

Report to: Planning Applications Committee
Date: 21 August 2023
Application No: 220852
Location: Site 7a, Pacific Drive, Eastbourne, BN23 6DW
Proposal: Proposed Three Storey, 66 Bedroom, Care Home for Older People (Class C2 Use) with Associated New Access (off Pacific Drive), Parking & Landscaping
Applicant: LNT Care Developments Ltd.
Ward: Sovereign

Recommendation: That the application be delegated to the Head of Planning to secure agreement to the scheme in relation to:

- Air Quality issues
- landscaping issues
- ecological translocation issues
- sustainable drainage matters

On reaching agreement to these issues then 2 below.

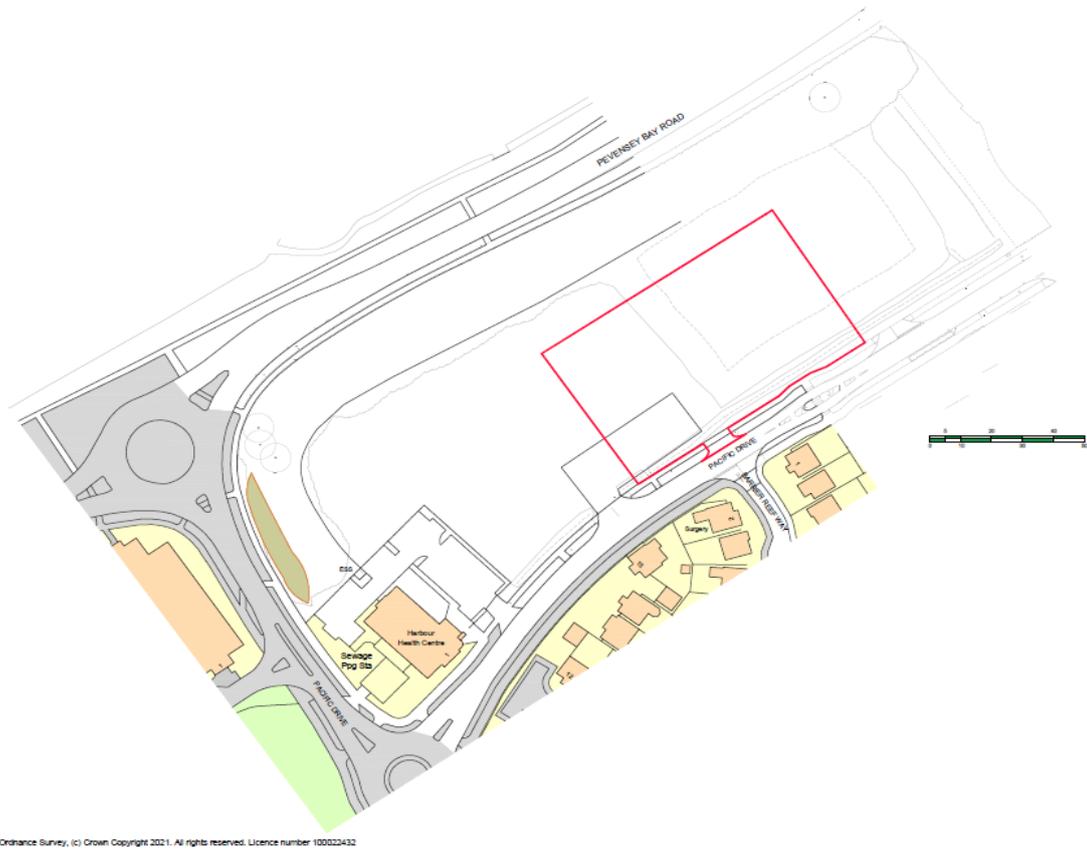
2. That the Head of Planning be authorised to Grant permission subject to conditions and S106 / S278 agreement for:

- Travel Plan audit fees
- Other highway works including public transport enhancements
- Local Labour Agreement
- Ecological translocation controls

3. If no meaningful engagement with the legal agreement is pursued within six months, then the Head of Planning be authorised to refuse planning permission due to the lack of infrastructure.

Contact Officer: **Name:** Leigh Palmer
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Site Location Plan



1.	Executive Summary
1.1	This application is brought before the Planning Committee due to the significant number of objections received following public consultation.
1.2	<p>Proposed Three Storey, 66 Bedroom, Care Home for Older People (Class C2 Use) with Associated New Access (off Pacific Drive), Parking & Landscaping.</p> <p>This application is one component in a tripartite submission. Two other applications have been independently submitted and reported elsewhere on this agenda.</p>
1.3	The development is considered to be sympathetic to the surrounding built and natural environment as well as the amenities of neighbouring residents and would provide good quality care home offer, providing choice of housing/accommodation for the local community.
1.4	The application is recommended for approval subject to S106 agreement and conditions.
1.5	<u>Sustainability</u>

	<p>The scheme delivers a reduction in carbon emissions through the use of improved building fabric, ground source heat pump supplemented by efficient lighting and a photo voltaic array.</p> <p>This is considered to be given <u>significant positive weight</u> in the planning balance.</p>
1.6	<p><u>Land Allocation</u></p> <p>The site is allocated for employment purposes within the Local Plan and has dedicated policies limiting the use of the site. This has existed in various forms for more than 30 years.</p> <p>The site forms part of the wider development area for which outline approval for a mix of employment uses has been granted and this allowed for the reserved matters submission to be submitted within a 10-year period, this expires December 2024.</p> <p>The redevelopment for care home purpose purposes is contrary to the Local Plan and as such should be afforded <u>significant negative weight</u> in the planning balance.</p> <p>It is noted that despite the land use allocation that the use of the site for/as a care home has previously been supported by way of the outline planning permission. This is considered to have a <u>moderate positive weight</u> in the planning balance.</p>
1.7	<p><u>Under Delivery on land allocation aspiration</u></p> <p>It is recognised that despite the land being allocated and having an outline planning consent there has been no market interest in the development of the site.</p> <p>Against this background the redevelopment of the site for a care home would see the regeneration benefits of inward invest, job creation and residential choice in a sustainable location.</p> <p>The proposal would also support the local economy through local purchasing of goods, services, and supplies.</p> <p>These regeneration benefits should be afforded <u>significant positive weight</u> in the planning balance.</p>
1.8	<p><u>Economic Impact</u></p> <p>The scheme represents a multi-million-pound investment into the Borough that would create jobs through the construction and operational phases of the development.</p> <p>50 new job opportunities will come from the development offering full and part time opportunities to the whole community.</p>

	<p>The investment and job creation to be given <u>significant positive weight</u> in the planning balance.</p>
1.9	<p><u>Housing delivery</u></p> <p>It is acknowledged that a proportion of the units proposed under this scheme can be counted in terms of the Council's housing delivery targets.</p> <p>In this regard housing delivery is considered to have significant positive weight in the planning balance.</p>
1.10	<p><u>Noise Impacts</u></p> <p>Post construction noise impacts will be limited to the use of the car park for staff, visitors, and service vehicles.</p> <p>The noise from the car park will be low and not deemed to result in a loss of amenity.</p> <p>Given suitable controls in place to prevent/mitigate noise impacts beyond the boundary of the site this issue should be given <u>moderate positive weight</u> in the planning balance.</p>
1.11	<p><u>Landscape and Ecology Impacts</u></p> <p>Change in the landscape would be limited to the immediate site area due to the self-contained nature of the site. The scale and density of the development would be comparable with surrounding commercial development and the design incorporates significant green landscape buffers, with a significant landscape area to adjacent to the A259 Pevensey Bay Road.</p> <p>It is recognised that this is an allocated development site for employment uses and to some extent the existing habitat would have been impacted if the allocation had been implemented.</p> <p>The Aldi scheme proposes the incorporation of an ecological roof to mitigate the loss of habitat; given this and other landscaping at the site it is considered that the development would result in limited landscape harm, and this should be attributed moderate positive weight in the planning balance.</p> <p>In addition to the on-site landscape and biodiversity benefits the scheme proposes the translocation of protected species where appropriate and deemed to be necessary. All aspects of this translocation accord with best practice.</p> <p>This is considered to be attributed moderate positive weight in the planning balance.</p>

1.12	<p><u>Highways Safety & Car Parking</u></p> <p>The scheme provides 25 car parking spaces, 4 disabled spaces, 6 EV charging positions and 8 cycle parking spaces.</p> <p>The access, parking and servicing requirements have been endorsed by ESCC Highways. The increase in traffic is of a degree that would NOT result in disruption or congestion on the surrounding highway network.</p> <p>It is considered that this should be attributed <u>moderate positive weight</u> in the planning balance.</p>
1.13	<p><u>Accessibility</u></p> <p>The scheme's design has been considered with regards to its access arrangements and servicing arrangements.</p> <p>The site is located with access to alternative modes of transport, cycling, walking and bus routes.</p> <p>This is considered to be attributed <u>moderate positive weight</u> in the planning balance.</p>
1.14	<p><u>Flood Risk & Drainage</u></p> <p>At the time of writing this matter is under review by external consultees.</p> <p>On the presumption that the scheme does not give rise to off-site flooding and a designed drainage system that satisfies the lead Local Flood Authority can be achieved then this should be given <u>moderate positive weight</u> in the planning balance.</p>
1.15	<p><u>Heritage and Archaeology</u></p> <p>The intrusive site survey has heralded little archaeology remains at the site and as such this should be given <u>limited positive weight</u> in the planning balance.</p>
1.16	<p><u>Design & Appearance</u></p> <p>The design is considered functional and appropriate for its use and would not in and of itself be harmful to the site and surrounding area.</p> <p>The design and appearance should be given <u>limited positive weight</u> in the planning balance.</p>
1.17	<p><u>High Pressure Gas Main</u></p> <p>The location of the new building is outside of the access/exclusion zone for the high-pressure gas main.</p>

	This issue is considered to be given <u>limited positive weight</u> in the planning balance.
1.18	<p><u>Brownfield Land</u></p> <p>The scheme promotes the redevelopment of brownfield land.</p> <p>This issue is considered to be given <u>significant positive weight</u> in the planning judgement.</p>
2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>31 Local Plans to have regard to Market signals.</p> <p>38 Local Planning Authorities to work cooperatively with applicants to improve the economic, social, and environmental conditions of the area.</p> <p>81 Significant weights to economic growth</p> <p>87 Requirements for sequential test for sites that are not in accordance with the development plan.</p> <p>124 Make efficient use of land.</p> <p>126 High quality beautiful and sustainable developments</p> <p>130 Reflective of local character</p> <p>132 Importance of design quality.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1: Spatial Development Strategy and Distribution</p> <p>B2: Creating Sustainable Neighbourhoods</p> <p>C14: Sovereign Harbour Neighbourhood Policy</p> <p>D1: Sustainable Development</p> <p>D5: Housing</p>

	<p>D7: Community, Sport, and Health</p> <p>D8: Sustainable Travel</p> <p>D9: Natural Environment</p> <p>D10a: Design</p> <p>E1: Infrastructure Delivery.</p>
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>BI7: Design Criteria</p> <p>HO20: Residential Amenity</p> <p>NE4: Sustainable Drainage Systems</p> <p>NE16: Dev within 250m of Former Landfill Site</p> <p>NE18: Noise</p> <p>NE23: Nature Conservation of Other Sites</p> <p>NE28: Environmental Amenity</p> <p>UHT1: Design of New Development</p> <p>UHT4: Visual Amenity</p> <p>UHT7: Landscaping</p> <p>US1: Hazardous Installations</p> <p>US5 Tidal Risk</p> <p>HO20: Residential Amenity</p> <p>TR2: Travel Demands</p> <p>TR5: Contributions to the Cycle Network</p> <p>TR8: Contributions to the Pedestrian Network</p> <p>TR6: Facilities for Cyclists</p> <p>TR11: Car Parking</p> <p>TR12: Car Parking for those with Mobility Problems.</p>
2.4	<p><u>Eastbourne Employment Land Local Plan (ELLP- adopted 2016)</u></p> <p>Policy EL1 – Economy and Employment Land</p> <p>Policy EL4: Sovereign Harbour.</p>
2.5	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Eastbourne Sovereign Harbour SPD</p> <p>Local Employment and Training SPD</p> <p>EBC Sustainability in Development TAN</p>

	EBC Biodiversity Net Gain TAN EBC Electric Vehicle Charging Points TAN.
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3.	Site Description
3.1	The application site forms part of Sovereign Harbour and is situated along the northern boundary of the north harbour.
3.2	The site is bounded by Pevensy Bay Road (A259) to the north, one of the main routes to Pevensy Bay from Eastbourne and forms part of a national cycle network route. Pacific Drive is to the south of the application site and is the only vehicular access to the north harbour area.
3.3	In the Southwest corner of site 7a is the development of the Harbour Medical Centre approved in 2009.
3.4	The site is currently undeveloped land that has permission for a mixed use of residential, employment uses (office) and open space. See planning history for more context).
3.5	The nearest residential properties of Coral Reef Close and Barrier Reef Way. are located on the opposite side of Pacific Drive to the south of the application site.
3.6	The application site is located within the Environment Agency's Flood Zone 3.
3.7	Along the border with Pevensy Bay Road runs a high-pressure gas pipeline.
3.8	The application site is within close proximity to, but not within the District Shopping Centre of Sovereign Harbour, which is also known locally as The Crumbles.

4.	Proposed Development
4.1	<p>The application is seeking permission for the erection of a new building to accommodate 66-bedroom care-home, falling with use class C2.</p> <p>All bedrooms are single occupancy rooms with ensembles. All space standards will comply with legislative requirements. Will also include a shop and cinema and level access and lift access between floors.</p> <p>The proposed building is uniformly 3-storeys in height under a pitched roof with a ridge height of 12.47m.</p> <p>Whilst the building is broadly linear in footprint terms with the long access facing Pacific Drive, its long facades are articulated, with projecting bays, projecting entrance feature and access (emergency) cores.</p>

	The combination of this physical articulation, together with the proposed palette of external facade materials, will provide architectural interest, 'modelling' and shading, from whichever angle the building is viewed, mitigating its scale and mass.
4.2	Proposed vehicular access to the site is via Pacific Drive opposite the residential properties of Coral Reef Close. The main entrance also faces Pacific Drive.
4.3	The proposal includes the provision of 25 car parking spaces, 4 spaces allocated as disabled parking, 6 spaces for electric vehicle parking of.
4.4	8 Cycle parking spaces will be provided onsite, this will be in a safe and secure for staff and residents to use.
4.5	The proposal includes landscaping of the site featuring soft landscaping to the borders of the carparking area and a larger landscaped area to the north of the site adjacent to Pevensey Bay Road.

5.	Relevant Planning History:
5.1	There have been numerous historic applications concerning the wider site, below are the most relevant to the consideration of this application.
5.2	<p><u>131002</u> Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:</p> <p>Site 1 - up to 72 dwellings and access</p> <p>Site 4 - Commercial and employment uses (A1-A5 3,200sqm) (B1, C1 and D13,600sqm)</p> <p>Site 5 - Community use (800sqm)</p> <p>Site 6 - Employment and office uses (B1 up to 15,000sqm)</p> <p><u>Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm) (D1 up to 200sqm), up to 70 dwellings and open space (0.80 has)</u></p> <p>Site 8 - Up to 8 dwellings, open space, and berth holder facilities.</p> <p>Planning Permission Approved Conditionally 02/12/2014.</p>

6.	Consultations:
6.1	<p><u>East Sussex Highways Agency</u></p> <p>No objections subject to conditions.</p>

6.2	<p><u>Environment Agency</u></p> <p>No objection subject to conditions controlling: -</p> <p>Flood risk assessment implementation</p>
6.3	<p><u>Environmental Health (Contaminated Land)</u></p> <p>No objections subject to conditions that mirrored the EA conditions with the addition of a condition controlling the provision of construction Environmental Management Plan.</p>
6.4	<p><u>CIL</u></p> <p>The application would not be liable for CIL as per the Eastbourne CIL Charging Schedule.</p>
6.5	<p><u>Southern Water</u></p> <p>No objections but guide the developer in terms of required clearance works (for access) to exist SW assets in the locality.</p> <p>Approval is required by SW prior to any connection to the SW assets.</p> <p>Any surface water management proposal cannot utilize SW foul water assets.</p>
6.6	<p><u>Wealden District Council</u></p> <p>The Council raise no objections to this application.</p>
6.7	<p><u>County Archaeology</u></p> <p>No objection has been raised to this scheme.</p> <p>OFFICER comments: - despite the recommendation to this element of the scheme it is considered that the further work is required as stipulated by the Aldi application. .</p>
6.8	<p><u>Environmental Protection (Noise & External Lighting)</u></p> <p>No objection subject to conditions controlling hours of work for construction and controls on external lighting.</p> <p>Air quality impacts needs further justification prior to be found acceptable, this can be controlled via planning condition.</p>

6.9	<p><u>Sovereign Harbour Residents Association</u></p> <p>Object to the scheme on the grounds of lack of parking and general congestion that would result from this and neighbouring developments.</p>
6.10	<p><u>Regeneration</u></p> <p>No objection subject to a local labour agreement covering construction and operational jobs.</p>
6.11	<p><u>Planning Policy</u></p> <p>No objections.</p> <p>The site was previously granted outline planning permission in December 2014 for a mix of employment uses including B1 (6,700sqm), D1 (up to 200sqm), C1 and C2 (up to 5,500sqm) (Ref: 131002).</p> <p><u>Summary</u></p> <p>The site is considered a sustainable location for development, with access to key services and public transport.</p> <p>The proposed 66 bed care home if granted would count towards housing delivery in the borough. In relation to care homes this means establishing the amount of accommodation released in the housing market, calculations are based on the average number of adults living in households (1.8), therefore the care home would provide 36 residential units to the boroughs housing supply.</p> <p>According to the Planning Statement the proposed development would also generate between 50-60 new employment opportunities.</p> <p>It is noted that the outline planning permission granted for the site included Class C2 uses, given the lack of developable sites for housing in the borough, Planning Policy have no objection in principle to the proposed development of a care home on Site 7a.</p>
6.12	<p><u>ESCC Suds</u></p> <p>Object due to insufficient information.</p> <p>OFFICER COMMENT: - It is accepted by officers that the SuDS scheme is and will be a designed technical solution. The applicants are in discussion with the Lead Local Flood Authority on these matters. It is considered that these details can adequately controlled via planning condition.</p>

7.	Other Representations:
7.1	<p><u>Notification</u></p> <p>Notification of this application has been undertaken in the form of:</p> <p>neighbour notification letters</p> <p>site notices displayed in roads neighbouring the site and</p> <p>a press advert in a locally distributed newspaper.</p>
7.2	<p><u>Neighbour Representations:</u></p> <p>Circa 130 letters of objection have been received, which raise the following concerns based upon material planning grounds:</p> <ul style="list-style-type: none"> • Proposed access to the site is inappropriate due to being the only vehicular access to the north harbour. • Access should be from Pevensey Bay Road <p>Officer Response: Members should focus on the application before them, and this is to access the site off Pacific Drive. There are no objections to this point of access from ESCC Highways.</p> <ul style="list-style-type: none"> • Surrounding road network is insufficient to support the level of trips to and from a supermarket. <p>Officer Response: There is no objections to the proposals from East Sussex Highways Department.</p> <ul style="list-style-type: none"> • Proposed access could impact access for the RNLI, emergency services and bus routes. • Impact to highway safety for pedestrians, cyclists, and vehicles <p>Officer Response: There is no objections to the proposals from East Sussex Highways Department.</p> <ul style="list-style-type: none"> • Parking provision on site is insufficient. • Don't need another care home. • Extra pollution causing health impacts. • Land should be kept for wildlife. • Too much traffic • Impact upon GP/Doctors • Lead to on street parking • Light pollution • Noise impacts • Should be redeveloped for recreational purposes. • Overdevelopment of the site

	<ul style="list-style-type: none"> • Should be built in the retail park. • Should build flats for the young • Will change the character of the area. • Loss of view • 4 storeys very imposing • Block sunlight to new park • High water table will make it difficult to build. • More affordable housing should be built. • Parking provision on site is insufficient. • Should be used as recreational space. • Additional traffic may inhibit the access to the medical centre. • Access for emergency vehicles including ambulances and RNLI.
7.3	<p><u>Other Representations:</u></p> <p>Circa 7 letters of support have been received, which raise the following points:</p> <ul style="list-style-type: none"> • Would provide jobs and homes. • Excellent use of land • Need more care home beds. • Good if support Local Authority allocation/placements • Would be in character with the site and surrounding area.

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Key considerations for this application are whether the proposal complies with national and local policy, and the level of impact the proposal may have on the residents of the North Harbour and surrounding area.</p>
8.2	<p><u>Principle:</u></p> <p>In decision making, Local Planning Authorities are required by the National Planning Policy Framework (NPPF) to consider the balance between the 3 overarching objectives of sustainable development:</p> <ul style="list-style-type: none"> • social, • economic, and • environmental benefits.

	<p>Despite being contrary to an existing land use allocation the development when assessed against the Local Plan and the NPPF as a whole provides sustainable social and economic development in that it delivers care facilities, and it would contribute to meeting the housing need of the area.</p> <p>Therefore, it is considered acceptable in principle.</p>
8.3	<p><u>Sustainability</u></p> <p>The new building will be built to a standard exceeding Part L of the current building regulations. This is a high threshold for residential property. This will be delivered by a fabric first approach, meaning that the construction of the building would be constructed to a highly thermal efficiency standard.</p> <p>The construction elements would be further supplemented ground source heat pump and solar panels on the roof.</p> <p>The external layout delivers 6 EV charging points and also includes cycle parking/storage for residents and staff.</p> <p>Given the above it is considered that the sustainable elements of the scheme are considered to be acceptable and appropriate for this scale of the development.</p>
8.4	<p><u>Land Allocation</u></p> <p>The site was previously granted outline planning permission in December 2014 for a mix of employment uses including B1 (6,700sqm), D1 (up to 200sqm), C1 and C2 (up to 5,500sqm) (Ref: 131002).</p> <p>The S106 of the above permission, required 8900sqm (NIA) of B1 floorspace on site 4 and 7a, or if less, then the difference between the allocation (in the Employment Land Local Plan) and 11,100sqm.</p> <p>The S106 also required that site 7a was marketed for a maximum of 10 years, if by the date 6 months before the end of the marketing period no acceptable offers have been received then the requirement to market and utilise the Business Area for B1 space purposes shall be deemed to have been satisfied and the council shall have due regard to this when considering any subsequent application for reserved matters for an alternative development.</p> <p>Limited evidence has been provided to show compliance with the Business Areas Marketing Obligations of the S106 and no Reserved matter application has been submitted.</p> <p>It is not in dispute that the site is allocated for employment/commercial uses with retail positively excluded from the potential mix.</p>

	<p>The land allocation has been in place in various guises and in a number of different policy documents for about 20years. The site also has the benefit of an outline planning permission with a requirement for the reserved matters submitted within a 10-year period. This period for submission of details was imposed given the exceptional circumstances of the site and the give the best possible chance that the site would be developed for its designated purpose.</p> <p>In this regard the proposal would be contrary to the adopted Local Plan however it would accord with the aspirations of the Outline Planning consent.</p> <p>The provision of a care home on the site should be given significant weight in deciding this proposal.</p>
8.5	<p><u>Under-delivery on land allocation aspirations</u></p> <p>It is not in dispute that the site lies fallow and vacant, which in part is a reflection of the markets desire to implement the site's land use allocation.</p> <p>It is considered that the period of time that the site has not been developed is a material consideration and with no indication that things will alter into the future it is considered that to retain the allocation for the plan period would not be appropriate.</p> <p>It is considered that to bring the site forward and to develop and conclude the development of this site and neighbouring plots then there is the requirement to consider alternative uses.</p> <p>Given the acute housing need within the Borough and that the Council is under the Government's 'Presumption in favour of sustainable development' it is considered that the delivery of an equivalent of 36 and in isolation would be broadly in conformity with residential yield of the 40 scoped within the recent 'growth strategy'.</p> <p>This should be given significant weight in the planning balance.</p>
8.6	<p><u>Economic impacts</u></p> <p>This proposal will deliver a multi-million-pound inward investment into the Borough and will also create 50+ jobs (mixed full and part time) for the operational phase and also construction jobs from the construction phase.</p> <p>This level of job creation should be given significant weight in the planning balance as is it considered to support the principles of economic sustainability, one of the three pillars of sustainable development with in the NPPF.</p> <p>In addition, there is the support for the local economy the buying in or goods, supplies, and services.</p>

	<p>When taking the NPPF as a whole and the Local Plan as whole, job creation and the associated spend within the local economy is of paramount importance.</p> <p>The proposals form a significant employment generating use on a currently vacant site which is allocated for development.</p> <p>Paragraph 81 of the NPPF clearly states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and the wider opportunities for the development.</p> <p>Job creation and support for the circular economy that falls from this scheme should be given significant weight on the planning balance.</p>
8.7	<p><u>Noise impacts</u></p> <p>Noise impacts will fall into two categories; construction and operational.</p> <p>For the construction phase there will be controls via recommended conditions such as the construction method statement and hours of working condition. These controls are considered necessary and appropriate to mitigate construction noise.</p> <p>For the operational phase the noise impacts will be for the use of the car park and service vehicles.</p> <p>The carpark noise given the relatively low-level noise generated is not likely to give rise to a statutory noise nuisance and as such there are no controls or limitations over its use.</p> <p>Any noise impacts are considered to acceptable and appropriate for the site and surrounding area.</p>
8.8	<p><u>Landscape and Ecology impacts</u></p> <p>The hard landscaping is considered appropriate to the form and function of the development and as such is deemed to be acceptable.</p> <p>The soft landscaping includes buffer planting to the car park with larger areas of planting to the perimeter of the site. This is deemed acceptable and appropriate for the nature of the residential apartment block.</p> <p>The site has been left undeveloped for a significant period of time and as such has developed into a mosaic of different habitats/species. It is acknowledged that these habitats will be impacted by the development to some degree and where possible mitigation planting/soft landscaping is proposed. In addition, it is acknowledged that there will be the requirement for some species present on the site to translocated to a receptor site.</p>

	<p>At the time of writing there are unresolved issues with the nature of the landscaping proposed and the translocation site. The recommendation at the head of this report addresses this issue and no development can commence until such time as this issue is resolved.</p> <p>Notwithstanding the unresolved issues (above) the site is an allocated site that foresaw comprehensive re-development, and it is considered therefore that in broad terms the habitat would have been lost/impacted as a result of the Local Plan allocation. Against this background the proposed soft landscaping is considered acceptable and is considered to make a positive contribution to the appearance of the site and surrounding area.</p>
8.9	<p><u>Highway safety and car parking</u></p> <p>ESCC raised no objections to the proposal and assessed trip rates, junction works, visibility splays and car parking.</p> <p>Given the support given by ESCC Highways it is considered that a refusal based on this issue could not be substantiated or sustained through to appeal.</p>
8.10	<p><u>Accessibility</u></p> <p>The site is located approximately 4.8km from Eastbourne town centre. The nearest bus stop to the site is located within 200m from the site which provides services to Eastbourne, Langney, Silverhill, Hastings, Pevensey Bay, and Willingdon. The nearest train station to the site is located 2.8km from the site. Additional/improvements to the local bus-stops will be facilitated by the S106 agreement. The application provides cycling parking and cycle storage in addition the site is relatively level and provides for footpath access to customers on foot and or mobility scooters.</p> <p>The site is therefore considered to be located in an accessible location.</p> <p>An outline travel plan has been submitted. The measures outlined within the submitted outline travel plan appear reasonable. The completion and implementation of a full travel plan should be secured by condition, with a S106 agreement for audit fees for the Travel Plan.</p>
8.11	<p><u>Flood Risk and Drainage</u></p> <p>These issues have been addressed by documentary evidence and supported by the Environment Agency and Southern Water subject to conditions. The imposition of conditions mitigates the risks to an acceptable and appropriate level.</p>
8.12	<p><u>Heritage and Archaeology</u></p> <p>NPPF Paragraph 205. says that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to</p>

their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

This application is accompanied by a desk – based archaeological assessment and detailed geotechnical records which place the site in its archaeological, historic and geoarchaeological context.

The British Geological Survey has mapped the superficial geology at the site as Storm Beach Deposits – gravel. This gravel accumulation is known as ‘The Crumbles’ and may have developed in the medieval period.

The proposed development does not lie within an Archaeological Notification Area. However, an Archaeological Notification Area (a non – designated heritage asset) associated with an area of wetland / peat deposits on East Langney Levels is located just c.45m. to the north-west of the site. Analogous peat deposits found c.2.3km. to the west of the site are known to contain the remains of a nationally important Late Bronze Age timber platform and causeway, together with elements of at least two other prehistoric timber trackways, all preserved by waterlogging.

Seven geotechnical boreholes have been excavated across the area of proposed development. Six of these (BH2, BH3 and WS01, WS02, WS03, WS04) recorded the presence of c.1.30m. to 4.0m. - thick ‘made-ground’ above gravel / gravel-clay. However, borehole BH1 revealed a sequence of ‘made-ground’ (c.2.10m. thick) above gravel (c.2.40m. thick) above a 1m. – thick layer of ‘organic clay’ and peat. No absolute evidence for the date or formation process of this relatively thick peat deposit has as yet been recorded, although it does appear to lie beneath gravel deposits thought to have developed in the medieval period. Indeed, it is entirely possible that this horizon represents an extension of the peat deposits known to exist just c.45m. to the north-west of the site on East Langney Levels (see above). Until proven otherwise, the peat deposit recorded in borehole BH1 must be considered to have the potential to hold important geoarchaeological and palaeoenvironmental evidence and even preserved prehistoric structures analogous to those found on Shinewater Marsh. At c.4.50m. beneath the current land surface this peat deposit is likely to be impacted by the piling suggested as a construction method for the new development.

In 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. These recommendations are in line with the requirements given in the **NPPF** (the Government’s planning policies for England):

This issue will be controlled via planning conditions.

8.13	<p><u>Design</u></p> <p>The building is three storeys in height under a pitched with the main building clad in a range buff bricks and cream render panels. The scale and design of the building and its setting within the plot behind a car park and areas of soft landscaping, is considered to be acceptable and not discordant with the wider setting or character of the properties in the wider Harbour area.</p> <p>The site is allocated for development within the local plan and as such development of this or similar scale would be likely to happen.</p> <p>There is no objection to the proposal in design terms.</p>
8.14	<p><u>High Pressure Gas Main</u></p> <p>There is a high-pressure gas main running adjacent to the A259.</p> <p>The statutory undertaker and the health and safety executive require safeguarded land, essentially a protected buffer strip in order to ensure that there is not development that may impact upon the gas main causing risk to life/property. In addition, this buffer strip allows for ease of access for repairs and maintenance of the gas main if required.</p> <p>The development falls outside of this buffer zone and therefore there are no issues with this element of the development.</p>
8.15	<p><u>Brownfield Land</u></p> <p>Paragraph 120 (c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.</p> <p>It is considered that the economic and social aspects of the application proposal support the redevelopment of this brown field land.</p>
8.16	<p><u>Planning Obligations:</u></p> <p>There will be a need for a S106/S278 agreement to cover travel plan, public transport enhancement, local labour requirements.</p>
8.17	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>

8.18	<p><u>Conclusions:</u></p> <p>The local plan is more than 5 years old, and is therefore out of date in so far as it relates to housing delivery. The policies of relevance to this application are considered to be up to date and in accordance with the NPPF therefore they should be given full weight in decision making.</p> <p>The application proposal is contrary to the Local Plan allocation, and decisions must be made in accordance with the development unless material considerations indicate otherwise.</p> <p>For the reasons outlined in this report specifically the weight given to housing delivery and that consent has already been issued for a care-home at the site that when taken as a whole the benefits of the scheme outweigh them harm on non-compliance with an out-of-date local plan.</p> <p>The scheme is recommended for approval subject to a legal agreement and conditions.</p>

9.	Recommendations
9.1	<p>1. That the application be delegated to the Head of Planning to secure agreement to the scheme from the and the Councils Air Quality officer, landscaping, sustainable drainage, and ecological issues.</p> <p>On reaching satisfaction to this issue then 2 below:</p> <p>2. Grant permission subject to conditions and S106 / S278 agreement for Travel Plan audit fees and for other highway works. Late-stage review to establish affordable housing position. Local Labour Agreement.</p> <p>3. If no meaningful engagement with the legal agreement is pursued within six months, then the Head of Planning be authorised to refuse planning permission due to the lack of infrastructure.</p>

10.	Conditions:
10.1	<p>Time Limit</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Sections 91 & 92 of the Town & Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
10.2	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved drawings: -</p> <ul style="list-style-type: none"> - A-01 Site Location Plan - A-03 Proposed Site Layout Plan - A-04 Proposed Floor Plan - A-05 Proposed Elevations - Perspective Image 1 - Perspective Image 2 - Perspective Image 3 - Perspective Image 4 - 17800 -VL-LO1-D - Landscape Plan 1 - 17800-VL- L04 - Landscape Plan 2 - 17800-VL- LO5 - Landscape Plan 3 - 033A Refuse Store Detail - A3A Cycle Shelter Detail - Details of Electric Vehicle Charging Points - 090.3B Combined Elec Meter House & Garden Store - Details of Solar PV - JAM60S21 355-375 MR MC4 - Details of Solar PV- Easy Roof Data Sheet - Battery Housing PV-01 <p>Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.</p>
10.3	<p>Bus stops</p> <p>Prior to the commencement of development details of off-site highway works detailing the relocation of the bus stop shall be submitted the Local Planning Authority for approval in consultation with the Highway Authority.</p> <p>Reason: To safeguard the operation of the public highway.</p>
10.4	Travel Plan

	<p>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 Highways 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 advised by the Highways Authority.</p> <p>Reason: In order to encourage the use of sustainable transport modes and sustainable travel.</p>
10.5	<p>Parking layout</p> <p>No part of the development hereby approved shall be occupied until the access, parking and vehicular turning areas have been constructed and provided in accordance with the approved plans. The approved access, parking and vehicular turning areas will thereafter be retained for their intended purposes throughout the lifetime of the development.</p> <p>Reason: To ensure parking spaces, turning and circulation areas are provided prior to occupation and retained thereafter.</p>
10.6	<p>EV Charging</p> <p>No part of the approved development hereby approved shall be occupied until 6 No. approved Electric Vehicle Charging Places have been provided in accordance with the submitted details. These EVCP's shall thereafter be retained in their approved form for the lifetime of the development.</p> <p>Reason: To provide opportunities for environmentally friendly transport to and from the site.</p>
10.7	<p>Cycle Parking</p> <p>No part of the development hereby approved shall be occupied until secure, covered cycle parking has been provided in accordance with the submitted details. This cycle parking shall thereafter be retained in its approved form and for its intended purpose for the lifetime of the development.</p> <p>Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.</p>
10.8	<p>Surface Water Drainage (controls onto the Public Highway)</p> <p>Details of the proposed surface water drainage measures to prevent the discharge of surface water from the proposed development site onto the public highway and similarly to prevent the discharge of surface water from the highway onto the site shall be submitted for the approval of the Local</p>

	<p>Planning Authority and implemented if full prior to first occupation of the development and retained thereafter.</p> <p>Reason: In the interests of highway safety.</p>
10.9	<p>Visibility Splays</p> <p>The approved access off Pacific Drive shall not be used until visibility splays of 2.4 m by 43m are provided in both directions and maintained thereafter for the lifetime of the development.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.10	<p>Flood Risk Assessment Implementation</p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref60137w0002b, October 2022) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 5.10 metres above Ordnance Datum (AOD) as per Section 5.1 of the Flood Risk Assessment • A formal flood warning and evacuation plan (to be approved by the Local Planning Authority (Emergency Planners) is to be implemented (Section 5.3 of FRA) • An area of safe refuge designated above the ground floor of the building for residents and staff as per Section 5.3 of the FRA • The owners/operators/residents/staff are to sign up to the Environment Agency’s free Flood Warning Service (Section 5.2 of FRA) <p>These mitigation measures shall be fully implemented prior to occupation and subsequently and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To reduce to risk of flooding to the proposed development and future occupants.</p>
10.11	<p>Development on land affected by contamination.</p> <p>Prior to commencement of the development hereby approved, a remediation scheme as outlined within Section 8.5 of the submitted Ground Investigation Report by Groundtech Consulting, Report GRO-21329-3091-1.1 shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation/mitigation carried out, shall be submitted</p>

	<p>to, and approved in writing by the Local Planning Authority.</p> <p>Reason: In order to safeguard human health and safety.</p>
10.12	<p>Surface Water</p> <p>No development works shall commence until a detailed surface water drainage scheme prepared in accordance with the approved Updated Drainage Strategy and Flood Risk Assessment together with a maintenance and management plan and details of the timescale for implementation the scheme, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved detailed surface water drainage scheme shall be implemented in full accordance with the approved details prior to occupation of the development.</p> <p>Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDs and the final design does not increase flood risk on or off site.</p>
10.13	<p>Unexpected Contamination Report</p> <p>If during the course of development, any unexpected contamination is found, not previously been identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all of the remediation works and measures shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In order to safeguard human health and safety.</p>
10.14	<p>Suds infiltration into the ground</p> <p>No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be conducted in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.</p> <p>The previous use of the proposed development site as tramway and infilled areas presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled</p>

	<p>waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.</p>
<p>10.15</p>	<p>Piling and Boreholes</p> <p>No piling and investigation of boreholes using penetrative methods shall not be conducted other than with the written consent of the local planning authority. Where piling is proposed, this should include a foundation works risk assessment to be submitted for approval in writing by the local planning authority prior to piling taking place. The development shall be conducted in accordance with the approved details.</p> <p>Reason: To ensure that the proposed construction and monitoring, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement A4 of the ‘The Environment Agency’s approach to groundwater protection’.</p> <p>Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilizing contamination, drilling through different aquifers, and creating preferential pathways.</p>
<p>10.16</p>	<p>Construction and Environmental Management Plan</p> <p>Prior to commencement of development a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to in full, throughout the entire construction period. The Plan shall provide details as appropriate, which shall address but not be restricted to the following matters:</p> <ul style="list-style-type: none"> - the anticipated number, frequency, and types of vehicles attending site during the construction; - the means of access and egress and routing of vehicles used during construction; - the Parking of vehicles for site operatives and visitors; - the Loading and unloading of plant, materials, and waste; - times of any deliveries related to the development, which shall avoid peak travel times; - photographic survey of the condition of the surrounding highway; - the storage of plant and materials to be used in the construction of the development; - the erection and maintenance of any site security hoarding or other means of temporary enclosure; - the provision and utilisation of wheel washing facilities or any other works to require mitigating the impact of the construction upon the public highway; - measures to manage the impact of dust, noise, and disturbance during the construction period;

	<ul style="list-style-type: none"> - operating hours in relation to the construction activities on-site; - anticipated timescales for completion of the works; and - details of public notification and engagement both prior to and during construction. <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to saved policies UHT1, NE28, and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D9 of the Eastbourne Core Strategy and para. 174 of the NPPF.</p>
10.17	<p>Archaeological Reporting/Investigation</p> <p>[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.</p> <p>[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 <i>Local Planning Authority</i>. <i>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].</i></p> <p>Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.</p>
10.18	<p>External lighting</p> <p>Prior to its implementation, a lighting scheme (LS) shall be submitted to and approved in writing by the Local Planning Authority. The LS shall include full specification of all external lighting and shall include level of illumination, duration, direction, and any variation in brightness. Thereafter the lighting scheme shall be implemented in full accordance with the approved details, prior to first occupation of the development and maintained as such for the lifetime of the development.</p> <p>Reason: In the interests of the amenity of the area and neighbouring occupants.</p>
10.19	<p>Hard and Soft Landscaping</p> <p>The development hereby approved shall be landscaped in full accordance with the submitted Landscaping Plans during the first planting season following completion or first occupation of the development, whichever is sooner. Any new tree(s) that die(s) or are/is removed, becomes severely damaged or diseased, shall be replaced and any new planting other than</p>

	<p>trees which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard and enhance the character, amenity, and biodiversity of the site.</p>
10.20	<p>External materials</p> <p>No external materials or finishes shall be applied until a schedule of materials has been submitted and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of the character and amenity of the area.</p>
10.21	<p>Refuse Storage</p> <p>No part of the development hereby approved shall be occupied until the refuse storage facility has been provided in accordance with the submitted details. The refuse store shall thereafter be retained in its approved form and for its intended purpose for the lifetime of the development.</p> <p>Reason: To ensure satisfactory refuse and recycling provision to the property and to protect amenity.</p>
10.22	<p>Extraction Equipment</p> <p>Full details of the proposed kitchen extract system intended within the development hereby approved, including means of ventilation and extraction, odour control and noise levels, shall be submitted to and approved in writing by the Local Planning Authority. The extract system shall be installed in accordance with the approved details, prior to first occupation of the development and thereafter retained.</p> <p>Reason: In the interests of protecting residential and general amenity.</p>
10.23	<p>Noise</p> <p>The development of the care home hereby approved shall be carried out in full accordance with the Noise Assessment Report by Sharps Redmore, Project No 2221238, dated October 2022, to include noise mitigation measures as indicated in terms of glazing specification and specialist acoustic trickle ventilation that shall thereafter be retained for the lifetime of the development.</p> <p>Reason: In the interests of protecting residential amenity.</p>

10.24	<p>Solar Panels</p> <p>The Solar Panel Scheme hereby approved shall be installed in full accordance with the submitted details, prior to first occupation of the development hereby permitted and shall thereafter be retained for the lifetime of the development.</p> <p>Reason: To ensure that the energy strategy for the development will be implemented as approved.</p>
10.25	<p>Ground Source Heat Pump</p> <p>Details of the proposed ground source heat pump system (GSHPS) shall be submitted to and approved in writing by the Local Planning Authority. The approved GSHPS shall be installed prior to first occupation of the development hereby permitted and shall thereafter be retained for the lifetime of the development.</p> <p>Reason: To ensure the energy strategy for the development will be implemented as approved and in the interests of amenity.</p>
10.26	<p>Sustainability Appraisal</p> <p>The development hereby permitted shall be carried out in accordance with the measures as set out in the submitted Sustainability Appraisal by LNT Care Developments Ltd.</p> <p>Reason: To ensure the sustainability of the approved development.</p>
10.27	<p>Landscape Maintenance Plan</p> <p>Prior to first occupation of the development hereby approved, a landscape management and maintenance plan shall be submitted to and approved by the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the details approved for the lifetime of the development.</p> <p>Reason: To safeguard and enhance the character, amenity, and biodiversity of the site.</p>
10.28	<p>Translocation Details</p> <p>Translocation of protected species from site shall be carried out to the identified receptor site in accordance with the submitted Reptile Mitigation Strategy by Ecology Solutions, Report Ref: 10572.RepMit.vf1 dated July 2023. Or any other details as approved by the Local Planning Authority.</p> <p>Reasons: To ensure the protection species populations that would be affected by the development.</p>

10.29	<p>Landscape and Ecological Management Plan</p> <p>Landscape and Ecological Management Plan For Reptile Receptor Site</p> <p>A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior [...to the commencement or occupation...] of the development [or specified phase of development]. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> a) habitat descriptions and evaluation of features/habitat types 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 five-year period; g) details of the body or organisation responsible for implementation of the plan; h) 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) ongoing monitoring and remedial measures. Note: The plan will set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. <p>Reason:</p> <p>In order to comply with the terms of this application and in order to ensure that species and habitats are protected/mitigated.</p>
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11.	Informatives
11.1	<p>The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information, please visit http://www.hse.gov.uk/Asbestos/regulations.htm</p>
11.2	<p>All waste material arising from any site clearance, demolition, preparation, and construction activities at the site should be stored, removed from the site, and disposed of in an appropriate manner following current guidance and practices.</p>

12.	Background Papers
12.1	None.

