

NOTIFIED 'D' REPORT

Application No: RR/2019/789/P

Site Address: Bridge Point
Rock Channel
Rye

Development: Conversion of existing redundant warehouse into a new multi-purpose arts centre, to include workshops, gallery space, mixed use art space and rehearsal space with 3 x live/work artist accommodation units above. Demolition of existing river cafe building with new two storey replacement riverside restaurant and single holiday let accommodation. Construction of 5 new riverside dwellings along with partial demolition of the eastern part of the existing warehouse building and part conversion to form 3 new mews dwellings together with the creation of a new public park and riverside walkway, re-positioning of existing private road and works to include parking, vehicular access improvements and landscaping.

CONSULTEES:

Rye Town Council:	NO OBJECTION. Subject to the proposal conforming with policy H4 of the Rye Neighbourhood Plan and concerns regarding highway issues and parking provision being addressed.
Highways England:	NO OBJECTION. Subject to the submission of additional information.
East Sussex County Council (ESCC) Highway Authority:	NO OBJECTION. Subject to the imposition of conditions.
Strategic Economic Infrastructure Team:	NO COMMENTS RECEIVED.
ESCC Lead Local Flood Authority:	NO OBJECTION. Subject to the imposition of conditions.
Adult Social Care:	NO COMMENTS RECEIVED.

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East Sussex Fire Brigade:	NO COMMENTS RECEIVED.
Sussex Police:	NO OBJECTION IN PRINCIPLE. Additional measures to mitigate against any identified local crime trends or site specific issues should be considered.
Clinical Commissioning Group:	NO COMMENTS RECEIVED.
Southern Water:	NO OBJECTION. Subject to the imposition of conditions.
Environment Agency:	NO OBJECTION. Subject to the imposition of conditions.
Romney Marsh Drainage Board:	NO COMMENTS RECEIVED.
Ramblers:	NO COMMENTS RECEIVED.
Natural England:	NO OBJECTION. Advises the applicant to make suitable provision for the England Coast Path in this development proposal.
Environmental Services, Licensing & Community Safety – Environmental Health:	NO OBJECTION. Subject to the imposition of conditions.
ESCC Rights of Way Officer:	NO OBJECTION. Subject to the imposition of conditions.

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ESCC Archaeologist:	<p>NO OBJECTION.</p> <p>Subject to the imposition of conditions.</p>
Planning Notice:	<p>22 letters of SUPPORT from 21 properties and a community interest company. The comments are summarised as follows:</p> <ul style="list-style-type: none">• Good addition/asset for Rye.• Regeneration and enhancement of a run-down area of Rye.• Positive step for the area provided there is adequate parking provision.• Provides an accessible open space, increased riverside access and new restaurant for locals.• Will promote tourism.• Will create jobs.• Will increase revenue of local businesses.• Will enhance the town's status as a cultural arts hub.• The landscaping proposals are inspired.• Parking should not stop good opportunities like this project being lost.• The benefits of the project economically and culturally for the local community are worth the lack of affordable housing.• Good for wildlife.• St Margarets Terrace access road needs resurfacing properly and the junction with the A259 needs upgrading with a pedestrian crossing incorporated.• Adequate parking for residents needs addressing. <p>2 GENERAL COMMENTS from 2 properties summarised as follows:</p> <ul style="list-style-type: none">• The proposal includes the potential development of Slade Yard.• Road Safety Audit of South Undercliff is required in relation to pedestrian safety, which may require traffic calming measures.• Is there sufficient capacity in the sewer network to accommodate the proposed development without the need for reinforcement of the sewer and water supply network.• The proposal should include adequate provision for the likely number of vehicles attracted by the development with safe ingress and egress from the A259.• The existing drainage system should have the capacity to handle extreme rainfall/surface water and peak sewage.• Revised plans for the walkway are welcomed but

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	<p>implementation should provide access and continuity for the whole site.</p> <p>9 letters of OBJECTION from 9 properties. The concerns are summarised as follows:</p> <ul style="list-style-type: none">• Inadequate parking provision.• Highway improvements should be made before development is allowed.• Contemporary-style houses are not in keeping with the historic buildings of Rye.• Detrimental to highway safety.• Overdevelopment.• Views of the town from the river will be obscured.• The large venue will result in traffic congestion and parking issues, as well as health and safety issues for pedestrians and access issues for emergency vehicles.• Additional traffic will impact on residents and existing visitors.• Additional traffic will result in increased CO2 emissions and noise pollution.• Should be a comprehensive development of the whole area – not piecemeal development.• No affordable housing.• Loss of allotments.• No discussion or consideration of local residents.• There are other more appropriate sites.• Current guidelines for these house prices suggest a longer term disproportionate affect on wider house prices, pushing prices up, especially rentals, will also promote short term holiday lets and in turn push those on lower incomes and with local resonance out. <p>Rye Conservation Society – NO OBJECTION.</p> <p>Subject to the imposition of conditions.</p>
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<p>Comments:</p>	<p>SITE</p> <p>The application relates to the area known as 'Rock Channel', which lies to the south of the Citadel (the historic core of the town positioned atop a rocky sandstone outcrop). This area lies on the southern flood plain of the town, on land historically reclaimed from the sea, and is consequently essentially flat. Physically, the Rock Channel area is cut off from the Citadel both as a result of the town's distinctive topography, and by the busy A259 (South Undercliff) that forms its northern boundary. Meanwhile, the area is bound to the south and west by water, namely the Rock Channel watercourse itself to the south, and the River Tillingham to the west.</p>
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The area is host to a variety of mainly commercial uses, including storage and warehousing, light industrial, and a number of small, marine-related businesses. A number of smaller residential dwellings have developed on an ad hoc basis along the waterside and along Shipyard Lane, while later 20th century development has been limited to one larger-scale residential development on the central-southern edge of the area. More recently a terrace of 5 contemporary-style townhouses has been constructed at the western end, adjacent to the River Tillingham.

The application specifically relates to the south-western corner of the Rock Channel area. The site comprises three large linked warehouse buildings & associated service yard (formerly the Bournes Site), the former River Café building to the west, which is a single-storey structure located adjacent to the River Tillingham, and the flood defence embankment & river bank adjacent to the Rock Channel watercourse and the River Tillingham. The application also includes part of the private access road from the A259, which passes through the site. This serves commercial and residential properties in the western half of the Rock Channel area. Two public footpaths pass through the site. One runs along the private access road (footpath no. 32c/d); the other runs along the flood defence embankment and the access road (footpath no. 33).

To the north of the main part of the site there are a number industrial buildings & an associated service yard occupied by a transport company (Jempsons). Beyond this are residential properties fronting the A259 and St Margarets Terrace (the first section of the private access road). To the south and west the site is bound by the Rock Channel watercourse and the River Tillingham. The recently constructed terrace of 5 contemporary-style townhouses are enclosed by the application site to the north, east and south. A further residential area lies to the east. The closest residential property to the site in this direction is 'Bide Cottage'.

In policy terms, the application site is located within the Development Boundary for Rye, as defined in the Rye Neighbourhood Plan (RNP). It also lies within Flood Zone 3 and is partly within the town's Archaeological Notification Area (ANA). Rye Conservation Area lies to the north of the site, on the other side of the A259.

In addition to the above, the site is the southern part of a broad location allocated for at least 30 dwellings under policy H4 of the RNP. The other part is the Jempsons site immediately to the north.

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The application site is also located within an area of the town covered by policy B2 of the RNP, which promotes development proposals that improve visitor attraction and "reasons to visit", such as that related to art, culture, festival and entertainment.

PLANNING HISTORY (since 2000)

RR/2002/1377/P – Proposed road improvement including repositioning of flood wall – Granted.

RR/2003/3430/P – Outline: redevelopment of motor workshops as terrace of four riverside houses with improvements to existing moorings and additional parking with alteration to an existing access – Withdrawn.

RR/2003/3446/P – Change of use from motor workshop to yacht clubhouse and café with improvements to existing moorings and additional car parking including alterations to an existing access – Granted (temporary).

RR/2005/3317/P – Variation of condition 8 imposed on RR/2003/3446/P to extending opening hours to midnight from Sunday to Thursday inclusive and to 2:00am on Friday and Saturdays – Refused.

RR/2005/3318/P – Outline: erection of residential development – Refused.

RR/2006/849/P – Variation of condition 8 imposed on R/2003/3446/P to extend working hours from 8am to 1am Monday to Fridays and 7am to 1am at weekends – Refused.

RR/2006/2081/P – Variation of condition 8 imposed upon planning permission RR/2003/3446/P to extend working hours from 9:30am to 23:00pm Monday to Friday – Granted (temporary).

RR/2007/2308/P – Removal of existing garages and replaced with three new garages – Refused.

RR/2007/2803/P – Removal of temporary permission as per condition 1 imposed upon planning permission RR/2003/3446/P to allow use to become permanent – Refused.

RR/2009/1551/P – Variation of conditions 1 and 8 on planning permission RR/2003/3446/P to allow continued use of premises as café and extend opening hours – Granted (temporary).

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RR/2012/6/P – Outline: new residential development consisting 7 houses and one apartment with off road parking – Withdrawn.

RR/2013/2039/P – Demolition of single storey bungalow. Erection of 5 new 3 storey dwelling units, each with individual access off the road, together with construction of riverside walk on land adjacent – Granted.

RR/2014/460/P – Upgrading and improvements including: Overcladding of exterior masonry with white painted featheredge boarding; changes to some fenestration; improvements to guardrail on decking; and erection of pergola – Granted.

RR/2015/1323/P – Redevelopment of existing commercial site with development of 30 mixed residential units including houses and apartments along with parking and ground floor retail and commercial spaces. Proposals to include landscaping works including a public river side walk and junction improvements to A259 – Withdrawn.

RR/2016/2368/P – Variation of condition 2 imposed on RR/2013/2039/P to allow for various layout changes, window & door position changes & a minor relocation of the building towards the east – Granted.

RR/2017/2321/P – Provision of alternative route of river side walkway in connection with residential development approved under RR/2013/2039/P & RR/2016/2368/P – Granted.

RR/2017/2331/P – Variation of condition 2 imposed on RR/2013/2039/P for the addition of an external lift shaft – Granted.

PROPOSAL

This application seeks full planning permission for the following development:

“Conversion of existing redundant warehouse into a new multi-purpose arts centre, to include workshops, gallery space, mixed use art space and rehearsal space with 3 x live/work artist accommodation units above. Demolition of existing river café building with new two storey replacement riverside restaurant and single holiday let accommodation. Construction of 5 new riverside dwellings along with partial demolition of the eastern part of the existing warehouse building and part conversion to form 3 new mews dwellings together with the creation of a new public park and riverside walkway, repositioning of existing private road and works to

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include parking, vehicular access improvements and landscaping.”

The breakdown of dwellings is as follows:

House Type	Number
2-bed holiday-let	1
2-bed live/work unit	3
2-bed house	1
3-bed house	7
Total	12

No affordable housing is proposed, and the applicant has provided evidence demonstrating why it would not be viable to provide this. The Appraisal section of this report discusses this in more detail.

The scheme is described in full below, taken from the Planning and Design and Access Statements submitted with the application.

Bridge Point Studios

The key concept has been to retain and re-use the existing disused warehouse building on the site in a form that would provide for a wide range of uses and facilities, as well as forming a 'destination attraction' in its own right to be called 'Bridge Point Studios'.

The modified and refurbished building will be re-used to create a high quality, multi-use cultural and arts centre to include the following uses:

- 9 artist workshops.
- 3 two-bedroom live/work artist flats.
- Gallery exhibition space with art library.
- Performance/rehearsal space.
- Back of house changing facilities with green-room.

The emphasis will be on creating art and rehearsal space with public events limited to a maximum of one per month. Proposed opening hours are 0800hrs to 2300hrs every day of the week, including public holidays.

The main entrance will be at the central, front part of the building. This will lead into a full height atrium to be used as a reception area and exhibition space. On the eastern side, doors will open into a large performance space (a 250 seat capacity) with associated storage rooms and plant room facilities.

The western part of the ground floor of the building would be subdivided to provide a series of artist workshops

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together with delivery space and staff facilities. At the rear and at both ends of the building, stairs and two separate lifts would lead up to the first floor. At this level, a mezzanine floor would be introduced to provide a viewing gallery to the performance/arts area below or for use as additional exhibition space. 3 two-bedroom live/work units for resident artists or staff would also be provided. Each would have a large and light working space at the front with a south facing window and balcony. This part of the building would have its own separate private staircase and common access hallway to the rear.

Various additions and alterations are proposed to the exterior of the building to include a mix of brickwork, concrete, brass copper alloy and dark stained timber cladding to the elevations and the addition of roof lights, solar panels and ventilation shafts at roof level. The height of the building would increase by up to 1.5m in some places. The aim is to create a bright and vibrant appearance and the look of a modern contemporary building.

Mews housing

The scheme includes the partial demolition of the east part of the former warehouse, as there is no viable alternative use for this section of the building. It is proposed to replace this with a three-storey terrace of 3 mews dwellings (but retaining and reusing the existing building foundations).

At the ground floor level at the front of the terraced block would be carports and undercroft areas to provide each house with two car parking spaces. Also, at the ground floor level, two of the units would have a storage room (with a door opening onto a small yard space at the rear) and a cloakroom, and all three would have a covered bin store.

Stairs would lead up to the first floor with two of the units having three bedrooms and one unit having two bedrooms. The first floors would include an en-suite master bedroom and a family bathroom.

Further stairs would lead up to the living accommodation on the second floor, comprising an open-plan kitchen, lounge and dining area, with sliding glazed doors opening onto a south facing balcony. All three houses would have a flat 'green' sedum roof with solar panels.

The building would be some 25m long and 10.5m deep, with an overall height of 8.7m. It would be faced mainly in brickwork, but with dark stained 'hit and miss' timber cladding at second floor level. Grey aluminium door and

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window frames are proposed so as to be in keeping with the elevational treatment of the retained part of the former warehouse building.

River-front restaurant and holiday-let

It is proposed to replace the existing single-storey River Café building with a two-storey building. The ground floor would contain a café/restaurant and bar area, which would open out onto a western facing timber terraced deck overlooking the river, with provision for 52 covers (plus spaces outside). Associated facilities will include a kitchen area on the eastern side of the building and storage and WC facilities at the southern end.

At the northern end, stairs rise up to a second floor restaurant area to be used in conjunction with the floor area below (providing 56 additional covers). In total, the café/restaurant would provide internal space for about 108 covers (with additional outside space). Proposed opening hours are 0800hrs to 2300hrs every day of the week, including public holidays.

The rest of the first floor would provide a two bedroom holiday-let with a staircase and private ground floor entrance at the southern end. All of the habitable rooms would have windows facing the river and, in addition, the master bedroom would have a south facing window. A car parking space would be provided at the southern end of the building, next to the ground floor entrance hallway. A new flood wall would also be constructed in consultation with the Environment Agency.

The replacement building would be some 30.5m in length and 7m wide, with a 45° pitched roof rising to an overall height of 7.8m. It would have a contemporary appearance with facing materials that include 'board mark' concrete, dark stained timber cladding, grey zinc roofing and grey aluminium framed doors and windows.

River-front housing

At the south-eastern end of the site set back from the Rock Channel watercourse, the scheme includes 5 new linked-detached three-storey houses to partner the nearby terrace of 5 contemporary-style townhouses to the west.

The ground floors would incorporate an integral carport, utility room, WC, cloakroom, general storage and enclosed bin storage space. There would also be a staircase and a lift up to the floors above.

The main living accommodation would be at first floor level, comprising a kitchen, dining room and lounge space,

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and four of the units would have a separate study. At the southern end, sliding glazed windows would open out onto balcony space. Stairs and a lift would lead up to the bedroom accommodation on the second floor. Each house would have three bedrooms (one with en-suite facilities) and a door opening out onto additional balcony space. All would have a family bathroom.

The houses would have a staggered footprint with a maximum ground floor length of 51.7m and a maximum depth of 13.8m. The overall height would be 10m. The five houses would appear as part two-storey and part three-storey due to the height of the river embankment on the southern side. In addition, although attached at the ground floor level, four of the units would appear as detached at the upper floor levels, separated by a 1.2m wide gap at these levels. The building follows a contemporary design with an asymmetrical roof and a variation of facing and roofing materials to match the materials used elsewhere in the scheme.

Access

The existing access from the A259 would be upgraded and, in order to enable the 5 river-front houses to be constructed on the south-eastern part of the site, a section of the access road would be closed and diverted through to follow its original alignment. The existing unmade section of road outside St Margarets Terrace would become permeable asphalt, changing to porous coloured asphalt through the main part of the site.

The scheme would also provide a new public river walkway linking the existing Strand Quay footpath through to the eastern end of the site and will include several links back into the main site area. It would also link with the existing section of river walkway provided as part of the recently constructed townhouse development. The surface material would be resin bound gravel to match existing.

It is proposed to divert the routes of both public footpaths that pass through the site. One would follow the route of the realigned access road; the other would follow part of the route of the riverside walk.

Parking

The proposed commercial and performance arts space would be served by existing car parks in and around the town centre.

Only a limited amount of parking would be provided within the site itself so as to actively discourage car use. The residential units would all have allocated car spaces in

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accordance with the Highway Authority's parking standards (i.e. 2 per dwelling), and 4 disabled parking spaces and several staff parking spaces would be provided, together with 3 'drop off' bays and a turning/loading area. Cycle parking spaces would also be provided.

Landscaping and Public Open Space

The scheme includes comprehensive landscaping and public open space arrangements to be largely focussed upon the central part of the site. This includes a grassed embanked 'amphitheatre' for viewing performing arts and theatre productions in the open, new tree planting and sculptures. There would also be a main path leading to the entrance of the multi-purpose arts centre from the riverside walkway.

The application was submitted with the following supporting documents:

- Planning Statement.
- Design and Access Statement.
- Heritage Statement.
- Flood Risk Assessment.
- Viability Report.
- Transport Statement.
- Sustainable Design & Construction Statement.
- Landscape Statement.
- Ecological Impact Assessment.
- Surface Water and Foul Drainage Strategy.
- Energy Statement.
- Archaeological Desk-Based Assessment Report.
- Desk Study and Preliminary Contamination Risk Assessment Report.

Some minor changes have been made to the scheme during the course of the application, including to the site layout and arrangement of windows in the buildings. Additional information has also been received (e.g. Road Safety Audit, Noise Impact Assessment etc.) in response to comments from consultees.

POLICIES

The following policies of the Rother Local Plan Core Strategy (Core Strategy) 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).
- RY1 (Policy Framework for Rye and Rye Harbour).

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- SRM1 (Towards a Low Carbon Future).
- SRM2 (Water Supply and Wastewater Management).
- CO1 (Community Facilities and Services).
- CO6 (Community Safety).
- LHN1 (Achieving Mixed and Balanced Communities).
- EN2 (Stewardship of the Historic Built Environment).
- EN3 (Design Quality).
- EN5 (Biodiversity and Green Space).
- EN7 (Flood Risk and Development).
- TR2 (Integrated Transport).
- TR3 (Access and New Development).
- TR4 (Car Parking).

The following policies of the Development and Site Allocations (DaSA) 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).
- DHG7 (External Residential Areas).
- DEN4 (Biodiversity and Green Space).
- DEN5 (Sustainable Drainage).
- DEN7 (Environmental Pollution).
- DIM1 (Comprehensive Development).
- DIM2 (Development Boundaries).

The following policies of the RNP are relevant to the proposal:

- H1 (Housing Allocations).
- H2 (Housing Mix).
- H4 (Rock Channel).
- D1 (High Quality Design).
- F1 (Reducing Flood Risk).
- B2 (Supporting Rye as a Visitor Attraction).
- T1 (Connectivity and Sustainable Transport).
- E1 (Development Boundary; Strategic Gap and the Settlement of Rye).
- E2 (Green Infrastructure).
- E3 (Heritage).
- E4 (Renewable and Low Carbon Energy).

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also material considerations.

ISSUES

The main issues are:

- Principle of the proposed development.
- Design impact of the proposed development on the

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setting of the Rye Conservation Area.

- Housing mix.
- Affordable housing provision.
- Impact of the proposed development on the living conditions of neighbouring occupiers.
- Whether the proposed development would meet the needs of future occupiers of the dwellings.
- Highway issues and parking provision.
- Provision of a riverside walk.
- Flood risk and drainage.
- Impact of the proposed development on biodiversity.
- Contamination.
- Impact of the proposed development on archaeology.

APPRAISAL

Principle

The site is within a broad location allocated for at least 30 dwellings under policy H4 of the RNP, subject to meeting the following criteria:

“a. The design of new development shall be innovative, of high architectural quality to enhance setting against the Rye Conservation Area and having regard to its riverside location, with green spaces, improved and accessible riverside walks including provision for the England South East Coastal Path;

b. Access to the site will be via the existing track on the west side of the site, upgraded as necessary, with an improved access point onto the A259 as required by the Local Highway Authority;

c. A site specific flood risk assessment demonstrates that the residential development is safe for the lifetime of the development incorporating appropriate flood resilient and resistant measures including safe access and escape routes;

d. The development shall be designed so that if it is developed in phases, the form of the development does not prejudice the redevelopment of adjacent land;

e. Occupation of the development is phased to align with the delivery of sewerage infrastructure.”

The application relates to the southern part of the allocated site and proposes 12 dwellings. The northern part of the site is within a different ownership and would remain in its current form/use for the time being. It is therefore necessary for the applicant to demonstrate that the current proposal would not prejudice the future redevelopment of

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the adjacent land. To this end, an indicative site layout plan for the northern part of the site has been submitted. This shows that it would be possible to deliver over 20 dwellings on this land, bringing the total number of dwellings on the allocated site to over 30. As such, the current scheme would not prejudice the future redevelopment of the adjacent land.

The provision of a restaurant and multi-purpose arts centre would not accord with policy H4, which allocates the site for housing only. However, it has been demonstrated that the proposal would not prejudice the requirement for at least 30 dwellings on the site. It is also the case that the provision of a restaurant and multi-purpose arts centre would comply with policy B2 of the RNP, which promotes development proposals related to art, culture, festival and entertainment in this area.

Given the, above the principle of the proposed development is accepted, subject to appropriate consideration of the following matters.

Design and setting of the Rye Conservation Area

Policy H4 of the RNP says that, amongst other things:

“The design of new development shall be innovative, of high architectural quality to enhance setting against the Rye Conservation Area...”

Policy RY1 of the Core Strategy requires development in Rye to (iii) preserve and enhance the character and historic environment of the Citadel and wider Conservation Area, and the distinctive landscape setting of the town.

In addition to the above, policy EN3 of the Core Strategy and policy D1 of the RNP require new development to be of high quality design. Policy EN3 specifically requires development to (i) contribute positively to the character of the site and its surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities.

Paragraph 124 of the NPPF says:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...”

Other than the recently constructed terrace of 5 contemporary-style townhouses, this is currently an area of poor visual character. The existing warehouse and River

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Café buildings are not of any particular architectural or historic merit and do not make any significant contribution to the general appearance of the area.

In contrast, the proposal follows a contemporary architectural approach – as per the recently constructed terrace of 5 townhouses – which makes reference to the historic use of the land and its maritime connection, and would provide for a coherent development of the area. This contemporary approach is encouraged by policy H4 of the RNP. The site should not attempt to replicate that of the historic Citadel above, but rather define its own 'sense of place'. In this respect, the proposed new buildings and converted warehouse have a variety of roof forms (including asymmetrical, pitched and flat), elevational compositions, and distinct choice of materials, which include contemporary interpretations of a traditional palette (e.g. dark-stained timber cladding, metal roofs etc.). All of this would provide visual interest in the street scene and, in relation to the restaurant and river-front housing, would provide good 'active frontage' to the new riverside walk. The contemporary design approach proposed is considered to be of high architectural quality and appropriate in this prominent location close to the Conservation Area.

In terms of longer views of the site from the wider area, all of the buildings would be lower than the new townhouses to which they would relate and, in relation to the river-front housing, the gaps between the dwellings at first and second floor levels would assist in breaking up the mass of this building, avoiding a 'slab' elevation being presented on longer views from the countryside towards the Citadel. Overall, in longer views of the site from the wider area, it is considered that the elevated position of the buildings within the Citadel would remain largely unaffected by the proposed development.

Elsewhere, comprehensive hard and soft landscaping works are proposed, which include new tree planting, raised planters, amenity grass and a timber boardwalk approach to the restaurant. Pre-cast concrete sculpture plinths and an embanked & grassed 'amphitheatre' for viewing performing arts and theatre productions in the open would also be provided. The scheme also includes a new public river walkway linking the existing Strand Quay footpath through to the eastern end of the site, and includes several links back into the main site area. It would also link with the existing section of river walkway provided as part of the recently constructed townhouse development. The surface material would be resin bound gravel to match existing. The proposed hard and soft

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landscaping works would make a significant contribution to the visual amenity and public enjoyment of the area.

Overall, it is considered that the design of the development is innovative and of high architectural quality. The proposal would therefore enhance the attractiveness and individual character of the Rock Channel area, and it would also enhance the setting of the Conservation Area.

Housing mix

Policy LHN1 (iv) of the Core Strategy says that developments of 6+ units should provide housing for a range of differing household types.

Policy H2 of the RNP says that housing developments allocated in the Plan shall include:

“b. Housing of a size, type and mix which will reflect both current and projected housing needs for Rye, including dwellings suitable for elderly occupants and smaller units (1 and 2 bedrooms) for younger people and those looking to downsize their accommodation.”

The scheme includes a mix of 2 and 3-bed dwellings, which is considered to be an appropriate mix for the modest number of units proposed. The future redevelopment of the adjacent Jempsons site would provide for a greater mix of dwellings on the allocated site as a whole.

Affordable housing

Policy DHG1 of the DaSA Local Plan says that in Rye 30% on-site affordable housing should be provided on schemes of 10 or more dwellings. It goes on to say:

“Where it can be demonstrated that these requirements would either render otherwise suitable development unviable, or where the local need for affordable housing would no longer justify the above levels, the Council will respectively expect the proportion of affordable housing to be the most that does not undermine viability, or is needed locally...”

The scheme includes 12 residential units and as such there is a requirement for affordable housing to be provided, totalling 3.6 dwellings. However, the applicant argues that it would not be viable to provide affordable housing – either as on-site units or as a commuted sum – and a number of viability reports have been submitted during the course of the application to demonstrate this. These have been fully scrutinised by an independent

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assessor and the conclusion is that the scheme is not viable to deliver any on-site affordable housing or a commuted sum. It has, however, been made clear that this is largely driven by the assumed sales values of the proposed dwellings. The independent assessor has therefore advised that given the possibility of sales values changing over time, provision should be made for a review of viability at an appropriate point in time (e.g. at the point that 25% of the residential properties have been sold). This can be secured by way of a planning obligation, with any surplus generated above the Benchmark Land Value made payable as a commuted sum, to be ring-fenced for delivery of affordable housing.

Living conditions of neighbouring occupiers

Policy OSS4 (ii) of the Core Strategy and policy DEN7 of the DaSA Local Plan seek to ensure that development does not unreasonably harm neighbouring amenities or health.

In relation to outlook, privacy and light the new and converted buildings would be well separated from existing residential properties in the surrounding area, which would make it unlikely that the residents of those properties would experience material harm in terms of overlooking, overshadowing, loss of light or loss of outlook.

Local residents are concerned about an increase in traffic-related noise and fumes. However, ESCC Highway Authority (HA) has confirmed that compared to the existing authorised use as a warehouse, traffic growth as a result of the proposal – which actively discourages car use by providing only a limited amount of parking within the site – would be very small. As such, it is not considered that the vehicle movements generated by the proposal would result in a significant increase in traffic-related noise and fumes.

The proposed development is likely to generate an increase in pedestrian movements to and from the site and this is likely to be more pronounced when performances take place in either the indoor rehearsal space of the multi-purpose arts centre, or the outside amphitheatre. People are likely to congregate outside the building and, in relation to the restaurant, people would be able to eat outside. As such, some disturbance to neighbouring occupiers from people-related noise is likely to arise. However, the site is located within an area where development related to art, culture, festival and entertainment is promoted in the RNP. Therefore, some disturbance from people-related noise is to be expected. The Council's Environmental Health Service (EHS) has not raised any concerns regarding this matter, and the opening hours of the restaurant and multi-

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purpose arts centre can be limited to between 0800hrs to 2300hrs on any day, which would be consistent with the opening hours of similar uses in the nearby town centre. As such, it is not considered that people-related noise generated by the proposal would result in material harm to the living conditions of neighbouring occupiers.

The Council's EHS has advised that with regard to noise generated from within the multi-purpose arts centre, odour from the restaurant and noise generated from any external plant on either building, appropriate noise/odour mitigation measures (e.g. sound-proofing) are required to prevent the development having an unacceptable impact on the living conditions of neighbouring occupiers, including those in the new dwellings. These measures can be secured by condition, as can the details and location of any external plant.

In addition to the above, a Noise and Dust Management Plan is recommended for the demolition and construction phases of the development. This can also be secured by condition as part of a Construction Management Plan.

For the above reasons the proposal would not unreasonably harm the living conditions of neighbouring occupiers.

Needs of future occupiers of the dwellings

Policy OSS4 (i) of the Core Strategy requires all development to meet the needs of future occupiers, including providing appropriate amenities.

The site lies in close proximity to a number industrial buildings & associated service yard occupied by a transport company (Jempsons). This is a longstanding business which operates on a 24 hour, 7 days a week basis. As such, there is potential for occupiers of the holiday-let, 3 live/work units and 3 mews houses – the rear elevations of which would face onto the adjacent site – to be disturbed by noise from the business operations. However, it appears that noise impacts from the adjacent site have been taken into account in designing these units. The elevations facing the neighbouring business are secondary elevations with a limited number of window openings. The openings are also generally smaller than those on the principal facades, which face away from the adjacent site. It should also be noted that there are existing residential properties immediately to the north, east and west of the transport yard and the Council is not dealing with any statutory noise nuisance complaints from the residents of these dwellings. Furthermore, this is clearly a mixed-use area, which any future occupier should

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be aware of.

Notwithstanding the above, the adjacent site is allocated for housing under policy H4 of the RNP, which once developed would be a compatible use.

The Council's EHS has advised that in order to prevent occupiers of the holiday-flat from being disturbed by noise from the restaurant kitchen directly below, adequate internal sound insulation would be required for the building. This is also relevant to the 3 live/work units within the converted warehouse, which would be located above workshops and would be in close proximity to the performance space. The internal sound insulation would be dealt with under the Building Regulations and so this does not need to be dealt with by way of a planning condition.

Policy DHG3 of the DaSA Local Plan requires all new dwellings to provide adequate minimum internal space in line with the Government's nationally-described space standard.

All of the residential units would meet the minimum internal space standards.

Turning to external space, and with regard to the proposed houses, policy DHG7 of the DaSA Local Plan normally requires private rear garden spaces of at least 10m in length.

The proposed houses and live/work would have balconies as their main outdoor amenity space. This is consistent with the outdoor amenity space provided at the nearby terrace of 5 contemporary-style townhouses to the west and is considered to be appropriate having regard to the riverside location where open space and a riverside walk would be provided.

In terms of car parking provision and cycle storage, the houses would have carports and each of the units would have a minimum of two off-street car parking spaces. The carports are large enough to allow for cycle parking in addition to the car. ESCC HA is satisfied with these car parking and cycle storage arrangements, which can be secured by condition.

Turning to waste and recycling, each of the houses would have an integral bin store and the live/work units would have two dedicated 1100 litre bins enclosed within a timber bin store, all of which is appropriate and can be secured by condition.

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Sussex Police has raised concerns about the close proximity of the residential dwellings that are being incorporated into a large commercial, leisure orientated development and feels the amenity and security of the proposed residents would be greatly impacted on without adequate mitigation measures. The applicant has responded to these comments, advising that the new residential units follow the same security arrangements as the nearby terrace of townhouses. It has also been confirmed that the new residential units will be built using Secure by Design measures, as well as being fully alarmed.

For the above reasons, it is considered that the proposed dwellings would meet the needs of future occupiers.

Highway issues and parking provision

Policies CO6 (ii) and TR3 of the Core Strategy seek to avoid prejudice to highway safety by ensuring adequate, safe access arrangements.

Policy TR4 (i) requires the residual needs of the development for off-street parking to be met having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.

In addition to the above policies, TR3 and RY1 (ii) of the Core Strategy and policies D1 and T1 of the RNP support sustainable modes of travel.

Concerns have been raised by the Town Council, Conservation Society, Sussex Police and local residents that the proposed development could lead to congestion and inappropriate parking. However, ESCC HA has confirmed that compared to the existing authorised use as a warehouse, traffic growth as a result of the proposal would be very small. It is also the case that in allocating this site for housing in the RNP, one of the key factors in its selection was its accessibility to the town centre and its related services. This should help to reduce reliance on the private car and this is reflected in the proposed on-site car parking provision. In this respect, only a limited amount of parking would be provided within the site itself so as to actively discourage car use. The residential units would all have allocated car spaces in accordance with the HA's parking standards (i.e. 2 per dwelling), and 4 disabled parking spaces and several staff parking spaces would be provided, together with 3 'drop off' bays and a turning/loading area. On-site cycle parking spaces would

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also be provided. The applicant has confirmed that on-site security and signage would be used to prevent parking on the private access road; the signage can be secured by condition.

A Travel Plan Statement has been included in the Transport Statement, which says that the developer of the site will commit to providing marketing information on local services to new residents to encourage local travel and reduce the need to drive. This would also include pedestrian routes and nearby cycle routes, as well as website addresses for public transport companies etc. The HA welcomes this, but recommends that the measures are enhanced to promote sustainable travel for employees/visitors as well as residents. This is because the proposed restaurant and multi-purpose arts centre would be reliant on the existing car parks in and around the town centre for car parking, encouraging employees/visitors to walk or cycle to the site. It is also recommended that other initiatives should be included such as the provision of wayfinding signs, cycle vouchers for residents etc. An enhanced Travel Plan Statement can be secured by condition.

As the proposed development is likely to generate an increase in pedestrian movements to and from the site, the provision of an additional pedestrian crossing on South Undercliff, close to the junction with St Margarets Terrace, is considered to be necessary. This would serve a dual purpose of improving the site's pedestrian link to the town centre and reducing the risk of accidents involving pedestrians (the latter identified as being a risk in the submitted Road Safety Audit (RSA)). Clarification has been sought from Highways England (HE) about the provision of an additional pedestrian crossing on South Undercliff, which is a main trunk road. HE would not look to object to this provided it was compliant with standards and that the appropriate assessments have been made in relation to its provision. An additional pedestrian crossing can therefore be secured by condition. Improvements to the St Margarets Terrace/South Undercliff junction – as recommended in the RSA – can also be secured by condition.

ESCC HA has commented on the proposed upgrading and realignment of the private access road, which would continue to be a shared surface with a right of access for all users. No objection has been raised to this in principle, provided the safety concerns raised in the RSA – which primarily relate to pedestrian safety – are addressed. The detailed design of the access road can be secured by condition.

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ESCC Rights of Way Officer has no objection to the proposed diversion of public footpath 32c/d to follow the route of the realigned access road. A management plan for the long-term maintenance of the public footpath is recommended, which can be secured by condition.

For the above reasons there is no objection to the proposal on highway and parking grounds.

Riverside walk

Policies D1 and T1 of the RNP seek improved accessibility for pedestrians and cyclists and the development of this allocated site specifically requires the delivery of an enhanced riverside walk. To this end, the scheme includes a new public river walkway linking the existing Strand Quay footpath through to the eastern end of the site and includes several links back into the main site area. It would also link with the existing section of river walkway provided as part of the recently constructed townhouse development. The surface material would be resin bound gravel to match existing.

Ideally the proposed walkway – which would be a shared use footway – should be at least 2m wide for its whole length. However, this would not be the case with some sections reducing to a width of 1.5m (e.g. outside the restaurant). This has been queried with the applicant who has confirmed that the walkway has been designed to suit the existing embankment conditions, which cannot be altered as they are integral to the Environment Agency (EA) flood defence. The EA has separately confirmed that:

“Unfortunately, due to the physical width of the defence crest and the riverside berm, we cannot permit widening of the footpath beyond what is currently proposed.”

The current layout is therefore the only viable option for delivering an improved riverside walk.

The Rights of Way Officer has welcomed the proposed diversion of public footpath 33 to follow part of the route of the riverside walk, as it would provide a relatively spacious purpose built path and would resolve a longstanding obstruction of the footpath; namely the flood defence wall constructed in the 1980s, which would now be bypassed. Again, a management plan for the long-term maintenance of the public footpath is recommended, which can be secured by condition.

With regard to the provision of the England South East Coastal Path, this would either have to follow the route of

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the riverside walk or follow the route of the realigned access road, which would continue to be a shared surface with a right of access for all users.

Elsewhere, the provision of a pedestrian crossing on South Undercliff would improve the site's pedestrian link to the town centre, reinforcing Rye as 'a connected community'.

Flood risk and drainage

The site lies within Flood Zone 3, which is defined as having a high probability of river or sea flooding in the PPG.

Policy H4 of the RNP requires a site-specific Flood Risk Assessment (FRA) to demonstrate that residential development is:

“Safe for the lifetime of the development incorporating appropriate flood resilient and resistant measures including safe access and escape routes”

The EA has commented on the proposal in relation to river or sea flooding. No objection has been raised provided a suitable flood defence scheme surrounding the site is agreed and, with regard to the proposed dwellings, all sleeping and living accommodation is located at first floor level and above. These requirements can be secured by condition.

In addition to the above, the FRA submitted with the application confirms the following:

- The risk to the site from surface water flooding is high.
- The risk to the site from groundwater flooding is low to moderate.
- The risk to the site from sewer flooding is low to moderate.

With regard to surface water, the FRA says that the majority of the site is covered in impermeable surfaces (tarmac/concrete). Therefore, the proposed development would not significantly increase the existing surface water run-off rate. Furthermore, the proposed development would reduce the amount of hard landscaping post-development and any new hard landscaping would be constructed using permeable alternatives. The use of green roofs on the mews dwellings would also provide betterment.

In addition to the above, flood risk management measures, including the fitting of non-return valves to all drain and sewer outlets, and residents signing up to the EA flood

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warning service etc., are proposed in the FRA, which can be secured by condition.

In light of the above, the proposal would comply with policy H4 of the RNP in relation to flood risk.

In relation to the disposal of foul sewage and surface water, both Southern Water and the Lead Local Flood Authority have no objection to the proposed development in principle, subject to the imposition of conditions on any planning permission to agree the specific drainage details. Satisfactory drainage arrangements can therefore be secured for the proposed development.

Southern Water has confirmed that it would need to provide reinforcement of the existing public sewer network, which means that occupation of the development is likely to be phased to align with the delivery of sewerage infrastructure.

Biodiversity

The conclusion of the Ecological Impact Assessment submitted with the application says:

“The site has been assessed as having suitability to support tree roosting bats, foraging and commuting bats, foraging badger, breeding birds, widespread species of reptiles and hedgehog. The adjacent River Brede and associated mudflats have suitability to support commuting otter, water vole and wintering birds. Adverse impacts on these ecological features have been identified and appropriate mitigation measures proposed. No residual or cumulative impacts are anticipated. Post-development the site will be enhanced for bats through the installation of an additional bat roosting feature, resulting in an overall net gain for biodiversity. As such it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology.”

The proposed mitigation and enhancement measures can be secured by condition.

An Appropriate Assessment has been completed. This has screened the proposal in relation to whether it would adversely affect the integrity of statutorily protected nature conservation sites or landscapes around Rye. The screening assessment concludes that the proposal can be screened out from further stages of assessment, as the development will not adversely affect the integrity of these sites or landscapes. This is based on the advice of Natural England, which has raised no objection to the proposal in

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relation to this matter.

For the above reasons the proposed development would have an acceptable impact on biodiversity.

Contamination

Industrial and commercial uses of the site over the past 100 years or so may have resulted in some localised land contamination. As such, the Council's EHS has recommended that a contaminated land condition be imposed on any planning permission. This would safeguard human health and the natural environment.

Archaeology

ESCC Archaeologist has provided the following comments:

"The proposed development is situated to the south of the historic town of Rye on reclaimed marshland. The application has been submitted with an archaeological desk-based assessment which details the historic and archaeological interest of the site. The assessment concludes that the site has particular below ground archaeological interest with regard to remains of post-medieval development and use as well as waterlogged and palaeo-environmental remains. The assessment correctly concludes that it is likely that foundations and other below ground impacts resulting from the development could impact on below ground archaeological remains.

*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**. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss."*

The recommended programme of archaeological works can be secured by condition.

Other matters

A local resident objects to the loss of the allotments in the Rock Channel area. However, the allotments would not be affected by this proposal.

Another resident is concerned that the high prices of the proposed houses would have an unacceptable impact on the local housing market. However, the impact of the proposal on the housing market is not a material planning

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	<p>consideration and so this is not a determining matter.</p> <p>LOCAL FINANCE CONSIDERATIONS The proposal is for a type of development that is CIL liable. The total amount of CIL money to be received is subject to change, but the development could generate approximately £226,433.78.</p> <p>SUMMARY The proposal is for a mixed-use scheme which broadly complies with the criteria for new development in this location, as set out under policies B2 and H4 of the Rye Neighbourhood Plan. The design of the development is innovative and of high architectural quality. The proposal would therefore enhance the attractiveness and individual character of the Rock Channel area, and it would also enhance the setting of the Conservation Area. In addition, the proposal would have an acceptable impact in relation to all other environmental matters set out above.</p> <p>While it has been demonstrated that it would not be viable to provide affordable housing – either as on-site units or as a commuted sum – it is possible that this could change over time and so provision can be made for a review of viability at an appropriate point in time, secured by way of a planning obligation.</p> <p>Subject to the completion of a planning obligation and the imposition of appropriate conditions, planning permission should be granted.</p>
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SCHEME DETAILS:

Dwelling details		
Dwellings	Number	Percentage
Market	12	100%
Affordable	0	0%
Self-build	0	0%
Total	12	

Tenure Details / Property Size							
Type	Tenure	1 bed	2 bed	3 bed	4 bed	5+ bed	Total
House	Market	0	1	7	0	0	8
Flat	Market	0	4	0	0	0	4
Total		0	5	7	0	0	12

Access and Space Standards			
Standard	Compliant	Non-compliant	% Compliant
Internal Space	12	0	100%

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External Space	0	12	0%
Use Classes Floorspace (sqm)			
Use Class	Lost	Gained	Total
A3	185	240	+55
B8	2069	0	-2069
C3	0	2005	+2005
D1	0	347	+347
D2	0	851	+851
Sui-generis (creative workshops)	0	414	+414

INTENDED DECISION: GRANT (PLANNING PERMISSION) DELEGATED (SUBJECT TO COMPLETION OF A PLANNING OBLIGATION REQUIRING A REVIEW OF THE SCHEMES VIABILITY TO PROVIDE AFFORDABLE HOUSING IN THE FORM OF A COMMUTED SUM)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - Drawing No. 01618-PL-50 (Bridge Point Studios Site Plan Location Plan), dated 05/02/19.
 - Drawing No. 01618-PL-100-D (Bridge Point Studios Proposed & Existing Block Plans), dated 28/01/20.
 - Drawing No. 01618-PL-225-A (Bridge Point Studios Proposed Ground Floor Plan), dated 02/12/19.
 - Drawing No. 01618-PL-226-A (Bridge Point Studios Proposed First Floor Plan), dated 26/09/2019.
 - Drawing No. 01618-PL-227-A (Bridge Point Studios Proposed Roof Plan), dated 02/12/19.
 - Drawing No. 01618-PL-230-A (Mews conversion Proposed Floor Plans), dated 08/11/19.
 - Drawing No. 01618-PL-235-Rev B (Riverside Houses Proposed Floor Plans), dated 08/11/19.
 - Drawing No. 01618-PL-236-A (5 Riverside Houses Proposed Roof Plans), dated 02/12/19.
 - Drawing No. 01618-PL-240_C (Riverside Restaurant Proposed Plans), dated 02/12/19.
 - Drawing No. 01618-PL-350-A (Bridge Point Studios Proposed Elevations), dated 19/09/2019.
 - Drawing No. 01618-PL-360-B (5 Riverside Houses Proposed Elevations), dated 02/12/19.

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- Drawing No. 01618-PL-370-C (Riverside Restaurant Proposed Elevations), dated 02/12/2019.
- Drawing No. 01618-PL-380-A (Mews conversion Proposed Elevations), dated 08/11/19.
- Drawing No. 01618-PL-390-B (Proposed Site Elevations), dated 02/12/2019.
- Drawing No. 227 (Proposed Roof Plan), dated MAY 2019.
- Drawing No. 01119-350 Rev A (Proposed Elevations), received on 25-10-19.

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. No development hereby permitted shall take place until details of a pedestrian crossing – designed to comply with Design Manual for Roads and Bridges, or any other such standard as directed by Highways England – to be provided on the A259 (South Undercliff), close to the junction with St Margarets Terrace, have been submitted to and approved in writing by the Local Planning Authority; and no part of the development shall be occupied or brought into use until the pedestrian crossing has been constructed in accordance with the approved details.

Reason: A pre-commencement condition is required to ensure adequate, safe access arrangements to the site, and to improve the site's pedestrian link to the town centre, in accordance with policies TR2 (iv) & TR3 of the Rother Local Plan Core Strategy and policies D1 and T1 of the Rye Neighbourhood Plan.

4. No development hereby permitted shall take place until details of an improved junction – designed to comply with Design Manual for Roads and Bridges, or any other such standard as directed by Highways England – between St Margarets Terrace and the A259 (South Undercliff) have been submitted to and approved in writing by the Local Planning Authority; and no part of the development shall be occupied or brought into use until the works to the junction have been carried out in accordance with the approved details.

Reason: A pre-commencement condition is required to ensure adequate, safe access arrangements to the site, in accordance with policy TR3 of the Rother Local Plan Core Strategy and policy H4 of the Rye Neighbourhood Plan.

5. No development hereby permitted shall take place until the existing access road serving the site from the A259 (South Undercliff), as shown on the Existing Block Plan of approved Drawing No. 01618-PL-100-D (Bridge Point Studios Proposed & Existing Block Plans), dated 28/01/20, has been formally stopped up and diverted in accordance with the details shown on the Proposed Block Plan of the same Drawing.

Reason: A pre-commencement condition is required to ensure adequate, safe access arrangements to the site, in accordance with policy TR3 of the Rother Local Plan Core Strategy and policy H4 of the Rye Neighbourhood Plan.

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6. No development hereby permitted shall take place until a detailed design for the upgrading of the realigned access road serving the site from the A259 (South Undercliff) – informed by a Road Safety Audit Stage 2 – has been submitted to and approved in writing by the Local Planning Authority; and following approval of the detailed design, the realigned access road has been constructed to base course level. Thereafter, no part of the development shall be occupied or brought into use until the realigned access road has been upgraded in accordance with the detailed design, and a Road Safety Audit Stage 3 for the completed upgrade works has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is required to ensure adequate, safe access arrangements to the site, in accordance with policy TR3 of the Rother Local Plan Core Strategy and policy H4 of the Rye Neighbourhood Plan.

7. No development hereby permitted 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:
- Programme of technical and legal procedures for stopping up/diversion orders, road closures, footpath diversions, phasing of road works.
 - The anticipated number, frequency and types of vehicles used during construction.
 - The method of access and egress for existing occupants and routing of vehicles during construction.
 - The parking of vehicles by site operatives and visitors.
 - The loading and unloading of plant, materials and waste.
 - The storage of plant and materials used in construction of the development.
 - The erection and maintenance of security hoarding.
 - 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 if necessary).
 - Measures to manage noise and dust during the demolition and construction periods.
 - Measures to manage flood risk on and off the site.
 - Details of public engagement both prior to and during construction works.
 - Service management (refuse and recycling collection; deliveries) to properties served from Rock Channel Quay during construction.

Reason: A pre-commencement condition is required to ensure that highway safety and the living conditions of surrounding residents are not adversely affected during the construction period, in accordance with policies OSS4 (ii) & CO6 (ii) of the Rother Local Plan Core Strategy.

8. No development hereby permitted shall take place until a scheme for the provision of foul water drainage works has been submitted to and approved in

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writing by the Local Planning Authority. Development shall be carried out in accordance with the approved works. The details required by this condition shall include:

- Confirmation of the exact position of the water mains and combined sewer crossing the site (as required by Southern Water).
- Measures to be undertaken to protect and/or divert the public sewers and water apparatus crossing the site (as required by Southern Water).
- Installation of wastewater grease traps (as required by Southern Water).

Reason: A pre-commencement condition is required to ensure the satisfactory drainage of the site, in accordance with policies OSS3 (ii) & SRM2 (i) of the Rother Local Plan Core Strategy.

9. No phase of the development hereby permitted shall be occupied or brought into use unless Southern Water has agreed in writing that that phase of the development has adequate wastewater network capacity.

Reason: To ensure that adequate wastewater network capacity is available to meet the demands of the development, in accordance with policies OSS3 (ii) & SRM2 (i) of the Rother Local Plan Core Strategy and policy H4 of the Rye Neighbourhood Plan.

10. No development hereby permitted shall take place until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until evidence (including photographs) has been submitted to and approved in writing by the Local Planning Authority demonstrating that the surface water drainage works to serve the development have been provided in accordance with the approved details.

Reason: A pre-commencement condition is required 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 SRM2 (iii) & EN7 of the Rother Local Plan Core Strategy and policy DEN5 of the Development and Site Allocations Local Plan.

11. The details required by condition 10 above shall include:
- Where infiltration is proposed to manage surface water runoff, this is supported by findings of infiltration testing in accordance with the BRE365 (2016 publication) and groundwater monitoring undertaken between autumn and spring. Based on the infiltration rates, hydraulic calculations shall be submitted for all rainfall events including the 1 in 100 (plus 40% climate change allowance) to support the design of the soakaway (as required by the Lead Local Flood Authority).
 - Where discharging surface water runoff to the combined water sewer is proposed, this shall be supported by:
 - Evidence (in the form hydraulic calculations) demonstrating that the rate is limited to 5.5 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the

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different surface water drainage features (as required by the Lead Local Flood Authority).

- Evidence that Southern Water has agreed to the proposed discharge rate and connection (as required by the Lead Local Flood Authority).
- Details of any required improvements to the condition of the combined water sewer (as required by the Lead Local Flood Authority).
- Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. This shall include the final proposed grounds levels (as required by the Lead Local Flood Authority).
- A detailed design of the attenuation tank, informed by findings of groundwater monitoring between autumn and spring. The design shall leave at least 1m unsaturated zone between the base of the tank and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system shall be provided (as required by the Lead Local Flood Authority).
- A maintenance and management plan for the entire drainage system. This shall include:
 - Details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains (as required by the Lead Local Flood Authority).
 - Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development (as required by the Lead Local Flood Authority)
- Installation of oil trap gullies or petrol/oil interceptors (as required by Southern Water).
- Measures to ensure that no land drainage or ground water enters the public sewers network (as required by Southern Water).
- Measures to prevent the discharge of surface water from the site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site (as required by East Sussex County Council Highway Authority).

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution, in accordance with policies SRM2 (iii) & EN7 of the Rother Local Plan Core Strategy and policy DEN5 of the Development and Site Allocations Local Plan.

12. No development hereby permitted shall take place until details of a flood defence scheme have been submitted to and approved in writing by the Local Planning Authority; and no part of the development shall be occupied or brought into use until the flood defence scheme has been constructed in accordance with the approved details.

Reason: A pre-commencement condition is required to reduce the risk and impact of flooding on the development, future occupiers and the wider community of Rye, and to ensure that the Environment Agency maintains a viable flood defence system in this area, with the necessary infrastructure in place to continue to improve and maintain the defences in the long-term, in accordance with policies RY1 (vi) & EN7 of the Rother Local Plan Core

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Strategy.

13. No development hereby permitted shall take place until a scheme to provide sound insulation of the multi-purpose arts centre building against internally generated noise has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the multi-purpose arts centre building is occupied and the noise mitigation measures shall be adhered to in full throughout the lifetime of the development. The scheme shall include:

- Keeping windows and doors in the main performance/rehearsal space shut – except for the immediate access and egress of visitors and staff – whilst this space is in use.
- Details of other means of ventilation to the main performance/rehearsal space.
- Fitting all doors to the main performance/rehearsal space with self-closers and acoustic door seals.
- Installation of a sound lobby to any external entrance to the main performance/rehearsal space.
- Measures to ensure that the building envelope will have a Sound Reduction Index (SRI) of at least 58 dB(A) for the main performance/rehearsal space in relation to overall noise attenuation, along with the SRI levels at each octave-band frequency shown in the table below:

	Sound Pressure Level (dB Leq) @ Octave Band Centre Frequency (Hz)								dB(A)
	63	125	250	500	1k	2k	4k	8k	
Required SRI	43	58	64	61	57	58	57	62	58

Reason: To protect the living conditions of nearby residents from disturbance from noise, in accordance with policy OSS4 (ii) of the Rother Local Plan Core Strategy and policy DEN7 of the Development and Site Allocations Local Plan.

14. No development hereby permitted shall take place until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- A report detailing the findings of a site investigation carried out in accordance with the recommendations of the Desk Study and Preliminary Contamination Risk Assessment Report (Project Reference: J13928), prepared by Southern Testing Laboratories Limited, dated 18th January 2019 (Rev 1: 20th March 2019).
- Based on the findings of the site investigation report, any remediation measures to be taken to avoid risk to human health or the environment when the site is developed.

Reason: A pre-commencement condition is required as previous uses of the site may have left the land contaminated and in order to avoid risk to human health or the environment, investigation and mitigation may be required, in

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accordance with policy OSS3 (viii) of the Rother Local Plan Core Strategy and policy DEN7 of the Development and Site Allocations Local Plan.

15. The remediation measures approved by condition 14 above shall be fully implemented and completed before any part of the development hereby permitted is occupied or brought into use. This shall be evidenced by a verification report which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to human health or the environment by demonstrating that the approved remediation measures have been implemented, in accordance with policy OSS3 (viii) of the Rother Local Plan Core Strategy 2014 and policy DEN7 of the Development and Site Allocations Local Plan.

16. No development hereby permitted shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and policy EN2 (vi) of the Rother Local Plan Core Strategy.

17. No part of the development hereby permitted shall be occupied or brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved by condition 16 above, and this has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and policy EN2 (vi) of the Rother Local Plan Core Strategy.

18. No development above slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the new buildings and converted warehouse hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development enhances the character and appearance of the area and the significance of the Rye Conservation Area, in accordance with policies OSS4 (iii), RY1 (iii) & EN2 (ii) of the Rother Local Plan Core Strategy and policies D1 & H4 of the Rye Neighbourhood Plan.

19. No part of the development hereby permitted shall be occupied or brought into use until the riverside walkway has been completed in accordance with the approved Drawings, and Drawing No. 8701-100 Revision E (Hardworks Plan),

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dated Nov 19 (please note that the width of the riverside walkway to the north of the restaurant is 2m, as shown on the Proposed Block Plan of approved Drawing No. 01618-PL-100-D (Bridge Point Studios Proposed & Existing Block Plans), dated 28/01/20).

Reason: To ensure the delivery of a riverside walkway, in accordance with policies H4 and T1 of the Rye Neighbourhood Plan.

20. No part of the development hereby permitted shall be occupied or brought into use until the public footpaths that pass through the site have been formally diverted to follow the route of the riverside walkway and realigned access road, as shown on the Proposed Block Plan of approved Drawing No. 01618-PL-100-D (Bridge Point Studios Proposed & Existing Block Plans), dated 28/01/20.

Reason: To maintain and enhance public access through the site, in accordance with policies TR2 (iv) & EN3 of the Rother Local Plan Core Strategy and policies D1 & T1 of the Rye Neighbourhood Plan.

21. No part of the development hereby permitted shall be occupied or brought into use until a Management Plan for the maintenance of the roadways and public footpaths that pass through the site 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 lifetime of the development. The Plan shall include:
- Details of who will be responsible for managing all aspects of the maintenance of the roadways and public footpaths.
 - Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

Reason: To maintain and enhance public access through the site, in accordance with policies TR2 (iv) & EN3 of the Rother Local Plan Core Strategy and policies D1 & T1 of the Rye Neighbourhood Plan.

22. No part of the development hereby permitted shall be occupied or brought into use until parking and turning areas have been provided in accordance with the approved Drawings, and Drawing No. 8701-001 Revision E (Landscape Masterplan), dated Nov 19, and the parking and turning areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of vehicles.

Reason: To ensure that there is adequate provision for car parking on the site, in accordance with policy TR4 of the Rother Local Plan Core Strategy and policy DHG7 (ii) of the Development and Site Allocations Local Plan.

23. No part of the development hereby permitted shall be occupied or brought into use until cycle parking areas have been provided in accordance with the approved Drawings, and Drawing No. 8701-001 Revision E (Landscape Masterplan), dated Nov 19, and the cycle parking areas shall thereafter be kept available for the parking of bicycles.

Reason: To ensure that there is adequate provision for cycle parking on the

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site, in accordance with policies RY1 (ii), TR3 (i) & TR4 of the Rother Local Plan Core Strategy, policy DHG7 (ii) of the Development and Site Allocations Local Plan and policy T1 of the Rye Neighbourhood Plan.

24. No part of the development hereby permitted shall be occupied or brought into use until bin storage areas have been provided in accordance with the approved Drawings, and Drawing No. 8701-001 Revision E (Landscape Masterplan), dated Nov 19, and the bin storage areas shall thereafter be kept available for the storage of bins.

Reason: To ensure that there is adequate provision for bin storage on the site, in accordance with policy OSS4 (i) of the Rother Local Plan Core Strategy and policy DHG7 (iii) of the Development and Site Allocations Local Plan.

25. No part of the development hereby permitted shall be occupied or brought into use until wayfinding signs, directional signs, and 'no parking' signs have been erected in and around the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to promote and encourage sustainable travel, in accordance with policies CO6 (ii), RY1 (ii) & TR2 of the Rother Local Plan Core Strategy.

26. No part of the development hereby permitted shall be occupied or brought into use until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the measures specified in the approved Travel Plan Statement shall be implemented and adhered to in full throughout the lifetime of the development.

Reason: To promote and encourage sustainable travel in accordance with policies RY1 (ii) & TR2 of the Rother Local Plan Core Strategy.

27. The restaurant hereby permitted shall not be brought into use until an odour abatement system for the kitchen has been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the living conditions of nearby residents from unpleasant odour, in accordance with policy OSS4 (ii) of the Rother Local Plan Core Strategy and policy DEN7 of the Development and Site Allocations Local Plan.

28. Before any external plant is installed on the multi-purpose arts centre and restaurant buildings hereby permitted, details of the type and location of the external plant, and means of sound insulation to ensure that the cumulative rating level of sound – as defined within BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound – emitted from the plant does not exceed the background sound level at the nearest noise sensitive receptor, shall be submitted to and approved in writing by the Local Planning Authority. The external plant shall be installed in accordance with the approved details.

Reason: To protect the living conditions of nearby residents from disturbance

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from noise, in accordance with policy OSS4 (ii) of the Rother Local Plan Core Strategy and policy DEN7 of the Development and Site Allocations Local Plan.

29. Details of an external lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Development shall be carried out in accordance with the approved details and no other external lighting shall be installed at the site.

Reason: To limit the impact of light pollution from artificial light on local amenity and wildlife, in accordance with policies OSS4 (ii) & EN5 (ix) of the Rother Local Plan Core Strategy and policies DEN4 and DEN7 of the Development and Site Allocations Local Plan.

30. The development hereby permitted shall be carried out in accordance with the hard landscape works shown on Drawing No. 8701-100 Revision E (Hardworks Plan), dated Nov 19, and the Materiality section of the Landscape Statement REV D, prepared by Marian Boswall Landscape Architects, dated Nov 2019, other than as varied under condition 6 above. The works shall be carried out prior to the occupation of any part of the development.

Reason: To ensure a high quality public realm, in accordance with policy EN3 of the Rother Local Plan Core Strategy.

31. The development hereby permitted shall be carried out in accordance with the soft landscape works shown on Drawing Nos. 8701-150 Revision D (Treeworks Plan) and 8701-300 Revision D (Softworks Plan), dated Nov 19, and the Tree Strategy, Soft Landscape Strategy and Plant Palette sections of the Landscape Statement REV D, prepared by Marian Boswall Landscape Architects, dated Nov 2019.

Reason: To ensure a high quality public realm, in accordance with policy EN3 of the Rother Local Plan Core Strategy.

32. All planting, seeding or turfing comprised in the approved soft landscape works shall be carried out in the first planting and seeding seasons following the completion of the development, or in accordance with an implementation programme agreed in writing by the Local Planning Authority, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a high quality public realm, in accordance with policy EN3 of the Rother Local Plan Core Strategy.

33. In this condition "retained tree" means an existing tree which is to be retained in accordance with Drawing No. 8701-150 Revision D (Treeworks Plan), dated Nov 19, and the Tree Strategy section of the Landscape Statement REV D, prepared by Marian Boswall Landscape Architects, dated Nov 2019; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the completion of the development.

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(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the details on Drawing No. 8701-150 Revision D (Treeworks Plan), dated Nov 19, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure a high quality public realm, in accordance with policy EN3 of the Rother Local Plan Core Strategy.

34. The development hereby permitted shall be carried out in accordance with the Flood Risk Management Measures set out in the Flood Risk Assessment (Ref: 4220), prepared by Ambiental Environmental Assessment, authorised by Daniel Cook on 01/03/2019.

Reason: To reduce the risk and impact of flooding on the proposed development and future occupiers, in accordance with policy EN7 of the Rother Local Plan Core Strategy and policies F1 & H4 of the Rye Neighbourhood Plan.

35. The development hereby permitted shall be carried out in accordance with the Mitigation/Compensation/Enhancement Measures set out in the Ecological Impact Assessment (Ref: 4455.F0), prepared by ECOSA, dated 15th March 2019.

Reason: To minimise the impact of the development on biodiversity and to enhance biodiversity, in accordance with policy EN5 (ix) of the Rother Local Plan Core Strategy and policy DEN4 of the Development and Site Allocations Local Plan.

36. The restaurant and multi-purpose arts centre hereby permitted shall not be open outside the following times:
- 0800hrs to 2300hrs on any day.

Reason: To protect the living conditions of nearby residents from disturbance from noise, in accordance with policy OSS4 (ii) of the Rother Local Plan Core Strategy and policy DEN7 of the Development and Site Allocations Local Plan.

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37. No sleeping or living accommodation shall be located on the ground floors of the dwellings hereby permitted.

Reason: To reduce the risk and impact of flooding on the development and future occupiers, in accordance with policy EN7 of the Rother Local Plan Core Strategy.

38. No built development, structures or trees shall be located on, or overhang, the flood defences except where explicitly agreed in writing by the Environment Agency.

Reason: To maintain an effective flood defence system in this area, in accordance with policy RY1 (vi) of the Rother Local Plan Core Strategy.

39. All car parking spaces within the development hereby permitted shall measure not less than 2.5m x 5m (add an extra 0.5m where the space abuts a wall).

Reason: To ensure that there is adequate provision for car parking on the site, in accordance with policy TR4 of the Rother Local Plan Core Strategy and policy DHG7 (ii) of the Development and Site Allocations Local Plan.

NOTES:

1. The development is subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended).
2. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
3. The applicant and/or developer is advised that the development will require one or a number of Flood Risk Activity permits from the Environment Agency before work can commence on site. Details are available at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
4. The applicant and/or developer is advised to contact the Environment Agency by e-mail at kslplanning@environment-agency.gov.uk for assistance and advice in seeking compliance with the requirements of the flood defence scheme condition.
5. The applicant and/or developer is advised that Southern Water has undertaken a desk study of the impact that the additional foul sewage flows from the development will have on the existing public sewer network. The initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the applicant and/or developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development, as it will take time to

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design and deliver any such reinforcement. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk.

6. The applicant and/or developer is advised that a formal application for connection to the water supply is required in order to service this development. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk.
7. The applicant and/or developer is advised to contact East Sussex County Council Archaeology Team by e-mail at county.archaeology@eastsussex.gov.uk for assistance and advice in seeking compliance with the requirements of the archaeological conditions.
8. The applicant and/or developer is advised that the stopping up and diversion of the existing access road serving the site from the A259 (South Undercliff), and the diversion of the two public footpaths passing through the site, require applications for stopping up/diversion Orders under sections 247, 248 and 257 of the Town and Country Planning Act 1990 (as amended). Details for applying to stop up and divert the access road are available at <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>. Please contact East Sussex County Council Rights of Way team by e-mail at rightsofway@eastsussex.gov.uk for details on applying to divert the footpaths.
9. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
10. The applicant and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Public Holidays.
11. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for securing a safe development and secure occupancy of the new buildings rests with the landowner and/or developer.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the 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 assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the

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presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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