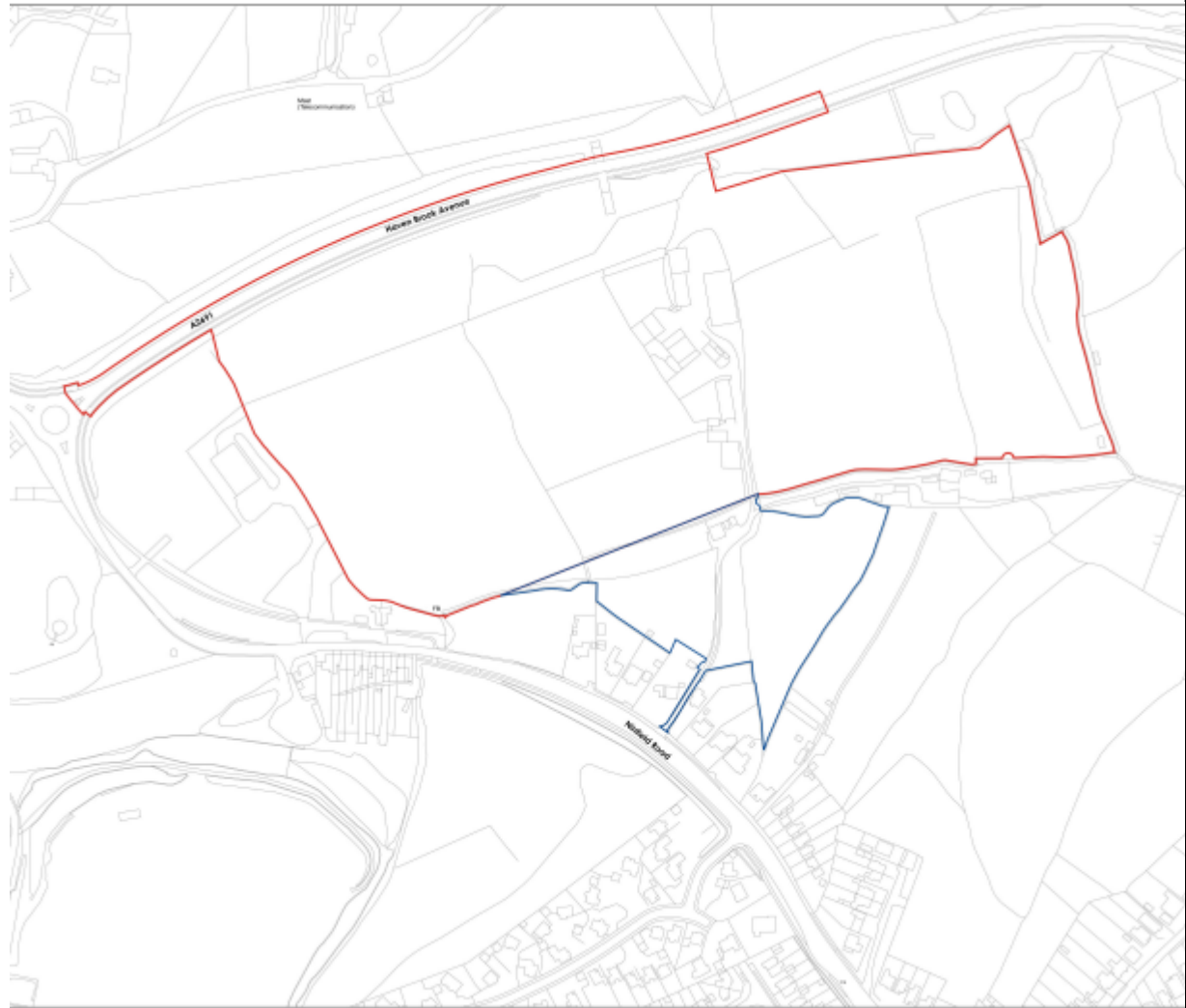


SITE PLAN

RR/2022/2364/P

BEXHILL

Kiteye Farm
Ninfield Road



Rother District Council

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

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO RESOLVE THE OUTSTANDING STRATEGIC ROAD IMPROVEMENT ISSUES IN CONSULTATION WITH NATIONAL HIGHWAYS AND TO CONFIRM THE SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT** (with the authority to finalise any matter including conditions, legal agreement terms, or any later variations) subject to the conditions and the informatives contained in the Council’s report)

Director: Ben Hook

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

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

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

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

This application is included in the Committee site inspection list.

1.0 SUMMARY

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

1.7 PROPOSAL DETAILS

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

2.0 SITE

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

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

- Statement of community involvement
-

4.0 HISTORY

- 4.1 No relevant planning history.
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5.0 POLICIES

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

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

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

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

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

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

6.0 CONSULTATIONS

6.1 National Highways – **HOLDING OBJECTION**

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

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

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

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

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

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

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

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

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

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

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

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

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

6.2.2 Email from HA dated 01/03/23:

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

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

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

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

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

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

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

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

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

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

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

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

3. Bus stops on the NBAR – LHA request

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

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

Accepted.

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

6.3 Environment Agency – **NO OBJECTION**

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

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

- 6.4.1 No objection subject to the imposition of conditions.

6.5 NatureSpace – **NO OBJECTION**

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

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

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

6.7 Sussex Police – **GENERAL COMMENTS**

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

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

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

6.9 ESCC Landscape Officer – **NO OBJECTION**

- 6.9.1 Recommends approval subject to the imposition of conditions.

6.10 ESCC Archaeologist – **NO OBJECTION**

- 6.10.1 No objection subject to the imposition of conditions.

6.11 ESCC Ecologist – **NO OBJECTION**

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

6.12 RDC Housing – **NO OBJECTION**

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

6.13 Southern Water – **COMMENTS AWAITED**

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

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

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

6.14 Planning Notice

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

Principle/Policy:

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

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

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

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

Highway safety, including parking

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

Biodiversity:

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

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

Drainage

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

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

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

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

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

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

6.15 Town/Parish Council – **OBJECTION**

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

7.0 LOCAL FINANCE CONSIDERATIONS

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

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

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

8.0 APPRAISAL

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

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

8.2 Principle/policy position

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

Infrastructure

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

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

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

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

BEX3 (i) Foul drainage

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

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

BEX3 (ii) Sustainable surface water drainage scheme

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

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

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

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

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

BEX3 (iii) Transport requirements including off-site improvements

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

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

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

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

BEX3 (iv) Safety on Watermill Lane

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

BEX3 (v) Multi-functional green corridor

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

BEX3 (vi) Outdoor sports facilities

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

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

BEX3 (vii) Broadband

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

Site specific: BEX3a

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

Appraisal of the site-specific requirements

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

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

8.3 Highway safety, accessibility and sustainability

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

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

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

8.4 Other issues

Ecology

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

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

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

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

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

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

Neighbouring amenities

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

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

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

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

Archaeology

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

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

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

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

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

Contaminated land

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

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

Air quality

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

9.0 PLANNING BALANCE AND CONCLUSION

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

- 9.7 We draw Member's attention to the determination by the Planning Inspector regarding Fryatts Way (RR/2021/1656/P) where he found that the lack of a five-year housing supply was a significant consideration in granting consent.
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RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING) WITH DELEGATED AUTHORITY TO THE DELEGATED OFFICER TO RESOLVE THE OUTSTANDING STRATEGIC ROAD IMPROVEMENT ISSUES IN CONSULTATION WITH NATIONAL HIGHWAYS AND TO CONFIRM THE SATISFACTORY RESOLUTION OF CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT** (with the authority to finalise any matter including conditions, legal agreement terms, or any later variations) subject to the conditions and the informatives contained in the Council's report)

CONDITIONS:

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

standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

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

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

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

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

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

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

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

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

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

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

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

- 9. Construction Management Plan: no development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - i. The anticipated number, frequency and types of vehicles used during construction.
 - ii. Delivery and construction phase working hours.
 - iii. The method of access and egress and routing of vehicles during construction.

- iv. The parking of vehicles by site operatives and visitors.
- v. The loading and unloading of plant, materials and waste.
- vi. The storage of plant and materials used in construction of the development.
- vii. The erection and maintenance of security hoarding, including provision to protected identified landscapes.
- viii. The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
- ix. Scheme for the control of noise and dust; and,
- x. Details of public engagement both prior to and during construction works.
- xi. The erection and maintenance of security hoarding to the Public Right-of-Way to ensure continued safe access to this route during construction.
- xii. The Applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

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

10. Ecological Design Strategy: no development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of protect species (e.g. hazel dormice, Great Crested Newts) and addressing compensation for the loss of habitat, protection of retained habitat, including the provision of dark corridors through and around the site, and enhancement of the site including the site identified as Biodiversity Net Gain areas to provide measurable biodiversity net gain of at least 10%, in line with the Development Framework Plan and the Biodiversity Net Gain Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the following:
 - i. Purpose and objectives for the proposed works;
 - ii. Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - iii. Extent and location of proposed works shown on appropriate scale maps and plans;
 - iv. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - v. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - vi. Persons responsible for implementing the works;
 - vii. Initial aftercare and long-term maintenance (where relevant); and,
 - viii. Disposal of any wastes arising from the works.

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

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

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

xiv. A detailed method statement for the long-term management and control of Japanese Knotweed on the site including measures to prevent its spread during any operations and measures to ensure that any soils brought onto the site are free of the seeds/root/stem on any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended).

xv. Any necessary pollution protection methods.

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

12. Birchen Shaw Woodland Management Plan: prior to the commencement of development, a Plan, including a woodland enhancement and management scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the Plan so approved. The Plan should include:

i. Purpose, aims and objectives for the Plan, taking into account the site's existing biodiversity and recommendations arising from any surveys.

ii. A full specification and method statement for implementation of the enhancement/ habitat creation proposals.

iii. Personnel responsible for implementation of the Plan.

iv. The funding for implementation.

v. Aftercare and long-term maintenance and management.

vi. Timing of the works and timetable for implementation.

Reason: Pre-commencement condition to ensure the management and maintenance of Birchen Shaw in accordance with Policy BEX3a(vii) of the Rother Local Plan Core Strategy.

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

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

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

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

15. Sustainable Urban Drainage (SUDS): no development shall commence until details of the proposed SUDS has been submitted to and approved in writing by the Local Planning Authority in consultation with statutory consultees including a timetable for the implementation and monitoring of the habitat and arrangements for its monitoring by the Local Planning Authority to ensure compliance and measures to be undertaken to ensure ongoing compliance. The strategy will address:

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

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

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

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

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

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

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

18. Highway Works (Access): the development shall not be occupied until details of the layout of the new access as shown on drawing Proposed Site Access (B0311404-TTE-00-XX-PL-D-003-P03; dated: March 2023) and the specification for the construction of the access have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the construction of the access has been completed in accordance with the approved specification.

There shall be no obstruction to visibility greater than 600mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120m in each direction of the access as

shown on drawing number B031404-TTE-00-XX-PL-D-003-01-P02. Having regard to the size of vehicles to be attending the site during the construction phase such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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

19. Highway Works (Little Common): No more than 50% of the dwellings shall be occupied until the scheme of works at Little Common (A259) roundabout shown on (Ardent Consulting Engineers) drawing 180300-003 Revision F has been fully implemented and opened to all traffic.
Reason: To ensure that the A259 continues to be effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirement of road safety.
20. Highway Works (King Offa Way): No more than 50% of the dwellings shall be occupied until the scheme of works at the Bexhill Leisure Centre (A269)/King Offa Way (A259) junction shown on (Prime Transport Planning) drawing P18063-004 has been fully implemented and opened to all traffic.
Reason: To ensure that the A259 continues to be effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.
21. Highway Works (Broadoak Lane): No more than 50% of the dwellings shall be occupied until the junction improvement works at the Little Common Road (A259)/Broadoak Lane junction shown on (Tera Tech) Drawing No. 7840A115791-TTE-00-XX-PL-D-002 Revision P01 have been fully implemented and opened to all traffic.
Reason: To ensure that the A259 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.
22. Access road to Outdoor Sport Grounds: the buildings shall not be occupied until the part of the service road which provides access to the sport field site and the allocated parking spaces related it to have been constructed. This should provide provision for road bell mouths/junctions including any underground ducting, or similar, to allow for future infrastructure services.
Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR3 of the Rother local Plan Core Strategy.
23. Pedestrian/cycle link (Haven Brook Avenue): no development shall commence until details, including timing, for the provision of a pedestrian/cycle link within and up to the application site boundary adjoining Haven Brook Avenue have been submitted and approved in writing by the Local Planning Authority and thereafter this link shall be provided, maintained and in no way obstructed.
Reason: To facilitate a pedestrian link between Haven Brook Avenue and Bexhill via the development for the benefit of residents of the new development and existing residents in the locality and to promote walking and

physical activity in accordance with National Planning Policy Framework paragraphs 98 and 104 respectively and in accordance with Policies TR2(iii) and TR3 of the Rother Local Plan Core Strategy.

24. Pedestrian/cycle link – Kiteye Farm: as part of the Reserved Matters submission, details of a footpath link connecting the application site from Ninfield Road Kiteye Farm's access, across the existing bridge, up to and extending to Haven Brooke Avenue/ NBAR and the Outdoor Sport Grounds' club house facility shall be submitted to and approved in writing by the Local Planning Authority and thereafter this footpath shall be provided, maintained and in no way obstructed.. The footpath link shall:
- i. Have a bound surface;
 - ii. Have tactile dropped kerbs at crossing points;
 - iii. Have low level lighting;
 - iv. Have natural surveillance;
 - v. Be a minimum of 2m in width;
 - vi. Address the structural integrity of the bridge; and,
 - vii. Be to an adoptable standard.
- Reason: To facilitate a pedestrian link via the development for the benefit of residents of the new development and existing residents in the locality and to promote walking and physical activity in accordance with National Planning Policy Framework paragraphs 98 and 104 and in accordance with Policies TR2(iii) and TR3 of the Rother Local Plan Core Strategy.
25. Footpath 56 improvements: Public right of way 56 shall be subject to improvement works, agreed as the diversion of the public footpath within the site or the creation of parallel footpaths within the site along the stream in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority. The footpaths will be provided apart from a length of circa 20m which falls outside the site demise for which a commuted sum will be secured. The works shall be implemented in accordance with such scheme prior to the occupation of any dwelling.
- Reason: To ensure the continued use of the public right of way within the appeal site to promote walking and physical activity in accordance with National Planning Policy Framework paragraphs 98 and 104 respectively.
26. Sport facilities: the building shall not be occupied until the sport fields, club facilities, associated utilities, and landscaping as illustrated on the Development Framework Plan have been constructed and those areas shall not thereafter be used for any purpose other than as a play area.
- Reason: To secure a necessary community facility and provide local amenity space in accordance with Policy CO4(iv) of the Rother Local Plan Core Strategy.
27. Landscape and Ecological Management Plan (LEMP): The Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The content of the Plan shall include the following:
- i. Description and evaluation of features to be managed.
 - ii. Ecological trends and constraints on site that might influence management.
 - iii. Aims and objectives of management.
 - iv. Appropriate management options for achieving aims and objectives.

- v. Prescriptions for management actions, together with a plan of management compartments.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- vii. Details of the body or organisation responsible for implementation of the plan.
- viii. Ongoing monitoring and remedial measures.

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

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

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

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

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

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

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

As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any

given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed.

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

NOTES:

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

requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation.

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

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.