

Report to: PLANNING COMMITTEE

Date: 21 June 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: **Site of Former Dane Court Nursing Home, 32-36 Chapel Park Road, St Leonards-on-sea, TN37 6HU**

Proposal: **To create a 90-bed Care Home facility, with associated staff/visitor parking**

Application No: **HS/FA/16/00740**

Recommendation: **Grant Full Planning Permission**

Ward: GENSING
File No: CH200220V
Applicant: Birch Park Ltd per KDP Architects 13 Seymour Terrace Seymour Street Liverpool L3 5PE

Interest: Freeholder
Existing Use: Vacant site - former residential care home

Policies

Conservation Area: No
Listed Building: No

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 44
Petitions Received: 2

Application Status: Not delegated - Petition received

Site and Surrounding Area

This application relates to a vacant site comprising grassland and overgrown shrubs. A row of trees occupies the western boundary and a badger sett exists on site. The site is currently fenced/boarded off from the road. It is located within a mainly residential area comprising mainly detached and semi-detached residential properties, many converted into flats. Most of the properties in the street are substantial in scale, ranging from 2-4 storeys in height, standing within large plots. A modern six-storey block of flats has recently been constructed further south on Chapel Park Road.

Chapel Park Road itself slopes downwards from north to south, and there is a further change in level beyond the rear boundary, with properties in Southwater Road being at a lower level

in the rear part of the site. These properties, whilst having much smaller gardens than those in Chapel Park Road, still have good-sized amenity areas, with typical depths of around 17m. There is also some screening offered between the properties by conifer trees planted inside the site boundary.

Constraints

- Area at risk of surface water flooding (1 in 100, 1 in 1000)
- Area at risk of groundwater flooding
- 250m buffer zone of a historic landfill site

Proposed development

It is proposed to construct a 90-bed care home facility (use class C2) on this vacant site, with associated visitor and staff parking. 21 spaces will be provided, together with 2 additional disabled bays. Access towards the parking area at the rear will be provided through an opening at ground floor level. Alterations to the existing traffic calming feature on Chapel Park Road are required to facilitate the development. The building measures 43m in width and 17m in depth, and is of 4 storeys in height when viewed from Chapel Park Road extending to 5 storeys at the rear, following the slope of the land. The proposed pitched rear projection will add an additional 20m in depth, sited to the north of the parking area, at 14m in width. It will be of brick construction with elements of white render, comprising a mixture of aluminium faced timber and pvcu windows. The care home will provide for 10 full-time and 5 part-time members of staff.

The application is supported by the following documents:

- Design and Access Statement (KDP Architects, January 2016)
- Preliminary Ground Level Bat Roost Assessment of Trees (Middlemarch Environmental, May 2016)
- Reptile Survey (Middlemarch Environmental, June 2016)
- Badger Survey (Middlemarch Environmental)
- Amended Badger Mitigation Strategy (Middlemarch Environmental)
- Pre-development Arboricultural Survey (Middlemarch Environmental, December 2015)
- Composite Ecology Report (Middlemarch Environmental, December 2016)
- GeoEnvironmental Investigation (Earth Environmental & Geotechnical, September 2016)
- Planning Policy Compliance Statement (including Planning Statement) (Euan Kellie, September 2016)
- Sustainability Statement (JJMTec, February 2016)
- Proposed SUDs Plan (Elliot Wood, December 2015)
- Drainage Statement (Elliot Wood, December 2015)
- Transport Statement, including Travel Plan Framework (Croft Transport Solutions, December 2015)
- Service Management Plan (Croft Transport Solutions)
- Stage 1 Road Safety Audit (Idom Merebrook, November 2016)
- HER Consultation Report
- Accommodation Schedule

Relevant Planning History

- HS/FA/10/00645 Extension of time limit for implementation of application
HS/FA/07/00410 - proposed care home for elderly people
GRANTED 20 December 2010
- HS/FA/07/00410 Proposed elderly care home to replace existing buildings
GRANTED 7 November 2007
- HS/FA/06/00793 Proposed nursing home to replace existing buildings
GRANTED 8 December 2006
- HS/OA/06/00301 Redevelopment of existing nursing home at 32 & 34 together with 36
Chapel Park Road to create new modern nursing home on entire site
GRANTED 23 JUNE 2006
- HS/OA/06/00087 Redevelopment of existing nursing home at 32 & 34 together with 36
Chapel Park Road
REFUSED 3 APRIL 2006

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

- Policy FA2 - Strategic Policy for Central Area
- Policy FA4 - Strategy for Central St Leonards
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy SC7 - Flood Risk
- Policy EN3 - Nature Conservation and Improvement of Biodiversity
- Policy T4 - Travel Plans

Hastings Local Plan – Development Management Plan (2015)

- Policy LP1 - Considering planning applications
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy DM4 - General Access
- Policy DM5 - Ground Conditions
- Policy HC2 - Residential Institutions and Student Halls of Residence
- Policy HN8 - Biodiversity and Green Space

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 61 - Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment

Paragraph 109 - The planning system should contribute to and enhance the natural and local environment by...."minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

Consultation comments

East Sussex County Council (Highways) - No objection subject to conditions

Originally raised a holding objection to the proposed development on the basis of inadequate provision of parking spaces, vehicular access arrangements including the offsite highway works and lack of supporting road safety audit. Following extensive consultation with the Highway Authority, amended plans and additional information have been received, which now provides for an adequate number of spaces, a suitable access for ambulances and adequate visibility and road space. Subject to the imposition of conditions, the Highway Authority has removed their objection.

Environment and Natural Resources Manager - No objection subject to conditions

Provided comments regarding content of submitted ecology reports including monitoring periods, which have now been amended. Requested removal of footpath to the rear of the building to make additional space for badger activity. Suggested conditions to safeguard protected species on site.

Southern Water - No objection subject to conditions

Require a formal application for a connection to the public foul and surface water sewer. Note that management of SUDs is required and that details of proposed drainage systems should be submitted and approved.

East Sussex County Council (Flood Risk Management) - No objection subject to conditions

Consider the proposed surface water management method to be acceptable, subject to conditions. Details should include a surface water management plan showing maintenance and responsibility for surface water drainage systems.

Environmental Health - Pollution - **No objection**

No comments to be made

Environmental Health - Environmental protection, health and safety and food safety - **No objection subject to conditions**

No specific comments although require conditions relating to environmental impact of construction, lighting, details of plant and hours of deliveries condition.

Building Control - **No objection**

No objections to the proposed scheme

Representations

103 letters of objection have been received from 46 properties. 2 petitions have also been received.

The letters of objection raise the following concerns:

Landscaping

- Trees to be retained, particularly to the rear of Southwater Road
- Landscaping as a whole is inadequate

Traffic and access

- Existing congestion and parking problems which will be exacerbated by the development
- Visitors to the site will be more than anticipated in transport reports
- Insufficient height and layout in terms of access for ambulances and fire services
- Insufficient access for service deliveries
- Applicant's claim that the site is in a sustainable location, argue that this is not true - too many hills for walking and cycling
- Relocation of pinch point will cause problems for traffic

Design and layout

- Overdevelopment of the site
- Negative impact on amenity of adjoining residents in terms of loss of light, outlook and privacy
- Lack of amenity space for residents
- No mention of lighting for the site which could impact on existing and future residents
- Development too close to its boundaries
- Design is out of keeping with the other properties in the streetscene
- Development consists of too many storeys and will be too high
- Queries over the suitability of the layout of the development in terms of usability/facilities for residents and staff
- Inadequate provision for disposal of waste

Ecology

- Proposed badger sett is insufficient in size and design
- Impact of development on badgers will be harmful
- Proposed badger sett should have been constructed already
- Inadequate wildlife reports have been prepared in support of the application

Other

- Impact of construction on the amenity of neighbouring residential occupiers
- Negative impact on existing sewerage system
- No need for care homes in this location
- Should be considered a greenfield, not brownfield site

Other comments that are not material to the consideration of this application have been made, and are not discussed further in this report. These relate to issues such as the availability of officers and conduct in terms of wildlife mitigation.

Petition 1 signed by 10 people objects to the following:

- The ecology reports submitted are flawed and do not cover the need of an active sett in an urban environment
- Works do not give adequate protection, even to artificial sett
- Badger corridors are not wide enough

Petition 2 signed by 103 people objects to the following

- The provision of a car park will create ecological dead zone, harming badgers
- Overdevelopment of the site
- Car park will feed a lot of cars into a narrow road, endangering pedestrian safety
- Contrary to Council Policy EN3

Determining Issues

This is a new application for the development of a care home on this vacant site. Permission was granted in 2007 for a care home providing 80 bedrooms, and as such, the principle of development on this site has already been established to a certain extent. The main issues to be considered in this case, however, relate to the design of the building, its impact on the ecological interests of the site, highway and access arrangements, and the impact on neighbouring residential amenity. Adjustments have been made during the course of the application, primarily to improve the facades, to ensure the development accords with the existing building line, enhance the areas for protected species and to minimise the impact on surrounding properties in terms of overlooking and loss of privacy.

Whilst it is argued that the site should be considered as greenfield land by objectors, given its previous use as a site occupying residential dwellings, the Council considers this to be brownfield land in accordance with the requirements of the NPPF. The proposal is considered an acceptable development in this location, which makes effective use of land on this currently vacant site.

Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

Policy HC2 of the Development Management Plan 2015 relates to the provision of residential institutions and encourages the development of these subject to certain criteria in terms of accessibility, parking and the current residential mix. The discussion below determines that access arrangements are acceptable and there is no evidence to suggest there is an over-provision of such uses in this location, despite objections being received in this regard. Residential premises occupy the majority of Chapel Park Road and, certainly in the immediate area, these prevail. It is therefore considered that the requirements of Policy HC2 are met and that the provision of a care home is acceptable in principle.

Impact on character and appearance of area

It is considered that the proposed scheme is an improvement to the scheme approved in 2007 for an 80-bed care home under reference HS/FA/07/00410, particularly in terms of its impact on the streetscene and design of development. The previously approved flat-roofed scheme has been amended to incorporate pitched roofs in keeping the substantial Victorian properties characterising the area and takes appropriate reference from the bay frontages and windows with a clear vertical emphasis. Whilst dormers are incorporated in the roof space, these are proportionate to those below and are not considered to provide a "top heavy" appearance.

Objections have been received regarding the construction of a 5-storey building on this site, although it should be noted that it is only of 4 storeys at the front, extending to 5 at the rear to follow the slope of the land. Amendments have been made to the scheme to amend the ridge height of the building to provide greater consistency with the properties either side, resulting in a less dominant structure in-filling the current site. The number of storeys therefore, is now considered acceptable and in keeping the surrounding properties. Alterations to the layout of the reception area have also resulted in the continuation of the existing building line, helping to reduce the impact of the new building on the character and appearance of the area.

The mixture of brick and render is reflective of the main materials present in the locality and the subdivision into three visual elements means that these relate well to the typical frontage widths in the locality. Soft landscaping in the form of hedge planting and shrubs will also contribute to softening the appearance of the building when viewed from Chapel Park Road.

Overall, it is considered that the design of the care home takes appropriate reference from its surroundings. Whilst it is acknowledged that the distance of just 1m from the side elevation of the building with the boundary on either side is relatively short, the surrounding area is characterised by large buildings with similar distances from the boundary. It is also important to note that other, more modern additions are prevalent in the surrounding area. With this in mind, it is considered that the proposed care home has been designed to be sympathetic to the character of the surrounding area and will provide a positive enhancement to a currently boarded and vacant site. The proposal is therefore considered to be consistent with Policy DM1 of the Development Management Plan 2015 in that it shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries,

block sizes and scale, height, massing and materials.

Layout

The proposal seeks to provide a 90-bedroomed care home arranged over 5 floors, including a basement/lower ground floor level, together with ancillary accommodation such as residents' lounges, activity spaces, kitchens and dining rooms. The bedrooms will be provided on each floor as follows:

- Lower ground floor - 19 rooms
- Ground floor - 11 rooms
- First floor - 30 rooms
- Second floor - 30 rooms

The top floor will provide for storage space, kitchens, laundry area, cinema, gymnasium and other leisure provision.

Amenity space is provided in the northern part of the site to the rear of the main building and rear projection in the form of a patio area and open grassed area. Whilst the new badger sett (discussed below) will limit the usability of some of this space towards the north-western corner of the site, over 450sqm of space will still be provided excluding the badger sett location). The provision of amenity space is, therefore, considered adequate and in accordance with the provisions of Policy DM3 of the Development Management Plan 2015.

Social services have not provided comments on the usability of the internal space despite several consultation requests. Amendments have however, been requested to ensure that there is access for disabled residents into the building from the car parking area, as well as alterations to the parking and turning areas for refuse and other service vehicles (including ambulances). Based on the previous approvals of permission, together with no objections being received from Building Control and the Highway Authority, it is now considered that the design of the development is acceptable in terms of both its internal and external layout. Policy DM3 is therefore complied with in this regard.

Impact on neighbouring residential amenities

4 small windows in the centre of the south side elevation of the main building (adjacent to 30 Chapel Park Road) are proposed and 3 serving the same on the north side elevation, facing 38 Chapel Park Road. Whilst it is acknowledged that there is some visibility towards the side elevations of these adjacent dwellings, this is limited to a single small window on each floor, which does not serve any habitable rooms or ones that will be occupied for substantial periods of time. The potential for overlooking therefore is considered to be within acceptable limits in this instance.

Concern has been raised with regard to the impact on outlook from the side elevations of these existing properties at 30 and 38 Chapel Park Road. These concerns are acknowledged, although it is noted that the site was previously occupied by substantial dwellings where walls in similar locations would have previously been in existence. Following demolition of these dwellings, the outlook improved, but on balance, given the former use of the site, and the previous impact on residential amenity, the effects of constructing a new building in the same location is not considered to justify refusal in this instance.

The rear projection comprises 6 architectural apex windows on each floor, angled and obscure glazed so as to minimise potential for overlooking towards the garden areas of 30 and 38 Chapel Park Road. This design element was amended during the planning application

stage to reduce the impact on neighbouring residential amenity as raised in objector concerns. The 5 single windows on each floor of the rear elevation of this rear projection will serve the stairwell only and are sited over 14m away from the rear elevations of the properties in Southwater Road to which they face. It is therefore considered that the potential for overlooking and loss of privacy from this rear elevation is minimised as far as is reasonable, and the proposal is consistent with the requirements of Policy DM3 of the Development Management Plan 2015.

There is a sufficient distance of 6m and 9m either side of the rear projection to minimise the impact in terms of overshadowing to the gardens either side and it is important to note that no buildings are in line with this rear projection. The proposal is therefore considered to be in conformity with Policy DM3 in terms of being of an appropriate scale, form and height so as to avoid undue impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties .

No details have been submitted regarding lighting and so proposals for external lighting will need to be submitted to, and agreed in writing by, the planning authority. This will be dealt with by condition. The impact of construction will be controlled through a Construction Management Plan, also required by condition.

Ecology

Extensive ecological surveys have been commissioned and undertaken in support of this application. The results of these have been drawn together in a composite ecology report prepared by Middlemarch Environmental Ltd in accordance with British Standard BS42020, at the request of the Council's Environment and Natural Resources Manager.

The main issues for consideration are the impacts of the development on the existing badger sett on the site, and the potential for harm to roosting bats. No reptiles were found on site during the surveys, although should works not commence by May 2018, the survey would need to be updated to determine whether reptiles have colonised in the intervening period. No native plants were identified.

The application proposes the relocation of the badger sett to the north-west corner of the site. The new artificial sett will measure 10m x 8m and will contain a minimum of 3 nesting chambers. Fencing will be placed around the sett and this buffer zone will extend along the northern boundary to protect the badger foraging route. No personnel or plant machinery will be able to enter this area to harm these protected species, although it will still remain permeable for badger usage. A method statement and timetable setting out how the closure of the existing sett will be managed prior to construction, together with methods for monitoring has been set out in the Badger Mitigation Strategy. The contents of these are considered acceptable and in accordance with the requirements of Policy EN3 of the Hastings Planning Strategy 2014 and Policy HN8 of the Development Management Plan 2015. All ecological surveys have been undertaken by a suitably qualified professional in accordance with the requirements of Policy HN8 of the Development Management Plan 2015.

Two trees on the site have been identified as having the potential for roosting bats. However, these trees are proposed to be retained, and as such, no harm will be caused in this regard.

Trees

The application is supported by a soft landscaping proposal which sets out the trees to be retained and the new planting scheme. This provides for full boundary screening on the

western boundary and boundary planting to the east (front). Native hedge planting will be provided at various points on the north and south boundaries, together with ornamental shrub planting and locations within the site. Concern has been raised specifically with regard to the planting between the site and Southwater Road to the rear, although the proposed landscaping plan does show trees along this boundary to be retained, together with native hedging being planted along the boundary in its entirety. The Borough Arboriculturalist raises no objection to this scheme and it is considered acceptable as part of this development.

Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions and conditions are attached which require details of surface and foul water drainage. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

Highway Safety/Parking

Following considerable negotiations and consultation with the Highway Authority, the application is now supported by acceptable access arrangements and no objection is raised by the Highway Authority, subject to the imposition of conditions. Whilst concerns regarding parking and congestion on Chapel Park Road are acknowledged, these are not considered to be so significant based on Highway Authority advice, that refusal of permission can be justified on these grounds.

The site is served from Chapel Park Road, an unclassified road which is predominantly residential with traffic calming measures, areas of parking restriction and prevalent on-street parking where it is permitted. The site has a footway along its frontage and offers level access from the site and there is a street lighting column on the opposite footway.

The access into the site requires revisions to the traffic calming present on Chapel Park Road. Amendments to the application have been submitted along with a Road Safety Audit for the proposed access and changes to the features within the highway. These amendments provided for a swept path plan for a 7.5t panel van, an ambulance, 3.5t panel van and the features proposed on the highway to assist access to this development site. The swept path plans demonstrate that the vehicle tracks can be accommodated without encroachment onto the footway (aside from the designated crossover section) and that these sizes of vehicle can enter and leave the site with adequate visibility and road space.

The features within the road will be subject to a S278 agreement from the Highway Authority and the layout can be accepted in principle as the earlier problem highlighted has been overcome to the satisfaction East Sussex County Council. The S278 process will require further safety audits to be carried out. Parking spaces for blue badge holders have been relocated to the rear of the building where it is assumed that level access can be provided for those unable to access through the main entrance. Access and layout for parking are now considered acceptable and in accordance with Policy DM4 of the Development Management Plan 2015.

Travel Plan

A Travel Plan framework has been submitted. Whilst this is considered acceptable in principle, it is only a framework at this stage and a full travel plan will need to be secured through a condition prior to the occupation of the building.

Sustainable construction/drainage

The Sustainability Statement Report submitted with the application provided an analysis of suitable methods to contribute to zero carbon development. This confirmed that the development will be constructed in accordance with the latest requirements for energy efficiency set by the Building Regulations, and that the installation of Combined Heat and Power (CHP) systems and solar photovoltaics would be the most appropriate additional sustainable construction methods. The full consideration of these methods will be secured by condition.

The drainage strategy submitted in support of this application has demonstrated that infiltration is not feasible for this site. Whilst surface and foul water will need to be discharged into the public sewer, the applicant also proposes other forms of sustainable drainage to manage this run off. The development will incorporate a green roof, permeable paving and an underground attenuation tank to manage surface water drainage.

Archaeological implications

The County Planning Archaeologist is of the opinion that as the site is not within an Archaeological Notification Area and was previously developed in the late 19th century, which would have impacted any earlier below ground archaeological remains, it is not likely that the proposal will have a significant archaeological impact. Policy HN4 of the Development Management Plan 2015 is therefore complied with.

Evidence of Community Involvement

The submitted design and access statement and Planning Policy Compliance statement states that the design of the building and the location of the badger sett has been amended following the discussions undertaken at pre-application forum held on 13 August 2015 and further to pre-application discussions with planning officers.

Conclusion

The proposed development provides for effective use of a currently vacant site in accordance with the objectives of the National Planning Policy Framework. It is sited in a sustainable location, close to St Leonards District Centre and railway line and designed in a form that takes reference from the surrounding properties. The development is in accordance with Policy HC2 of the Development Management Plan that provides for new residential institutions, and makes for appropriate provision and mitigation for onsite protected species. Taking account of previous permissions for similar development and the former use of the site, residential amenities are not considered to be unduly harmed. These proposals are therefore considered to comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan

unless material considerations indicate otherwise”.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1273-F01 Rev D (Proposed Access Arrangements with Traffic Calming Feature)
 - 1273-03 (Existing/Proposed On-Street Parking Arrangement)
 - 1273-06 (Refuse Vehicle Tracks)
 - 1386_100 Rev A (Existing Site Plan)
 - 1386_200 Rev M (Proposed Site Plan)
 - 1386_201 Rev H (Proposed Floor Plans)
 - 1386_202 (Block Plan)
 - 1386_203 (Proposed Roof Plan)
 - 1386_300 Rev F (Proposed Elevations)
 - 1386_301 Rev D (Street Scenes)
 - 1386_302 Rev C (Site Section)
 - KL.328.001 Rev O (Soft landscaping proposal)
 - 1386-LP
3. With the exception of internal works, the building works required to carry out the development allowed by this permission together with deliveries to and from the premises, must only be carried out within the following times:-
 - 08.00 - 18.00 Monday to Friday
 - 09.00 - 13.00 on Saturdays
 - No working on Sundays or Public Holidays.
4. No development shall take place until the measures outlined in the submitted ecological statements and reports set out below have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring or conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority

The submitted reports referred to are:

- Preliminary Ground Level Bat Roost Assessment of Trees (Middlemarch Environmental, May 2016)
 - Reptile Survey (Middlemarch Environmental, June 2016)
 - Badger Survey (Middlemarch Environmental)
 - Amended Badger Mitigation Strategy (Middlemarch Environmental)
 - Pre-development Arboricultural Survey (Middlemarch Environmental, December 2015)
 - Composite Ecology Report (Middlemarch Environmental, December 2016)
5. 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 planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
 6. The development shall not commence until the artificial badger sett has been installed/constructed in accordance with the submitted badger mitigation strategy RT-MME-123315-01 dated August 2016 and subsequent revision dated December 2016 - Rev A. by Middlemarch Environmental.
 7. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person (e.g. an ecological clerk of works or on-site ecologist) have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
 8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a. Risk assessment of potentially damaging construction activities.
 - b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication.
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

9. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan, CEMP, Biodiversity. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
10. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the effectiveness, use and success of the artificial badger sett. The content of the Strategy shall include the following:
 - a. Aims and objectives of monitoring to match the stated purpose.
 - b. Identification of adequate baseline conditions prior to the start of development.
 - c. Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d. Methods for data gathering and analysis.
 - e. Location of monitoring.
 - f. Timing and duration of monitoring.
 - g. Responsible persons and lines of communication.
 - h. Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details and cover a period of ten years from the installation of the artificial sett.

11. The new access shall be in the position shown on the submitted plan [number 1273-F01 rev D] and laid out and constructed in accordance with details to be secured within a S278 agreement with the Highway Authority.
12. No development shall commence until such time as a technically accepted highway scheme [layout of the new access, relocation of carriageway narrowing feature, access protection lines, reposition of designated parking bays, street lighting and signage] and details incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The

approved highway scheme shall be completed prior to first occupation of the development hereby permitted.

13. Prior to the commencement of development a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include details of a temporary access, wheel washing facilities, compound areas for storage of materials/machinery/plant and contractor vehicles, turning area, routing of vehicles.
14. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details shown on drawing 1273-F01 rev D or which have been submitted to and approved in writing by the Planning Authority and the turning space shall thereafter be retained for that use and shall not be obstructed.
15. The development shall not be occupied until car and cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for those uses.
16. No deliveries by vehicles of 7.5 tonnes and over shall be taken at or despatched from the site at any time.
17. Prior to occupation of development a Servicing Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority which will indicate how deliveries are to be undertaken Servicing Management Plan shall be implemented as approved thereafter.
18. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water and East Sussex County Council Flood Management Team. In addition to the foul drainage, the following details should also be provided:
 - Evidence (in the form of hydraulic calculations) to show that surface water runoff from the proposed development will be limited to 5 l/s (as proposed in submitted drainage strategy) for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. The hydraulic calculations should take into account the connectivity of the different surface water drainage features
 - A maintenance and management plan for the drainage system - to state who will be responsible for managing all aspects of the surface water drainage system, including any piped drains
- (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the building hereby approved shall occur until those works have been completed.
- (iii) No occupation of the building hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to

adequately service the development.

19. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
- A plan detailing how the environmental impact of the construction work will be controlled, in light of the potential of proposed construction works to cause disturbance through noise and dust
 - A report on any lighting scheme, detailing the provision for the avoidance of 'spill light'
 - Any plant to heat the buildings, or other equipment (e.g. kitchen extract flue)

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

20. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces (and associated hard landscaped areas and all retaining and boundary walls) of the care home hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
21. No development shall take place above ground until full details of all boundary enclosures (including walls, fences and railings) have been submitted to and approved in writing by the Local Planning Authority. All such boundary enclosures shall be erected before the building to which it relates is occupied.
22. No flood lighting or other means of external illumination of the building or site shall be provided, installed or operated except in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority. Any such report should detail the provisions for the avoidance of 'spill light' - light that obtrudes beyond the area it was intended to light into surrounding areas or properties.
23. The building shall not be brought into use until full details of refuse and hazardous material storage have been submitted to and approved in writing by the Local Planning Authority, and provided in accordance with the approved details. These facilities shall thereafter be retained in accordance with the approved details, unless otherwise first approved in writing by the Local Planning Authority.
24. Prior to the commencement of construction, details of the climate change mitigation and adaptation measures to be used in the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority.
25. A plan detailing how the environmental impact of the construction work will be controlled, in terms of the developments potential to cause disturbance to residential amenity through noise and dust, shall be submitted to and

approved in writing by the Local Planning Authority, prior to the commencement of work.

26. Details of any plant eg to heat the buildings or other equipment eg kitchen extract flue, shall be submitted to and approved in writing by the Local Planning Authority prior to installation.
27. No works shall commence until a full travel plan has been have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The Travel Plan must thereafter be implemented in accordance with the approved details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. To protect features of recognised nature conservation importance.
5. To protect features of recognised nature conservation importance.
6. To protect features of recognised nature conservation importance.
7. To protect features of recognised nature conservation importance.
8. To protect features of recognised nature conservation importance.
9. To protect features of recognised nature conservation importance.
10. To protect features of recognised nature conservation importance.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. In the interests of road safety.
13. In the interests of highway safety and for the benefit and convenience of the public at large.
14. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
15. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
16. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

17. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
18. To prevent increased risk of flooding.
19. To safeguard the amenity of adjoining and future residents.
20. In the interests of the visual amenity of the area.
21. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
22. To safeguard the amenity of adjoining and future residents.
23. To ensure a satisfactory form of development in the interests of residential amenity.
24. In accordance with Policies SC3 and SC4 of the Development Management Plan 2015.
25. To safeguard the amenity of adjoining and future residents.
26. To ensure a satisfactory standard of development.
27. In accordance with Policy T4 of the Hastings Planning Strategy 2014, to contribute to improved transport infrastructure particularly for pedestrians, cyclists and public transport.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. Formal applications for connection to the public foul sewerage system, and the water supply, is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
4. The applicant is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc. are installed to the kitchen and other food rooms/areas, for advice on satisfying the requirements of food safety law.

5. If during development and excavations any suspicions become evident or are aroused as to the potential or presence for any contaminated land, then works should immediately cease and a contaminated land assessment / ground investigation report be carried out which should then be submitted to and approved in writing by the Local Planning Authority prior to the work, associated with the permission hereby granted, commencing.
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Officer to Contact

Miss S Roots, Telephone 01424 783329

Background Papers

Application No: HS/FA/16/00740 including all letters and documents