line with the national requirements for patient care. Relocation would provide the opportunity to create a new facility with new 18-bed wards for adults and older people, providing a modern and improved therapeutic environment for patients’.

- 8.2.8 The Applicant undertook a site selection process that involved the identification of 17 potential sites across East Sussex, further analysis reduced this to four shortlisted options and then the application site was identified as the preferred site.
- 8.2.9 The social objective in the National Planning Policy Framework is to achieve ‘*strong, vibrant and healthy communities*’ with paragraph 93 setting out that to provide social facilities and services the community needs ‘*planning policies and decisions should...b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community*’. The provision of healthcare uses is supported by adopted local planning policies. Policy BX1 (Overall Strategy for Bexhill) of the Rother Local Plan Core Strategy seeks to develop local amenities, including support for community facilities. Policy CO1 (Community Facilities and Services) of the Rother Local Plan Core Strategy set outs the new community facilities should be permitted in appropriate location where they meet identified community needs. The provision of high-quality facilities to improve mental well-being would bring significant social benefit for patients.

Economic Assessment

- 8.2.10 An Economic Assessment accompanies the application and sets out the economic benefits that could be expected to be generated by the proposed development. This would include 157 net additional temporary construction jobs at the local level with an additional 49 jobs at the regional level, 559 direct FTE workers on site (42 net additional FTE jobs for residents and

overall 83 within the wider South East region) and benefits in terms of the supply chain. Initially, many of the jobs would be transferred from the existing facility at Eastbourne but over time the Applicant considers that the employment profile is likely to change with more people employed locally. The proposal would provide a range of job types from administration, management and facilities to non-qualified clinical jobs, qualified clinical jobs and highly-skilled medical jobs.

- 8.2.11 Phase 1 of the development would comprise medical training and education facilities in the form of a simulation room and a de-briefing room to help train existing and new staff, some of which could be drawn from the local and District community.
- 8.2.12 The proposed development will generate a significant employment impact, generating up to £4m per annum in additional GVA; £466,877 in additional expenditure for local business; and, up to £0.6m per annum in income tax and National Insurance contributions.

Nature of the proposed use

- 8.2.13 Representations received in response to the application have expressed concern that: the proposed use is not compatible with the existing residential area; no details have been provided on the proposed occupants and there are concerns about security. The proposed use is considered to fall within Class C2 (Residential Institution) of the Town and Country Planning Use Classes Order that is described as '*Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses). Use as a hospital or nursing home. Use as a residential school, college or training centre*'. As such by its nature, the proposed use would be compatible with a residential area. The Planning Statement accompanying the application confirms that there would be no Accident & Emergency Department, which could potentially cause significant noise and disturbance. In response to the concerns about security, the Applicant has commented that '*The site will be secure, in the sense that it will be controlled and managed at all times and patients will be accompanied when in the wider grounds of the hospital. Whilst initial concerns are acknowledged, the reality of this level of mental health hospital is that it will be a very safe and tranquil environment for in-patients and local residents*'.
- 8.2.14 Sussex Police have been consulted on the application and commented that '*safeguarding of the patients will be paramount and security will be an important part of the design and layout*' and have listed specific documents that the department of health has produced to ensure a safe and secure environment for the patients, staff and visitors to the facility. The Applicants have confirmed that the scheme has been designed in accordance with the following documents: Department of Health documents mental Health Implementation Guide – Adult Acute Patients Care Provision, Mental Health Policy Implementation Guide – National Minimum Standards for General Adult Services in Psychiatric Intensive Care Units (PICU), and Low Secure Environments and Best Practice Guidance Specification for adult medium-secure Health Offender Partnerships 2007. Sussex Police have made suggestions in terms of the lighting, CCTV and landscaping. The Applicant has confirmed that CCTV will be installed before internally and externally focusing on the hospital site only and not the wider environment. The

drawings indicate five-metre high fencing which the Applicant has indicated would maintain patient safety. Conditions are recommended to require the submission of full details of the fencing, CCTV and lighting.

Relationship with the resultant remaining land in 'Phase 2'

- 8.2.15 The application site for the Phase 1 and Phase 2 of the hospital development occupies two thirds of the site identified as 'Phase 2' of the extant scheme. This would leave an area of land in the southern part of the site undeveloped (Phase 3), which would need to be subject to another stand-alone application. This situation is not in line with Policy DIM1 (Comprehensive Development) of the DaSA that requires comprehensive proposals for the development of sites. However, the policy does recognise that in exceptional circumstances, proposals for part of the site may be permitted but only where it demonstrably has regard to and facilitates an integrated scheme for development of the entire site.
- 8.2.16 The Planning Statement seeks to justify the approach by setting out that the application site (Phase 1 & 2) uses the access point approved under the extant scheme and that the remaining site sits independent of the wider western site and therefore can be developed in isolation while attaining access off the same junction. It is key consideration that the development of the remaining site (Phase 3) is not prejudiced by the current application.
- 8.2.17 Any development of the remaining land would be to the south of the proposed internal access road serving the hospital development. The submitted drawings only indicate the access into the remaining development site by means of an arrow. Whilst a clear indication of a proposed access would have been useful, at this stage, it is considered that full details of a possible access are not necessary. However, it is recommended that planning obligations are sought to ensure that the consent is not unreasonably held for the creation of an access from the internal access road into the remaining development site and to allow future occupiers/users of that access during construction and operation having unfettered access along the proposed internal access road serving the hospital development.
- 8.2.18 The application is inconsistent with the framework set by the extant scheme, adopted planning policies, and SDP for the site. However, other material considerations, including the significant social-economic benefits weigh in favour in terms of planning balance.

8.3 Design and Layout

- 8.3.1 Policy EN1 (v) (Landscape Stewardship) of the Rother Local Plan Core Strategy expects protection and wherever possible enhancement of the open landscape between clearly defined settlements, including settlement edges and their rural fringes. We would encourage the landscape strategy to introduce a hierarchy of planting including native bulbs, groundcovers and shrubs to create a quicker reinstated landscape with greater biodiversity and structural interest. Policy DEN1 (Maintaining Landscape Character) of the DaSA requires the siting layout and design development to maintain and reinforce the natural and built landscape.

- 8.3.2 Policy EN3 (Design Quality) of the Rother Local Plan Core Strategy requires new development to be of high design quality. This is echoed in Chapter 12 of the National Planning Policy Framework and in particular paragraph 126 expects *'high quality, beautiful and sustainable buildings and places'*. Paragraph 130 sets out the criteria that developments should meet including that they are *'visually attractive as a result of good architecture, layout and appropriate and effective landscaping'* and paragraph 131 suggests that existing trees are retained wherever possible and decisions should ensure that new streets are tree lined.
- 8.3.3 The 'NE Bexhill Masterplan' provides further guidance on the form and layout of development, including the application site. One of the key principles identified for development in this location is that it should be *'an exemplar of sustainable design, construction and energy generation'* (paragraph 5.20). Paragraph 5.40 of the SPD sets out the key principles, including that the *'form and appearance of new development should be of a high quality'*. Paragraph 5.96 expands upon the key design principles for the development, in particular to create an identifiable sense of place, integrate with its wider environment and develop a contemporary sustainable and safe place.
- 8.3.4 The design of the new mental health hospital buildings has been steered by the Trust's requirements to provide modern, fit-for-purpose health facilities, designed to promote the well-being of patients whilst having good levels of security and meeting clinical needs. Phase 1 will comprise the central entrance and arrival court; three single storey wards with courtyard gardens; building services, service yard, and M&E enclosure; second storey over arrival building for office and administration; and, set within a landscape frame and buffer planting to surrounding residential properties. Phase two (indicative reserved matters) is shown as being predominantly two-storey partially cut in to the sloping site with the building design and façade approach the same as Phase 1. The visualisation below demonstrates the design approach. The submitted plans indicate that the drawings will comprise buff/light coloured brick, render, rainscreen cladding system (timber), aluminium standing seam roof, louvres and aluminium windows and curtain walling. This contemporary materiality is considered to be appropriate for this location and a condition is recommended requiring full details to be submitted for approval.

Fig: Taken from page 53 of the Design and Access Statement



- 8.3.5 The Design and Access Statement that accompanies this application sets out how the design has evolved into 'x' wing shape of the wards (creating internal surveillance from central reception areas) and that it offers advantages, including that all bedroom corridors are single-sided and so are light and that two garden space can be created (a general ward garden and a dedicated therapy garden for the ward).
- 8.3.6 ESCC Landscape Officer has commented that *'The proposal for a high quality well landscaped development on this site is welcomed and as a landmark building would be preferable to a housing or business development. The proposed layout makes good use of the site topography and existing tree cover around the site. The Phase 2 building would be cut into the slope this reducing the height and allowing direct access to the grounds from the upper floor, which would be important for future residents'*. It is considered that the proposal to retain trees around the boundaries of the site and a 15m-wide landscape buffer zone to parts of the site are noted as important elements of the proposal.
- 8.3.7 The courtyards between the ward wings act as a safe/ sanctuary space to the residents and have the opportunity to contribute to resident's well-being. These should be read as tranquil, calming spaces with an underlying design order, structure and hierarchy. We would suggest that the design requires clarity as currently they are highly fragmented and complex. These will be highly used spaces and need to have a design resilience.
- i. We would further encourage the Applicant to explore greenwalls, pergolas and shading elements to soften and enclose the space (safe space).
 - ii. Applicant to evidence sunlight penetration into the courtyards to ensure that the building does not restrict sunlight entering the courtyards.
- 8.3.8 East Sussex Fire and Rescue have suggested that a sprinkler system is provided. This is not a planning requirement but a note to that effect is recommended.

8.4 **Impact on residential amenity**

- 8.4.1 Policy OSS4 (ii) (General Development Considerations) of the Rother Local Plan Core Strategy requires development not to unreasonably harm the amenities of adjoining properties. Policy DEN7 (Environmental Pollution) of the DaSA states that development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting, noise, odour, land contamination, hazardous and non-hazardous substances and/or airborne particulates.
- 8.4.2 The closest existing residential properties to that part of the site where the new mental health hospital buildings would be located are those to the south west. These comprise a mix of bungalows and two-storey buildings. There are newly constructed residential flats and houses on the opposite side of Mount View Street that form Phase 1 of the extant scheme.
- 8.4.3 The provision of new hospital buildings would result in a large number of people visiting and working at the site along with plant and servicing area close to the properties in Bodiam Avenue. There would be a vehicular 'track'

running around close to the southern and western parameter of the site, but the intended use is for fire vehicles only. The proposal would result in more noise and activity on the site than the existing agricultural use, however, it should be borne in mind that the intention was for the site to contain employment/residential uses. A Noise Impact Assessment accompanies this application that considers the impact of existing road traffic noise on occupiers of the proposed development and future noise impacts on existing residential properties near the proposed development. Environmental Health is satisfied with the noise survey but has sought clarification on the plant noise limits on updated data. Until this information is received and assessed, a safeguarding condition is recommended. As the site is currently unlit and there is the potential for lighting to cause disturbance to residents, a condition is recommended to require full details to be submitted for approval. Other conditions are recommended to restrict the hours that servicing/deliveries can take place and restricting the use of the 'fire track' to that purpose to safeguard the amenity of neighbouring residential occupiers.

8.4.4 By its nature the construction works could cause short term noise and disturbance to surrounding residents. To minimise noise and disturbance, a Construction Management Plan and restriction on the hours of construction would be secured by requisite planning conditions.

8.4.5 Given the scale of the proposed building and its set back from the boundary along with the topography of the site, it is considered that the Phase 1 of the hospital development would not result in a significant loss of light or overbearing impact on the occupiers of nearest residential properties to the south-west of the site. Phase 2 is considered to be a sufficient distance away from existing residential properties to raise no significant amenity issues.

8.5 **Environmental Matters**

Land contamination

8.5.1 Policy OSS3 (viii) of the Rother Local Plan Core Strategy sets out that in assessing the suitability of a particular location for development consideration will be given to any constraints including contamination. Policy DEN7 of the DaSA states that development will only be permitted where it is demonstrated that there will be no significant adverse impacts as a result of land contamination and hazardous and non-hazardous substances.

8.5.2 There are no potentially contaminated sites within 250m of the proposed development; the nearest being a 'historic landfill site' at Glovers Farm some 500m to the north west. The application is accompanied by a Ground Investigation Report and Environmental Health have recommended a condition in line with the conclusions of this report requiring further site investigations and additional gas monitoring.

Air Quality

8.5.3 Environmental Health considers that an air quality assessment should be undertaken and has recommended a condition to that effect.

Biodiversity and Ecology

- 8.5.4 Policy EN5 (Biodiversity and Green Space) of the Rother Local Plan Core Strategy requires developers to integrate biodiversity in development schemes. Policy DEN4 of the DaSA requires all development to retain and enhance biodiversity. Paragraph 5.96 of the NE Bexhill SPD sets out one of the key design principles being to 'develop a contemporary sustainable and safe place' by providing for protected species and '*seize opportunities to enhance existing habitats, notably ecologically rich woods, hedgerows and ponds*'.
- 8.5.5 The application site does not fall within a designated site for Nature Conservation but does fall within the Combe Haven SSSI impact zone. The application is accompanied by a Preliminary Ecological Assessment and Ecological Mitigation and Management Plan. The potential need for the Applicant to undertake a Habitats Screening to address Natural England's requirements can be addressed as a condition.
- 8.5.6 The Preliminary Ecological Assessment (PEA) seeks to repair, restore and enhance retained hedgerows, establish new waterbodies, encourage the panting of native shrubs and installation of bird boxers and bat boxes. These measures will be expected as part of the landscaping scheme that is secured by a recommended condition. The PEA also recommends that a sensitive lighting regime should be implemented, and a condition is recommended to secure further details of the lighting.
- 8.5.7 The submitted Phase 1 habitat Survey and protected species assessment highlighted the potential presence of protected species. The PEA recommends that further survey work is undertaken in respect of bats, amphibians, badgers, hazel dormouse and reptiles. Should these further surveys reveal the presence of protected species on site, a licence is likely to be required from Natural England and a condition is recommended to require evidence of it before works commence on site. In any event, the Ecological Mitigation and Management Plan identifies that a licence will be required in respect of a badger sett affected by the alignment road and enabling works for utilities.
- 8.5.8 The application site falls within the green impact risk zone for great crested newts, where there is a moderate habitat and a low likelihood of great crested newt. There are two ponds within 250m and three ponds within 500m of the application site and indirect connectivity between the development and surrounding features in the landscape. An Ecological Report accompanies this application and sets out that '*A great crested newt (GCN) Triturus cristatus Habitat Suitability Index (HSI) and environmental DNA (eDNA) assessment was undertaken for waterbodies within the Site and within 500m, during 2021. The HSI score for assessed waterbodies ranged from Average-Good. No positive eDNA results were returned*'. NatureSpace are satisfied with the ecological report and a compliance condition is recommended in line with their suggestion.

Trees

- 8.5.9 An Arboricultural Impact Assessment accompanies the application, which identifies 18 individual trees, four hedges, one linear group of trees and one

group of trees. The proposed access would require the removal of a group of trees and a hedgerow. The loss of these features would be compensated for with landscaping and tree planting as part of the landscape strategy for the site. Full details of this strategy and the protection of existing trees during construction would be secured by recommended planning conditions.

Sustainability

- 8.5.10 Policy DRM3 of the DaSA requires proposed developments of more than 1,000sqm of non-residential floorspace should demonstrate that due regard has been had to energy efficient, including through the use of renewable and local carbon technologies. The application is accompanied by an Energy Statement that states that the heating and preheat for hot water will be provided by 'Multifunction Air-Source-Heat-Pumps' and a photovoltaic system will cover approximately 20% of the roof space. Further consideration will be given to water saving measures, fittings and devices and materials will be considered throughout the building that are sustainable, have low embodied energy, re-cycled and considered for re-use and adaptability.

Archaeology

- 8.5.11 Policy EN3 (vi) of the Rother Local Plan Core Strategy requires appropriate archaeological research and investigation of both above and below-ground archaeology, and retention where required.
- 8.5.12 The County Archaeologist has been consulted on this application and comments that the site lies within a landscape rich in known archaeological remains dating from the prehistoric period to post-medieval times. The County Archaeologist has identified that archaeological discoveries have been made within 500m of the site and include (but are not limited to) Mesolithic/Neolithic flint scatters; linear ditches, pits, postholes, possible burial mounds and a burnt mound dating to the Bronze Age; later Iron Age ditches and a possible cremation; Romano-British ditches and a human cremation; medieval pits, ditches and enclosures; a brick or tile kiln of post-medieval date. It is remarked that a geophysical survey of the site was undertaken in 2015 and recorded anomalies, interpreted as possible linear ditches, banks and a possible enclosure. A number of circular anomalies also recorded during the (wider) geophysical survey may represent in-situ evidence of iron-working. Conditions are recommended in line with the request of the County Archaeologist.

Flood Risk and Drainage

- 8.5.13 The hospital site is located in Flood Zone 1 and therefore has low annual probability of flooding. A Flood Risk Assessment and Drainage Strategy has been submitted to accompany the application, this concludes that there is a negligible/low residual risk from the majority of sources of flooding. The Surface Water Drainage Strategy demonstrates that the drainage network at the site is designed to accommodate runoff during all events up to and including 100 year plus 40% climate change allowance storm event. Therefore, it has been concluded that any residual risk from surface water flooding due to the climate change at the site is deemed to be appropriately mitigated.

- 8.5.14 The proposed development would require improvements to facilitate connection to the sewerage network. Southern Water has raised no objection to the proposed development subject to a condition requiring details of surface and foul water drainage being submitted for approval. The Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority has comments that the intention to attenuate surface water runoff from the proposed development before discharging to the nearby watercourse is acceptable but will require further consent under the Byelaws from the board. They have asked for groundwater monitoring to be carried out and further consultation to be carried out on the reserved matters applications. Conditions are suggested in line with their recommendations.

Badger Sett

- 8.5.15 The proposed access road and infrastructure servitude along the southern boundary (adjacent to Phase 3) may require the possible removal of an identified badger sett. Currently, we note that we are not supportive of the relocation/ removal of the Badger Sett No.2, due to: a) part of this sett may be located within Phase 3 which is outside this planning application leading to part disruption of the sett; b) Phase 3 has not been surveyed; and, c) the Applicant has not evidenced that the sett could be retained as a viable sett within the landscape boundary, as illustrated, adjacent to the access road. The Applicant is to evidence a mitigation strategy with minimal disturbance to the sett. We further note that this will require surveys and licence from Natural England. This is set out within the conditions.

8.6 Access, Transportation and Highways Safety

- 8.6.1 The proposed development will take access off the existing Mount View Street bellmouth (constructed as part of the NE Bexhill masterplan's enabling works) to create an internal access road to serve the development (Phase 1 and 2), and make provision for a junction point off the internal access road to serve Phase 3, including unfettered use of the access road by the occupiers and users of the all three phases. This road and infrastructure servitude will remain in the ownership of the current landowners, Rother Estates, which is part of Rother District Council.
- 8.6.2 Policy TR3 (Access and New Development) of the Rother Local Plan Core Strategy requires new development to minimise the need to travel and support good access to employment, services and community facilities as well as ensure adequate, safe access arrangements.
- 8.6.3 National Highways has raised no objection to the proposed development and has recommended a condition requiring the submission of a Construction Management Plan.
- 8.6.4 Policy TR4 (Car parking) requires amongst other things that development meets 'the residual needs of the development for off-street parking taking into consideration localised circumstances and having full regard to the potential for access by means other than the car'.

8.7 Section 106/other planning obligation

- 8.7.1 If consent is granted on the application, a planning obligation which would either be a deed of variation to the existing agreement or a stand-alone agreement would be sought:
- i. To allow for the creation of a registered servitude from Mount View Street site junction and service connection points to provide access road, underground services route, and stormwater management and discharge route to the culvert head, within the site to serve the development sites identified as Phase 2 and Phase 3 including unfettered use and access during construction and operation. Details of servitude and agreement to be submitted as a condition.
 - ii. To provide for the extant scheme obligations relating to the extant application (RR/2015/1760/P) and secured in the legal agreement dated 24 March 2016 (extant scheme). Wherever possible the extant conditions, as applicable in part or full to this application, have been absorbed within this application's Conditions. The onus however remains with the Applicant to ensure that the extant conditions are discharged as applicable in terms of their land purchase agreement (which is not part of this planning matter).
 - iii. By granting consent for this application, Condition 45 to the extant scheme relating to safeguarding employment (*'the employment land on the western land parcel ... shall not be used for any purposes other than those in use class B1'*), namely Phase 1 & 2, is revoked.
 - iv. Highway Works: access, footway/cycleway and bus infrastructure; travel plan and audit fee. Sum of financial contribution to be agreed between parties.
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9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 In determining this application, the central issues are a) the application is counter to adopted local planning policies and the extant scheme that set the framework for development on the site; b) inter-related, the loss of employment floorspace and residential units; c) inter-related, change of Land Use; and, d) the resultant impact changes to the built form, traffic movement, socio-economic dis/benefits, and habitat and landscape creation.
- 9.2 Whilst the application does not accord with the policy intent set for this site (Phase 1 & 2), there would be **significant** socio-economic and employment skills benefit in providing high quality accommodation to provide specialistic mental health care, and potential future mental health needs as identified in Phase 2, on the site. We would suggest that the built form is complementary to the surrounding residential fabric, and that the landscape strategy makes a positive contribution to the site and surrounding habitat creation.
- 9.3 Therefore, on balance, the proposal is considered acceptable subject to the recommended planning conditions and Section 106 obligations to safeguard the amenities of the area and that the requisite associated infrastructure is delivered.
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RECOMMENDATION: PHASE ONE- GRANT (FULL PLANNING PERMISSION)

CONDITIONS:

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

2. **Approved plans and details:** The development hereby permitted shall be carried out in accordance with the following approved:
 - i. Location Plan, Drawing No. MVRDOP-GDA-V5_ZZ-DR-A-0016, dated 8 April 2022.
 - ii. Planning – existing Site Plan, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9001P, dated 11 April 2022.
 - iii. Proposed Site Plan – Phase 1, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9002P, dated 10 May 2022.
 - iv. Project Phasing, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9004P, dated 12 April 2022.
 - v. Planning – Proposed Site Sections, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9008P/P02, dated 12 May 2022.
 - vi. Planning – GA Plans, Drawing No. MVRDOP-GDA-ZZ-ZZ-DR-A-9001, dated 12 May 2022.
 - vii. Planning – Typical Pump Room & Substation Details, Drawing No. MVRDOP-GDA-ZZ-DR-A-9011P/PO1, dated 4 April 2022.
 - viii. Planning – GA Elevations, Drawing No. MVRDOP-GDA-ZZ-ZZ-DR-A-9102/PO1, dated 12 May 2022.
 - ix. Planning – Roof Plan, Drawing No. MVRDOP-GDA-ZZ-ZZ-DR-A-9201/PO1, dated 12 May 2022.Reason: For the avoidance of doubt and in the interests of proper planning.

3. **Preliminary Ecological Appraisal (PEA):** The development hereby approved shall be implemented strictly in accordance with recommendations stated in section 5.1 (Avoidance, Mitigation and Compensation Measures) of the Preliminary Ecological Appraisal (Ref 70080876/001/Rev1), WSP updated April 2022 which seeks to repair, restore and enhance retained hedgerows, establish new waterbodies, encourage the panting of native shrubs and sets measures that will be expected as part of the landscaping scheme.
The PEA recommends that further survey work be undertaken in respect of bats, amphibians, badgers, hazel dormouse and reptiles. The Applicant will need to consult with Natural England in this regard and notify in writing the Local Planning Authority accordingly. Should these surveys reveal the presence of protected species on site, a licence may be required from Natural England and the Applicant will need to demonstrate to the Local Planning Authority of such prior to works commencing on site.
Further, the Applicant will need to evidence a licence with respect to works in proximity to the identified badger sett affected by the alignment road and enabling works for utilities.
Reason: To minimise the impacts of development on biodiversity, in accordance with Policy Local Plan Core Strategy 2014 and paragraphs 174 and 180 of the National Planning Policy Framework, Circular 06/2005, and the Natural Environment and Rural Communities Act 2006.

4. **Use Class limitation:** The building shall be used for mental health services and ancillary training and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: To maintain strict control over the use of the site in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

PRE-COMMENCEMENT CONDITIONS

Prior to the commencement of development

5. **Servitude agreement:** No development shall take place until the Applicant and current landowner have engrossed an Agreement that allows for the creation of a servitude from Mount View Street site junction and service connection points of sufficient width to provide access road, underground services route, and stormwater management and discharge route to the culvert head, within the site to serve the development sites identified as Phase 2 and Phase 3 including unfettered use and access during construction and operation.
Reason: To ensure access and servicing of plots identified as Phase 2 and Phase 3.
6. **Road Safety Audit Stage 1:** No development shall take place until the Applicant has undertaken and submitted a Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority in consultation with County Highways.
Reason: To ensure safe access for pedestrians and cyclists to the site comply with the National Planning Policy Framework and Policies TR2 and TR3 of the Rother Local Plan Core Strategy.
7. **Archaeological works:** No development shall take place until the Applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the Applicant and approved by the Local Planning Authority.
Works shall be carried out in accordance with the programme set out in the approved Written Scheme of Investigation. A written record of any archaeological works undertaken shall be submitted to and approved in writing by the Local Planning Authority within three months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and Policy EN2 (vi) of the Rother Local Plan Core Strategy.
8. **Habitats Regulations Assessment Screening:** To address that the application fall within the Combe Haven Site of Special Scientific Interest impact zone, prior to the commencement of development the Applicant will confirm in writing with Natural England their requirement to undertake a Screening. The Screening, if required, will be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England).

Reason: To minimise the impacts of development on and enhance local biodiversity, in accordance with Policy Local Plan Core Strategy 2014, the Conservation of Habitats and Species Regulations (2017) as amended, and paragraphs 180 and 181 of the National Planning Policy Framework.

9. **Ground Investigation Report:** The development hereby permitted shall not begin until the Recommendations as set out in section 9 of the WSP Ground Investigation Report (Ref: 70087953-GIR-R02) have been completed and a report of further conclusions/recommendations has been submitted to and approved in writing by the Local Planning Authority. Should this further work reveal significant contamination a remediation scheme shall be submitted to the Local Planning Authority for approval detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.

If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.

A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy 2004 and Policy DEN7 of the Development and Site Allocations Local Plan 2019.

10. **Air Quality Assessment:** Prior to the commencement of development, an air quality assessment shall be carried out by a suitably qualified person for the proposed development. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment should consider the impact of the proposed development on the air quality objectives described in the National Air Quality Strategy with respect to nitrogen dioxide, PM₁₀ and PM_{2.5} particulates.

For the construction phase, an assessment should be undertaken of the potential for dust nuisance, using the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of dust from demolition and construction'.

For a quantitative assessment of the operational phase detailed modelling using ADMS – Roads or other appropriate dispersion modelling platform to determine the impact of the development on existing air quality is required. This should include assessment of the cumulative impacts from the development itself and other committed developments in the vicinity, on existing air quality.

Where possible, verification of the model output should be made through a comparison of the results of any publicly available monitoring data in the study area.

To inform the background concentrations used within the model, the results of local monitoring and the available DEFRA maps should be used. Reductions

in background concentrations and emissions in future years should not be used, to reflect the findings of recent research.

The significance of impact should be described with reference to the EPUK/IAQM (January 2017) 'Land-Use Planning & Development Control: Planning for Air Quality' documents and the 'Air quality and emissions mitigation guidance for Sussex authorities' (2021).

A scheme for protecting future and existing residential occupiers in the vicinity from the effects of nitrogen dioxide (NO_x) and airbourne 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 shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of the buildings hereby approved and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the amenities of the occupiers of the proposed development and other residents in the neighbourhood in respect of atmospheric pollution and the air quality in the area having regard to 'Air quality and emissions mitigation guidance for Sussex (2021)' and in compliance with Policy OSS3 of the Rother Local Plan Core Strategy and paragraph 186 of the National Planning Policy Framework.

11. **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 (in consultation with National Highways). 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. The method of access and egress and routing of vehicles during construction (including unfettered use and access to Phase 2 & 3).
 - iii. The parking of vehicles by site operatives and visitors.
 - iv. The loading and unloading of plant, materials and waste.
 - v. The storage of plant and materials used in construction of the development.
 - vi. The erection and maintenance of security hoarding.
 - vii. 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).
 - viii. Details of public engagement both prior to and during construction works.
 - ix. Construction Environmental Management Plan:
 - x. Risk assessment of potentially damaging construction activities.
 - xi. 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.
 - xii. 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) and including traffic routing to also help 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).

- xiii. Any necessary mitigation for protected species.
- xiv. A map or plan identifying biodiversity protection zones and measures to protect 15m buffer zones to surrounding treed hedgerows and The Mount woodlands and an 8m wide buffer zone alongside the main watercourse feeding into The Stream (NE Bexhill Masterplan), during works.
- xv. 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.
- xvi. Measures to avoid detrimental impacts on the interest features of the Combe Haven Site of Special Scientific Interest from ground and/or surface water pollution.
- xvii. 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).
- xviii. Any necessary pollution protection methods.
- xix. 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.
- xx. 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.

Reason: To ensure highway and environmental safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

12. **Earthworks:** No development above ground level shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Where retaining walls of in excess of 1m in height are required the submitted construction details shall be certified by a 'Competent Person' and all development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development takes proper account of and does not prejudice the appearance of the locality in accordance with Policies OSS3 (viii) and OSS4 (iii) of the Rother Local Plan Core Strategy.

13. **Vegetation clearance:** No works shall take place on site, including vegetation clearance, unless the Local Planning Authority has been provided with either:
- i. A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead or,
 - ii. A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: These details are required prior to any works commencing on site to ensure the protection of European protected species in accordance with

Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

14. **Protection to existing trees and hedgerows:** No development shall commence until proposals for the protection of all existing trees and hedgerows to be retained on the site as approved, including measures to protect the root protection zone for the duration of construction works, have been submitted to and approved by the Local Planning Authority.
Reason: These details are required prior to commencement of works to ensure the protection of trees and hedgerows during construction and the creation of a high-quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy.
15. **Boundary treatment:** No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan/details indicating the positions, design, height, materials and type of boundary treatment/means of enclosure to be erected around and within the application site. Development shall be carried out in accordance with the approved details.
Reason: To enhance the appearance of the development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
16. **Materials:** No development above ground level shall take place until full details of the materials to be used in the construction of the external facades and surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and/or appearance of the surrounding buildings and to preserve the visual amenities of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy HG9(ii) of the Rother Development and Site Allocations Plan.
17. **Hard landscaping:** No development above ground level shall take place until the hard-landscaping details have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
The details should include but not limited to the following:
- i. Proposed finished levels or contours.
 - ii. Design, layout and appearance of external amenity spaces.
 - iii. Car parking layouts.
 - iv. Design of other vehicle and pedestrian access and circulation areas (including street widths, pavements and cycleways where relevant and other strategic public realm).
 - v. Hard surfacing materials (including road surfaces, cycleways, footpaths, parking space and other areas of hardstanding, kerbs and tactile paving, etc).
 - vi. Details of a co-ordinated street furniture strategy (including benches, bollards, bins, planters, sign and signals, lighting, cycle stands, M&E enclosures, tree guards, etc).
- Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

18. **Soft landscaping:** No development above ground level shall take place until the soft-landscaping details have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

The details should include but not limited to the following:

- i. Indications of all existing trees and hedgerows and their Root Protection Zone.
- ii. Design, layout and appearance of green/amenity space including verges.
- iii. Schedules of plants, noting species, plant sizes and proposed numbers/densities as required appropriate; with reference to:
 - a. The Environment Statement (Vol. 1 Main Report, dated 10 July 2015 and Addendum, dated 8 October 2015) of the extant scheme;
 - b. Section 5.1 (Avoidance, Mitigation and Compensation Measures) of the Preliminary Ecological Appraisal (Ref 70080876/001/Rev1), WSP updated April 2022 which seeks to ...encourage the planting of native shrubs; and,
 - c. We draw specific attention to Policy EN5 (ix) that encourages *integrated biodiversity* and *developers will be expected to consider and promote opportunities for the creation and/or restoration of habitats appropriate to local context.*
 - d. We note that invasive and non-indigenous species that may affect the habitat value of the neighbouring Area of Outstanding Natural Beauty or contaminate surrounding water-courses will not be supported.
- iv. Written specifications (including cultivation and other operations) associated with grass and meadow plant establishment.
- v. The soft-landscaping plans and specifications will need to address Condition 46 in the extant scheme (*planting proposals for the border of the western land parcel. The proposal shall provide a 15m buffer zone of native trees and plants to provide visual separation between the existing residential properties adjoining the site on Bodiam Avenue, Abbey View, Renown Close and St James Avenue*) in order to discharge the extant Condition.
- vi. Where to service yard encroaches within the 15m-wide landscape buffer zone, Extra Heavy Standard trees are to be specified; alternatively, if trees cannot be planted along this boundary, additional width to other landscape buffer boundary planting should be provided.

Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 and EN5 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

19. **Tree planting:** No works or development shall take place until a full specification, protection and maintenance of all proposed tree planting has been approved in writing by the Local Planning Authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be protected and the proposed time of planting in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

A schedule of maintenance of the trees until successfully established is to be agreed in writing with the Local Planning Authority and implemented. The schedule shall include provision for replacement planting should establishment fail, such measures having regard to BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.

Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

20. **Foul water drainage:** No development shall commence until a scheme for the provision of foul drainage works, including address within the requirements of the North East Bexhill allocations and extant scheme, 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 whole (extant scheme) 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; and, to deliver the mitigation as identified in Chapter 12 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

21. **Surface water drainage:** Prior to the commencement of development, a detailed surface water drainage management proposals, including address within the requirements of the NE Bexhill allocations and extant scheme, shall be submitted to and approved in writing by the Local Planning Authority [in consultation with The Pevensey and Cuckmere Water Level Management Board and the (Lead Local Flood Authority)], 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 rates agreed with the board for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- 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.

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; 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 paragraphs 163 and 165 of the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 12 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

22. **Drainage Plan:** Prior to the commencement of development, 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 to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
- i. This 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: 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. **Energy Statement:** Prior to the commencement of development, a comprehensive written Statement expanding in detail on WSP Energy Statement (Ref: 70087953-WSP-ME-ES-01, dated March 2022) shall be submitted to and agreed in writing by the Local Planning Authority. The approved Statement shall be implemented and maintained for the lifetime of the development and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To provide a sustainable development including high levels of energy performance and carbon reduction in accordance with Policy SRM1 and 2 of the Rother Local Plan Core Strategy; and, to deliver the mitigation as identified in Chapter 10 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

24. **Light pollution:** Prior to the commencement of development, a written scheme shall be submitted to and agreed in writing by the Local Planning Authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The approved scheme shall be implemented and maintained for the lifetime of the development and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of the locality, in terms of light pollution especially for people living and/or working nearby, in accordance with Policies OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

25. **Noise:** Prior to the commencement of development, a reassessment of appropriate plant noise limits at the nearest existing residential properties shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the amenities of existing occupiers are protected and in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

26. **Working hours:** During the construction phase, no works shall take place other than within the hours Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays, Public or Bank Holidays. Deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.
Reason: To protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

FIRST OCCUPATION CONDITIONS

27. **Archaeological investigation/ assessment:** No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that Phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the Written Scheme of Investigation approved under condition 'Archaeological works'.
Reason: To ensure that the archaeological and historic interest of the site is safeguarded and recorded in accordance with Policy EN2(vi) of the Rother Local Plan Core Strategy and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 9 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.
28. **Landscape and Ecological Management Plan (LEMP):** The building shall not be occupied until a LEMP has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP should include but not limited to the following:
- i. Aims and objectives of management.
 - ii. Appropriate management options for achieving aims and objectives.
 - iii. Prescriptions for management actions.
 - iv. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
 - v. Ongoing monitoring and remedial measures.
- The LEMP shall set out, where the results from monitoring show that conservation aims and objectives of the LEMP 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
The approved plan will be implemented in accordance with the approved details.
Reason: To ensure the enhancement of wildlife and supporting habitats in accordance with Policy EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 1 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.
29. **Service/ Access road:** The building shall not be occupied until the part of the service road which provides access to it and the allocated parking spaces related it to have been constructed. This should provide provision for road

bellmouths/ junctions to serve Phase 2 and 3 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 and the NE Bexhill SPD.

30. **Northbound bus stop:** The building shall not be occupied until a northbound bus stop, including footpath, on Mount View Street south of the site and access detail where the footpath link is provided to the crossing point and new bus stop to the south of the site have been constructed. Details to be submitted to and approved in writing by the Local Planning Authority (in collaboration with the County Highways).

Reason: 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 and in the interests of the visual amenities of the locality.

31. **Travel Plan:** The building shall not be occupied until a Travel Plan (live for 5-years), as set out in sections 7 to 9 of the WSP Travel Plan (Ref.70080876-001a dated May 2022), detailing the provision of alternative transport arrangements to enable access to and from the site other than by car has been submitted to and approved in writing by the Local Planning Authority (in collaboration with the County Highways) including a timetable for the implementation and monitoring of the Plan and arrangements for its monitoring by the Local Planning Authority to ensure compliance and measures to be undertaken to ensure ongoing compliance.

Reason: To provide a sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

32. **Pedestrians and cyclists:** No building shall be occupied until a means of access for pedestrians and cyclists has been constructed in accordance drawings submitted and approved in writing by the Local Planning Authority (in consultation with County Highways) and the access shall thereafter be retained.

Reason: To ensure the safety of persons and cyclists entering and leaving the access in accordance with Policy TR3 of the Rother Local Plan Core Strategy and in the interests of the visual amenities of the locality.

33. **Lighting and CCTV:** The building shall not be occupied until a 'Lighting Design and CCTV Strategy' for the development has been submitted and approved on writing by the Local Planning Authority. The strategy shall include the following:

- i. Identify those areas/features on site that are particularly sensitive for bats, barn owls, dormice and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and,
- ii. The type and design of lighting and CCTV equipment, how and the exact location it will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent any species mentioned above or the occupiers of neighbouring residential occupiers.

All external lighting and CCTV shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting or CCTV be installed without the express planning permission of the Local Planning Authority.

Reason: To ensure the protection and enhancement of wildlife and the amenity of neighbouring residential occupiers in accordance with Policies OSS4 and EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 11 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

34. **Refuse and recycling bin:** The building shall not be occupied until the refuse and recycling bin storage areas have been provided and thereafter all areas will be maintained.

Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

35. **Drainage (as constructed):** The building 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. To be approved in writing by the Local Planning Authority.

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.

ONGOING CONDITIONS

36. **Five-year replanting:** If within a period of five years from the date of soft landscape planting, or any planting in replacement, is removed, uprooted, destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) planting of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

37. **Landscape seeding:** If within a period of one year from the date of first seeding of landscape areas, in the opinion of the Local Planning Authority, planting has not attained 80% cover, then the planting will be reseeded on an annual basis to attain 100% cover, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

38. **New wetland habitats/Sustainable Drainage System (SUDS):** No development shall commence until details of the new wetland habitats (surface water ponds) proposed as part of the SUDS has been submitted to and approved in writing by the Local Planning Authority 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 habitat strategy will address:

- i. New ponds, attenuation basins, swales and wetland planting.
- ii. Provide for connectivity to adjacent ponds and water courses (by example Phase 2 and 3) to enhance the potential for breeding and dispersal of reptiles and amphibians on and around the site and to adjacent habitats.
- iii. To operate as a water filtration system to maintain the quality and quantity of the surface water run-off entering the adjacent NE Bexhill masterplan stream and Pebsham Stream.
- iv. Long-term maintenance and management strategy.

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, the NE Bexhill SPD and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 12 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

39. **Fire vehicle track:** The 'Fire Track' indicated on the submitted Proposed Site Plan – Phase 1, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9002P/P02 dated 10 May 2022 shall be used to emergency access purposes only.

Reason: To safeguard the amenity of neighbouring residential occupiers in line with Policy OSS4 of the Rother Local Plan Core Strategy.

40. **Permeable paving:** If within a period of one year from the date of first seeding/planting of the permeable paving areas, in the opinion of the Local Planning Authority, planting has not attained 80% cover, then the planting will be reseeded/planted on an annual basis to attain 100% cover, unless the Local Planning Authority gives its written consent to any variation. Works will address, where through vegetation maintenance or soil slip, the surface has created any depressions, rutting and cracked or broken blocks considered detrimental to the structural performance or a hazard to users, reinstatement to raise the planted surface within 25mm of the level of the paving; and, rehabilitation of surface and upper sub-structure, as required.

Reason: to ensure that the permeable paving functions as required to address surface water catchment and management. To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

41. **Working hours:** (Delivery and Servicing Plan) no deliveries, loading or unloading or other servicing activities shall take place at the site other than between the hours of 0800 and or after 1800 on weekdays; before 0800 or after 1300 on Saturdays, or at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring residential occupiers in line with Policy OSS4 of the Rother Local Plan Core Strategy.

RECOMMENDATION: PHASE TWO - GRANT (OUTLINE PLANNING PERMISSION)

CONDITIONS:

1. **Reserved Matters:** Approval of the details of the access, appearance, landscaping, layout and scale of the Phase 2, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
 2. **Expiration:** Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
 3. **Expiration:** The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
 4. **Drawings:** Subject to the details required by Condition 1, the development hereby permitted shall not materially depart from the following approved drawings:
 - i. Proposed Site Plan – Phase 2, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9003P, dated 10 May 2022.
 - ii. Planning – Phase 2 Site Sections, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9009P/PO2, dated 12 May 2022.
 - iii. Phase 2 – Proposed Upper and Lower Ground Floor Site Plans, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9010P/PO2, dated 12 May 2022.Reason: For the avoidance of doubt and in the interests of proper planning as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21 a-022-20140306.
 5. **Construction Management Plan:** As set-out for Phase 1 above.
Reason: These details are required prior to commencement of any works to ensure highway and environmental safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
 6. **Phased parking provision:** No development shall commence until details of a phased parking/re-provision strategy for Phase 1 and Phase 2 is submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved.
Reason: These details are required prior to commencement of any works to ensure highway safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
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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. National 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 SRN 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).
3. National 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.
4. East Sussex Fire & Rescue Service have recommended the installation of a sprinkler system and further guidance is available in the British Standard, Codes of Practice BS EN 116925, BS 9251 & BS EN 12845.
5. 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.
6. 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.
7. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

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.