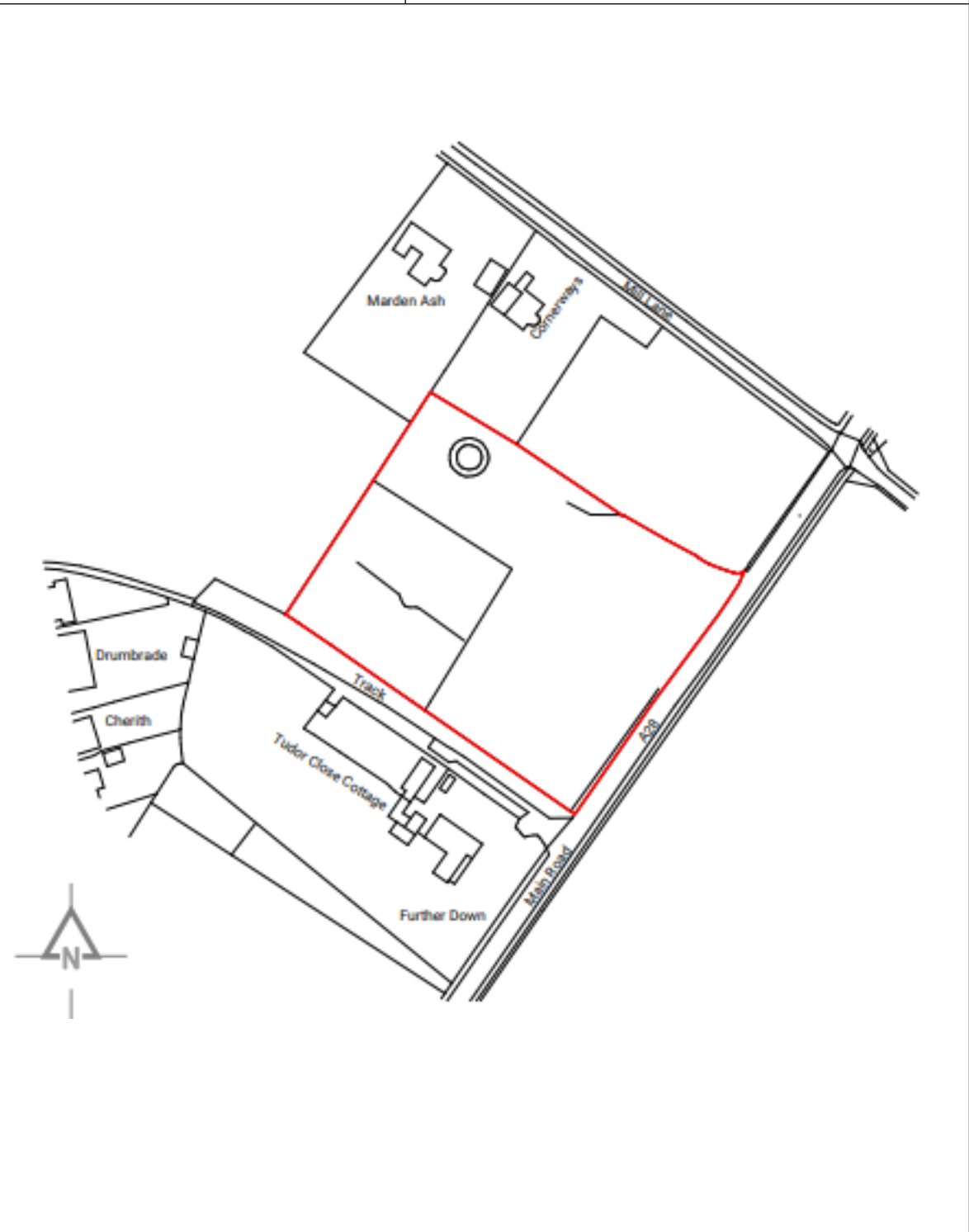


SITE PLAN

WESTFIELD

Moorhurst
Main Road
Westfield

RR/2021/3010/P



Rother District Council

Report to	-	Planning Committee
Date	-	18 April 2024
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2021/3010/P
Address	-	Moorhurst, Main Road, WESTFIELD
Proposal	-	Construction of a 64-bed care home (Use Class C2) over two storeys to include landscaping, access, and car parking.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT TO SECURE:**

- **PROVISION OF OFF-SITE HIGHWAY WORKS AS REQUIRED BY EAST SUSSEX COUNTY COUNCIL HIGHWAY AUTHORITY**
- **FINANCIAL CONTRIBUTIONS AS REQUIRED BY EAST SUSSEX COUNTY COUNCIL HIGHWAY AUTHORITY**

Director: Ben Hook

Applicant:	Frontier Estates (Ten) Limited
Agent:	Mission Town Planning
Case Officer:	Mr E. Corke (Email: edwin.corke@rother.gov.uk)
Parish:	WESTFIELD
Ward Members:	Councillors B.J. Coupar and C.R. Maynard

Reason for Committee consideration: Councillor call in – Local interest, issues of local infrastructure i.e. capacity within doctor’s surgery, issues regarding traffic and pedestrian safety, and consideration of the principle of the proposals within the context of the adopted Local Plan.

Statutory 13-week date: 25 April 2022
Extension of time agreed to: 21 September 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 The application relates to a site allocated for housing with care (Use Class C3) under Policy WES2 of the Development and Site Allocations (DaSA),

referencing that proposals would be permitted where *'Some 40 dwellings are provided, of which 40% are affordable'*.

- 1.2 The proposal is for 64-bed care home (Use Class C2), which is not "housing with care" and would not provide any affordable housing. As such, the proposed development would not comply with the Council's development plan (i.e. it would conflict with Policy WES2 of the DaSA) and would undermine the provision of Westfield's identified housing need. However, in this case, the Applicant has demonstrated that there are material considerations to justify the determination of the application other than in accordance with the development plan.
 - 1.3 The provision of 64 care bedspaces would make a timely and meaningful contribution to the district's C2 registered care bedspace need in the immediate future. Moreover, it would deliver the equivalent of some 36 homes for older people, which would make a meaningful contribution to the Council's housing land supply and accord with the Government's objective of "significantly boosting" the supply of homes. In addition to this, and in relation to matters such as accessibility, impact on the character and appearance of the area, impact on biodiversity, highway and transport impacts etc. the use of conditions and a planning obligation would make the development acceptable in planning terms.
 - 1.4 There would be a loss of money raised through the Community Infrastructure Levy (CIL) and no New Homes Bonus. With regard to the loss of CIL money, this is somewhat counterbalanced by the additional CIL liable on other development sites in the district where the percentage of affordable housing has been reduced on viability grounds (where a higher proportion of market housing is achieved, a consequence is that the Local Planning Authority gains more CIL).
 - 1.5 On this occasion other considerations indicate the decision should be taken otherwise than in accordance with the development plan and therefore it is recommended that planning permission is granted.
-

2.0 SITE

- 2.1 The application relates to a brownfield site owned by East Sussex County Council (ESCC), which is allocated for housing with care (Use Class C3) under Policy WES2 of the DaSA. The full policy requirements are as follows:

"Land at the former Moorhurst Care Home, as shown on the Policies Map, is allocated for housing with care. Proposals will be permitted where:

- (i) some 40 dwelling units are provided, of which 40% are affordable;*
- (ii) access is provided to the A28, with preference to utilising the previously established access;*
- (iii) screen tree planting is provided on the north-eastern boundary of the site, and trees and vegetation on other boundaries are retained and enhanced, with new native species landscape planting provided to fill in gaps;*
- (iv) communal gardens/ amenity open space is provided on site to a minimum of 25 sqm per dwelling unit; and*
- (v) provision is made for:*

- (a) *an upgraded footway along the A28 connecting to the village core, together with safe means of accessing it from the site;*
- (b) *pedestrian access to footpath 27 on the south-western boundary of the site; and*
- (c) *a bus stop adjacent to the site.”*

- 2.2 The site lies to the north-east of the village, on the north-western side of the A28 (Main Road). It is located within the development boundary for Westfield – as defined in the DaSA – and the High Weald National Landscape (HWNL, also designated an Area of Outstanding Natural Beauty [AONB]). Most of the site lies within the green impact risk zone for Great Crested Newts; the northern corner lies within the amber impact risk zone. The western corner of the site is situated within an Archaeological Notification Area.
- 2.3 The site measures some 0.88 hectares and is generally level throughout. It is generally well screened from the surrounding countryside by virtue of both topography and mature boundary trees. A public footpath (Westfield 27) runs the length of its south-western boundary. Access to the site is from Main Road to the south-east.
- 2.4 Immediately to the north-east of the site is a residential property (Cornerways) and a playing field. To the south-east is Main Road. To the south-west of the site is the public footpath, beyond which there are two residential properties (Furtherdown and Tudor Close Cottage) and some scrubland. There is also an area of scrubland and part of the rear garden of a residential property (Marden Ash) adjoining the rear, north-west boundary.
- 2.5 The site previously contained a detached two storey building dating from the Victorian era, which was last in use as a residential care home. In 2007 outline planning permission (Application Ref: RR/2552/CC) was granted for demolition of the care home and the erection of a new 48-bed residential care unit with day therapy suite, outreach and consulting rooms. Approval of reserved matters (Application Ref: RR/2862/CC) was subsequently granted in 2009. That permission was not implemented, the site was subsequently cleared of buildings and has since remained vacant for many years.

3.0 PROPOSAL

- 3.1 Full planning permission is sought for the construction of a 64-bed care home (Use Class C2) arranged over two storeys to include landscaping, access, and car parking. The care home would provide accommodation for the elderly and would also provide dementia care.
- 3.2 The care home would be located centrally within the site and arranged around a courtyard garden. External materials comprise a mix of brickwork and vertical timber/timber effect cladding to the elevations and clay tiles to the roof slopes of the deck roof (i.e. a pitched roof with a flat roof top). Circa 250sqm of solar PV panels are proposed to be fitted to part of the flat roof top.

- 3.3 Internally the care home would provide 31 single en-suite bedrooms on the ground floor and 33 single en-suite bedrooms on the first floor. A range of ancillary facilities would also be provided, including, but not limited to:
- Lounges.
 - Quiet lounges.
 - Dining rooms.
 - Café.
 - Hairdresser room.
 - Library.
 - Activity room.
 - Care stations.
- 3.4 A new vehicular access is proposed from Main Road, together with a pedestrian crossing. Car and cycle parking spaces and a deliveries/service area would be provided at the front of the site with the remaining areas of land around the care home provided as communal garden for the residents.
- 3.5 31 car parking spaces are proposed, three of which would be allocated for disabled badge holders and four of which would be provided access to electric car charge points. A minibus bay is also proposed. In relation to cycle parking, 24 spaces are proposed.
- 3.6 In addition to the application form and accompanying plans/drawings, a suite of reports and assessments have been submitted with the planning application and these are available to view on the planning website.
- 3.7 The application has been amended since it was first publicised with changes made to the internal and external layouts, position of the care home within the site, location of the vehicular access and the external materials palette of the building.
- 3.8 Prior to the submission of this application, the Applicant submitted a pre-application enquiry for the provision of a circa 70-bed care home on the site. Several concerns were raised in the pre-app response, including:
- Whether there is a need for a care home of the size proposed in this location, particularly as there is an existing 32-bed care home, Whitegates, located just to the south of the village.
 - Whether the existing village services are sufficiently resourced and have capacity to provide care for such an increase in the population of older residents.
 - Whether the scale and mass of the building would be in keeping with the village and its setting and conserve the character and appearance of the HWNL.
 - Whether the proposal would have an acceptable highways impact and an acceptable impact on neighbouring residential amenity.
- 3.9 The summary of the pre-app response to the Applicant says:
- “The erection of a care home on the site is unacceptable in principle, as it would undermine the delivery of much needed housing for the village of Westfield and the district as a whole...”*
-

4.0 RELEVANT HISTORY

- 4.1 EU/RR/88/2170 Use of hotel as residential care home – GRANTED.
- 4.2 RR/2002/373/P Outline: Erection of a two storey 16-bed residential unit for wheelchair bound adults with learning difficulties – GRANTED.
- 4.3 RR/2005/1158/P Outline: Renewal of RR/2002/373/P for the erection of a two storey 16-bed residential unit for wheelchair bound adults with learning difficulties – GRANTED.
- 4.4 RR/2552/CC Outline application for demolition of existing building and erection of 48-bed residential care unit with day therapy suite, outreach and consulting rooms – GRANTED.
- 4.5 RR/2007/272/C Outline: Demolition of existing building and erection of 48-bed residential care unit with day therapy suite, outreach and consulting rooms – NO OBJECTION.
- 4.6 RR/2862/CC Application for reserved matters relating to the layout, scale and external appearance of the building(s), access and landscaping, following outline approval for the erection of 48-bed residential care unit with day therapy suite, outreach and consulting rooms (RR/2552/CC) – GRANTED.
- 4.7 RR/2009/2687/C Application for reserved matters relating to the layout, scale and external appearance of the building(s), access and landscaping, following outline approval for the erection of 48-bed residential care unit with day therapy suite, outreach and consulting rooms (RR/2252/CC) – NO OBJECTION.
-

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1 (Presumption in favour of Sustainable Development)
 - OSS1 (Overall Spatial Development Strategy)
 - OSS2 (Use of Development Boundaries)
 - OSS3 (Location of Development)
 - OSS4 (General Development Considerations)
 - RA1 (Villages)
 - SRM1 (part (i) is superseded) (Towards a Low Carbon Future)
 - SRM2 (Water Supply and Wastewater Management)
 - CO1 (Community Facilities and Services)
 - CO5 (Supporting Older People)
 - CO6 (Community Safety)
 - LHN1 (Achieving Mixed and Balanced Communities)
 - EN1 (Landscape Stewardship)
 - EN2 (Stewardship of the Historic Built Environment)

- EN3 (Design Quality)
- EN4 (Management of the Public Realm)
- EN5 (Biodiversity and Green Space)
- EN7 (Flood Risk and Development)
- TR2 (Integrated Transport)
- TR3 (Access and New Development)
- TR4 (Car Parking)

5.2 The following policies of the [Development and Site Allocations Local Plan 2019](#) are relevant to the proposal:

- DRM3 (Energy Requirements)
- DHG1 (Affordable Housing)
- DHG5 (Specialist Housing for Older People)
- DEN1 (Maintaining Landscape Character)
- DEN2 (The High Weald Area of Outstanding Natural Beauty)
- DEN4 (Biodiversity and Green Space)
- DEN5 (Sustainable Drainage)
- DEN7 (Environmental Pollution)
- DIM2 (Development Boundaries)
- OVE1 (Housing supply and delivery pending plans)
- WES2 (Land at the former Moorhurst Care Home, Westfield)

5.3 The following Council document is also considered relevant to the proposal:

- Housing and Economic Development Need Assessment 2020.

5.4 The National Planning Policy Framework, Planning Practice Guidance and adopted High Weald AONB Management Plan 2019-2024 are also material considerations.

6.0 CONSULTATIONS

6.1 National Highways – **NO OBJECTION**

6.2 East Sussex County Council (ESCC) Highway Authority – **NO OBJECTION**

6.2.1 Subject to the imposition of conditions, bus stop improvements and a financial contribution to improve bus service.

6.3 Environment Agency – **NO OBJECTION**

6.3.1 Subject to the imposition of conditions.

6.4 Southern Water – **NO OBJECTION**

6.4.1 Subject to the imposition of conditions.

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

6.5.1 Subject to the imposition of conditions.

6.6 ESCC Ecologist – **NO OBJECTION**

- 6.6.1 Subject to the imposition of conditions.
- 6.7 ESCC Archaeologist – **NO OBJECTION**
- 6.7.1 Subject to the imposition of conditions.
- 6.8 ESCC Landscape Officer – **NO OBJECTION**
- 6.8.1 Subject to the imposition of conditions.
- 6.9 ESCC Adult Social Care – **NO COMMENTS RECEIVED**
- 6.10 East Sussex Fire & Rescue Service – **NO COMMENTS RECEIVED**
- 6.11 Sussex Police – **NO OBJECTION**
- 6.11.1 General observations provided on design and layout, reducing crime, improving natural surveillance and improving safety.
- 6.12 Sussex Newt Officer (NatureSpace) – **NO OBJECTION**
- 6.13 Clinical Commission Group – **NO COMMENTS RECEIVED**
- 6.14 High Weald AONB Unit – **OBJECTION**
- 6.14.1 It is considered that the proposal is an overdevelopment of the site which has repercussions for the amount of space left for biodiversity. The Biodiversity Net Gain calculation submitted with the proposal is not transparent and makes unrealistic assumptions about the quality of the created habitats. As a result, the proposal is likely to result in a loss of biodiversity on the site contrary to DASA policy DEN4 and High Weald AONB Management Plan objective S3 and fails to conserve and enhance the AONB.
- 6.14.2 In the event that the Local Planning Authority considers that the development is acceptable in principle, it is recommended that a number of detailed requirements are met.
- 6.15 Rother District Council (RDC) Environmental Health – **NO OBJECTION**
- 6.15.1 Subject to the imposition of conditions.
- 6.16 RDC Waste and Recycling – **GENERAL COMMENT**
- 6.16.1 We do provide waste services to care/residential homes that are subject to domestic council tax but not to those paying non domestic rates.
- 6.16.2 If we are to provide a waste service then access looks suitable however Biffa will have to undertake a site visit near completion to check the access to the bin store/dropped kerbs etc.
- 6.17. Planning Notice

6.17.1 17 letters of **OBJECTION** including multiple letters from the local GP surgery raising the following concerns (summarised):

- This is a village, not a town.
- Increased pollution and disturbance/disruption in the village.
- Increase in traffic.
- There is already a care home and elderly people's home in the village. Second care home not required.
- Local surgery not consulted on the application.
- Local GP surgery service is already working beyond its capacity and stretched to breaking point. It would not be able to provide safe and effective care to the residents of the proposed care home.
- Proposal would seriously destabilise the already fragile Primary Care Service for all local residents, along with the local District Nursing Service.
- Patients in Nursing Homes are normally heavy users of Primary Care Services and the local GP surgery may have to close their list to new patients should this application for a 64 bedded nursing home be approved, to ensure that they are able to operate a safe service to their current patients in the long term.
- Local GP surgery is a small branch surgery in a small village of Westfield and will not survive with a 64-bed Nursing home on the other side of the road.
- The planning agent's statement that there is compelling evidence that the proposal will not have any impact on local GP services is manifestly incorrect. This project will have a significant impact on the local GP Surgery and its patients. Nursing home residents take up a significant amount of GP resources and this project will severely hamper our current patients obtaining medical services from this practice that they need.
- Developments have gone ahead with little or no consideration to the infrastructure of the village or the impact they have on the GP Surgery, the Primary School or the current residents' essential needs.
- No one has given any thought to the infrastructure that would be necessary to support this new nursing home.
- Harm to wildlife.
- The proposed care home is too big. If the home was a third of the size then the doctors surgery may well be able to cope.
- Speed reduction measures on Main Road and a pedestrian crossing are required so that residents can access village services and facilities.
- Perhaps the care company could fund a full-time doctor for the lifetime of the facility.
- Dangerous site access.
- Dangerous road to cross.
- The pavement is on the other side of the road and isn't fit for purpose and dangerous to walk along as it's covered with building debris and single file with no passing points.
- The bus routes are very inconsistent and unreliable. Also, there is not a direct route to a chain Supermarket.
- The train station mentioned is a rural station where not every train stops- and it's not a safe walk to the station.
- Inappropriate location for the proposed development.

6.17.2 One letter of **SUPPORT** from the operators of Whitegates in Westfield who will operate the proposed care home if granted planning permission. Their comments are summarised as follows:

- Scheme will offer excellent accommodation and much needed care beds in excess of Care Quality Commission Standards.
- The development will offer significant further employment opportunities which will be of benefit to Westfield as a whole.
- The careful design approach and landscaped area will be of benefit to both residents but also to the wider community.
- The development will be taking place within the village boundary in place of a previous care home that operated from the site.
- The new care home will allow for further downsizing releasing family housing to allow new families to move into the area.
- Care homes of the quality proposed can reduce the impact on local facilities by having nursing and care on site.

6.18 Westfield Parish Council – **OBJECTION**

6.18.1 The Parish Council have submitted four objections to the proposal. Their concerns are summarised as follows:

- Contrary to Policy WES2: Land at the former Moorhurst Care Home, Westfield of the DaSA. Will not provide the much-needed housing stock for our older residents in the form of sheltered accommodation.
- Contrary to Policy DEN1: Maintaining Landscape Character of the DaSA. The scale and design of the property is not in keeping/in character with the local area or local context.
- Contrary to Policy DEN2: The High Weald AONB of the DaSA. The sheer size and design of the development does not meet the needs in this policy for "Development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern."
- Dangerous vehicular access onto the public highway.
- The travel plan seems unrealistic for this location. 30 car parking spaces which is supposed to accommodate staff, residents and visitors seems very lacking. This is a 64-bed care/nursing home which will almost entirely be made up of residents outside of the Parish so many will visit by car.
- Question whether the site is accessible by bicycle, by foot, by bus and by train.
- The care home will put unreasonable pressure onto the local GP surgery. It is clear there is not the infrastructure to have such a development within the Parish, which is a material consideration.
- Not clear whether Highway Authority's request for new bus stops on the A28 is possible.
- The current footpath on the A28 is not safe.
- A suitable crossing such as a pelican crossing or some form of traffic calming to slow speeding traffic is needed in order for residents of the care home to safely cross the road.
- Supports the ESCC Ecologist's recommendation to refuse the application due to lack of information.
- Supports the High Weald Units' objection to the proposal on a number of grounds.
- When viewing the available care homes within a five miles radius from the site of Moorhurst there were 40 care homes found on the

caresourcer.com website plus another 37 in the Bexhill area and several more in the rural areas around Westfield. This is far more than the identified care homes outlined in the Frontier Estates Policy Review document in Appendix 3 as for some reason the provision in Hastings has been missed out. Many Care Homes are geographically closer to Westfield than Bexhill and several of the rural care home providers seem to have been missed out on the map.

- No evidence has been supplied outlining the need for Westfield Parish to have a 64 private care home. What is needed is more housing including affordable options for people over 60 allowing them to move out of family homes. Any affordable provision would allow people requiring 1-bedroom properties to come off of the housing register and free up family properties.
- None of the reasons given in the 'Conclusion' Frontier Estates Policy Review document are sound planning reasons to allow this site to be developed.
- In Paragraph 19.11 of the planning need assessment, it states the planning appeal APP/R0660/A/12/2188195 but the proposed care home in Westfield is a totally different development and situation than the one discussed in the appeal. The court case is also not relevant in this case as it is not the financial concerns of the Council being questioned but the impact on local infrastructure and should be considered as a material planning reason.
- Highway's objection has only been removed IF there can be provision of two new bus stops, yet these sites have not been identified. Therefore, if planning permission was approved no development should start until the bus stops have been identified with the provision of bus shelters to be paid for by the Applicant.
- The footway along the A28 is narrow and dangerous and if any planning was given this should be improved between Mill Lane all the way into the village to ensure safety of anyone using this footpath which is currently dangerous and unsafe to use and does not allow two people to safely pass let alone anyone on a wheelchair or with a pushchair.

7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The delivery of a care home instead of housing on the site would result in the loss of money raised through the Community Infrastructure Levy (CIL). There would also be no New Homes Bonus.
- 7.2 ESCC Highway Authority have advised that a financial contribution of £35,200 is required towards an improved bus service 29. This would be secured by a Section 106 Agreement.

8.0 APPRAISAL

- 8.1 The application relates to a site allocated for housing with care (Use Class C3) under Policy WES2 of the DaSA. The main issues include:
- Principle of a care home (Use Class C2) development on this allocated housing site.

- Whether the proposed development would be in an accessible location, giving a genuine choice for travel modes other than the private car.
- Impact of the proposal on the character and appearance of the area, having particular regard to the High Weald National Landscape (HWNL).
- Highway and transport impacts.

8.2 Principle of a care home development

8.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the planning application to be determined in accordance with the Council's development plan unless material considerations indicate otherwise.

8.2.2 The application site is allocated for housing with care (Use Class C3) under Policy WES2 of the DaSA and requires that some 40 dwelling units are provided, of which 40% are affordable.

8.2.3 By way of background, the Rother Local Plan Core Strategy identifies a need for at least 5,700 dwellings to be provided in the district over the period from April 2011 to March 2028. In order to meet housing needs and ensure the continued vitality of Westfield, the Rother Local Plan Core Strategy large site requirement for the village is 89 dwellings. This is spread over three sites and includes the application site with its specific allocation for "housing with care", which is referred to in Paragraph 11.229 of the DaSA as "retirement living/sheltered housing". This allocation responds to the housing need identified in the Rother Local Plan Core Strategy evidence base (as updated by the DaSA). Paragraph 11.226 of the DaSA says:

"An allocation for housing with care has the support of the landowner and would provide opportunities for local older persons to downsize, thus freeing up housing for families. There is a recognised need to provide more housing suitable for older people in the district, in response to demographic projections."

8.2.4 The proposal is for 64-bed care home (Use Class C2), which is not "housing with care" (Use Class C3) and would not provide any affordable housing. As such, the proposed development would not comply with the Council's development plan (i.e. it would conflict with Policy WES2 of the DaSA). The Applicant has, however, sought to demonstrate that there are material considerations to indicate (i.e. justify) the determination of the application other than in accordance with the development plan. The Applicant's reasons for justifying a grant of planning permission are summarised as follows:

- The Council cannot demonstrate a 5-year housing land supply (it was 3.09 years as at 1 April 2023). The absence of a 5-year supply is highly material in its own right, but it also means that the tilted balance as set out in paragraph 11(d)(ii) of the National Planning Policy Framework is engaged, i.e. permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. As set out within the Planning Statement, the provision of care home beds counts towards the Council's housing land supply.
- A care home previously existed on the site and planning permission for a replacement care home was granted, although not implemented. The

current proposal for a care home would accord with the last use of the site.

- It is not clear how the site became allocated for “housing with care” (Use Class C3), when it was not promoted as such. The site was originally promoted through the emerging Local Plan process for a wider range of uses including use as a care home and, despite having been asked to do so, neither ESCC (the owner of the Site) nor the Council itself has been able to explain why the use of the site as a care home was excluded in favour of the ultimate allocation for housing with care.
- The site has been extensively marketed and there has been no interest from developers to bring forward the site in accordance with the WES2 allocation. This is backed by comments from two market leading sheltered housing developers (Churchill Retirement Living and McCarthy and Stone) who say the site is not suitable for them or their product.
- There are no site allocations for the provision of care homes within the district. Moreover, from a search of the Council’s records there have been no implemented consents for Care Homes in the last six years within a 7-mile radius of the site. This consideration along with the time taken to construct and deliver the beds could mean that no further care beds are delivered until 2026. Potentially meaning no care beds are delivered in the district for a 10-year period.
- The Applicant’s Planning Need Assessment report prepared by Carterwood – April 2022, shows a need for this type and form of accommodation both now and even further demand in the future. Table T4 sets out:
 - Our assessment based on 2025, the earliest the proposed care home could be available, indicates a shortfall of 93 and 21 market standard beds in the market catchment and local authority area, respectively. This translates to a shortfall of 150 and 992 full en-suite wetroom bedrooms, respectively, when assessed on this basis.
 - The market catchment and local authority area are expected to have shortfalls of 171 and 500 market standard beds, respectively, by 2035, assuming all planned schemes are developed, and existing supply and prevalence rates remain constant, reflecting the sustained and escalating nature of need.
- Paragraph 4.52 of the DaSA says:
“The East Sussex Bedded Care Strategy & Integrated Estates Strategy 2018 estimates future need for older people’s specialist housing and accommodation within the County. The overall need identified within the Strategy for the district is in the order of some 800 dwellings for older people to 2027, alongside a net need of around 250 beds for residential/nursing care over the same period.”
- There is a care home operator who already operates in the district secured to operate the scheme should planning permission be granted.
- The scheme will allow for downsizing in the local area releasing family housing back on to the market.
- The scheme will create job and training opportunities within the area during its construction and operation.
- The delivery of a care home on the site would count towards the Council’s supply of homes. In this regard the Planning Practice Guidance says that residential institutions in Use Class C2 (e.g. care

homes) count towards the supply of homes for older people. Based on the number of bedspaces proposed, the care home proposal would deliver the equivalent of some 36 homes.

- 8.2.5 It is the case that the Council cannot demonstrate a 5-year housing land supply (it was 3.09 years as at 1 April 2023). This highlights the need to ensure that Westfield's identified housing requirement is delivered on its allocated sites, particularly in the HWNL where opportunities are limited. Policy LHN1 of the Rother Local Plan Core Strategy requires housing developments to: (i) be of a size, type and mix of housing which reflect both current and projected housing needs; and (ii) in rural areas, provide a mix of housing sizes and types, with at least 30% one and two bedroom dwellings. Paragraph 15.10 of the Rother Local Plan Core Strategy explains that providing smaller dwellings in rural areas could allow older residents to downsize and stay within villages. The site's development for anything other than 40 dwellings for "housing with care", of which 40% are affordable, would undermine the ability of the Council to enable the provision of Westfield's identified housing need.
- 8.2.6 While it is the case that a care home previously existed on the site and it is not clear why the use of the site as a care home was excluded in favour of the ultimate allocation for "housing with care" (Use Class C3), Policy WES2 is an adopted policy which has been determined to be acceptable through the plan-making process. The DaSA was ultimately found to be "sound" by the examination Inspector. As such, these reasons do not justify granting permission for a care home development on the site.
- 8.2.7 The DaSA does not allocate any sites for the provision of care homes in the district. Instead, Policies CO1 (i) and CO5 of the Rother Local Plan Core Strategy and Policy DHG5 of the DaSA facilitate provision on suitable sites by the development management process (i.e. by the determination of individual planning applications). The Council's approach in this regard was found to be "sound" at examination. As such, the absence of allocated care home sites in the DaSA does not provide justification for allowing the care home proposal.
- 8.2.8 In terms of the need to provide care homes in the district, this is not disputed. The shortfall in bedspaces in the Market Catchment Area (MCA) and Local Authority Area (LAA), as identified in the Applicant's Planning Need Assessment (PNA) report (April 2022), is acknowledged (see paragraph 8.2.4 above for figures), and this shortfall in spaces assumes that all planned supply in the MCA and LAA is developed (119 bedspaces at the time of the report). The Parish Council say that these further 119 bedspaces do not include any approvals from 2023. This is correct, as the PNA report was completed in April 2022 and provides the up-to-date figures at that time. A review of subsequent planning permissions in the district identifies a further 35 care bedspaces could be provided, and these would all be in Bexhill. The need for more bedspaces would still remain.
- 8.2.9 The Parish Council have queried the methodology used in the Applicant's PNA report, advising that:

"When viewing the available care homes within a five miles radius from the site of Moorhurst there were 40 care homes found on the caresourcer.com

website plus another 37 in the Bexhill area and several more in the rural areas around Westfield. This is far more than the identified care homes outlined in the Frontier Estates Policy Review document in Appendix 3 as for some reason the provision in Hastings has been missed out. Many Care Homes are geographically closer to Westfield than Bexhill and several of the rural care home providers seem to have been missed out on the map.”

- 8.2.10 The Applicant’s PNA report is based on the area covered by Rother District Council and a Market Catchment Area (MCA) centred on the application site, extending to a circa 3-mile radius, which includes part of Hastings Borough Council. This 3-mile MCA has been adopted by the author of the report (Carterwood) because the site is:

“...situated inland from the coast and we consider it less likely that potential residents would move from Hastings to an inland location. Greensleeves Care have voiced a desire to operate this care home when it opens, and given their existing local presence and reputation, we believe it is likely that the majority of residents will travel from within a circa 3-mile radius.”

- 8.2.11 Carterwood’s justification for a 3-mile MCA is considered to be reasonable and is why care homes outside of this radius have not been included on their map showing “all competing homes and planned provision”. It is also reasonable to exclude Hastings Borough Council from the Local Authority Area given that the application site is in Rother District. Turning to the Parish Council’s comment that there are 37 care homes in Bexhill, these are shown on the map but unfortunately the scale of the map makes it difficult to show all of these individually. The Parish Council have also advised that several of the rural care home providers are missing from the map, but these have not been identified, and so this has not been verified.

- 8.2.12 In addition to the evidence provided by the Applicant, the Housing and Economic Development Need Assessment 2020 confirms that Rother has a higher proportion of people over 55 (and 65) compared to the rest of England, and that over the period 2019 to 2039 the older population in Rother is set to increase. It identifies a need for all types of housing for older people and this includes retirement/sheltered housing (Use Class C3), housing with enhanced sheltered housing (Use Class C3), extra care housing (Use Class C3) and care bedspaces (Use Class C2), which includes both care homes and care homes with nursing. In Rother there is expected to be a need for a further 1,206 care bedspaces by 2039, which equates to a need for around 60 per year in the district.

- 8.2.13 The Applicant has advised that the site has been extensively marketed and there has been no interest from developers to bringing forward the site in accordance with the site allocation. This is backed by comments from two market leading retirement living/sheltered housing developers (Churchill Retirement Living and McCarthy and Stone) who say the site is not suitable for them or their product.

- 8.2.14 RPC Land and New Homes have been responsible for marketing the site on behalf of the landowner (ESCC). They have provided a letter, which details their marketing of the site:

“RPC Land were instructed by ESCC to market the site in March 2019.

As this brownfield site did not have a current planning consent but had a proposed (not adopted) allocation in the Rother District local plan for Housing with Care for some 40 dwellings, following discussions with yourselves we were instructed to go to the widest possible market, which included care home operators, retirement, and residential developers.

A colour brochure giving details of the site was prepared (copy attached) and released on the 14 March 2019, requesting all interested parties to register their interest and bids by the 22 April 2019.

An advertisement was placed in the Estates Gazette (copy attached) on the 23 March 2019 to ensure the site was exposed nationally, and to the widest possible market.

We received 33 strong enquiries and 19 other general enquiries during the marketing process with final reminders on the 11 April 2019 to some 789 companies, on our data base for offers by 18 April. (Email copies of our data base released via Campaign Monitor are attached.)

During the marketing process, we received six enquiries, via the Estates Gazette advertisement from London/regional land agents seeking sites for their retained clients. We did not receive any bids from those agents.

In total we received five offers for the site. Three of the offers were for a C3 residential scheme, one purely for C2 use and the other as detailed below for a care home for the elderly with assisted living apartments. Residential bids were excluded due to the proposed allocation.

We did not receive any offers for purely the proposed allocation use within the local plan.

An acceptable offer from a care home provider based in the Midlands was accepted, with the intention that the site would be used as a care home for the elderly with assisted living apartments.

The purchasers' whose offer was subject to contract only, and not conditional on a detailed planning application was subject to a pre-application meeting with Rother District Council.

Heads of Terms were agreed with the prospective purchasers and solicitors instructed on 14 May 2019. It was not until 29 November 2019 that Rother District Council responded to the prospective buyers, and commented on various issues, three of which were not particularly helpful and subsequently the purchasers despite various alternative schemes decided to withdraw their offer.

RPC Land were instructed to re-market the site in April 2020. We immediately contacted other bidders and re-circulated the site to our extensive database. This is the second time the site was widely marketed over a period of 13 months.

The market had softened by this time, due to the COVID pandemic, and residential developers had little appetite to fight the site allocation, from housing with care, to traditional residential units, which limited the market to

just a few specialist developers in “Housing for Care” being potentially interested in the site.

Following the re-marketing, a bid from Frontier on a subject to contract and satisfactory planning consent, was ultimately accepted in November 2020.

Of the other initial interest, we received from specialist providers they decided not to bid, with their main concerns being:

- 1. The proposed site allocation was too restrictive.*
- 2. The return of capital in such a rural location was insufficient an investment.*
- 3. Build costs for a scheme in this location were importunately high.*
- 4. Concern of recruiting sufficient qualified staff.*
- 5. The site was not big enough, nor the allocation for only 40 units, with potential for affordable requirement, to want such an investment.*

Following acceptance of the Frontier offer, contracts were finally exchanged conditionally for a satisfactory consent being obtained in July 2021, when they commenced their planning application negotiations with Rother District Council.

I can confirm that the site remained on our website from April 2020 to July 2021. During this period, we received various enquiries all of which resulted in no further offers.”

- 8.2.15 Turning to the comments from two market leading sheltered housing developers, Churchill Retirement Living say:

“This site doesn’t work for Churchill Retirement due to a number of factors.

On site affordable housing doesn’t work, my view is that 40 dwellings with 40% affordable housing is just not feasible whilst enabling a credible and sustainable RL community.

As a company we have engaged with a number of RPs regarding mixed tenure retirement living blocks. Not one of them will entertain the idea of putting different tenures within a single core as would be required here due to:

- Affordability – Service charges circa £2,750 - £3,750 per annum for basic RL blocks would mean that a separate block is required to provide more affordable service charges for the non-market element. RPs will not wish to take on void service charges at those levels for obvious reasons.*
- A small community of RL of 40 or so units is built around ensuring a communal living arrangement with all residents paying equitable amounts towards upkeep. It would be impossible for certain residents to pay lower amounts. This is one of the main issues why it is so challenging to have affordable housing and RL in the same block.*
- Viability – The cross subsidy required to provide 40% affordable housing on a proposal with larger non saleable areas, lower sales saturation, empty property costs and higher general base build costs would likely be onerous. My view is that 40% affordable housing would likely make such a modest proposal unviable*

- *AH Provision – I note the 40% requirement, however we would as a company look to negotiate this out, and to provide a commuted sum. Without knowing the land value, I would assume, for the reasons stated above that the scheme would be unviable to deliver in terms stated by the policy.*

In essence therefore you are looking at 2 blocks on a small site which would likely reduce the units to less than 30s in my view once separate amenity, servicing and parking have been factored in. Again, I think there will be viability issues associated with bringing forward such a scheme which would have serious implications on land value.

I have looked at the location of the site online. The area appears to have a population of 2,750 people which is probably half of the critical mass required and the required amenities are far too minimal to support our residents everyday shopping needs.”

8.2.16 McCarthy and Stone say:

“The main issue for us is the overall principle of the site not being suitable for one of our developments, either retirement or extra care. Westfield is simply too small in terms of population, demographic, and catchment to support a development as set out within the policy. Moreover, it lacks the general amenities for the active elderly. It would appear that the site may be better suited to a care home which would be more self-contained.

In nearly all cases retirement developments provide financial contributions towards off site provision of affordable housing due to the specialist nature of the retirement developments. It is well-established that affordable housing provision cannot be provided onsite within a single retirement apartment block with its associated management regime and high service charges, and the conflict this can create. Moreover, even if the development were split, this would impact the viability to such an extent as to render the scheme undeliverable.

Given the nature of this form of accommodation with its additional levels of non-saleable floorspace in the form of communal spaces, guest suites, internal buggy store and internal refuse store, development viability is always a consideration if this form of accommodation is to be delivered. As a result, most applications will be accompanied with a viability appraisal as developers are not able to afford the Local Plan policy requirement.

Retirement developments have higher service charges due to not only the levels of communal space, as discussed above, but also other costs associated to additional staff costs, upkeep of the communal spaces / communal activities, maintenance of the landscaped garden / other outdoor areas and building maintenance. These additional charges are generally at a level that are not within the budgets of Registered Social Landlords (RSL) and such charges must be shared equally across all residents rather than allowing different charges to different people and it is difficult to find an RSL to take on such units with the associated costs.

Additionally given the size of retirement developments the required provision of onsite units are not at a level to attract interest from RSLs. In addition to

quantum of units provided the number most retirement developments will be in a single footprint block resulting in management issues where the RSL has issues around the upkeep of the apartment itself with it being part of a larger building, which again turns RSLs away from being involved in such developments.

While there are some elements that could be addressed within any submission in principle, I do not believe that this site would be suitable for one of our developments.”

- 8.2.17 Based on the above marketing details for the site and the comments from two market leading sheltered housing developers, it is considered that the site is unlikely to come forward for a scheme that accords with the site allocation. This is certainly not the case now, or in the immediate future.
- 8.2.18 The Parish Council say that the site being undeliverable for its allocated use has been poorly demonstrated, as there is no mention of any affordable housing provider nor providers for smaller schemes such as Rural Housing Trust. They have also questioned why the site is not suitable for McCarthy and Stone when looking at their other developments (e.g. 43 retirement flats in Hawkhurst) and website, Westfield seems ideal for one of their developments. It should also be noted that smaller affordable residential developments with affordable housing in a rural setting does work as demonstrated by the ‘Five Villages’ project in Icklesham and ‘Rectory Court’ in Burwash. These comments are noted. However, it is reiterated that the site has been extensively marketed and there has been no interest from developers to bring forward the site in accordance with the site allocation. Two market leading retirement living/sheltered housing developers have also advised that the site is not suitable for them or their product.
- 8.2.19 Turning to the current proposal for a care home, this would provide a form of housing for older people, delivering the equivalent of some 36 homes, which would make a meaningful contribution to the Council’s housing land supply and accord with the Government’s objective of “significantly boosting” the supply of homes. Furthermore, the proposed development is not a speculative proposal. The Applicant is a developer in the care home sector and an operator (Greensleeves Care who operate a small 21-bed care home at Whitegates in Westfield) is already in place to operate the care home. Therefore, assuming reasonable lead in times for construction and operation, the provision of 64 care bedspaces would make a timely and meaningful contribution to the district’s C2 registered care bedspace need in the immediate future. It is considered that the delivery of the equivalent of some 36 homes for older people, together with the provision of this in the near future, would be a significant public benefit of the proposal.
- 8.2.20 Further to the above, the proposed care home would be a modern purpose-built facility, which Greensleeves Care say will offer excellent accommodation and much needed care beds in excess of Care Quality Commission (CQC) standards. By way of comparison, the existing 21-bed care home at Whitegates is a former dwelling, which was converted and extended to create a care home in the late 1980s.
- 8.2.21 The care home proposal would also provide employment during the construction and operational phases of the development and have a positive

impact on the local economy. The application form says that the care home would create the equivalent of 65 full-time employees. Commensurate with the scale of the proposed development, these would be modest social and environmental public benefits of the proposal.

8.2.22 It is acknowledged that by allowing this care home proposal, the provision of Westfield's identified housing need would be undermined (on this site the failure to deliver some 40 dwellings for "housing with care", of which 40% are affordable). There would also be a loss of money raised through the Community Infrastructure Levy (CIL) and no New Homes Bonus. However, the proposal would still provide opportunities for local older persons – including those in Westfield and the wider District – to downsize, thus freeing up housing for families. With regard to the loss of CIL money, this is somewhat counterbalanced by the additional CIL liable on other development sites in the district where the percentage of affordable housing has been reduced on viability grounds (where a higher proportion of market housing is achieved, a consequence is that the Local Planning Authority gains more CIL).

8.2.23 In this case material considerations indicate that determination of the application other than in accordance with the development plan is justified. As such, the proposal for a 64-bed care home is acceptable in principle.

8.3 Accessible location by modes other than the private car

8.3.1 Policy OSS3 (x) of the Rother Local Plan Core Strategy says that in assessing the suitability of a particular location for development, proposals should be considered in the context of the need for access to employment opportunities.

8.3.2 Policy TR3 of the Rother Local Plan Core Strategy requires new development to minimise the need to travel and support good access to employment, services and community facilities.

8.3.3 Paragraph 109 of the National Planning Policy Framework says:

“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

8.3.4 Under the site allocation policy for housing with care, the provision of a number of measures to prioritise safe pedestrian access, and access to sustainable forms of transport, is a requirement. These measures include:

- an upgraded footway along the A28 connecting to the village core, together with safe means of accessing it from the site;
- pedestrian access to Footpath 27 on the south-western boundary of the site; and
- a bus stop adjacent to the site.

- 8.3.5 The site is located within the development boundary for Westfield, approximately 500m to the north-east of the village centre. There is no footway on the western side of Main Road adjacent to the application site. However, a footway is present on the opposite (eastern) side of the road, and this provides a pedestrian route to the village centre. In relation to public transport, there are bus stops along Main Road with routes operated by Stagecoach (route numbers 29, 342 & 382) Rambler Coaches (route numbers 361 & 381) and the Battle Area Community Transport (route numbers B72 & B75). These provide direct access to destinations including Tenterden, Northiam, Robertsbridge and Hastings. The only 'regular' bus service is route number 29 (Hastings-Tenterden), which now runs hourly Monday to Saturday daytime, with new later evening journeys and a new two hourly Sunday service. The closest bus stops to the site are approximately 200 and 260m to the south of the new site access, which are within walking distance.
- 8.3.6 The proposed care home would provide accommodation for the elderly and would be a largely self-contained living environment, meeting most resident's day-to-day needs. It therefore seems unlikely that there would be a significant need or demand for residents to independently travel from the care home, including to the services and facilities in the village. However, the care home would have a large number of residents (up to 64), and as such there remains a need to provide sustainable travel access for staff and visitors.
- 8.3.7 ESCC Highway Authority have advised that currently the site is poorly located from an accessibility perspective in relation to walking, cycling and public transport. However, they have also advised that provided the following highway works, bus stop improvements and bus service contributions are secured by Section 106 Agreement, they would have no objection to the proposal in relation to this issue, as the bus services available nearby would provide an alternative means of travel for some journey types:
- Provision of a footway leading into the site alongside the new vehicular access.
 - Provision of a new footway which will extend a short distance along the north-west side of the A28 carriageway.
 - Provision of a pedestrian crossing point with dropped kerbs/tactile paving on the A28 in the vicinity of the site access. This would enable pedestrian access to and from the site via the footway on the opposite (eastern) side of the road.
 - Provision of upgraded bus stops to the south of the site (the northbound stop near Westfield Surgery requires a raised kerb, bus stop clearway markings and some hard standing, along with a drop kerb to the opposite side of the road. The southbound stop adjacent to Westfield Surgery requires a raised kerb, bus stop clearway, bus shelter (subject to the Parish Council's agreement) and seating).
 - Any other measures agreed as part of the subsequent s278 process.
 - A contribution of £550 per room (totalling £35,200) towards an improved bus service 29.
- 8.3.8 In addition to the above, ESCC Highway Authority have advised that the submitted Travel Plan, which seeks to promote walking, cycling, public transport and car-sharing, would need to be enhanced and this can be

secured by condition. A Travel Plan audit fee of £6,000 would be secured by Section 106 Agreement.

- 8.3.9 Taken together, the highway works, bus stop improvements, bus service contributions and measures secured under an enhanced Travel Plan would ensure that the proposed care home would be accessible by travel modes other than the private car. The Section 106 Agreement (or planning obligation) needed to secure these would therefore mitigate the impact of otherwise unacceptable development in these regards and make it acceptable in planning terms. Accordingly, it would be necessary, related directly to the development and fairly and reasonably related in scale and kind. As such, it would accord with the provisions of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the tests for planning obligations set out in the National Planning Policy Framework at Paragraph 57.
- 8.3.10 Local residents and the Parish Council have advised that the footway on the eastern side of the A28 (Main Road) is narrow and dangerous to use. They have therefore asked for it to be upgraded if planning permission is granted for the proposed care home. The Parish Council have also advised that a pelican crossing or some form of traffic calming to slow speeding traffic is needed in order for residents of the care home to safely cross the road. These highway works are required under the site allocation policy for housing with care. However, the current proposal is not for a housing development. It is for a 64-bed care home and in relation to this use, ESCC Highway Authority have not sought to secure these works as part of the development. They are therefore not necessary to make the proposed care home development acceptable.

8.4 Character and appearance of the area

- 8.4.1 The application site is located within the development boundary for Westfield and the HWNL. Policies OSS4 (iii), RA1 (i) & EN3 of the Rother Local Plan Core Strategy, Policy DEN1 of the DaSA and Paragraphs 135 & 180 of the National Planning Policy Framework seek, amongst other things, to ensure that new development is of high design quality that respects, contributes positively towards, and does not detract from the character and appearance of the locality.
- 8.4.2 Policy EN1 of the Rother Local Plan Core Strategy seeks to ensure the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (i) the distinctive identified landscape character, ecological features and settlement pattern of the HWNL.
- 8.4.3 Policy DEN2 of the DaSA also seeks to conserve and enhance the HWNL. Similarly, Paragraph 182 of the National Planning Policy Framework says that in the HWNL "great weight should be given to conserving and enhancing landscape and scenic beauty" and the "conservation and enhancement of wildlife and cultural heritage are also important considerations". It goes on to say that the "scale and extent" of development within the HWNL should be "limited".

- 8.4.4 There is also the High Weald Management Plan which has objectives for conserving and enhancing the natural landscape and beauty of the HWNL.
- 8.4.5 The proposed care home is a large institutional style building, which has the potential to harm the landscape and scenic beauty of the HWNL, as well as its wildlife and cultural heritage. The latter is an issue that has been raised by the High Weald Unit who consider the proposal to be an overdevelopment of the site, which has repercussions for the amount of space left for biodiversity.
- 8.4.6 In terms of landscape impact, this is a brownfield site located on the north-eastern edge of the village, which was last in use as a residential care home and previously had planning permission for a 48-bed residential care unit. Moreover, it is currently allocated for a development of some 40 dwellings. It is noted that any development here could have an urbanising impact in the HWNL.
- 8.4.7 The two-storey care home would be a building of appreciable extent, scale and massing and could be noticeable from the surrounding area. However, it would be located centrally within the site and set back from the site boundaries. The site is also reasonably well screened from the surrounding area by existing boundary trees, which would be retained where possible and enhanced by the planting of new trees, secured by condition. Details of the general soft landscaping for the site would also be secured by condition. The County Landscape Architect recommends that the proposed development can be supported as it would have a negligible and beneficial effect on local landscape character and views, subject to the implementation of a landscape masterplan and the long-term positive management of the entire site.
- 8.4.8 In terms of its design, the scale, extent and massing of the proposed care home building would be at odds with its setting in terms of the prevailing pattern and small-scale nature of existing residential development nearby. However, this must be considered in the context of the development that could come forward under the site allocation. In this regard, it is considered likely that 40 retirement living/sheltered housing units would come forward in a single block, or several blocks, of flats. An indicative site layout plan showing a single block of flats has been provided by the Applicant to illustrate this.
- 8.4.9 The external appearance of the proposed care home building would have some commonality with residential flats, and articulation and visual interest would be created through a combination of differing roof heights and projecting gables. The use of two distinct external materials comprising timber cladding and red bricks would also help to break up the elevations. The final details of these external materials and the proposed clay roof tiles would be secured by condition to ensure they reflect the local vernacular. Details of the windows, doors, roof verges, roof eaves and balustrades would also be secured by condition to ensure a satisfactory building appearance.
- 8.4.10 In terms of lighting, the care home building itself has a significant amount of glazing, and there would also be a need for lighting to the external areas (e.g. the parking area). As such, there is potential for light pollution from the

development to harm the dark night sky. However, some light pollution is to be expected given that the site has been allocated for a housing development and is located within the development boundary for the village. Notwithstanding this, retention of existing trees and vegetation on the site boundaries, together with new tree planting, would limit the spill of light from the site, and this would be further limited by a Lighting Design/Mitigation Strategy secured by condition. The strategy would need to have regard to the institute of Lighting Professionals guidance note on *The Reduction of Obtrusive Light*. Guidance for lighting is not about there being no light sources but about seeking suitable details which mitigate and minimise any harm.

- 8.4.11 The High Weald Unit is concerned that the proposal won't deliver Biodiversity Net Gain (BNG) and as such would fail to conserve and enhance the HWNL. They say the BNG calculation submitted with the proposal is not transparent and makes unrealistic assumptions about the gains of the created habitats in the real-world (a 14.5% gain in habitat area and a 41.14% gain in biodiversity units in linear habitats are proposed). This is acknowledged by the County Ecologist who agrees that the figures reported are likely to overestimate the amount of BNG that the proposed layout will provide. However, the County Ecologist is satisfied that a minimum of 10% BNG can be achieved on the site and has recommended the Applicant provides an Ecological Design Strategy, secured by condition.
- 8.4.12 For the above reasons the proposed development would have an acceptable impact on the character and appearance of the area. Having regard to Paragraph 183 footnote 64 of the National Planning Policy Framework, the proposal is not considered to be 'major development' in the HWNL.

8.5 Highway and transport impacts

- 8.5.1 Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy seek to ensure adequate and safe access arrangements, avoid prejudice to road and/or pedestrian safety, and seek mitigation against transport impacts which may arise from development proposals.
- 8.5.2 Paragraph 114 of the National Planning Policy Framework seeks to ensure that, amongst other things, safe and suitable access to the site can be achieved for all users, and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.5.3 Paragraph 115 says:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 8.5.4 Both National Highways and ESCC Highway Authority have appraised the scheme in relation to the highway and transport impacts.
- 8.5.5 National Highways have assessed the scheme in relation to potential impacts on the safe and efficient operation of the Strategic Road Network

(SRN), in this case, particularly within the vicinity of the A21(T) at its junction with the A28 Westfield Lane at Baldslow, Hastings, East Sussex. They have no objection to the proposal, concluding that the quantum of operational development traffic on the A21 will be very low. As such, it will not have an adverse impact on the safe and efficient operation of the Strategic Road Network.

8.5.6 ESCC Highway Authority have assessed the proposed development in terms of the site access, traffic generation and highway impact, internal layout and on-site parking provision. In conclusion, they have no objection to the proposal subject to standard conditions.

8.5.7 For the above reasons, the proposed development is acceptable in relation to highway and transport impacts.

8.6 Amenities of neighbouring properties

8.6.1 There are four residential properties in the immediate vicinity of the site; Marden Ash and Cornerways to the north and Furtherdown and Tudor Close Cottage to the south-west.

8.6.2 Policy OSS4 (ii) of the Rother Local Plan Core Strategy says that new development should not unreasonably harm the amenities of adjoining properties.

8.6.3 Policy DEN7 of the DaSA seeks to avoid significant adverse impacts on health and quality of life, including from, amongst other things, noise, odour and light pollution. This is consistent with Paragraph 191 of the National Planning Policy Framework.

8.6.4 Under the site allocation for housing with care some 40 dwelling units could be provided on the site, which would have some impact on the residents of the neighbouring properties. This would also be the case with the proposed care home. Potential impacts arising from the development include disturbance from noise, odour and light pollution, loss of light/outlook and loss of privacy. Matters such as loss of view and loss of property value are not material planning considerations.

Privacy/light/outlook

8.6.5 The proposed two-storey care home would be located centrally within the site and positioned at least 20m away from neighbouring properties. This measure of separation alone would ensure that harmful overlooking of neighbouring properties from the care home would not occur, and nor would the building result in loss of light, overshadowing or loss of outlook. In addition to the physical separation between the care home building and neighbouring properties, views into and out of the site would be screened in part by the retention of existing trees and vegetation on the site boundaries, together with new tree planting, secured by condition.

8.6.6 Residents of the care home would have access to the communal garden around the building. Where this adjoins the rear gardens of Marden Ash & Cornerways to the north, a minimum 4m wide landscape buffer is proposed. This would restrict views between the care home garden and neighbouring

gardens such that overlooking to the detriment of residential amenity would not occur.

- 8.6.7 The neighbouring properties to the south-west (Furtherdown and Tudor Close Cottage) do not directly adjoin the application site; they are separated from it by their shared driveway which the public footpath runs along. There would also be a landscape buffer along the south-west boundary of the site. For these reasons, harmful overlooking of the neighbouring properties from the outside areas of the care home site, including the communal garden and parking area, would not occur.

Disturbance from noise, odour and light pollution

- 8.6.8 The care home includes a kitchen, plant room and laundry room, which would be located in the front north-east corner of the building, well separated from neighbouring residential properties. Externally, an Air Source Heat Pump Compound is proposed to the north-east of the front part of the building and a sub-station is proposed to the south-east. The application is accompanied by a Noise Assessment which has been reviewed by the Council's Environmental Health Service. As far as noise affecting the development itself, there are no significant impacts predicted for either internal or external spaces. Plant noise limits have been proposed, which would protect the amenities of neighbouring properties, and these can be secured by condition. Any odours arising from cooking would be dealt with by the care home's kitchen extraction system.
- 8.6.9 There would also be people and traffic related noise associated with the proposed care home development, including from vehicles manoeuvring in the parking area and from care home residents in the communal garden. Such noise is to be expected given that the site has been allocated for a housing development. Moreover, people/traffic related noise would mainly occur during the daytime when such noise can be reasonably expected. With regard to the proposed parking area, this would be located at the front of the site, adjacent to the A28 (Main Road), in an area which is already subject to traffic noise attributed to the road. In this location the parking area would cause the least disturbance from noise.
- 8.6.10 In terms of lighting, there is potential for the development to result in light pollution to the detriment of residential amenity. However, some light pollution is to be expected given that the site has been allocated for a housing development. Notwithstanding this, retention of existing trees and vegetation on the site boundaries, together with new tree planting, would limit the spill of light from the site, and this would be further limited by a Lighting Design/Mitigation Strategy secured by condition.
- 8.6.11 There is potential for noise, dust and light impacts during the construction phase of the development, and these would need to be addressed in a Construction Management Plan, secured by condition. A separate condition restricting the days and hours of construction works and deliveries to the site would also be necessary.

8.7 Flood risk and drainage

- 8.7.1 Policy EN7 of the Rother Local Plan Core Strategy says that flood risk will be taken into account at all stages in the planning process to avoid

inappropriate development in areas at current or future risk from flooding, and to direct development away from areas of highest risk.

- 8.7.2 The Government's flood map for planning shows that the entire site is within Flood Zone 1, which has a low probability of flooding from rivers and the sea. It is also not shown to be at risk of flooding from surface water or reservoirs. Turning to groundwater, the Council's Level 1 Strategic Flood Risk Assessment (SFRA) 2021 includes mapping for groundwater flooding at Appendix H. This shows the site to be at no risk of groundwater flooding.
- 8.7.3 Overall, the site is at low risk of flooding from all sources and as such the sequential test – which aims to steer new development to areas with the lowest risk of flooding from any source – is not applicable in this case. Therefore, in relation to flood risk, the provision of a care home on this site is acceptable in principle, subject to appropriately designed foul and surface water drainage systems to ensure satisfactory drainage of the site and to ensure flood risks are not increased elsewhere.
- 8.7.4 With regard to the disposal of foul sewage, it is proposed to connect to an existing public foul sewer in Cottage Lane via a new rising main along Main Road. The submitted Drainage Strategy shows that a foul water pumping station would be provided on-site.
- 8.7.5 Turning to the disposal of surface water, Policies SRM2 (iii) & EN7 (iii) of the Rother Local Plan Core Strategy and Policy DEN5 of the DaSA seek to, amongst other things, promote the use of sustainable drainage systems to control the quantity and rate of run-off. In this case, infiltration testing results show that the discharge of surface water via infiltration-based SuDS features (i.e., soakaways, infiltration basins or permeable paving) is not appropriate. In the circumstances, it is proposed that on-site surface water is dealt with via a combination of permeable paving, below-ground geocellular attenuation tanks and flow restriction devices. Final discharge would be to public sewer.
- 8.7.6 Southern Water have advised that their initial investigations indicate that they can provide foul and surface water sewage disposal to service the proposed development. Furthermore, the Lead Local Flood Authority (LLFA) are satisfied that it will be possible to safely manage surface water runoff from the development site. The detailed design of the drainage systems would need to be secured by condition.
- 8.7.7 For the above reasons the proposed development is acceptable in relation to flood risk and drainage.

8.8 Biodiversity

- 8.8.1 Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the DaSA and the National Planning Policy Framework seek to conserve and enhance habitats and biodiversity.
- 8.8.2 The application is accompanied by various ecological documents, including, but not limited to:
- Preliminary Ecological Appraisal (updated March 2024).

- Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (updated February 2024).
- Reptile and Bat Report, dated October 2022.
- Badger Survey Report, dated December 2021.
- Calculation of Biodiversity Net Gain using Defra Metric 3.0, dated September 2022.

8.8.3 The County Ecologist has reviewed the scheme in relation to potential impacts on biodiversity. In summary, the proposed development can be supported from an ecological perspective, provided the recommended mitigation, compensation and enhancement measures are implemented. Conditions are recommended to secure:

- Safeguards for badgers.
- A Biodiversity Method Statement (BMS) for the rescue and translocation of reptiles.
- A sensitive lighting strategy.
- An Ecological Design Strategy (EDS) setting out how measurable and meaningful biodiversity net gain will be delivered.
- A Landscape and Ecological Management Plan (LEMP) for the long-term management of semi-natural habitats for biodiversity.
- Compliance with the updated Preliminary Ecological Appraisal (PEA).
- Updated ecological surveys if development has not commenced within 18 months of the reptile and bat surveys.

8.8.4 The following comments and recommendations of the County Ecologist should be noted:

Badgers

8.8.5 The site offers suitable cover for sett creation and foraging opportunities. A sett with at least seven entrance holes is present on site. This was disused in September 2021, but two holes showed evidence of use in November 2021. From the information provided, I agree with the assessment that the sett is likely a subsidiary or annex sett. From the proposed layout site, it is not possible to retain the sett and closure is required. As such, works will require a licence from Natural England to proceed.

8.8.6 The Badger Report recommends pre-commencement survey of the site to inform current usage and appropriate mitigation and compensation. If surveys demonstrate that the site is disused, closure can proceed without a licence. If surveys demonstrate current usage, a licence will be required.

8.8.7 Regardless of the status of the sett and the need for a licence, given the known presence of badgers in the local area, safeguards should be put in place to prevent badgers being trapped or harmed during development.

Bats

8.8.8 Bat surveys were carried out broadly in accordance with best practice, although it is noted that none of surveyors were licensed; whilst this is not a requirement, good practice survey guidelines (Collins (Ed.), 2016) recommend that presence/absence surveys should be undertaken, or at least led by, a licenced bat surveyor.

8.8.9 Surveys found no evidence of roosting bats in tree T47 (dead sweet chestnut). The Arboricultural Report (Tree Survey, Arboricultural Impact

Assessment and Arboricultural Method Statement, The Landscape Partnership, December 2021) recommends the removal of stem and management of basal stems as coppice for this tree. As the tree is in the south west corner of the site, within an area of retained vegetation, it is recommended that as much as possible standing deadwood is retained, given that it retains potential for roosting bats as well as other wildlife. Two further trees on site offer moderate potential; current plans show these trees as being retained. Should any works be required to these trees, additional surveys will be required to inform appropriate mitigation, compensation and enhancement.

- 8.8.10 Overall, bat activity within the site (recorded during the roost surveys) was relatively low, with activity recorded from at least two species; common pipistrelle and *Myotis* sp. Foraging and commuting appeared to be most common along the footpath adjacent to the south west boundary of the site and along the main road, and common pipistrelles were recorded roosting in buildings adjacent to the site – although not specified, it is assumed this refers to buildings to the south.
- 8.8.11 Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. It is therefore recommended all lighting design should take account of national guidance and that there is no light spill onto the boundaries of the site, or the trees with moderate bat roost potential. A sensitive lighting strategy should be required by condition.

Breeding Birds

- 8.8.12 Under Section 1 of the Wildlife and Countryside Act 1981, as amended, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. Although not specifically stated in the PEA report, trees and scrub on site offer potential for breeding birds. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. Bird boxes should be provided to mitigate for the loss of nesting sites.

Reptiles

- 8.8.13 Reptile surveys were carried out broadly in accordance with best practice, albeit surveys were relatively compressed rather than being spread out over the active season. A low population of slow worm is present on site; sub-adults as well as adults were recorded indicating the presence of a breeding population in the local area, if not on site. From the proposed layout, it is not considered viable to retain slow worms on site, and as such a receptor site will need to be identified and secured. The mitigation strategy outlined in the Reptile and Bat report is broadly acceptable. Full details, including the identification of a receptor site and details of any measures that may be required to make the receptor site suitable for reptiles, should be provided in a Biodiversity Method Statement (BMS) secured by condition.

Mitigation Measures and Biodiversity Net Gain

- 8.8.14 The site offers opportunities to provide Biodiversity Net Gain (BNG), as required by national and local planning policy. Previous advice provided on the BNG Report (Calculation of Biodiversity Net Gain using Metric 3.0, The Landscape Partnership, September 2022) on 05/12/22 remains valid. I concur with the views of the High Weald AONB Unit (30/11/22) that the figures reported are likely to overestimate the amount of BNG that the proposed layout will provide. It also remains the case that whilst the calculations indicate BNG can be achieved, trading rules have not been met due to the loss of woodland with no direct replacement. The BNG report states that 49 new trees are proposed to mitigate for the loss of the woodland; however, from a review of the PDF of the calculations (the full Metric spreadsheet has not been available for review), these trees are required to offset the impacts of the development on urban trees. As previously advised, it is strongly recommended that biodiverse green roofs are provided; as a habitat of medium distinctiveness, this could help to meet trading rules, and is likely to provide more meaningful BNG than the fragmented grassland areas proposed.
- 8.8.15 Full details of enhancement measures to provide measurable BNG, aiming for a minimum of 10% with trading rules met, should be provided in an Ecological Design Strategy (EDS). The EDS should also include additional measures, such as the provision of bird, bat and or insect boxes. As previously advised, additional swift boxes should be provided. Long term management of retained, enhanced and created semi-natural habitats, should be secured through a Landscape and Ecological Management Plan (LEMP).
- 8.8.16 The NatureSpace Partnership, in their role of providing meaningful conservation for Great Crested Newts (GCNs), have advised that if the proposed development is approved, it is unlikely to cause an impact on GCNs and/or their habitats. However, there is highly suitable habitat for GCN within the area surrounding the application site. As such, an informative regarding this protected species has been recommended if planning permission is granted.

8.9 Below-ground archaeology

- 8.9.1 An Archaeological Desk-Based Assessment accompanies the application, and this has been reviewed by the County Archaeologist. The advice is that any groundworks undertaken at the site have the potential to expose in-situ archaeological remains that illuminate the history and development of the site and wider Westfield.
- 8.9.2 In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, it is recommended that the area affected by the proposals should be the subject of a programme of archaeological works, secured by condition. This would 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.

8.10 Contamination

8.10.1 The application is accompanied by a Ground Investigation Report, which considers there to be a low risk of contamination at the site. However, some areas of the site have not been investigated due to the density of vegetation. In this regard, further investigations have been recommended in the area of a historical tank in the north of the site following vegetation clearance.

8.10.2 The Ground Investigation Report has been reviewed by the Environment Agency and the Council's Environmental Health Service. They are satisfied that the proposed development can proceed without unacceptable risk to human health or controlled waters provided conditions are imposed on any planning permission.

8.11 Air quality

8.11.1 The Council's Environmental Health Service has advised that the care home proposal requires both an air quality assessment and an emissions mitigation assessment to be undertaken, and it is recommended that this is secured by condition. This would secure any mitigation measures needed to alleviate the effects of nitrogen dioxide (NO_x) and airborne particulate matters (PM₁₀ & PM_{2.5}) arising from the development.

8.12 Other matters

8.12.1 Westfield Surgery says it does not have the capacity to provide safe and effective care to the residents of the proposed 64-bed care home, and the proposal will have a significant impact on the medical services provided to existing patients. This concern is reflected in comments from local residents and the Parish Council.

8.12.2 The capacity issues raised by the surgery are acknowledged and the Applicant has responded advising that:

- The provision of a care home with modern facilities has been proven to reduce the impact on local care services.
- There will be onsite medical services, such as care professionals.
- Care home residents are located in one place as opposed to on their own spread out over a community. This means that where GPs are required to visit a care home, they can carry out numerous visits at one time.

8.12.3 It is considered that even with onsite care and support services provided at the care home, the surgery is likely to see an increase in demand for its services arising from the development. However, this would also be the case if the site was developed with 40 dwellings, as per the site allocation. Ultimately, the infrastructure and service demands arising from the care home development would need to be met by the relevant providers.

9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 The application relates to a site allocated for housing with care (Use Class C3) under Policy WES2 of the DaSA, where some 40 dwellings are to be provided, of which 40% are affordable.

- 9.2 The proposal is for a 64-bed care home (Use Class C2), which is not “housing with care” and would not provide any affordable housing. As such, the proposed development would not comply with the Council’s development plan (i.e. it would conflict with Policy WES2 of the DaSA) and would undermine the provision of Westfield’s identified housing need. However, in this case, the Applicant has demonstrated that there are material considerations to justify the determination of the application other than in accordance with the development plan.
- 9.3 The provision of 64 care bedspaces would make a timely and meaningful contribution to the district’s C2 registered care bedspace need in the immediate future. Moreover, it would deliver the equivalent of some 36 homes for older people, which would make a meaningful contribution to the Council’s housing land supply and accord with the government’s objective of “significantly boosting” the supply of homes. In addition to this, and in relation to matters such as accessibility, impact on the character and appearance of the area, impact on biodiversity, highway & transport impacts etc. the use of conditions and a planning obligation would make the development acceptable in planning terms.
- 9.4 There would be a loss of money raised through the Community Infrastructure Levy (CIL) and no New Homes Bonus. With regard to the loss of CIL money, this is somewhat counterbalanced by the additional CIL liable on other development sites in the district where the percentage of affordable housing has been reduced on viability grounds (where a higher proportion of market housing is achieved, a consequence is that, the Local Planning Authority gains more CIL).
- 9.5 On this occasion other considerations indicate the decision should be taken otherwise than in accordance with the development plan and therefore it is recommended that planning permission is granted.

RECOMMENDATION: It be **RESOLVED** to **GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT TO SECURE:**

- **PROVISION OF OFF-SITE HIGHWAY WORKS AS REQUIRED BY EAST SUSSEX COUNTY COUNCIL HIGHWAY AUTHORITY**
- **FINANCIAL CONTRIBUTIONS AS REQUIRED BY EAST SUSSEX COUNTY COUNCIL HIGHWAY AUTHORITY**

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
Drawing No. 4548-WRD-XX-ZZ-DR-A-0080 (Existing Site Plan and Location Plan), Revision P01, dated 03/11/20.

Drawing No. 4548-VST-XX-00-DR-A-0200 (Proposed GA Ground Floor Plan Level 00), Revision P08, dated 29.06.23.

Drawing No. 4548-VST-XX-01-DR-A-0201 (Proposed GA First Floor Plan Level 01), Revision P08, dated 29.06.23.

Drawing No. 4548-VST-XX-RF-DR-A-0203 (Proposed GA roof Plan), Revision P05, dated 02.06.23.

Drawing No. 4548-VST-XX-ZZ-DR-A-0300 (Proposed GA Elevations Sheet 1 of 3), Revision P013, dated 02.02.24.

Drawing No. 4548-VST-XX-ZZ-DR-A-0301 (Proposed GA Elevations Sheet 2 of 3), Revision P013, dated 02.02.24.

Drawing No. 4548-VST-XX-ZZ-DR-A-0302 (Proposed GA Elevations Sheet 3 of 3), Revision P012, dated 02.02.24.

Drawing No. 4548-VST-XX-ZZ-DR-A-0500 (Proposed Site Plan), Revision P015, dated 19.07.23.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development hereby permitted shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, and the foul water drainage works to serve the development shall be carried out in accordance with the approved details.

Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site, including to avoid flood risk and to prevent water pollution, in accordance with Policies SRM2 (i & ii) and EN7 of the Rother Local Plan Core Strategy.

4. No development hereby permitted shall commence until details of a surface water drainage system have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water and the Lead Local Flood Authority. The surface water drainage system shall incorporate the following:

- a) Surface water discharge rates should not exceed greenfield runoff rates for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

- b) The details of the outfall of the proposed drainage system and how it connects into the public sewer network should be provided as part of the detailed design. This should include cross sections and invert levels.

- c) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

- d) A maintenance and management plan for the entire drainage system, which ensures the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

- Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

- Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall not be occupied until evidence (including photographs) demonstrating that the surface water drainage system has been constructed in accordance with the approved details, has been submitted to and approved

in writing by the Local Planning Authority. The approved maintenance and management plan for the entire surface water drainage system shall remain in place for the lifetime of the development.

Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site, including to avoid flood risk and to prevent water pollution, in accordance with Policies SRM2 (i, ii & iii) & EN7 (iii) of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan.

5. No development hereby permitted shall take place (including any ground works or works of demolition) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CMP shall be implemented and adhered to in full throughout the entire construction period. The CMP shall provide details as appropriate but not be restricted to the following matters:
 - a) The anticipated number, frequency and types of vehicles used during construction.
 - b) The method of access and egress and routeing of vehicles during construction.
 - c) The parking of vehicles by site operatives and visitors.
 - d) The loading and unloading of plant, materials and waste to minimise noise and dust impacts.
 - e) The storage of plant and materials used in construction of the development.
 - f) The erection and maintenance of security hoarding.
 - g) 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).
 - h) The site lighting scheme and control of light spill to existing residential areas.
 - i) General noise and dust control measures.
 - j) Measures to manage flood risk, both on and off the site, during the construction phase.
 - k) Details of public engagement both prior to and during construction works.

Reason: This pre-commencement condition is required in the interests of highway safety, to safeguard the amenities of nearby residents, and to avoid flood risk, in accordance with Policies OSS4 (ii), CO6 (ii) and EN7 of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site Allocations Local Plan and Paragraph 191 of the National Planning Policy Framework.
6. No development hereby permitted shall take place until a scheme to deal with the risks associated with contamination of the site in respect of the approved development has been submitted to and approved in writing by the Local Planning Authority. The scheme to be approved in writing shall include:
 - a) A preliminary risk assessment which has identified:
 - all previous uses.
 - potential contaminants associated with those uses.
 - a conceptual model of the site indicating sources, pathways and receptors.
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

- c) The results of the site investigation and the detailed risk assessment referred to in (b) 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.
- d) 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 (c) 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 written approval of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: This pre-commencement condition is required to protect the health of future occupiers of the site from any possible effects of contaminated land and 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, in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site Allocations Local Plan and Paragraph 189 of the National Planning Policy Framework.

- 7. No development hereby permitted 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: This pre-commencement condition is required to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

- 8. No development hereby permitted shall take place until an Air Quality Assessment for the development – carried out by a competent person – has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include the following details:

- a) The impact of the development on the air quality objectives described in the National Air Quality Strategy with respect to nitrogen dioxide, PM10 and PM2.5 particulates.
- b) For the construction phase, an assessment should be undertaken of the potential for dust nuisance, using the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'.
- c) For a quantitative assessment of the operational phase, detailed dispersion modelling using industry standard software, such as ADMSRoads, to determine the impact of the development on existing air quality is required. This should include assessment of the cumulative impacts from the development itself and other committed developments in the vicinity, on existing air quality.
- d) Where possible, verification of the model output should be made through a comparison of the results of any publicly available monitoring data in the study area. To inform the background concentrations used within the model, the results of local monitoring and the available Defra maps should be used. Reductions in background concentrations and emissions in future years should not be used, to reflect the findings of recent research.
- e) The significance of impact should be described with reference to the EPUK/IAQM Land-Use Planning & Development Control: Planning for Air

Quality (January 2017) document, and the 'Air quality and emissions mitigation guidance for Sussex (2021)'.

- f) Any mitigation measures deemed necessary to alleviate the effects of nitrogen dioxide, PM10 and PM2.5 particulates arising from the development.

If mitigation measures are specified in the approved Air Quality Assessment for the development hereby permitted, then these shall be implemented in accordance with the approved details prior to the first occupation of the care home.

Reason: This pre-commencement condition is required to protect the air quality in the area having regard to 'Air Quality and Emissions Mitigation Guidance for Sussex (2021)' and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

9. 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 Local Planning Authority and be subject to its approval, in consultation with East Sussex County Council Highway Authority.

Reason: This pre-commencement condition is required in the interests of highway safety and for the benefit and convenience of the public at large, in accordance with Policies CO6 (ii), TR2 and TR3 of the Rother Local Plan Core Strategy.

10. No development hereby permitted shall take place (including any demolition, ground works, site clearance) until a method statement for the rescue and translocation of reptiles, to include details of a receptor site(s) has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- 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: This pre-commencement condition is required to protect habitats and species identified in the ecological surveys from adverse impacts during construction, in accordance with paragraphs 180 and 186 of the National Planning Policy Framework, Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the Development and Site Allocations Local Plan, and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.

11. No development hereby permitted shall take place until an Ecological Design Strategy (EDS) addressing mitigation and compensation for the loss of habitats and enhancement of the site to provide measurable biodiversity net gain, aiming for a minimum 10% with trading rules met, has been submitted to

and approved in writing by the Local Planning Authority. 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. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) 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: This pre-commencement condition is required to ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity, as required by Section 40 of the Natural Environment and Rural Communities Act 2006, Paragraphs 180 and 186 of the National Planning Policy Framework, Policy EN5 (viii & ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan.

12. No development hereby permitted shall take place until a Lighting Design/Mitigation Strategy to limit the impact of light pollution from artificial light on the amenities of neighbouring residential properties, the High Weald National Landscape and biodiversity has been submitted to and approved in writing by the Local Planning Authority. The strategy shall relate to both internal and external lighting at the site and be prepared by a competent person having regard to the institute of Lighting Professionals guidance notes on *The Reduction of Obtrusive Light* and *Bats and Artificial Lighting At Night*. It shall provide details as appropriate but not be restricted to the following matters:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.
- b) Identify the neighbouring residential properties that are likely to be impacted by artificial light from the site.
- c) Provide appropriate lighting contour plans and technical specifications etc. so that it can be clearly demonstrated that the internal and external lighting will not:
 - Disturb or prevent the bats using their territory or having access to their breeding sites and resting places.
 - Adversely impact the living conditions of the residents of the neighbouring residential properties.

The Lighting Design/Mitigation Strategy shall be implemented as approved and maintained thereafter for the lifetime of the development. The approved Lighting Design/Mitigation Strategy shall not be altered, and no new lighting installed, without the prior written approval of the Local Planning Authority.

Reason: This pre-commencement condition is required to limit the impact of light pollution from artificial light on local amenity, the High Weald National Landscape and biodiversity, in accordance with Policy DEN7 (ii) of the Development and Site Allocations Local Plan and Paragraph 191 of the National Planning Policy Framework.

13. All ecological measures and/or works related to precautionary measures for bats and badgers shall be carried out in accordance with the details contained in the following documents:

- Preliminary Ecological Appraisal (Project No: B21091), prepared by The Landscape Partnership Ltd and dated 7th March 2024.
- Badger Survey Report (Project No: B21091), prepared by The Landscape Partnership Ltd and dated 9th December 2021.

Reason: To ensure that the measures considered necessary as part of the Preliminary Ecological Appraisal and Badger Survey Report are carried out as specified, as required by Section 40 of the Natural Environment and Rural Communities Act 2006, Paragraphs 180 and 186 of the National Planning Policy Framework, Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the Development and Site Allocations Local Plan.

14. The development hereby permitted shall be carried out in accordance with the tree protection measures detailed in the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement Rev B – February 2024, prepared by The Landscape Partnership Ltd.

Reason: To ensure that the measures considered necessary as part of the Arboricultural Impact Assessment are carried out as specified, and in the interests of limiting the impact of the development on the High Weald National Landscape and biodiversity, in accordance with Paragraphs 180, 182 and 186 of the National Planning Policy Framework, Policies OSS4 (iii), EN1 (i) & EN5 (ix) of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 & DEN4 (ii) of the Development and Site Allocations Local Plan.

15. If the development hereby permitted does not commence by 31st October 2024, or having commenced by this date is suspended for more than 12 months, the approved ecological measures relating to reptiles and bats shall be reviewed and, where necessary, amended and updated. The review shall be informed by an updated Reptile and Bat Report commissioned to i) establish if there have been any changes in the presence and/or abundance of reptiles and bats and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the approved ecological measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement/re-commencement of development. Works shall then be carried out in accordance with the new approved ecological measures and timetable.

Reason: As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed, in accordance with Paragraphs 180 and 186 of the National Planning Policy Framework, Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii) of the Development and Site Allocations Local Plan.

16. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:
- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using plans placed into them at the end of each working day; and
 - b) open pipeworks greater than 150 mm outside diameter being blanked off at the end of each working day.
- Reason: To ensure badgers are not trapped or harmed on site, to avoid an offence under the Protection of Badgers Act 1992, and to prevent delays to site operation.
17. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
- Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land and 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 from previously unidentified contamination sources at the development site, in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site allocations Local Plan and Paragraph 189 of the National Planning Policy Framework.
18. During the construction phase of the development hereby permitted, no works or deliveries shall take place other than within the hours: Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays, Public or Bank Holidays.
- Reason: To safeguard the amenities of nearby residents from disturbance during the construction phase of the development, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site Allocations Local Plan and Paragraph 191 of the National Planning Policy Framework.
19. No development above slab level shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in accordance with the approved details:
- a) details/samples of the materials to be used in the construction of the external surfaces of the care home building.
 - b) Drawings to a scale of 1:10 fully detailing proposed windows & doors (including their interface with the adjoining wall), roof verges, roof eaves and balustrades.
 - c) The finished ground floor level of the care home building in relation to existing and proposed site levels, the adjacent highway (Main Road) and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps.
- Reason: To ensure a satisfactory building appearance and development of the site and to maintain the landscape and scenic beauty of the High Weald National Landscape, in accordance with Paragraphs 135, 180 and 182 of the

National Planning Policy Framework, Policies OSS4 (iii), EN1 (i) & EN3 the Rother Local Plan Core Strategy and Policies DEN1 & DEN2 of the Development and Site Allocations Local Plan.

20. No development above slab level shall take place until full details of the hard and soft landscape proposals for the site, including timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) For hard landscaping:
 - The means of enclosure of the site generally;
 - The materials proposed for hard-surfacing;
 - Details of all minor structures proposed in the public and communal garden areas (including garden outbuildings, external shelters, pergolas, refuse, cycle or other storage units, ASHP compound).
 - b) For soft landscaping:
 - Detailed planting plans, supported by written material as necessary, setting out the mix of species, their size, number and planting densities as appropriate (the plants should be native species and of local provenance);
 - The detail of all new trees, including their species, sizes, quantity, positions, the time of planting and how they will be protected and maintained until successfully established in accordance with BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations" (the trees should be native species and of local provenance).
 - Details of the measures to be employed to ensure the successful establishment of all planting, including new trees, and its maintenance into the future for a period of five years from the date of the planting being undertaken shall also be provided. Regard shall be had to the measures suggested in BS 8545:2014 "Trees: From Nursery to Independence in the Landscape – Recommendations".

All hard and soft landscaping works shall be undertaken in accordance with the approved landscaping works. Any trees or plants that, within a period of five years after planting, are removed, die or are seriously damaged shall be replaced by others of the same species, size and number as originally proposed, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure a high-quality public realm, maintain the landscape and scenic beauty of the High Weald National Landscape and enhance biodiversity, in accordance with Paragraphs 180 and 182 of the National Planning Policy Framework, Policies OSS4 (iii), EN1 (i), EN3 & EN5 (ix) of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 & DEN4 (iii) of the Development and Site Allocations Local Plan.

21. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted. The content of the LEMP 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 five-year period);
- g) details of the body or organisation responsible for implementation of the plan; and
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the 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. The approved plan shall be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features and the targeted condition of habitats required to deliver a net gain in biodiversity, in accordance with Paragraphs 180 and 186 of the National Planning Policy Framework, Policy EN5 (viii & ix) of the Rother Local Plan Core Strategy and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan.

22. The development hereby permitted shall not be occupied until the new vehicular access serving the development has been constructed in accordance with approved Drawing No. 4548-VST-XX-ZZ-DR-A-0500 (Proposed Site Plan), Revision P015, and as amended as part of the s278 agreement and detailed design.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.

23. The new vehicular access shall not be used until visibility splays measuring 2.4m x 104.4m to the north and 2.4m x 119m to the south of the access are provided and maintained thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.

24. The new estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with East Sussex County Council Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

Reason: in the interests of highway safety and for the benefit and convenience of the public at large, in accordance with Policies CO6 (ii), TR2 and TR3 of the Rother Local Plan Core Strategy.

25. The development hereby permitted shall not be occupied until motor vehicle parking areas have been provided in accordance with the approved drawings or details which have been submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council 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 there is adequate parking provision and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy.

26. The motor vehicle parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls/fences).

Reason: To provide adequate space for the parking of motor vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy.

27. The development hereby permitted shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council 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, in accordance with Policies PC1 and TR3 of the Rother Local Plan Core Strategy.

28. No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with East Sussex County Council 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, in accordance with Policies PC1, TR2 and TR3 of the Rother Local Plan Core Strategy.

29. No part of the development hereby permitted shall be brought into use until a verification report demonstrating the completion of works set out in the approved remediation strategy (relating to any contamination of the site), and the effectiveness of the remediation, has been 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.

Reason: To ensure that the site does not pose any further risk to the health of future occupiers of the site and the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site Allocations Local Plan and Paragraph 189 of the National Planning Policy Framework.

30. No part 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 shall be undertaken in accordance with the programme set out in the approved written scheme of investigation.

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

31. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written approval 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 carried out in accordance with the approved details.

Reason: To ensure that the development does not pose any risk to the health of future occupiers of the site and 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, in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy and Paragraph 189 of the National Planning Policy Framework.

32. Piling and using penetrative methods shall not be carried out other than with the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that piling does not harm groundwater resources, in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy and Paragraph 189 of the National Planning Policy Framework.

33. The rating level (LAr,Tr) of sound emitted from any fixed plant and/or machinery associated with the development hereby permitted shall not exceed the plant noise rating limits of 45 dB between 07:00 and 17:00, 29 dB between 17:00 and 23:00 and 23 dB between 23:00 and 07:00 at any other sound-sensitive property as recommended in the Noise Assessment report by Hawkins Environmental (report no. H3437 – NV – v1, 11 January 2022). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 “Method for rating and assessing industrial and commercial sound” and/or its subsequent amendments. Where access to the worst affected sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the worst affected sound-sensitive property.

Reason: To safeguard the amenities of nearby residents from noise pollution, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Development and Site Allocations Local Plan and Paragraph 191 of the National Planning Policy Framework.

NOTES:

1. This permission is the subject of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
2. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be

required to undertake work on the site where protected species are found, and these should be sought before development commences.

3. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation.
4. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
5. 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. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
6. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
7. If the Applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this will have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.
8. Southern Water requires formal applications for connections to the public foul & surface water sewer, and to the water supply, to be made by the Applicant or developer. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/> and please read their New Connections Charging Arrangements documents which are available on their website via the following link: <https://www.southernwater.co.uk/developing-building/connection-charging->

[arrangements](#). For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: <http://www.southernwater.co.uk/> or by email at: SouthernWaterPlanning@southernwater.co.uk

9. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
10. East Sussex County Council Highway Authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the Applicant and East Sussex County Council. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
11. The Environment Agency would like to refer the Applicant to their groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from GOV.UK. This publication sets out their position for a wide range of activities and developments, including Land contamination.
12. In relation to land contamination at the development site, please note that the Environment Agency only consider issues relating to controlled waters. They recommend that developers should:
 - Follow the risk management framework provided in 'Land Contamination: Risk Management', when dealing with land affected by contamination.
 - Refer to their 'Guiding principles for land contamination' for the type of information that they require in order to assess risks to controlled waters from the site - the Local Authority can advise on risk to other receptors, such as human health.
 - Consider using the 'National Quality Mark Scheme for Land Contamination Management' which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
 - Refer to the contaminated land pages on gov.uk for more information.
13. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:
 - Excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
 - Treated materials can be transferred between sites as part of a hub and cluster project.
 - Some naturally occurring clean material can be transferred directly between sites.Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice.
- The waste management page on GOV.UK.

14. Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991.
- Hazardous Waste (England and Wales) Regulations 2005.
- Environmental Permitting (England and Wales) Regulations 2016.
- The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with the Environment Agency as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with Paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has worked in a positive and pro-active way with the Applicant by identifying matters of concern within the application (as originally submitted) and negotiating acceptable amendments to address those concerns. This has enabled the Local Planning Authority to grant planning permission subject to conditions for a sustainable development.