

SITE PLAN

RR/2021/2545/P

BEXHILL

Watermill Lane – Land off



Rother District Council

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

[View application/correspondence](#)

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

Director: Ben Hook

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

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

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

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

This application is included in the Committee site inspection list.

1.0 SUMMARY

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(2.79 years of housing supply, November 2022) and therefore its policies relating to housing supply must be considered out of date.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

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

1.11 **PROPOSAL DETAILS**

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

2.0 SITE

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

3.0 PROPOSAL

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

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

4.0 HISTORY

- 4.1 No relevant planning history.

5.0 POLICIES

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

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

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

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

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

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

6.0 CONSULTATIONS

6.1 National Highways – **NO OBJECTION**

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

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

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

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

6.2 Highway Authority – **OBJECTION**

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

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

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

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

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

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

Conditions and Section 106 Obligations suggested despite concerns.

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

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

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

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

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

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

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

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

6.3 Environment Agency – **NO OBJECTION**

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

6.4 Southern Water – **NO OBJECTION**

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

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

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

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

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

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

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

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

Principle/Policy:

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

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

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

Highway safety, including parking

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

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

Biodiversity:

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

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

Drainage

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

6.14.2 No letters of support have been received.

6.14.3 No letters with general comments have been received.

6.15 Town Council – **OBJECTION**

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

7.0 LOCAL FINANCE CONSIDERATIONS

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

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

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

8.0 APPRAISAL

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

- Principle/policy position.

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

8.2 Principle/policy position

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

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

BEX3 (i) Foul drainage

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

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

BEX3 (ii) Sustainable surface water drainage scheme

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

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

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

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

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

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

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

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

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

BEX3 (v) Multi-functional green corridor

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

BEX3 (vi) Outdoor sports facilities

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

BEX3 (vii) Broadband

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

8.3 Highway safety, accessibility and sustainability

- 8.3.1 National Highways raise no objection to the scheme

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

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

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

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

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

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

8.4 Other issues

Ecology

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

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

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

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

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

Archaeology

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

Landscape impact

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

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

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

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

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

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

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

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

Living conditions

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

Affordable housing

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

Open space

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

Contaminated land

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

Air quality

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

9.0 PLANNING BALANCE AND CONCLUSION

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

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

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

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

CONDITIONS:

1. Reserved matters: details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved

in writing by the Local Planning Authority not later than two-years from the date of this permission prior to the commencement of development and the development shall be carried out as approved.

Reason: In accordance with section 91 and 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Expiration: the development as permitted shall commence not later than the expiration of one-year from the date of approval of the reserved matters permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
3. Approved plans and details: the development hereby permitted shall be carried out in accordance with the following approved:
Red Line Site Location Plan (Ref. CSA/5621/105 Rev B; dated: February 2023).
Access Layout (Including a pedestrian connection into adjacent site (BEX3b) Ref. B027940-TTE-00-XX-PL-D-005-P02; dated: February 2023) or
Access Layout (No connection to adjacent site Ref. B027940-TTE-00-XX-PL-D-006-P02; dated February 2023) if application RR/2022/1584/P (site BEX3b) is not approved or has not commenced on site.
4. Development Framework Plan: the development hereby permitted shall be carried out in broad accordance with the Development Framework Plan as submitted to and approved in writing by the Local Planning Authority.
RR/2021/2545/P (Watermill Lane): Development Framework Plan (CSA/5621/100/ Rev. E; dated: August 2021).
Reason: For the avoidance of doubt and in the interests of proper planning and in accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004)
5. Road Safety Audit Stage 1: no development shall take place until the Applicant has undertaken a Road Safety Audit which shall be submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council Highways.
Reason: Pre-commencement condition to ensure safe access for pedestrians and cyclists to the site comply with the National Planning Policy Framework (National Planning Policy Framework 2021) and Policies TR2 and TR3 of the Rother Local Plan Core Strategy (2014).
6. Roadworks (Estate Roads): prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed estate roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council Highways Authority. The estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
Reason: In the interests of highway safety to secure satisfactory standards of access for the proposed development and for the benefit and convenience of

the public at large in accordance with Policies TR(i) and TR3(i)(ii) of the Rother Local Plan Core Strategy.

7. Bus Stop (Haven Brooke Avenue): prior to the commencement of development on site, detailed drawings for the provision of a pair of new bus stops on Haven Brooke Avenue (one in each direction) each requiring a raised kerb, bus shelter, lighting, seating and real time information display; the bus stop on the north side of the road will need an accessible pedestrian crossing and route from the crossing; the bus stop on the south side may need to be accommodated within a new bus stop layby, with the pedestrian/cycle route adjusted accordingly to allow for this and connected to the footpath provided to Watermill Lane, shall be submitted and approved in writing by the Local Planning Authority (in consultation with East Sussex County Council Highways Authority). The bus stops shall be designed and provided to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
The developer will address all issues regarding legal and third-parties land ownership relating to the provision of the bus stop and possible future adoption of the bus stop.
Reason: To ensure the safety of persons and development and for the benefit and convenience of the public at large in accordance with Policies TR2(ii)(iv)(vi) and TR3(ii) of the Rother Local Plan Core Strategy.
8. Surface water drainage: the reserved matters application(s) shall be accompanied by a detailed surface water drainage management proposal, including address within the requirements of Policy BEX3 North Bexhill (cumulative impact) shall be submitted to and approved in writing by the Local Planning Authority in consultation with The Pevensy and Cuckmere Water Level Management Board (Lead Local Flood Authority) and Southern Water, and the development shall thereafter be completed and maintained in accordance with the approved details. The surface water drainage system shall incorporate inter-alia the following and details as required by the LLFA; and, shall be prepared in consultation with the Board and take due reference of their byelaw requirements:
 - i. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the mean annual runoff rate for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations. The calculations should demonstrate that system can half drain within 24 hours.
 - ii. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
 - iii. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - iv. Groundwater monitoring study: the detailed design of the surface water drainage features (underground tank and pond, etc.) shall be informed by findings of groundwater monitoring study undertaken between October and March to determine the highest winter groundwater table.

The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measure which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

- v. Prior to the construction of the outfall, a survey of the condition of the watercourses which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

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

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

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

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

10. Construction Management Plan: no development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - i. The anticipated number, frequency and types of vehicles used during construction.
 - ii. Delivery and construction phase working hours.
 - iii. The method of access and egress and routing of vehicles during construction.
 - iv. The parking of vehicles by site operatives and visitors.
 - v. The loading and unloading of plant, materials and waste.
 - vi. The storage of plant and materials used in construction of the development.
 - vii. The erection and maintenance of security hoarding, including provision to protected identified landscapes.

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

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

11. Ecological Design Strategy: no development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of protect species (e.g. hazel dormice, Great Crested Newts) and addressing compensation for the loss of habitat, protection of retained habitat, including the provision of dark corridors through and around the site, and enhancement of the site including the site identified as Biodiversity Net Gain areas to provide measurable biodiversity net gain of at least 10%, in line with the Development Framework Plan and the Biodiversity Net Gain Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the following:

- i. Purpose and objectives for the proposed works.
- ii. Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
- iii. Extent and location of proposed works shown on appropriate scale maps and plans.
- iv. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- v. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- vi. Persons responsible for implementing the works.
- vii. Initial aftercare and long-term maintenance (where relevant).
- viii. Disposal of any wastes arising from the works.

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

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

12. Construction Environmental Management Plan: no development shall take place (including demolition, ground works, vegetation clearance) until a Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to and implemented throughout the construction period in accordance with the approved details. The Plan shall include, but is not limited to, the following:

- i. Information on the persons/bodies responsible for identified activities associated with the CEMP that demonstrate they are qualified for the activity they are undertaking including an ecological Clerk of Works and lines of communication.
- ii. Practical measures (both physical measures and sensitive working practices) to be used during the development in order to minimise environmental impact of the works (inter-alia, considering both potential disturbance and pollution including air quality (dust and PM10), noise, and including traffic routing to reduce vehicles emissions, compounds for storage of plant/machinery/materials, protective fencing, exclusion barriers and warning signs for the protection of existing hedgerows, trees and other landscape features to be retained, detailed method statements considering construction noise, vibration and lighting effects and plant operation, storage and spillage of oil/chemicals and soil protection measures (may be provided as a set of method statements).
- iii. Identification of “biodiversity protection zones”.
- iv. Any necessary mitigation for protected species.
- v. A map or plan identifying biodiversity protection zones and measures to protect minimum 15-metres buffer zones to surrounding treed hedgerows and woodlands and minimum 8-metre wide buffer zone alongside the main watercourse feeding into the existing watercourse, during works.
- vi. A Soil Management Plan including proposals for stripping and storing soil for later reuse on site in accordance with DEFRA’s Construction Code of Practice for the Sustainable Use of Soil on Construction Sites September 2009.
- vii. Risk assessment of potentially damaging construction activities
- viii. Lighting used for construction must be kept to a minimum and switched off when not in use. Lighting should be positioned so as not to spill on to adjacent land or retained vegetation. Night working (see Working Hours condition) should be avoided where possible to reduce lighting of sensitive habitats and disturbance to species.
- ix. The timing of the works including timings to avoid harm to environmentally sensitive area or features and the times when specialist ecologists need to be present on site to oversee works.
- x. Implementation of a construction-phase drainage strategy to intercept, capture and attenuate surface water runoff to avoid detrimental impacts on the interest features of the Combe Haven SSSI and waterbodies from ground and/or surface water pollution. Chemicals and fuels must be stored in secure containers located away from watercourses or water bodies. Spill kits must be available on site.
- xi. Measures to manage flood risk, both on and off the site, during the construction phase. This may be incorporated into the Construction Management Plan or form a standalone document.
- xii. Use of protective fences, exclusion barriers and warning signs.
- xiii. Excavations must be covered or securely fenced (with no potential access points beneath fencing) when the construction site is closed to prevent entrapment of animals (especially badgers).
- xiv. A detailed method statement for the long-term management and control of Japanese Knotweed on the site including measures to prevent its spread during any operations and measures to ensure that any soils brought onto the site are free of the seeds/root/stem on any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended).
- xv. Any necessary pollution protection methods.

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

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

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

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

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

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

The strategy will address:

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

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

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

Planning Authority and/or ESCC Highways to ensure compliance and measures to be undertaken to ensure ongoing compliance.

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

17. Car Club Electric Vehicle Strategy: the development shall not be occupied until details relating to the provision of dedicated parking areas, including electric charging facilities, bay numbers as agreed, have been submitted and approved in writing by the Local Planning Authority and shall be installed ready for use and shall thereafter be retained for that use and shall not be used other than for the charging of electric vehicles.
The proposed parking spaces shall measure at least 2.5m by 5m.
Reason: To ensure that the development meets the objectives of sustainable development and carbon neutral objectives and in accordance with Policy TR3(iii) of the Rother Local Plan Core Strategy.
18. Highway Works (Access): The development shall not be occupied until details of the layout of the new access as shown on either Access Layout (Including a pedestrian connection into adjacent site (BEX3b) Ref. B027940-TTE-00-XX-PL-D-005-P02; dated: February 2023) or Access Layout (No connection to adjacent site Ref. B027940-TTE-00-XX-PL-D-006-P02; dated February 2023) if application RR/2022/1584/P (site BEX3b) is not approved or has not commenced on site and the specification for the construction of the access have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the construction of the access has been completed in accordance with the approved specification.
Reason: Pre-commencement condition to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway. To ensure the safety of persons and cyclists entering and leaving the access in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.
19. Footpath 56 improvements: Public right of way 56 shall be subject to improvement works, agreed as the diversion of the public footpath within the site or the creation of parallel footpaths within the site along the stream in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority. The footpaths will be provided apart from a length of circa 20 meters which falls outside the site demise for which a commuted sum will be secured. The works shall be implemented in accordance with such scheme prior to the occupation of any dwelling.
Reason: To ensure the continued use of the public right of way within the appeal site to promote walking and physical activity in accordance with National Planning Policy Framework paragraphs 98 and 104 respectively.
20. Landscape and Ecological Management Plan (LEMP): The Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The content of the Plan shall include the following:
 - i. Description and evaluation of features to be managed.

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

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

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

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

21. Drainage (as constructed): the buildings shall not be occupied until evidence (including photographs) has been submitted showing that the drainage system has been constructed as per the final agreed detailed drainage design. These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.
- Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4(iii) and EN7 of the Rother Local Plan Core Strategy.

22. Time Limit on development before further surveys are required: if the development hereby approved does not commence (or, having commenced, is suspended for more than 12-months) within one year from the date of the planning consent, the approved ecological measures secured through condition(s) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of badgers, bats, hazel dormouse and reptiles; and, ii) identify any likely new ecological impacts that might arise from any changes.
- Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

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

NOTES:

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

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

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