

## PLANNING DECISION NOTICE

Martinique Way Village Limited  
C/O Jonathan Buckwell  
DHA Planning  
Dha Planning  
Astral Towers  
Betts Way, Crawley  
RH10 9XA

**Planning First**  
**Regeneration and Planning**  
**Eastbourne Borough Council**  
Eastbourne Town Hall  
Grove Road  
Eastbourne  
BN21 4UG

Tel: 01323 410000  
customer\_first@lewes-eastbourne.gov.uk  
www.lewes-eastbourne.gov.uk/planning

### DECISION: PLANNING PERMISSION GRANTED SUBJECT TO CONDITIONS

**Town & Country Planning Act 1990 (As Amended)**  
**Town & Country Planning (Development Management Procedure)(England) Order 2015**

**Application No:** 230847  
**Location:** Site 1 off Martinique Way, Martinique Way, Eastbourne, East Sussex  
**Proposal:** Erection of an extra-care retirement community (Use Class C2), comprising 126 no. apartments for older people, ancillary facilities and services including an ancillary restaurant/bar and community meeting/activity space, soft and hard landscaping, parking, access and other associated works (Amended Description).

**Decision Date:** 11<sup>th</sup> February 2025

In pursuance of its powers under the Town and Country Planning Acts, and all other powers, the Council, as Local Planning Authority, hereby grants planning permission subject to the following conditions:

#### Condition(s) and Reason(s):

- 1) **Time Limit:** The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) **Approved Plans:** The development hereby permitted shall be carried out in accordance with the approved drawings:

- Drawing: 23026-GFA-ZZ-ZZ-DR-A-10901-P.01 Site Location Plan
- Drawing: 23026-GFA-ZZ-ZZ-DR-A-10915-P.01 Existing Block Plan
- Drawing: 23026-GFA-ZZ-LG-DR-A-10913-P.05 Proposed Block Plan Lower Ground Floor
- Drawing: 23026-GFA-ZZ-RF-DR-A-10914-P.06 Proposed Block Plan Roof Level
- Drawing: 23026-GFA-A-00-DR-A-11101-P.10 Proposed Ground Floor Plan
- Drawing: 23026-GFA-A-00-DR-A-11112-P.04 Proposed Ground Floor Plan – Part 01
- Drawing: 23026-GFA-A-00-DR-A-11113-P.04 Proposed Ground Floor Plan – Part 02
- Drawing: 23026-GFA-A-LG-DR-A-11100-P.12 Lower Ground Floor Plan
- Drawing: 23026-GFA-A-LG-DR-A-11110-P.04 Lower Ground Floor Plan - Part 01
- Drawing: 23026-GFA-A-LG-DR-A-11111-P.05 Lower Ground Floor Plan - Part 02
- Drawing: 23026-GFA-A-01-DR-A-11102-P.07 First Floor Plan

- Drawing: 23026-GFA-A-01-DR-A-11114-P.02 First Floor Plan - Part 01
- Drawing: 23026-GFA-A-01-DR-A-11115- P.02 First Floor Plan - Part 02
- Drawing: 23026-GFA-A-02-DR-A-11103-P.06 Second Floor Plan
- Drawing: 23026-GFA-A-02-DR-A-11116- P.02 Second Floor Plan - Part 01
- Drawing: 23026-GFA-A-02-DR-A-11117- P.02 Second Floor Plan - Part 02
- Drawing: 23026-GFA-A-03-DR-A-11104-P.10 Third Floor Plan
- Drawing: 23026-GFA-A-03-DR-A-11118-P.04 Third Floor Plan - Part 01
- Drawing: 23026-GFA-A-03-DR-A-11119-P.04 Third Floor Plan - Part 02
- Drawing: 23026-GFA-A-04-DR-A-11105-P.12 Fourth Floor Plan
- Drawing: 23026-GFA-A-04-DR-A-11120-P.04 Fourth Floor Plan - Part 01
- Drawing: 23026-GFA-A-04-DR-A-11121-P.05 Fourth Floor Plan - Part 02
- Drawing: 23026-GFA-A-05-DR-A-11106-P.11 Fifth Floor Plan
- Drawing: 23026-GFA-A-05-DR-A-11122-P.04 Fifth Floor Plan - Part 01
- Drawing: 23026-GFA-A-05-DR-A-11123- P.04 Fifth Floor Plan - Part 02
- Drawing: 23026-GFA-A-ZZ-DR-A-12100-P.06 General Arrangement Elevations - Sheet 1 of 2
- Drawing: 23026-GFA-A-ZZ-DR-A-12101-P.06 General Arrangement Elevations - Sheet 2 of 2
- Drawing: 23026-GFA-A-ZZ-DR-A-13100-P.06 General Arrangement Sections - Sheet 02 of 03
- Drawing: 23026-GFA-A-ZZ-DR-A-13101-P.05 General Arrangement Sections - Sheet 02 of 03
- Drawing: 23026-GFA-A-ZZ-DR-A-13102-P.05 General Arrangement Sections - Sheet 03 of 03
- Drawing: 23026-GFA-A-RF-DR-A-11108-P.08 Roof Plan

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates

- 3) **External Materials:** Prior to commencement of the development, hereby approved, samples of all facing materials used in the external surfaces of the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development.

Reason: To ensure that the development has a satisfactory appearance.

- 4) **Landscaping:** A Scheme of Soft and Hard Landscape Works shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall be designed in accordance with the approved in accordance with the approved Landscape General Arrangement (386-LST-XX-XX-DR-L-0101 Rev P04) and include:
- Written specifications
  - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
  - Details of all hard-surfaces, including paths, access ways, boundary treatments, play equipment and parking spaces.
  - A landscape maintenance and management plan for all new and retained landscape elements
  - A timetable for implementation of the soft and hard landscaping works
  - A Lighting strategy, including design and specifications of all lighting of roads, paths and buildings
  - Details of wayfinding signage and heritage related information.

The Scheme of Soft and Hard Landscape Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenity and biodiversity of the site.

- 5) **ARCH 1:** No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 6) **ARCH 3:** No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition (ARCH 1).

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 7) **Land contamination:** No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

- a. Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- b. The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- c. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework.

- 8) **Verification report:** No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the

verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework.

- 9) **Previously unidentified land contamination:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework.

- 10) **Assessment of UXO Risk:** No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until an assessment of UXO (unexploded ordnance) risk is undertaken. The assessment must be taken by a competent person and conform with current guidance and best practice.

Reason: To ensure that the risks from the site wide unexploded ordnance to future users of the land and existing neighbouring land are eliminated and or minimised to ensure that development can take place without unacceptable risk to workers, residents and neighbours including any unacceptable major disruption to the wider public on and off site that may arise as a result of evacuation/s associated with the mitigation of UXO, in accordance with in accordance with National Planning Policy Framework.

- 11) **Vehicular Access: No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved plan.**

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

- 12) **Pedestrian Accesses:** No development shall be occupied until the pedestrian accesses serving the development has been constructed in accordance with the approved plan.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

- 13) **Parking Areas:** The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

- 14) **Parking Areas:** The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

- 15) **Cycle and mobility scooter parking areas:** The development shall not be occupied until cycle and mobility scooter parking areas have been provided in accordance with the approved details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

- 16) **Turning space for vehicles:** The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

- 17) **Highways matter sectional drawing:** Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

- 18) **Construction Environmental Management Plan:** No development shall take place, including any ground works or works of demolition, until a Construction Environmental 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 approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period and shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction (including a workers travel plan),
- the method of access and egress and routeing 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/ temporary site security fencing, • artificial illumination
- site illumination
- measures to manage the impact upon local air quality (including dust suppression, air pollution and odour);
- noise and vibration mitigation
- 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),
- details of public engagement both prior to and during construction works.

The approved Construction Environment Management Plan shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

Reason: In the interests of highway safety and the amenities of the area.

- 19) **EV Charging facilities:** Details of electric charging facilities, including their number, specification and location, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be implemented in accordance with the details approved prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

- 20) **Travel Plan:** No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 21) **Flood Risk:** The development shall be carried out in accordance with the submitted flood risk assessment (ref: 14150-CRH-ZZ-XX-RP-C-0002-P2, 19/12/23, Campbell Reith) and the following mitigation measures it details:

- Finished floor levels of the ground floor level shall be set no lower than 7.15 metres above Ordnance Datum (AOD), as detailed in Paragraph 7.4.3.

All residential accommodation shall be restricted to this level and above.

- The lower ground floor level is to be used for car parking and ancillary services only, and shall be set no lower than 4.15 metres AOD as detailed in Paragraph 7.4.4. Residential or more vulnerable uses shall not be permitted on the lower ground floor.
- Residents shall sign up to the Environment Agency's Flood Warning Service, as detailed in Paragraph 7.5.3.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and maximise the safety of future occupants in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

- 22) **Refuse Storage:** Prior to first occupation of the development, hereby approved, the enclosed refuse and recycling storage facilities shall be provided in accordance with drawing No: 23026-GFA-ZZ-LG-DR-A- 10913-P.02 Proposed Block Plan Lower Ground Floor. Thereafter, the facilities shall be retained solely for the storage of refuse and recycling in accordance with the approved plans for the lifetime of the development.

Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.

- 23) **Micro Renewables:** Details of micro renewable equipment, including their number and specification, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be implemented in accordance with the details approved prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.

Reason: To provide on-site sustainable energy production to reduce the energy demands of the development.

- 24) **Compliance with existing biodiversity report:** All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (The Environment Partnership, January 2025, Ref: 10145.008 V.1.0) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to avoid an offence under the Wildlife and Countryside Act 1981, as amended and to provide a net gain for biodiversity as required by Eastbourne Borough Council's BNG Technical Advice Note (2021), paragraphs 187 and 193 of the National Planning Policy Framework (2024), Section 40 of the Natural Environment and Rural Communities Act (2006) and Policy D9 of Eastbourne Core Strategy Local Plan (2013).

- 25) **Updated Biodiversity Net Gain (BNG) Assessment:** No development shall take place (including any site investigation, testing or clearance) until an updated BNG Report and Statutory Biodiversity Metric (with supporting condition assessments for pre- and post-development habitats) has been submitted to and approved in writing by the local planning authority. These should demonstrate how a minimum of 1% BNG will be delivered, strategic significance is applied, trading rules have been satisfied (including for sea buckthorn scrub) and the loss of CVS (and the county important invertebrate assemblage it supports) will be compensated for. The approved BNG Assessment and Statutory Biodiversity Metric shall be implemented in accordance with the approved details and all habitats and associated biodiversity features shall be retained in that manner thereafter.

Reason: To ensure that the scheme delivers in a minimum of 1% BNG in line with the Council's BNG Technical Advice Note (2021) and to provide a net gain for biodiversity as required by required by Section 40 of the Natural Environment and Rural Communities Act (2006) and paragraphs 187 and 193 of the National Planning Policy Framework (2024).

- 26) **Construction Environmental Management Plan (Biodiversity):** Prior to the start of works onsite (including any demolition, ground works, site clearance), a construction environmental management plan (CEMP: Biodiversity) should be submitted to and approved in writing by the local planning authority.

This should include information on how Beachy Head East Marine Conservation Zone, Sovereign Park Local Wildlife Site (LWS), Sovereign Harbour Beach LWS and intertidal mudflats adjacent to the development will be protected from pollution events. Details (where required) on exclusion zones for higher risk activities such as the storage of chemicals/diesel/oil, refuelling and vehicle washing areas (particularly for concrete/cement/mixing plant) and an Incident Response Plan should be provided.

Details of best practice construction measures recommended in the EclA (The Environment Partnership, January 2025, Ref: 10145.008 V.1.0) to mitigate against impacts to mammals that may be present onsite, e.g. foxes and hedgehogs, should be provided.

The protection of adjacent trees in accordance with the Arboricultural Implications Report (The Environment Partnership, November 2023, Ref: 10207.001 V.1.0) should be included.

The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works, including mitigation for invasive non-native plant species;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities, including potential indirect pollution events on designated sites and priority habitats, direct disturbance of important retained habitats such as coastal vegetated shingle and impacts to species protected under the Wild Mammals (Protection) Act (1996) do not occur.

**27) Biodiversity Method Statement (Note: can be included as part of the CEMP):**

No development shall take place (including any demolition, ground works, site clearance) until a biodiversity method statement (BMS) demonstrating how potential impacts to important habitats, breeding birds, foxes and hedgehog and impacts from invasive plant species (including the Schedule 9 plant cotoneaster and other invasive species such as pampas grass) have been mitigated, has been submitted to and approved in writing by the local planning authority.

Details of how retained areas of onsite coastal vegetated shingle and scrub habitats and offsite intertidal mudflat (adjacent to the north) will be protected during works, should be provided with the type and location of protective fencing marked on an appropriately scaled construction plan. Details of where onsite shingle and sands are to be sourced from and how they will be handled and appropriately stored until use in habitat creation, should be provided. The volume of material to be excavated and stored temporarily at site should be calculated (and presented) and the location of stock piles shown on an appropriately scaled construction plan. Note: once positioned, stock piles should not be moved. Where it is intended to retain plant seed banks, this material must be stock piled separate to other material and ideally covered.

The content of the BMS shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

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



Reason: To protect habitats and species identified in the ecological assessment from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and Wild Mammals (Protection) Act (1996).

**28) Ecological Design Strategy:**

No development shall take place (including any demolition, ground works, site clearance) until an ecological design strategy (EDS) addressing species mitigation, compensation for the loss of habitat and the provision of a minimum 1% biodiversity net gain has been submitted to and approved in writing by the local planning authority.

The EDS shall include details of how any offsite habitats and all significant onsite habitats are to be enhanced or created, i.e. native, semi-natural and/or flower-rich non-native planting of recognised wildlife value. This includes, but should not be limited to, coastal vegetated shingle, scrub, planted trees and biodiverse green roofs.

Details of other biodiversity features should be provided, including (but not limited to) hedgehog nest domes (or equivalent), hedgehog holes in fencing or other boundaries, deadwood habitat/logs, 126No. bird boxes/bricks including for swift, 126No. bee bricks and mosaics of open habitat/bare ground comprising shingle of various sizes and sands. Information should be provided to aid awareness of the potential impacts caused by increased visitor pressure on Local Wildlife Sites and coastal vegetated shingle present on and offsite. This should be in the form of a printed leaflet for inclusion in a Residents' Pack (or equivalent) and at least one information board positioned in a strategic location. Details for the information board should include location, specification of board and stand and final design of information panel.

The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. e.g. seed collected from local plants, retained seed banks, plant propagules/transplants, other seed sources, nursery stock etc.);
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works and evidence they have the requisite knowledge and experience to undertake allocated tasks;
- h) details of initial aftercare;
- i) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored, that the proposed design, specification and implementation can demonstrate this including the provision of a minimum 1% net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act (2006), paragraphs 187 and 193 of the National Planning Policy Framework (2024), Policy D9 of Eastbourne Core Strategy Local Plan (2013) and Eastbourne Borough Council's Biodiversity Net Gain (BNG) Technical Advice Note (2021).

**29) Ecological/Biodiverse roofs:** No development shall commence above slab level until details of the ecological and/or biodiverse roofs have been submitted to and agreed in writing by the Local Planning Authority.

- a) Full construction details and section plans of the roof areas shall be submitted to and approved in writing by the LPA.
- b) The roofs shall be constructed in full accordance with the details approved in (a) prior to first occupation, and shall thereafter be maintained.
- c) The roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- d) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: In the interest of the conservation and enhancement of biodiversity in accordance with the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the NPPF (December 2024) and local policy.

**30) A Habitat Management and Monitoring Plan (HMMP):** No development shall take place (including any demolition, ground works, site clearance) until a Habitat Management and Monitoring Plan (HMMP) has been submitted to, and approved in writing by, the local planning authority prior to the occupation of the development.

**31)**

The HMMP should include details of the long-term management and monitoring of any offsite habitats and all significant onsite habitats, i.e. native, semi-natural and/or flower-rich non-native planting of recognised wildlife value. This includes, but should not be limited to coastal vegetated shingle, scrub, planted trees and biodiverse green roofs.

The HMMP should cross reference to the completed Statutory Biodiversity Metric including summary details on baseline conditions (for management and monitoring purposes) and proposed habitat types and their targeted condition.

The HMMP should include a clear statement to maintain all areas of retained and new coastal vegetated shingle (and ideally all habitat in public open spaces) without the use of herbicides, pesticides or fertilisers.

The content of the HMMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
- g) details of the body/organisation/person/s responsible for implementation of the plan, lines of communication and evidence they have the requisite knowledge and experience to undertake allocated tasks;
- h) details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery;
- i) details of ongoing monitoring and the points at which monitoring reports will be issued to the local planning authority;
- j) contingencies and/or remedial actions to be identified, agreed and implemented where the results from monitoring show that conservation aims and objectives are not being met.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a HMMP will ensure the long-

term management of habitats, species and other biodiversity features and that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme, including delivery of a minimum 1% net gain for biodiversity.

Informatives:

- 1) In dealing with the application, the Council has sought to work with the applicant in a positive and proactive manner in accordance with paragraph 38 of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Council has published its saved policies of the Borough Plan 2007 and the Core Strategy Local Plan 2013 on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. The Council also offers a pre-application advisory service which applicants are encouraged to engage with prior to the submission of any application. Officers have worked with the applicant to overcome policy conflicts through revisions to the proposal to meet the objectives of the Development Plan.
- 2) Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You are advised that carrying out any building works that can be heard at the boundary of the site, including demolition, site clearance or building operations, should only take place only between the hours of 08.00- and 18.00-hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays.
- 3) Your proposals may be subject to control under the Building Regulations which cover aspects including fire and emergency escape, access, and facilities for people with disabilities and sound insulation between dwellings. Please contact the East Sussex Building Control Partnership for further advice: [www.eastsussexbuildingcontrol.co.uk](http://www.eastsussexbuildingcontrol.co.uk)
- 4) This permission may be Liable for CIL (Community Infrastructure Levy). You are advised to contact the CIL Team at [CIL@lewes-eastbourne.gov.uk](mailto:CIL@lewes-eastbourne.gov.uk) prior to work starting on site to ensure that the CIL Regulations have been complied with. Failure to comply may result in surcharge, immediate payment of the outstanding Liability and loss of opportunity to apply for any relief.
- 5) The above permission contains pre-commencement conditions which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of the pre-commencement condition have been met.  
The applicant is advised that a formal consent will need to be made to discharge the details of these conditions. This process may be subject to a fee. Please note that this approval process may take up to 8 weeks from the date of the request.
- 6) Breeding birds: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 7) Swift bricks: Swift bricks/boxes can be placed on any elevation, but must avoid areas that are exposed to extended periods of direct sunlight or prevailing weather conditions, with shade casting eaves and gable ends being optimum locations. They should be installed in groups of at least three, approximately 1m apart, at a height no lower than 4m (ideally 5m or above), and preferably with a 5m clearance between the host building and other buildings, trees or obstructions. Where possible avoid siting them above windows, doors and near to ledges/perches where predators could gain access. Always use models that are compatible with UK brick/block sizes and consider the potential for moisture incursion

and cold spots in the building design. Swift bricks should be used unless these are not practical due to the nature of construction (or other design constraints), in which case evidence should be provided of this and alternative designs of suitable swift boxes should be provided in their place.

- 8) The human rights considerations have been taken into account fully in balancing the planning issues and the proposals will not result in any breach of the Equalities Act 2010.
- 9) Access for Fire Brigade: your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.
- 10) This permission does not convey any approval to carry out alterations to the public highway, which will require separate consent from the Highway Authority.

This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or Approval under any other enactment. Any other consent or approval which is necessary must be obtained from the appropriate authority.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>



Ian Fitzpatrick  
Director of Regeneration and Planning  
Lewes District Council and Eastbourne Borough Council