

SITE PLAN

BEXHILL

RR/2022/1584/P

Land at Mayo Lane



Rother District Council

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

[View application/correspondence](#)

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

Director: Ben Hook

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

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

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

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

This application is included in the Committee site inspection list.

1.0 SUMMARY

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

1.7 PROPOSAL DETAILS

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

2.0 SITE

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

- 3.1 Outline planning permission is sought for the erection of up to 130 dwellings (including 30% affordable housing), with public open space, landscaping, sustainable drainage and vehicular access point. All matters are reserved except for means of vehicular access, which is proposed from Watermill Lane.
- 3.2 The plans, reports and assessments submitted with the application include:
- Location plan
 - Development framework plan
 - Overarching development plan (three sites)
 - Planning statement
 - Design and access statement
 - Socio-economic benefits statement
 - Affordable housing statement
 - Landscape and visual impact statement
 - Ecological impact assessment
 - Biodiversity net gain assessment
 - Shadow habitat regulation assessment
 - Arboricultural statement
 - Heritage statement
 - Ground investigation report
 - Flood risk assessment
 - Utilities statement
 - Air quality screening report
 - Noise screening assessment
 - Transport assessment
 - Travel plan
 - Statement of community involvement
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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)
- SRM1 (parts ii – viii) (Towards a Low Carbon Future)
- SRM2 (Water Supply and Wastewater Management)
- CO3 (Improving Sports and Recreation Provision)
- CO4 (Supporting Young People)
- CO5 (Supporting Older People)
- CO6 (Community Safety)
- LHN1 (Achieving Mixed and Balanced Communities)
- EC1 (Fostering Economic Activity and Growth)
- EN1 (Landscape Stewardship)
- EN2 (Stewardship of the Historic Built Environment)
- EN3 (Design Quality)
- EN5 (Biodiversity and Green Space)
- EN6 (Flood Risk Management)
- EN7 (Flood Risk and Development)
- TR2 (Integrated Transport)
- TR3 (Access and New Development)
- TR4 (Car Parking)

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

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

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

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

6.1 National Highways – NO OBJECTION

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

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

- 6.2.1 Formal consultation response dated 21/09/22 (summarised):
- I am satisfied that a suitable access into the site can be provided.
 - The capacity assessments undertaken as part of the development proposal demonstrate that development traffic would not have a detrimental impact on the highway from a capacity perspective with junctions nearest the site continuing to function satisfactorily in the future year scenarios. However, the proposal would result in a material increase in vehicular and pedestrian traffic on Watermill Lane and also Mayo Lane and I am not satisfied that this impact has been assessed or mitigated fully.
 - Watermill Lane is relatively narrow and lacks pedestrian facilities in the vicinity of the site access and whilst a new footway and road widening is proposed it has not been demonstrated that a suitable scheme can be put in place that would improve access to the site sufficiently, particularly for non-car modes of travel.
 - Mayo Lane is also narrow and lacks pedestrian facilities and whilst capacity is unlikely to be an issue its use by development traffic and increased footfall has not been considered in the assessments carried out as part of proposal. With this in mind there remains a need to provide an improved pedestrian link to the south, which would ideally be routed through the site and through to Mayo Rise, or at least to a point just north of the Mayo Lane junction.
 - I also have concerns regarding the accessibility of the site as a whole. The site is located a considerable distance away from the nearest bus stops which would provide residents with a frequent service. Residents of the development would therefore have few opportunities for alternative modes of travel available and this would in turn result in an over-reliance on the private motor car. Facilities such as shops, doctor's surgery, schools, pubs etc are also located a significant distance away from the site and it has not been demonstrated that a suitable pedestrian/cycle link to the site could be provided, as detailed above.

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

6.2.2 Email from HA dated 27/02/23:

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

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

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

Conditions and Section 106 Obligations suggested despite concerns.

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

'...met Gladman and Tetra Tech this morning to discuss the pedestrian connections etc. for Watermill Lane, Mayo Lane and Mayo Rise.

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

We discussed Watermill Lane at length. Their actions are:

To provide Road Safety Audits ASAP

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

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

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

6.3 Environment Agency – **NO OBJECTION**

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

6.4.1 No objection subject to the imposition of conditions.

6.5 ESCC Ecologist – **NO OBJECTION**

6.5.1 No objection subject to the imposition of conditions.

6.6 NatureSpace – **NO OBJECTION**

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

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

6.8 Sussex Police – **GENERAL COMEMNTS**

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

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

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

6.10 ESCC County Archaeologist – **NO OBJECTION**

6.10.1 No objection subject to the imposition of conditions.

6.11 Southern Water – **NO OBJECTION**

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

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

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

6.12 RDC Housing – **NO OBJECTION**

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

6.13 RDC Environmental Health – **NO OBJECTION**

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

6.14 Planning Notice

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

Principle/Policy:

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

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

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

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

Highway safety, including parking

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

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

Biodiversity:

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

Drainage:

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

6.14.2 One letter of support has been received.

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

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

6.15 Town Council – **OBJECTION**

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

7.0 LOCAL FINANCE CONSIDERATIONS

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

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

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

8.0 APPRAISAL

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

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

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

8.2 Principle/policy position

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

Infrastructure

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

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

BEX3 (i) Foul drainage

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

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

BEX3 (ii) Sustainable surface water drainage scheme

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

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

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

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

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

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

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

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

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

BEX3 (v) Multi-functional green corridor

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

BEX3 (vi) Outdoor sports facilities

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

BEX3 (vii) Broadband

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

Site specific: BEX3b

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

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

Appraisal of the site-specific requirements

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

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

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

8.3 Highway safety, accessibility and sustainability

8.3.1 National Highways raise no objection to the scheme

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

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

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

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

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

8.4 Other issues

Ecology

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

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

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

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

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

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

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

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

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

Archaeology

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

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

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

Landscape impact

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

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

Living conditions

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

Air quality

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

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

Ground investigation report

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

9.0 PLANNING BALANCE AND CONCLUSION

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

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

CONDITIONS:

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

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

6. Roadworks (Estate Roads): prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed estate roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority in consultation with ESCC Highways Authority. The estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
Reason: In the interests of highway safety to secure satisfactory standards of access for the proposed development and for the benefit and convenience of the public at large in accordance with Policies TR(i) and TR3(i)(ii) of the Rother Local Plan Core Strategy.
7. Bus Stop (Haven Brooke Avenue): prior to the commencement of development on site, detailed drawings for the provision of a pair of new bus stops on Haven Brooke Avenue (one in each direction) each requiring a raised kerb, bus shelter, lighting, seating and real time information display; the bus stop on the north side of the road will need an accessible pedestrian crossing and route from the crossing; the bus stop on the south side may need to be accommodated within a new bus stop layby, with the pedestrian/cycle route adjusted accordingly to allow for this and connected to the footpath provided to Watermill Lane, shall be submitted and approved in writing by the Local Planning Authority (in consultation with ESCC Highways Authority). The bus stops shall be designed and provided to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
The developer will address all issues regarding legal and third-parties land ownership relating to the provision of the bus stop and possible future adoption of the bus stop.
Reason: To ensure the safety of persons and development and for the benefit and convenience of the public at large in accordance with Policies TR2(ii)(iv)(vi) and TR3(ii) of the Rother Local Plan Core Strategy.
8. Surface water drainage: the reserved matters application(s) shall be accompanied by a detailed surface water drainage management proposal, including address within the requirements of Policy BEX3 North Bexhill (cumulative impact) shall be submitted to and approved in writing by the Local Planning Authority in consultation with The Pevensey and Cuckmere Water Level Management Board (Lead Local Flood Authority) and Southern Water, and the development shall thereafter be completed and maintained in accordance with the approved details. The surface water drainage system shall incorporate inter-alia the following and details as required by the LLFA; and, shall be prepared in consultation with the Board and take due reference of their byelaw requirements:
 - i. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the mean annual runoff rate for all rainfall events,

including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations. The calculations should demonstrate that system can half drain within 24 hours.

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

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

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

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

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

10. Construction Management Plan: no development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning

Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

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

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

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

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

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

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

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

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

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

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

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

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

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

The strategy will address:

- i. New ponds, attenuation basins, swales and wetland planting.
- ii. To operate as a water filtration system to maintain the quality and quantity of the surface water run-off entering the adjacent stream.
- iii. Specify a timetable for implementation.
- iv. Specify the responsibilities of each party for the implementation of the SuDS scheme.
- v. Provide a management and maintenance plan for the lifetime of the development.

vi. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a

LEMP will ensure the long-term management of habitats, species and other biodiversity features.

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

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

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

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

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

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

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

NOTES:

1. This permission is the subject of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
2. The East Sussex County Council authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the Applicant and East Sussex County Council. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

3. Section 38 Agreement of the Highways Act, 1980 – Provision of Adoptable Highway: the Applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
4. National/East Sussex County Council Highways have advised that the Construction Management Plan shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation, numbers, frequency, routing and type of vehicles visiting the site (including measure to limit delivery journeys on the Strategic Road Network during highway peak hours such as the use vehicle booking systems etc); measure to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).
5. National/East Sussex County Council Highways would wish to see the roads within the site that are not to be offered for adoption be laid out and constructed to standards at, or at least close to, adopted standards.
6. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found, and these should be sought before development commences.
7. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation.
8. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. (BEX3B) The Applicant's attention is drawn to the letter (January 2023) and map issued by Southern Water (Ref. TQ7309NW; dated: January 2023) indicating the current alignment of the sewerage infrastructure across the site.
9. The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore, the Applicant is required to agree surface water discharge rates into the internal drainage district with the Water Level Management Board. This should be done at the time of fixing the development layout.
10. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a

breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

11. The Applicant is reminded that Public Footpath Bexhill 56 (BEX/56/1) shall remain available at all times during construction and following any development, unless an application for a diversion is made under Section 257 of the Town and Country Planning Act 1990, or unless a temporary closure is applied under Sections 14 and 15 of the Road Traffic Regulation Act 1984, and appropriate permissions sought under the Countryside and Rights of Way Act 2000.

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