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# Appeal Decision

Site visit made on 7 March 2022

**by Robert Parker BSc (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 7 October 2022**

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**Appeal Ref: APP/V1260/W/21/3280644**

**Land at no.74 Hurn Way and to the rear of nos. 66-72 and 76 Hurn Way, Hurn Way, Christchurch BH23 2PD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Pennyfarthing Homes Ltd against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref 8/19/1589/OUT, dated 18 December 2019, was refused by notice dated 3 June 2021.
  - The development proposed is construction of a care home with associated parking, access and landscaping.
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## Decision

1. The appeal is allowed and outline planning permission is granted for construction of a care home with associated parking, access and landscaping at Land at 74 Hurn Way and to the rear of nos. 66-72 and 76 Hurn Way, Hurn Way, Christchurch BH23 2PD in accordance with the terms of the application, Ref 8/19/1589/OUT, dated 18 December 2019, subject to the conditions set out in the attached schedule.

## Procedural Matters

2. The scheme is submitted in outline with details of access and scale provided for consideration. The appearance, landscaping and layout of development would be the subject of a subsequent reserved matters application. The appellant has provided a layout and elevations to indicate how the site could be developed. I have treated this information as illustrative, except insofar as it relates to the scale of the development and access arrangements.
3. Natural England has recently updated its advice in relation to nutrient level pollution in a number of existing and new river basin catchments. Bournemouth Christchurch and Poole Council has been identified as an affected local planning authority. Acting as competent authority under the Conservation of Habitats and Species Regulations, it is necessary for me to consider whether the proposal would result in a Likely Significant Effect on the integrity of the River Avon Special Area of Conservation (SAC) within whose catchment it falls. The views of the main parties and Natural England have been sought in relation to this issue and I have taken their comments into account.

## Application for costs

4. An application for costs was made by Pennyfarthing Homes against Bournemouth Christchurch and Poole Council. This is the subject of a separate decision.

## **Main Issues**

5. The main issues in this case are:
  - a) whether the scheme would comply with development plan policy in respect of the provision of care homes;
  - b) the effect of the proposal on the ecology of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site and the Dorset Heaths SAC; and
  - c) the effect on the ecology of the River Avon SAC.

## **Reasons**

### *Development plan policy in respect of the provision of care homes*

6. It is common ground that the proposal falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987, as amended. Policy LN6 of the Christchurch and East Dorset Local Plan: Part 1 - Core Strategy (2014) (CS) sets out the policy approach towards the consideration of C2 use health and care related development proposals. This states that C2 schemes will not be subject to CS Policy LN3 in relation to the provision of affordable housing. It also requires developers to demonstrate that any impacts upon, or risks to, the strategic aims and objectives of Dorset County Council and NHS Dorset health and social care services have been taken into account and mitigated against.
7. I note that there is no requirement within the policy wording to demonstrate a demand or need for further care homes in the area. The officer report makes reference to CS Policy LN1 in this regard, but this policy relates to the size and type of new market and affordable dwellings. It is not directly relevant to care homes and has not been referenced in the reason for refusal in any event.
8. The application was accompanied by a needs analysis dated August 2019. This concluded that although at the time of writing there was a statistical oversupply of care accommodation within a 3-mile drive of the site, a number of the existing care homes within that catchment are dated. The retention of these homes in the longer term cannot be assumed, particularly as some are small and there may not be scope for them to be replaced in a financially viable way.
9. I concur with the appellant that it is appropriate to consider care needs in the medium to long term, simply because of the lead-in time to delivering a new purpose built care home. The earliest the appeal scheme could be operational would be 2023/24, by which time the need for care accommodation will have increased. Using the appellant's analysis, which I note is not being challenged by the Council, the current oversupply of care accommodation will switch to an undersupply at some point in the mid 2020's.
10. A supplemental analysis prepared for the appeal predicts that in the 2024 assessment year there will be a net need for 66 market standard (en-suite) beds within the 3-mile catchment, with need and supply across the wider Bournemouth Christchurch and Poole area at equilibrium. The shortage of dedicated dementia beds is predicted to be more significant at 201 beds for the local catchment and 511 across the authority as a whole. These requirements are forecast to increase over time as the population begins to age significantly and care needs get more complex. These demographic trends are clearly evidenced in the Council's Care Homes for Older People Strategy 2022-2030.

11. The Council's aim is to support more people to remain in their own homes and reduce reliance on the residential care sector. Nevertheless, care homes form part of a mix of different care options. The above Strategy confirms that 80 per cent of older people in the Council area own their property and are therefore likely to fund their own care in a care home. It seems inevitable that the projected increase in the numbers of people aged 85 or over will lead to pressure for more care home places. The appeal scheme would contribute to meeting this growing demand, and to improving the qualitative aspects of provision overall. I note that the appellant has already had discussions with local care providers and received an expression of interest to take on the completed development. This indicates a level of commercial interest and it is notable that the relevant party refers to the potential contribution the proposal could make to their programme of replacing and upgrading their care home facilities.
12. The Local Planning Authority does not appear to contest the appellant's original need analysis and makes no comment on the updated version. Moreover, it does not provide any substantive explanation as to how or why the scheme would conflict with the strategic aims and objectives of the Council regarding care home provision in Christchurch. In light of this, I do not consider that there are grounds to resist the proposal on the basis of lack of demand. Such a position is not supported by planning policy in any event. I therefore conclude that conflict with CS Policies LN3 and LN6 has not been demonstrated.
13. The other policy cited under the first refusal reason, CS Policy KS1, reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework ('the Framework'). It is not directly relevant to this main issue, but I shall return to it later under the planning balance.

*Dorset Heathlands (incorporating Appropriate Assessment)*

14. The site lies within 400 m of a Site of Special Scientific Interest which forms part of the Dorset Heathlands SPA and Ramsar site and the Dorset Heaths SAC. The Dorset Heathlands host protected priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes. Evidence shows that the designation is under significant pressure from an increasing number of people living nearby. As the population grows, urbanising impacts from human pressures and damage caused by domestic pets have the potential to cause ongoing adverse effects on the protected habitats and species.
15. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD) sets out a strategy for the avoidance and mitigation of impacts of new residential development upon the Dorset Heathlands. Appendix B of this document sets out advice for different uses which are not specifically mentioned in the SPD. These forms of development will be considered on a case by case basis, but the guidance indicates that nursing homes would not have a likely significant effect, alone or in combination with other projects, on the Dorset Heathlands. Unlike certain other types of housing, care homes are permissible within 400 m of the heathlands as a matter of principle where there is no publicly available parking capacity.
16. Page 22 of the SPD sets out further guidance, confirming that certain types of specialist purpose built nursing homes where residents are no longer active will not have a significant effect on the Heathlands and do not need to provide

mitigation. It gives the example of where nursing care is necessary such as for advanced dementia or physical nursing needs. This would include purpose built schemes for the frail elderly where there is an element of close care provided on site 24 hours a day. Residents of these developments would not be expected to leave the property to access heathland, either alone or with the support of a family member/carer. The Council questions whether occupancy of the development could be effectively controlled, but in my opinion it is possible to draft an enforceable condition which achieves the planning objectives.

17. Natural England has queried whether a two-storey development with en-suite facilities is consistent with the frail elderly requirement and it comments that a gated facility would be consistent with more severely affected dementia sufferers. However, the evidence presented satisfies me that the concerns are unfounded. Bedrooms in modern care facilities are invariably en-suite and the inclusion of large lifts and self-contained floors, each containing a communal lounge, dining room and assisted bathroom, enable them to be built over multiple levels. In this case, the building itself would be secure and the main entrance monitored, with residents being accompanied by family or carers when using the outside space. This obviates the need for a gated facility.
18. The SPD indicates that planning applications should be supported by an impact assessment with details of how the potential impacts resulting from staff and visitors will be mitigated. It is difficult to envisage what form this should take, given that care homes are acceptable in principle under the guidance. The probability is that staff and visitors would be unlikely to visit the heathlands to undertake recreational activities that would cause harm to the protected area. Nevertheless, it would be reasonable to impose a condition restricting the use of the car park to staff and visitors for the duration of their attendance at the site itself, with a requirement for signage to advise users of this restriction.
19. It would also be possible to impose a condition to prohibit permanent staff accommodation within the scheme. Such accommodation would be tantamount to new dwelling(s) and could give rise to adverse recreational impacts whenever staff are off-duty. The appellant has indicated a willingness to accept this restriction which I consider to be reasonable and necessary in order to make the proposal acceptable.
20. One of the main threats to the Dorset Heathlands is through predation by cats and disturbance by dog walkers. The appellant has put forward a condition to prevent the keeping of these pets within the care home. The Council does not consider the condition to be enforceable, even with amendments to improve precision. Nevertheless, I am satisfied that it would meet the tests set out in paragraph 56 of the Framework.
21. Subject to the imposition of the conditions set out above, I am satisfied, beyond all reasonable scientific doubt, that the proposal would not have an adverse effect on the integrity of the Dorset Heathlands SPA and Ramsar site and Dorset Heaths SAC. It would therefore comply with the objective of Policy ME2 of the CS to protect the Dorset Heathlands. In arriving at this conclusion, I have noted the fact that several care homes have already been permitted by Local Planning Authorities on sites within the 400 m buffer zone of the Dorset Heathlands.

*River Avon (incorporating Appropriate Assessment)*

22. The site falls within the catchment of the River Avon SAC which is a large, lowland river system supporting various aquatic species. There is a known issue with nutrients entering the river and adversely affecting environmental conditions for the qualifying species. Residential development will contribute to an increase in phosphates due to foul water discharge.
23. Foul water from the proposed development would end up at the Christchurch Wastewater Treatment Works (WWTW) before being discharged to the River Avon just outside of Christchurch. The Council states that the river is already saturated with phosphates upstream by the time it reaches Christchurch. Therefore, any additional phosphates from the proposed development cannot worsen the situation. It considers that there is no means of offsetting any impact as there is very little river (a hundred metres or so) between the WWTW and the harbour – plus this section is saline so does not support much life. On that basis, the Council takes the pragmatic view that the qualifying species for the SAC are not adversely affected by outflow from the WWTW.
24. The intention is to commission consultants to assess the river from the WWTW to the harbour, in order to provide an evidence base for the emerging local plan. However, at the present time there is no scientific evidence to back up the Council's working assumption. The authority's approach is inconsistent with the more rigorous standards set out in Waddenzee<sup>1</sup>. This judgment highlights one of the main principles in relation to European sites; where doubt remains as to the absence of adverse effects on the integrity of the site linked to the project being considered, the competent authority will have to refuse permission.
25. There is a suggestion within the Council's evidence that the position of Natural England has shifted, the body having previously indicated that small increases in phosphates would not cause further harm to the designated sites. Be that as it may, Natural England's latest advice is that the proposal would increase nutrient levels in the SAC and result in a Likely Significant Effect. Applying the precautionary principle, this is a reasonable conclusion to reach. Based on the evidence presented, it would not be possible to conclude that there would not be an adverse effect on the ecological integrity of the River Avon SAC.
26. The appellant indicates that mitigation is available in the form of the Bickton Strategic Mitigation Scheme. This scheme, which I am told is operational, involves the closure of a large commercial fish farm near Fordingbridge and has been developed principally by reason of the appellant's strategic land interests further north up the Avon at Fordingbridge. Natural England has confirmed that if an agreed level of mitigation can be secured through the Bickton scheme it would be appropriate to conclude no adverse effect on the integrity of the River Avon in the Appropriate Assessment. The appellant has supplied additional information which provides me with reasonable certainty that the necessary mitigation can be delivered. Natural England is content that the mitigation can be secured by means of a Grampian condition and I agree that this is an acceptable approach in this particular case. With the mitigation secured there would be no harm to the integrity of the River Avon SAC.

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<sup>1</sup> Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris van Landbouw [2004] EUECJ C-127/02

## Other Matters

27. The appellant contends that saved Policy H12 of the Borough of Christchurch Local Plan (2001) (LP) would permit a care home on the site as a matter of principle. However, it is clear from the supporting text that Policy H12 is a general development management policy applicable to a whole range of residential development. The policy has no bearing on the location of such development but is nonetheless relevant to some of the concerns being raised by interested parties, notably in relation to character and appearance and residential amenity. Although these matters do not feature in the Council's reasons for refusal, they are before me for consideration.
28. Hurn Way and Old Barn Road to the rear of the site contain a mix of detached chalet bungalows, houses and bungalows. The proposed care home would have a significantly larger footprint than these properties, spanning the width of several plots. Although this would be a departure from the prevailing urban grain, the building would be limited to two storeys in height and it would be located discreetly behind the street frontage and within a well-contained plot of land. Although the layout is illustrative, the plans demonstrate that the site is capable of accommodating the scale of development being proposed, including parking, servicing, landscaping and amenity space for the residents.
29. The backland siting and mature treed setting mean the development would not be unduly prominent within the public realm or when viewed from adjoining properties. Layout, appearance and landscaping are all reserved matters, but it would be possible to arrive at a design solution that does not cause material harm to the character or appearance of the area. There would be no conflict with the requirement of LP Policy H12 that development should be appropriate in character, scale, design and materials to the immediate locality and not result in the loss of trees that are important to the character of the area. There would also be compliance with CS Policy HE2 insofar as this seeks to ensure that the design of development is compatible with or improves its surroundings in respect of matters such as scale, bulk, height and visual impact.
30. Turning now to residential amenity issues, the plans show a two-storey building which is set away from the boundaries with generous separation to adjacent properties. There would be space within the site for landscaping to soften views of the development from existing dwellings. Mature trees on the north-western boundary would filter views of the building from properties in Old Barn Road. There would be a change to the outlook of some neighbours, particularly the occupants of Nos 64a and 64b Hurn Way, who currently enjoy views across the site, and the properties on the street frontage of Hurn Way whose rear gardens back onto the site. However, visibility does not always equate to harm and any adverse impacts can be mitigated through landscaping and careful design.
31. During my visit, I viewed the site from a number of properties in response to prior written requests from the residents. Following these visits, I am content that the development would not be overbearing, overshadowing or detrimental to the privacy of neighbours. Its day-to-day operation is unlikely to cause unacceptable levels of disturbance, either as a result of vehicular movements or the use of the outdoor amenity spaces by care home residents and their visitors. I have noted the concerns over external lighting, odour from bin stores, noise from air conditioning plant and glare from headlights. Some of these matters could be addressed using conditions or at the reserved matters stage. None

would justify a refusal of permission. Overall, I consider that the effects on neighbours would be within acceptable limits. There would be compliance with CS Policy HE2 and LP Policy H12 insofar as these seek to ensure that development has an acceptable relationship to nearby properties without adverse effects through noise or disturbance or by the loss of light or privacy.

32. The Transport Assessment predicts that the scheme would generate 11 vehicle movements in the morning peak hour and 14 movements in the evening peak. This is well within the operational capacity of Hurn Way. Although objectors have questioned the traffic generation figures, there is no substantive technical evidence to persuade me that higher figures would be more appropriate. The proposal would provide safe access and it would not be detrimental to the efficient operation of the highway. The Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposal falls well below that threshold.
33. Moving onto parking, the plans show 27 parking spaces which is in line with anticipated demand and the expectations of the Local Highway Authority. I have no reason to take a different view. Some of the staff may choose to walk or cycle from the surrounding area, and a Travel Plan could be conditioned to promote the use of sustainable transport modes. Revised vehicle tracking plans would be required at the reserved matters stage but the information presented satisfies me that turning for refuse vehicles could be achieved.
34. The site lies within Flood Zone 1 which indicates that there is a low probability of river and sea flooding. The submitted Flood Risk Assessment identifies a low to moderate risk of pluvial flooding, but to address this risk a surface water drainage scheme can be secured by condition.
35. The application is accompanied by a Preliminary Ecological Appraisal which is informed by surveys. These indicate that the site is of local value for commuting and foraging bats. The impacts on bats, and other site ecology, could be effectively mitigated. Details of mitigation and biodiversity enhancement can be secured by condition. Layout is a reserved matter, but the plans clearly demonstrate that the scheme would be capable of retaining mature trees on the site that are protected by a Tree Preservation Order. Although some clearance would be required within the central part of the site, none of the affected trees have any great significance from a visual amenity or wildlife perspective and replacement planting could be provided elsewhere within the site as part of the landscaping scheme.

### **Planning Balance**

36. The Council is unable to demonstrate a five year supply of deliverable housing sites, with the supply in Christchurch currently standing at 2.7 years. This represents a significant shortfall. Paragraph 11 (d) of the Framework indicates that in such circumstances permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

37. I have concluded that the proposal would not have an adverse impact on the integrity of the River Avon SAC or the Dorset Heathlands SPA and Ramsar site and Dorset Heaths SAC. The scheme therefore falls to be considered against the second limb of paragraph 11 (d). Although a care home is a specialist form of housing, it does contribute to housing supply through the release of general needs dwellings. Applying the conversion ratio set out in the Planning Practice Guidance (PPG), the proposal would equate to a delivery of 37 dwellings. I have attached this benefit significant weight.
38. The proposal would provide a modern, purpose built care home for which there is an identified need in future years to cater for an ageing population. The scheme would therefore comply with paragraph 60 of the Framework which seeks to ensure that the needs of groups with specific housing requirements are addressed. This is a benefit to which I have attached great weight.
39. The Dorset Heathlands SPD would militate against a grant of permission for general needs housing in this location and therefore the development of this under-utilised garden land for a care home is a suitable alternative which would make efficient use of the site. This is a positive factor in the planning balance.
40. The scheme would also bring benefits to the economy during construction and thereafter through ongoing employment in the care home, estimated to be the equivalent of 30 full time equivalent positions. These economic benefits carry some positive weight in the balance.
41. I have considered the matters in dispute with the Council, but have concluded that these would not constitute reasons to dismiss the appeal. I have also had regard to the wide-ranging concerns raised by Christchurch Town Council and interested parties but these do not, individually or cumulatively, represent material harms sufficient to justify withholding permission. In my judgement, there are no adverse impacts which would significantly or demonstrably outweigh the benefits of the scheme. The proposal would comply with the development plan taken as a whole and it would constitute a sustainable form of development in terms of CS Policy KS1 and the Framework.

### **Conditions**

42. The Council has provided a list of recommended conditions for use in the event that I am minded to allow the appeal. The appellant has commented on these, in addition to putting forward their own suggestions. I have considered the conditions having regard to the tests set out in paragraph 56 of the Framework and the PPG. I have also sought the parties' views regarding a number of additional conditions.
43. In addition to the standard conditions for outline permissions I have attached a condition specifying the approved plans to provide certainty. To define the permission, a condition is needed to restrict the scale of the building to two storeys. The Council's suggested condition requiring the layout to generally accord with the submitted plans is unnecessary as layout is a reserved matter.
44. To minimise the impacts on existing residents and the highway network during construction, a condition is necessary to require the submission of a Construction Method Statement. To prevent surface water flooding and safeguard the health of future residents, pre-commencement conditions are



- necessary to secure details of surface water drainage and a programme to deal with any land contamination at the site.
45. I have attached conditions relating to refuse vehicle tracking, external lighting and plant/machinery. These are necessary in the interests of highway safety and protecting neighbouring residents from glare, noise and odour.
46. As explained in my reasoning above, a number of conditions are also needed to prevent harm to the integrity of European protected sites. These restrict the use of the development to a C2 care home, prevent the keeping of cats and dogs, restrict staff accommodation and control the use of the car park to discourage visits to the protected heathlands. I have used the appellant's suggested wording for the use restriction, as this is more precise than the alternative presented by the Local Planning Authority, but to align with the SPD I have adjusted the wording to make reference to the frail elderly.
47. I have imposed a negatively worded condition requiring a scheme of mitigation for offsetting the impact of phosphorus arising from the development on the River Avon SAC. The suggested wording provided by the appellant is a useful starting point, but I have amended it to a pre-commencement condition to ensure that the mitigation is secured prior to any works taking place.
48. The application is accompanied by a Framework Travel Plan. To promote the use of sustainable transport modes by staff, I have imposed a condition stipulating that the care home shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority.
49. Based on the evidence before me, I have no reason to consider that the development would have an unacceptable impact on protected species within the site itself. However, it is evident from the Preliminary Ecological Appraisal that some mitigation measures would be necessary and it is reasonable to expect that there should be net gains for biodiversity. I have therefore imposed a pre-commencement condition requiring the developer to submit an ecological mitigation and enhancement plan for the Council's written approval.
50. The Council has requested a condition that requires the development to be carried out in accordance with the submitted Arboricultural Assessment and Method Statement. However, layout is a reserved matter and therefore the effect of the scheme on existing trees can be considered at the reserved matters stage. The condition is therefore unnecessary.

### **Conclusion**

51. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Robert Parker*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) Approval of the details of the Appearance and Layout of the buildings, and the Landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 4) The development shall be carried out in accordance with the following approved plans:
  - Drawing no 5511-WLA-ZZ-XX-DR-A-0002 (Location Plan)
  - Drawing no 5511-WLA-ZZ-XX-DR-A-0010 P7 (Proposed Site Plan) insofar as it shows the scale and the access arrangements to the site.
- 5) No development shall commence unless proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the Local Planning Authority. Such proposals must: (a) Provide for mitigation which achieves a phosphorous neutral impact from the development; and (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures. The development shall be carried out in accordance with and subject to the approved proposals.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. wheel washing facilities;
  - vi. measures to control the emission of dust and dirt during construction; and
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

- 7) No development shall commence until an ecological mitigation and enhancement plan has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 8) Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority to deal with potential contamination of the site. Such scheme shall include the following actions and reports, which must be carried out by appropriately qualified consultant(s):
  - (a) A Preliminary Risk Assessment (site history report), which shall, by reference to site layout drawings of an appropriate scale, include a history of the site, past land uses, current and historical maps, site plans, locations of any known spillages or pollution incidents and the location and condition of old tanks, pits, fuel or chemical storage areas, and site reconnaissance to produce a conceptual site model and preliminary risk assessment. (Please note it is the responsibility of the landowner, developer or consultant to provide and disclose all relevant information).
  - (b) A Field Investigation (site investigations) and Detailed Quantitative Risk Assessment (based on the information contained in the site history report), will be required where the appointed consultant and/or the Local Planning Authority anticipate that contamination may be present in, on or near the proposed development area. The site investigation report must characterise and identify the extent of contamination, identify hazard sources, pathways and receptors and develop a conceptual model of the site for purposes of risk assessment.
  - (c) Before any works commence on site, should (in the opinion of the Local Planning Authority) investigation works be required, consultants appointed to carry out intrusive site investigation work must submit their sampling strategy to the Local Planning Authority for approval.
  - (d) Where contamination is found which (in the opinion of the Local Planning Authority) requires remediation, a detailed Remediation Strategy, including effective measures to avoid risk to future and neighbouring occupiers, the water environment and any other sensitive receptors when the site is developed, shall be submitted to the Local Planning Authority. Any remediation scheme(s), or part(s) thereof recommended in the remediation strategy, shall require approval to be obtained in writing from the Local Planning Authority.
  - (e) No development shall occur until the measures approved in the remediation strategy have been implemented in accordance with the remediation statement to the satisfaction of the Local Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
  - (f) If, during works on site, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and an appropriate remediation strategy submitted to the Local

Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority.

- (g) On completion of all the works detailed in the agreed Remediation Strategy, a Remediation Verification Report must then be completed by the environmental consultant(s) who carried out the remediation work confirming that they have supervised all the agreed remediation actions. This report to be submitted to the Local Planning Authority confirming that all works as specified and agreed have been carried out to the point of completion. Until the Local Planning Authority is in receipt of said Remediation Verification Report and is satisfied with the contents of the statement and the standard of work completed it will be viewed that the remediation of the site is incomplete.
- 9) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems March 2015 (or any standards replacing those), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 10) The development hereby permitted shall not be occupied until a staff Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include monitoring and review provisions and it shall be implemented in accordance with the approved details for the lifetime of the development.
- 11) The submission of Reserved Matters for the Layout of site to be submitted under Condition 1 above shall include plans and details to demonstrate through the submission of a vehicle swept path drawing that a large refuse vehicle can safely turn within the site and that a large refuse vehicle can enter and exit the site without overrunning the transition kerbs at either side of the dropped kerb access.
- 12) The development hereby approved shall not exceed two-storeys in height.
- 13) No external air conditioning units, heating and cooling plant, fume extraction equipment or external lighting shall be installed on the site unless details have first been submitted to and approved in writing by the Local Planning

Authority. Where appropriate such details shall include information in relation to noise output, times of operation, odour abatement and/or light spill. Development shall be carried out in accordance with the approved details.

- 14) No cats or dogs shall be kept in the care home hereby permitted. The development shall not be occupied until details of the mechanisms by which the pet ownership restriction will be enforced and monitored have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be adhered to for the lifetime of the development.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the development shall only be used for a Class C2 use Care Home for people with dementia and the frail elderly who require 24 hour close care and for no other purpose (including any other purpose in Class C2 on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).
- 16) There shall be no staff permanently resident on the site and no self-contained units of staff accommodation within the development hereby permitted.
- 17) The car parking within the site shall be for the sole use of staff and visitors to the care home for the duration of their attendance of the site itself and vehicles shall not be permitted to remain on the site for any other purpose. A scheme of signage to advise users of this restriction shall be submitted to and approved in writing by the Local Planning Authority and installed prior to commencement of use of the care home and shall be thereafter retained.

\*\*\* END\*\*\*