

Report to:	PLANNING COMMITTEE
Date of Meeting:	04 October 2023
Report from:	Planning Services Manager
Application address:	Site of Former Dane Court Nursing Home, 32-36 Chapel Park Road, St Leonards-on-sea, TN37 6HU
Proposal:	Erection of 80 Bedroom Care Home with associated access, parking, open space and landscaping (includes renewable energy)
Application No:	HS/FA/22/00409
Recommendation:	Grant Full Planning Permission
Ward:	GENSING 2018
Conservation Area:	No
Listed Building:	No
Applicant:	Birchpark Limited per Baltic PDC Ltd 9 Queens Dock Business Centre Norfolk Street Liverpool L1 0BG
Public Consultation	
Site notice:	Yes
Press advertisement:	Yes - General Interest
Neighbour Letters:	No
People objecting:	13
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0
Application status:	Not delegated - 5 or more letters of objection received

1. Site and surrounding area

This application relates to an overgrown undeveloped site in central St Leonards. The site was previously occupied by a care home, but the site was completely cleared in 2009 and has been vacant since then. The site on its western side is tree lined, along the rear

perimeter of houses on Southwater Road. The eastern side fronts Chapel Park Road and is currently boarded off from the road. The site lies between residential properties 30 and 38 Chapel Park Road, on the south and north sides respectively. A badger sett exists on site.

The site 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, within large plots. Chapel Park Road also features a modern six-storey block of flats further south from the application site.

Chapel Park Road itself slopes gently 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. These properties, whilst having smaller gardens than those in Chapel Park Road, have good-sized amenity areas, with typical depths of around 17m. There is also some screening offered between the properties by trees along the western site boundary.

By virtue of the site previously being occupied by buildings, the site is considered to be brownfield land in accordance with the requirements of the NPPF.

Constraints

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

2. Proposed development

The application seeks full planning permission for an 80-bed care home, with associated access, parking, open space and landscaping.

The proposed care home falls within Class C2 use of the Town and Country Planning (Uses Classes) Order 1987. Class C2 use is classified as “Residential Institutions” which comprises residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

The elevation fronting the road would be three storey with traditional pitched roof design. The rear elements would be four storey. The external materials include facing brickwork, coloured render, plain concrete roof tiles and metal window surrounds.

Vehicular access would be from Chapel Park Road, with an undercroft providing access to 23 parking spaces at the rear of the site. There will also be open landscaped areas at the rear of the site for residents.

The application is supported by the following documents:

Covering Letter – 18 March 2022 (Pegasus Group)

Design and Access Statement – AP21028 – January 2022 (AP Architectural)

Heritage Statement

Planning Statement – P21-3216 – 15 March 2022 (Pegasus Group)

Planning Needs Assessment – February 2022 (Knight Frank)

Site Waste Management Plan – P21-3216 – 14 March 2022 (Pegasus Group)

Sustainability Statement – (JJMTEC)

Air Quality Emissions Mitigation Assessment - 784-B034482 - 28 Jan 2022 (Tetra Tech)

Letter of Reliance – R0644/21 – 7 December 2021 (Earth Environmental & Geotechnical)

GeoEnvironmental Investigation – September 2016 (Earth Environmental & Geotechnical)

Preliminary Arboricultural Assessment – RT-MME-156684-01 – February 2022 (Middlemarch Environmental)

Arboricultural Impact Assessment – RT-MME-156684-02 – March 2022 (Middlemarch Environmental)

Preliminary Ground Level Bat Roost Assessment of Trees – RT-MME-153447-02 Rev A – March 2021 (Middlemarch Environmental)

Preliminary Ecological Appraisal – RT-MME-156684-04 – March 2022 (Middlemarch Environmental)

Ecological Constraints & Opportunities – RT-MME-156684-04 (Middlemarch Environmental)

Badger Survey – RT-MME-156684-05 – March 2022 (Middlemarch Environmental)

Badger Mitigation Strategy – RT-MME-156684-06 – September 2022 (Middlemarch Environmental)

Biodiversity Enhancement Strategy – RT-MME-156684-07 – March 2022 (Middlemarch Environmental)

Biodiversity Net Gain Assessment – RT-MME-156684-08 – March 2022 (Middlemarch Environmental)

Reptile Survey – RT-MME-159025 – October 2022 (Middlemarch Environmental)

SuDS Drainage Strategy – CPR-BML-XX-XX-RP-C-0500 – 11 February 2022 (Barnsley Marshall)

Operation & Maintenance Manual – CPR-BML-ERD-22-RP-C-0501 – 11 February 2022 (Barnsley Marshall)

Transport Statement – November 2021 (Eddisons Transport Planning & Design)

Travel Plan Framework – November 2021 (Eddisons Transport Planning & Design)

Stage 1 Road Safety Audit Report – RSA-19756R-16-188 – November 2016 (Idom Merebrook)

Road Safety Audit Designers Response Form

Relevant planning history

HS/FA/16/00740 To create a 90-bed Care Home facility with associated staff/visitor parking
GRANTED 21 June 2017

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

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change
Policy SP1 - Directing Growth
Policy SP6 - Enhancing the Historic Environment
Policy SP8 - Transport Infrastructure
Policy DP1 - Design - Key Principles
Policy DP3 - Sustainable Design
Policy DP4 - Flood Risk and Water Quality
Policy DP5 - Biodiversity
Policy DP7 - Access, Servicing and Parking
Policy DP8 - Planning Obligations

Other policies/guidance

National Design Guide
Air quality and emissions mitigation guidance for Sussex (2021)
Housing and Economic Development Needs Assessment (2020)

National Planning Policy Framework (NPPF)

Paragraph 8 of the NPPF sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our

natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 58 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Paragraph 130 of the NPPF requires that decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 of the NPPF states that development that is not well designed should be

refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

3. Consultation comments

ESCC Flood Risk Management - **No objection** subject to conditions

ESCC Highways - **No objection** subject to conditions / legal agreement

HBC Arboriculture - **No objection** subject to conditions

HBC Conservation - **No objection**

HBC Ecology - **No objection** subject to conditions / legal agreement

HBC Environmental Health - **No objection** subject to conditions / informatives

HBC Planning Policy - **No objection**

HBC Waste Services - **No objection**

Building Control – **Provided comments** recommending a sprinkler system and a fire evacuation strategy

Nature Space - **No objection** subject to informatives

Southern Water - **No objection** subject to informatives

Tackling Climate Change - **Objection** that may be overcome with additional information
[Officer note: amended plans have addressed the objection]

4. Representations

In respect of this application four site notices were displayed (two either end of the hoardings at the front of the site and two on Southwater Road to the rear of the site) and an advert placed in the local paper.

12 letters of objection have been received from 12 different households raising the following concerns:

- Lack of consultation for the application **[Officer note: see above]**
- Drawings do not show site levels and treatment at the boundary edge /retaining walls **[Officer note: amended section drawing submitted]**
- Design of street frontage is a bland pastiche reference to existing streetscene **[Officer note: see Impact on character and appearance of area section of this report below]**
- Design is ugly and incongruous with existing streetscape
- Planning application was submitted 5 years ago and refused by HBC and nothing has changed **[Officer note: The site was granted planning permission at planning committee in 2017 for a larger scheme than the current proposal]**
- Large development for the size of the site (over development) **[Officer note: The site was granted planning permission at planning committee in 2017 for a larger scheme than the current proposal]**
- Detrimental impact on local roads and parking **[Officer note: see Highways section]**

of this report below]

- Negative impact on outlook, privacy, light and overbearing impact for neighbouring occupiers **[Officer note: see Impact on neighbouring residential amenities section below]**
- Footprint extends too far westward into the site, compared to houses which previously occupied site, the perpendicular angle of the rear projection would overlook gardens and cause loss of light
- Impact on residents during construction
- Loss of trees and replanting not sufficient to screen the development **[Officer note: see Trees section of this report below]**
- Impact on wildlife **[Officer note: see Ecology section of this report below]**
- Development should incorporate Swift bricks.
- Unsuitable for the wellbeing of prospective elderly residents
- Too much hardstanding, not enough landscaping, nor garden space for residents
- Substantial carbon footprint

A further consultation to publicise that the applicant, agent and Certificate A details had been updated was carried out. Two further responses (one from the same household) were received, points raised included in summary above.

It should be noted that no statutory consultees have raised objection to the scheme.

5. Determining issues

a) Background

This application for full planning permission for an 80 bed care home, follows the expiry of a previous planning permission for a 90 bed care home granted in 2017, which itself followed the expiry of an earlier planning permission granted in 2007. The policy position and site circumstances are the same as in 2017, so whilst there is no fallback position of having an extant permission, to a certain extent the principle of a new care home on this site has already been established by earlier consents. The design of the current scheme is similar to that previously approved but has lowered the bedroom density to accommodate increased current space standards for room dimensions.

b) 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 is an accessible location for visitors and staff. 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, which are discussed in the remainder of this report. Residential premises occupy the majority of Chapel Park Road, and these prevail in the immediate area. Overall, the report will demonstrate that the requirements of Policy HC2 are met and that the provision of a care home on this site is acceptable in principle and

makes effective use of land on this currently vacant brownfield site.

Paragraph 8 of the NPPF confirms the three overarching objectives in relation to sustainable development: economic, social and environmental. The economic benefits of the proposal include the creation of approximately 40 full time and 30 part time jobs, which along with the new residents will generate expenditure in the local economy. The social benefits include providing accommodation for elderly residents; and from an environmental perspective the development responds positively to the site's biodiversity.

In terms of the need for the proposed facility a Planning Needs Assessment by Knight Frank accompanies the application. This concludes there is an undersupply of good quality care home beds (with en-suite) within the catchment area of the application site. A high proportion of care homes in the catchment area are smaller older facilities, many of which are likely to close due to rising operational costs. It is generally accepted that modern future proof care homes with a least 60 beds are necessary to gain the operational efficiencies required to ensure they are viable. Furthermore, the report states that other care home schemes proposed to come forward in the area would not meet the shortfall, which is predicted to be 426 by 2026, rising by 12% to 517 by 2031. This is exacerbated by the large elderly population in the area and a retired population well above the national average. As such, the combination of these factors is likely to generate high demand for the proposed modern care home facilities, which is the type of modern purpose-built facility that is needed to meet the shortfall in modern care home beds in the area.

c) Impact on character and appearance of area

The proposed layout, massing and design is based on the previously approved Care Home scheme, which was deemed acceptable and granted planning consent under reference HS/FA/16/00740. The current scheme, however, has a reduction in the number of bedrooms from 90 to 80, and a reduction in the number of floors. The previously approved scheme had part four floors rising to five, whilst the current proposal has three floors at the front rising to four at the rear as the ground levels fall. Nevertheless, the massing of the building is virtually identical, the new bedroom configuration resulting from not utilising the roofspace and more intensive use of the lower floors when compared to the previous scheme. As such, the roofline of the front of the building aligns with the ridgeline of the existing buildings either side of the application site, transitioning with the gradient of the land, continuing the existing street frontage building line and the rhythm of the built form of Chapel Park Road. The spacing of the side elevation from the boundary is fairly tight, but this is in keeping with the historic pattern of development in the local area.

The townscape in the vicinity of the application site is characterised by imposing semi-detached period properties, set back behind formal boundary walls and hedging. The design adopts pitched roofs and projecting front gables to be in keeping with the vertical emphasis of the substantial Victorian properties which characterise the area. The blend of traditional materials and contemporary features such as the metal window surrounds, would help the design assimilate with the existing period buildings, whilst appearing modern at the same time.

Hedges along the street frontage would contribute to a softer appearance from the public domain, and the applicant was requested to extend the hedge across a greater part of the frontage during the course of the application, to provide relief from the proposed hard-surfaced open frontage and to better harmonise with the formal boundary enclosures which characterise the street frontages. Amended plans have been submitted to achieve this.

Overall, it is considered the proposed design of the care home takes appropriate reference from the period buildings in the immediate area, as well as reflecting modern architectural influences that are also prevalent in the local built environment. As such, it is considered the proposed development would sit sympathetically in the streetscene and would contribute positively to visual amenity by bringing a vacant overgrown plot back into use. 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, height, massing and materials.

Layout:

The proposal would provide a care home with 80 en-suite bedrooms, 7 residents lounges, a quiet lounge, a cinema, a kitchen, a laundry, a staff room, staff offices, assisted bathrooms, 4 nurse stations and a hair salon. The external space includes a residents garden north and west of the proposed rear projection, a parking area to the rear of the building in the southern part of the site accessed by an undercroft, and an ambulance loading bay at the front of the building. The proposed badger sett (see Ecology section below) will take up some of the outside amenity space.

Overall, it is considered, the level of facilities within the care home and within the external amenity space would provide a high quality living environment for future occupants in accordance with the provisions of Policy DM3 of the Development Management Plan 2015. No objections have been received from statutory consultees, and the layout is largely the same as the previous consents on this site, and as such, the layout is considered to make efficient use of the site to achieve the critical mass to make the care home viable, whilst still providing a high-quality environment for residents. Policy HC2 is therefore complied with in this regard.

d) Impact on neighbouring residential amenities

The proposed massing of the building and layout of the built form is largely as approved under planning reference HS/FA/16/00740, and the site circumstances have not changed since the assessment of residential amenity was made in the determination of that application. It is acknowledged that the rear projection is contrary to the grain of development on Chapel Park Road and Southwater Road, however, this element was also a feature of the aforementioned previous permission. To design out harmful impact, the rear projection features bedroom windows orientated to avoid direct views of the most private areas of neighbouring gardens immediately to the rear of the neighbouring properties.

The proposed building would share the building line with adjacent properties either side 30 & 38 Chapel Park Road. It is acknowledged there will be some inter-looking, loss of outlook and loss of light in relation to the small windows on the side elevations of these respective properties. However, these are clearly secondary and/or windows to non-habitable space such as stairwells and as such this would be within acceptable limits and would have been the case historically before the site was cleared.

The bedroom windows of the rear projection are angled apex windows, orientated to not overlook the most private spaces of 30 & 38 Chapel Park Road. The level of loss of privacy is also minimised by the rear projection being sited centrally within the site to avoid direct overlooking. The small windows on each floor of the rear elevation of this rear projection will serve the stairwell only and benefit from generous space separation from the rear elevations of the properties in Southwater Road. 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. It is therefore considered that the potential for overlooking and loss of light from this rear

projection is minimised as far as is reasonable, and the proposal is consistent with the requirements of Policy DM3 of the Development Management Plan 2015.

Proposals for external lighting will be submitted to, and agreed in writing by, the planning authority. This will be dealt with by condition (no 20). The impact during construction will be controlled through a Construction Management Plan, also secured by condition (no 11).

Overall, the proposal is therefore considered to be in conformity with Policy DM3 in terms of avoiding undue impact on the amenity (privacy, over shadowing, loss of daylight) of occupiers of neighbouring properties.

e) Ecology

An extensive suite of Ecology reports accompanies the application including: Preliminary Ground Level Bat Roost Assessment of Trees; Preliminary Ecological Appraisal; Ecological Constraints & Opportunities; Badger Survey; Badger Mitigation Strategy; Biodiversity Enhancement Strategy; Biodiversity Net Gain Assessment; and a Reptile Survey. Some of these documents have been updated during the course of the application where the timelines to implement some of the ecological measures had become out-of-date, including the Reptile Survey and Badger Mitigation Strategy.

Following receipt of updated reports, the Council's Ecology manager has no objection to the proposal in terms of impact on biodiversity, subject to the mitigation proposed being secured through conditions (numbers 4 to 8) / legal agreement.

The main ecological consideration is the large badger sett on the site, which the application proposes to relocate to the north-west corner of the site (as was the case with the previous consent). As such, the applicant has submitted a badger mitigation strategy to ensure this would not be in breach of the relevant legislation. The proposal is to create an artificial badger sett, followed by the gradual closure of the existing sett, which will be destroyed once the badgers have taken up residence in the new sett. The methodology and timelines for this are set out in the badger mitigation strategy and the process will be undertaken under licence from Natural England. The new sett will require long term monitoring to ensure the mitigation objectives regards the protected species continue to be met.

Whilst not mandatory until November 2023, the applicant has submitted a Biodiversity Net Gain Assessment and Biodiversity Enhancement Strategy in line with good practice to ensure that development proposals result in a better-quality natural environment than the existing situation. The application proposes extensive tree / hedge planting and habitat enhancements to improve this urban site, which will need to be managed going forward.

The site has limited potential for roosting bats but does provide suitable foraging habitat. Bat boxes are proposed as part of the biodiversity enhancements for the site. The site does not provide breeding habitat for amphibians and surveys have not identified any reptiles on the site, however, they have been noted near to the site, so any removal of suitable habitat will be supervised by a qualified ecologist. Other measures include incorporating bird boxes and hedgehog friendly features into the development.

Overall, the ecological information is sufficiently detailed and adequate, and the Council's Ecology manager accepts the findings. A number of conditions (noted above) and a legal agreement will be required to ensure the proposed enhancements, long-term maintenance and conservation of the protected species on the site are secured. With that in place it is considered the proposal is in accordance with the requirements of Policy EN3 of the Hastings Planning Strategy 2014 and Policy HN8 of the Development Management Plan 2015.

f) Trees

The application is accompanied by a Proposed Soft Landscaping Plan, a Preliminary Arboricultural Assessment and an Arboricultural Impact Assessment. The proposal will provide hedge planting along the frontage with Chapel Park Road, and as set out earlier in this report this was extended during the course of the application. Other soft landscaping includes a private green open garden for use by residents. Several trees will need to be removed to facilitate the proposed development; none are considered to be of high amenity value. This will be mitigated by replacement tree planting as part of the proposed landscaping scheme and further hedge and shrub planting would enhance boundary screening further. It is considered the landscaping scheme is sufficiently robust and diverse and adequately compensates for the initial loss of low-quality trees and will be secured by a planning condition (no 25). The Borough Arboriculturist raises no objection.

g) Air Quality and Emissions

The application is supported by an Air Quality Emissions Mitigation Assessment which concludes that sufficient mitigation measures are in place (set out in the accompanying Travel Plan), to offset air emissions from the development. 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 pollutants and conditions (numbers 25 & 26) are attached which require details of drainage. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

h) Contamination / Waste

The application is supported by a GeoEnvironmental Investigation report and accompanying Letter of Reliance. Environmental Health officers have reviewed the application and raise no objection, subject to conditions (numbers 3, 20, 21, 22, 23) to minimise the environmental impact during construction, to mitigate against potential contamination, and to secure appropriate external lighting, fans and extraction systems.

The application is also accompanied by a Site Waste Management Plan which sets out the management of waste during construction and upon occupation of the Care Home. There is a dedicated bin storage area identified on the submitted plans. The Waste Services team have reviewed the Site Waste Management Plan and raise no objection.

i) Highway Safety / Parking

The application is accompanied by the following supporting documents in relation to highways and parking: a Transport Statement; a Stage 1 Road Safety Audit Report; a Road Safety Audit Designers Response Form; and, a Travel Plan Framework. Traffic calming measures (a road narrowing arrangement) outside the site on Chapel Park Road are to be relocated to facilitate the new vehicle access (where priority will be given to pedestrian movement). This will help provide a safe environment for drivers and pedestrians in the immediate vicinity of the site. The new access would link to internal footpaths within the site. Due to the proposed use as a Care Home, an ambulance loading bay is provided between the front of the building and the eastern perimeter of the site.

The proposed development would provide 23 car parking spaces, including 2 disabled parking spaces. The parking area to the rear of the site is accessed via an undercroft, with

a footpath providing safe pedestrian access. Highways officers raise no objection to the parking arrangement and the proposal is in accordance with the Council's parking standards.

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. It is acknowledged parking congestion on Chapel Park Road is a concern, however, based on Highways officers acceptance of the proposed works to the highway, suitable vehicle tracking for service vehicles and ambulances to safely use the new access, and, the level of parking provision, the proposed development would not exacerbate the existing situation so as to warrant refusing planning permission.

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 by a legal agreement.

Overall, the site is in a highly accessible location in relation to accessing local services either on foot or by public transport; and, the proposal is not considered to impact detrimentally on the local highway network. As such, East Sussex Highways officers raise no objection, and reiterate the highways matters to be secured by legal agreement/conditions as recommended in the previous consent for this site. These include details of the new access being secured through a condition (no 9) / s278 agreement; technical acceptance of the works in the highway to be secured by condition (no 10) / s278 agreement; Construction Management Plan and Servicing Management Plan being secured by condition (no 11); securing the parking and turning spaces within the site by condition (numbers 12 & 15); and, to secure a Travel Plan through a s106 agreement. As such, matters relating to the public highway are considered acceptable (subject to the stated conditions/legal agreement), any issues having been ironed out with Highways officers during the course of the previous application, and therefore it is considered the proposal is in accordance with Policy DM4 of the Development Management Plan 2015.

j) Sustainable construction

The Sustainability Statement submitted with the application provides 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 and would include the installation of Air Source Heat Pumps (ASHP) systems and solar photovoltaics. These were not initially included in the plans, but revised drawings have been requested and subsequently received detailing PV Panels to the roof and an ASHP adjacent to the plant room. The full details of these green initiatives would be secured by a planning condition (no 24).

k) Drainage

The drainage strategy submitted in support of this application proposes pumping surface water run-off into the combined public sewer. The Lead Local Flood Authority (LLFA) have advised that pumping surface water is usually a last resort, due to the regular maintenance required. As such, a gravity connection to the public sewer should be considered, which should be evidenced in a detailed surface water drainage system to be submitted for approval as part of a drainage planning condition. A maintenance and management plan for the drainage system would also need to be secured by a condition (no 17). On this basis the LLFA are content the proposed development is capable of managing flood risk effectively subject to the condition referred to above and, the informatives suggested by Southern Water.

l) Heritage

There are no heritage assets in the immediate area of the application site. The site is some distance from the conservation areas that lie north-west, directly north and east of the site, with intervening development to negate any impact on the setting of these heritage designations. Therefore, the impact of the development on the listed buildings and conservation areas in the wider locality are considered too distant from the site and shielded by other development to have their settings affected by the proposed development. As such, there is no conflict with the local plan objectives in terms of conserving heritage assets.

Archaeological implications:

The County Planning Archaeologist has indicated previously that 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. As such, 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.

m) Legal agreement

As stated above the applicant will be required to enter into a legal agreement to secure long-term maintenance and conservation of the protected species on the site; a Travel Plan and audit fee; and a s278 agreement for the off-site highway works associated with this development for the relocation of the traffic calming feature, relocation of road markings and, the new access.

6. 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, the design and layout is well considered to harmonise with local character and built form and to provide a high quality living environment for future residents. In the context of previous permissions for similar development and the former use of the site, the proposal duly minimises impact on occupiers of surrounding properties and as such residential amenities are not considered to be unduly harmed. Furthermore, the proposal makes appropriate provision and mitigation for onsite protected species; and, with the necessary measures recommended in this report secured by conditions/legal agreement the proposal is not considered to impact detrimentally on the local highway network. Overall, it is considered the requirements of Policy HC2 are met and that the provision of a care home on this site is acceptable in principle and makes effective use of land on this currently vacant brownfield site. Given the previous consents accepting the principle of the development on this site, with no new material planning considerations to indicate otherwise, the proposal is recommended for approval.

These proposals 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.

7. Recommendation

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under s106 of the Town and Country Planning Act to secure:

Section 278 Agreement to provide:

- a) Off-site highway works associated with this development for the relocation of the traffic calming feature, relocation of road markings, and new access**

Section 106 Agreement to provide:

- **Long-term maintenance and conservation of the protected species on the site**
- **Travel Plan and audit fee**

In the event that the Agreement is not completed by 31 December 2023 that the application be refused on the grounds that it does not comply with the provisions of the National Planning Policy Framework, the relevant policies of the Hastings Local Plan, The Hastings Planning Strategy, or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager.

B) Subject to the above

Grant Full Planning Permission subject to the following conditions:

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:
AP21028-L00; 1386-100; 1386-110; 1386-200; 0500 P02; 0501 P01; 0502 P01; 0503 P01; 0504 P02; 0505 P01; 0700 P02; and MEL-522-001 P2
3. Work which is audible at the site boundary and deliveries too and from the premises, during construction, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 08:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
4. All ecological measures and/or works shall be carried out in accordance with the details contained in Badger Mitigation Strategy, February 2022 (revised September 2022) and Biodiversity Enhancement Strategy dated March 2022, for 32-36 Chapel Park Rd Hastings by Middlemarch as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
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. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competence person such as 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.
7. When creating semi-natural habitats, all species used in the planting proposals as detailed in Biodiversity Enhancement Strategy dated March 2022, for 32-36 Chapel Park Rd Hastings by Middlemarch shall be locally native species of local provenance.
8. 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 Badger Mitigation Strategy, February 2022 (revised September 2022) and Biodiversity Enhancement Strategy dated March 2022, for 32-36 Chapel Park Rd Hastings by Middlemarch. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
9. The new access shall be in the position shown on the submitted plan [1386-100] and laid out and constructed in accordance with details to be secured within a s278 agreement with the Highway Authority.
10. 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 carried out in accordance with the approved details and completed prior to first occupation of the development hereby permitted.
11. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the

entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

12. 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 (1386-100) and the turning space shall thereafter be retained for that use and shall not be obstructed.
13. No deliveries by vehicles of 7.5 tonnes and over shall be taken at or despatched from the site at any time.
14. 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. The Servicing Management Plan shall be implemented as approved and adhered to on site thereafter.
15. The development shall not be occupied until car and cycle parking areas have been provided in accordance with approved plans. The proposed car parking spaces shall measure at least 2.5m by 5m and where located adjacent to a wall an additional 50cm shall be provided to the relevant dimension. The areas shall thereafter be retained for those uses.
16. Prior to the commencement of development, a detailed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage system shall incorporate the following:

- a) Detailed drawings, control measures and constructions details for all the features of drainage system.
- b) Written evidence from Southern Water confirming agreement to proposed surface water discharge rates.
- c) Hydraulic calculations which demonstrate that the drainage system has enough capacity to accommodate runoff generated by rainfall events with a 1 in 100 (plus 40% for climate change) annual probability of occurrence while discharging at a rate agreed by Southern Water.

d) Evidence that opportunities to use a gravity connection to the public sewer have been considered.

The development shall be carried out in accordance with the approved details, which shall remain in place for the lifetime of the development.

17. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance.

The management plan shall cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details, which shall thereafter remain in place for the lifetime of the development.

18. 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, which should remain in place for the lifetime of the development, unless otherwise agreed in writing.
19. 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 in accordance with the approved details before the building to which it relates is occupied and shall remain in place for the lifetime of the development, unless otherwise agreed in writing.
20. 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. Measures to avoid spill light must be installed on any approved external lighting prior to its erection and thereafter be retained and maintained.
21. In the event that contamination is found at any time when carrying out proposed development, that was not previously identified (such as asbestos containing material), it must be reported in writing immediately to the Local Planning Authority with proposed remediation measures. In the event that contamination is found to be present, upon completion of the works the

developer shall provide written confirmation (verification report) that all works were completed in accordance with the agreed remediation details, this to be approved by the Local Planning Authority.

22. Prior to commencement of development above slab level, details, including acoustic specifications, of all fixed plant machinery and equipment associated with air moving equipment (including fans, ducting and external openings) installed within the site, which has the potential to cause noise disturbance to any noise sensitive receptors, shall be submitted to and approved by the Local Planning Authority. If there is the potential for noise disturbance, then we would expect a Noise Assessment to be completed using BS 4142 in order to ensure any adverse noise impacts are appropriately mitigated. A noise impact assessment is required which characterises the prevailing noise environment and identifies any potentially significant sources of noise. The survey methodology should include times, duration and a justification of the location chosen for monitoring.
23. Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with EMAQ+ Control of Odour and Noise from Commercial Kitchen Extraction Systems 2018. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.
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. The development shall be carried out in accordance with the approved details, which shall thereafter be retained and maintained for the lifetime of the development.
25. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
26. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been

completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed. All arboricultural measures and/or works shall be carried out in accordance with the details contained in the arboricultural document submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees where needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

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 ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
5. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
6. To ensure adequate professional ecological expertise is available on site during construction to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licences.
7. To conserve and enhance biodiversity by protecting the local floristic gene pool that has evolved within the local landscape, and to prevent the spread of non-native species and those of no local provenance.
8. Irreparable damage can be done to biodiversity features on construction sites in a very short space of time, it is necessary to ensure that features to be retained are adequately identified and physically protected from accidental damage by development operations, eg by earth moving machinery.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
10. In the interests of road safety.
11. In the interests of highway safety and the amenities of the area.
12. To ensure the safety of persons and vehicles entering and leaving the

access and proceeding along the highway.

13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
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 prevent increased risk of flooding.
17. To prevent increased risk of flooding.
18. In the interests of the visual amenity of the area.
19. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
20. To safeguard the amenity of adjoining and future residents.
21. To safeguard the amenity of adjoining residents.
22. To ensure a satisfactory form of development in the interests of residential amenity.
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 ensure a satisfactory form of development in the interests of visual amenity.
26. In the interest of protecting trees and as biosecurity is important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment.

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. The Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/
6. Installation of a sprinkler system is required in the finished building.
7. 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.
8. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

Officer to Contact

Mr Paul Howson, Telephone 01424 783279

Background Papers

Application No: HS/FA/22/00409 including all letters and documents