



Appeal Decision

Site Visit made on 26 August 2021

by **R J Jackson BA MPhil DMS MRTPI MCM**

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/K3605/W/20/3257109

Royal Cambridge Home, 82-84 Hurst Road, East Molesey KT8 9AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by ST Property Company Ltd & The Royal Cambridge Home against the decision of Elmbridge Borough Council.
 - The application Ref 2019/1813, dated 1 July 2019, was refused by notice dated 14 February 2020.
 - The development proposed is detached building varying in height from four-storey to one-storey to provide a 32 bed Care Home (C2) and 60 Extra Care Age Restricted Apartments (C3), new vehicle access, provision of 30 on-site car parking spaces, buggy and cycle stores with associated landscaping and ancillary works following demolition of the existing buildings.
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Decision

1. The appeal is allowed and planning permission is granted for detached building varying in height from four-storey to one-storey to provide a 32 bed Care Home (C2) and 60 Extra Care Age Restricted Apartments (C3), new vehicle access, provision of 30 on-site car parking spaces, buggy and cycle stores with associated landscaping and ancillary works following demolition of the existing buildings at Royal Cambridge Home, 82-84 Hurst Road, East Molesey KT8 9AH in accordance with the terms of the application, Ref 2019/1813, dated 1 July 2019, subject to the conditions in the Schedule to this decision.

Preliminary Matters

2. Following a request for consideration by a third party, the Secretary of State has concluded, in line with the original conclusion of the Council, that the proposal would not represent EIA development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and thus an environmental statement is not required. I have no reason to disagree with the Secretary of State's conclusion on this matter.
3. The appeal was accompanied by two Planning Obligations by Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) both dated 20 April 2021, one to Elmbridge Borough Council (the Council) relating to affordable housing and provision of accessible units and the other to Surrey County Council relating to bus-stop works. I will discuss these below.
4. The Council refused the application for two reasons, with the second relating to the fact that provision for affordable housing had not been secured. The Council indicated that "it was involved in the preparation of the legal agreement to secure the affordable housing component of the scheme".

5. As the appeal site is within the East Molesey (Kent Town) Conservation Area (the Conservation Area) and lies within the setting of St Paul's Church, a Grade II listed building, I have had special regard to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
6. The proposal would involve the demolition of the existing buildings on site. The main buildings are noted as being "Significant Unlisted Buildings" in the East Molesey (Kent Town) Conservation Area Character Appraisal and Management Plan (the CAA). The Glossary to the National Planning Policy Framework (the Framework) defines heritage assets as including "assets identified by the local planning authority (including local listing)". The Council has not specifically indicated whether it has treated the existing buildings as non-designated heritage assets. The buildings, unlike some others identified in the CAA, are not categorised as "Locally Listed Buildings", but as the definition in the Framework is not exclusive, I have treated them as non-designated heritage assets. As this was the approach of the appellants, they would be not disadvantaged if I were to do so.
7. On 20 July 2021 a revised version of the Framework was published by the Government. The main parties were given the opportunity to make representations on this and I have taken the responses into account.

Main Issue

8. The main issues are:
 - the effect on the heritage assets, being the existing buildings on site, the Conservation Area and its setting, the setting of St Paul's Church, and the setting of the gate piers on Graburn Way; and
 - whether there are any other benefits of the proposal, including the housing land supply position, that would lead to a determination otherwise than in accordance with the terms of the development plan.

Reasons

Heritage assets

9. The appeal site lies in the northwestern corner of the Conservation Area, and fronts Hurst Road, although with a side boundary to Church Road. It consists of a series of buildings which have been joined together to allow their use as a care home with a capacity for up to 28 beds. These were originally two villa-style buildings with associated outbuildings but the two villas and the intervening outbuilding to No 82 were linked by a single storey building approved in 1963.
10. The landform rises gently from north to south, with Hurst Park opposite the site to the north. Hurst Park is an extensive area of open space leading down to the River Thames. To the northeast there is a former racecourse with gate piers (locally listed buildings) on Graburn Way.
11. The Framework defines the significance of a heritage asset as the value of a heritage asset to this and future generations because of its heritage interest.

- The national Planning Practice Guidance also notes¹ that ‘significance’ derives not only from a heritage asset’s physical presence, but also from its setting.
12. Paragraph 199 of the Framework indicates that great weight should be given to the conservation of a heritage asset and this is irrespective of the level of harm that may occur. It is also emphasised that the more important the asset, the greater the weight should be. Paragraph 200 of the Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification.
 13. The buildings and streets of what is now the Conservation Area were originally laid out in the mid-nineteenth century, principally for large houses. As part of the expansion of development in the area, a new church, St Paul’s, was constructed, with a tower and spire added some thirty years later. The CAA notes that the grid pattern of streets clearly shows that the area was planned. The densities reflect the differences in statuses of the various areas of development, with the higher status being in the northern area. There is commercial development at the eastern end near Hampton Court Railway Station which lies in the Conservation Area.
 14. The CAA has identified four areas within the Conservation Area with the appeal site lying in Area 1, Wolsey Road, Palace Road, Arnison Road and Church Road. The key views of St Paul’s Church and the tree-lined roads and important historic walls have been identified. Notwithstanding the notation of the buildings as “Significant Unlisted Buildings” there is no specific reference in the CAA to the buildings on the appeal site other than them being in care home use.
 15. The significance of the Conservation Area for this appeal lies from its formal grid pattern of tree-lined streets and the large, substantial buildings facing them. The building form is often from the villas that were constructed when the area was laid out, but there has clearly been some replacement and infilling. The scale of building is predominantly two storeys, but there are taller buildings, some with sub-basements. Due to the proximity of the buildings one with another, the grain of development in the area is quite tight, with little space around them. The importance of the church in providing a focal point to the Conservation Area forms part of the significance. Within the Conservation Area, which should be considered as a whole, are the commercial uses and open space, but these elements are of lesser significance for the purposes of this appeal.
 16. St Paul’s Church is built of Kentish ragstone rubble with a slate roof. In addition to the slightly later tower and spire a more modern ‘parish room’ extension was added on the north side in the 1970s. The significance of the church for the purposes of this appeal relates to the way that the building acts as a focal point at the end of the vistas of Church Road and Palace Road, with glimpses of the top of the spire above and between buildings in other views.
 17. The four gate piers on the north side of Hurst Road mark the entrance to a former racecourse. They are joined by iron gates which are kept open to allow for the free flow of traffic. Their significance for the purposes of this appeal relate to their size and historic nature, even if to the lay-person unaccustomed

¹ Reference ID: 18a-006-20190723

to the history of the area, they do not seem to relate to any feature in the locality.

18. The buildings on the appeal site were constructed as villas with substantial outbuildings. The hierarchy of the two principal buildings and the two ancillary structures can clearly be seen, but the overall composition has been compromised by the various extensions and alterations that have taken place over the years, for example prominent and large downpipes to allow the use as a care home, and the single storey linking extension referred to above, as well as various other small-scale additions. Thus, the significance of the buildings as non-designated heritage assets for the purposes of this appeal lies in their external appearance which has been significantly compromised. From Hurst Road it is still possible to see vegetation in the rear gardens, particularly a prominent cedar tree, which means that there is a sense of space on the site. However, this sense of space is slightly out of keeping with the tighter grain of development on Church Road and Palace Road within the main area of the Conservation Area.
19. The demolition of the existing buildings, and thus their total loss, can only be described as resulting in substantial harm to these non-designated heritage assets. Paragraph 203 of the Framework indicates that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I will consider this below.
20. Following the demolition of the buildings the proposal is to construct a single building which would be managed in two parts. The western part would provide a 32-bed care home, effectively re-providing the existing use on site, and on the eastern part would be 60 extra-care age-restricted residential apartments.
21. While there would be some single and two storey elements, particularly at the western and eastern sides, the majority of the building would be three and four storeys. The main northern façade would be articulated, with two main four storey elements, a wider eastern one and a slightly narrower western one. For the eastern element the fourth storey would be set back from the front façade to provide a terrace. The linking three storey elements would be roof terraces.
22. There would be three rear 'wings' to the building. The central one in the middle of the site would be four storeys, that on the eastern side facing Church Road would be mostly three storeys, although with a lower section to the rear (south), and the western wing next to No 86 would be single storey. The roof form, apart from the 'linking' terraces would be low pitched roofs, leading to a flat 'crown' roof for the main four storey elements.
23. The architectural style would involve a regular pattern of development of bays, but with the eastern and western front façades exhibiting different approaches. For the extra-care element there would be the provision of balconies on the front elevation and within the courtyard. Other elevations would include Juliet balconies. The building would be predominantly in buff brick, but some sections would contrast in brown brick. The roof would be in slate or similar material. In all cases the precise details would be agreed by condition.
24. The proposed building would be noticeably more massive than that currently on site. The architectural language, which utilises a regularity derived from Georgian and Classical styles, would be in contrast to the Victorian villas with

- their Italianate and Arts and Crafts influences predominant in the Conservation Area.
25. Despite the articulation on the Hurst Road elevation, the proposal would appear as a single span of building. When viewed from Church Road the new building would result in the loss of views from the public domain into the space behind the existing building. There would also be the loss of glimpsed views out of the Conservation Area from the rear along Harrow Gardens from Palace Road. All of this would result in some limited harm to the immediate area.
 26. Local residents have expressed concerns about the density of the development when compared to the local area and the overall density target of 40 dwellings per hectare set out in Policy CS17 of the Elmbridge Core Strategy (the Core Strategy). However, it seems to me that in the context of this proposal this would be a false comparison. Development which would consist of smaller units, here one-bedroom, will always be at a higher number of units per hectare than larger units. In the context of the Conservation Area, it seems to me that a more appropriate measure is how the overall mass of building relates to the character, appearance and significance rather than how many units might be in a hectare.
 27. Taking all this together and remembering that substantial harm is a high test², I conclude that the proposal from its increased mass and scale would result in less than substantial harm to the character and appearance and thus the significance of the Conservation Area to which great weight and special attention should be given, although as the harm is to the Conservation Area as a whole this harm would only be limited. That being the case, paragraph 202 of the Framework indicates this harm should be weighed against the public benefits of the proposal. Again, I will do this below.
 28. I have considered the effects on the setting of the Conservation Area, particularly to the north from Hurst Park. As the proposal would have some limited harm to the Conservation Area it would also have some limited harm to its setting. Again, this would represent limited less than substantial harm and will need to be balanced with the public benefits.
 29. Turning to the effect on the setting of St Paul's Church, the proposal would have no effect on the main significance of the views along Church Road and Palace Road which would therefore be preserved. However, there would be some loss of glimpsed views above buildings from Hurst Road, which would be from outside the Conservation Area, and therefore I conclude that there would be some harm to the setting of the listed building and its significance but this would be very much less than substantial. This harm should also be weighed against the public benefits of the proposal.
 30. In relation to the gate piers, while the site, and thus the proposed development, could be seen together with the gate piers in views from Hurst Park, due to the separation and the intrinsic nature of the asset set on either side of Graburn Way this would not affect the setting or significance of this non-designated heritage asset and thus its significance would be preserved.
 31. Overall, the proposal would result in substantial harm to the non-designated heritage assets that are the existing buildings on site, and less than substantial

² See PPG Reference ID: 18a-018-20190723

harm to the Conservation Area and its setting and the setting of St Paul's Church. As such the proposal would be contrary to Policies CS7 and CS17 of the Core Strategy 2011 and Policies DM2 and DM12 of the Development Management Plan 2015 which require development to enhance the local character of the area with specific attention to the Conservation Area and to protect the heritage assets.

Benefits including land supply situation

32. It is not in dispute between the Council and the appellants that the existing buildings are no longer suitable for their current use; I agree. There is no level access from the street, and the buildings have a number of levels, with narrow corridors and a number of short staircases making them unsuited for those with mobility issues. Some of the rooms have en-suite facilities, but others do not and are therefore not to expected modern standards. Some of the bedrooms and bathrooms are sub-standard in size. The communal areas are also sub-standard and there are operational difficulties with the kitchens and the distance to some of the rooms.
33. The appellants have provided a report which indicates that refurbishing the buildings to modern standards would not be viable, and that there would still be issues from the nature of the building. It is also possible that the care home would have to close while the refurbishment took place with associated disruption to the residents, moving to another location and then returning. None of this is disputed by the Council and there is no evidence from local residents to the contrary. Rather some local residents support the redevelopment of the site, but object to the form of the replacement.
34. The provision of purpose designed care accommodation to modern standards is a significant public benefit and would ensure the long-term retention of the facilities. While residents would be required to move, by constructing the western care-home element first, this would only need to be undertaken once thereby keeping disruption to a minimum.
35. The Council seeks to show that there is little short- or medium-term need for older-persons accommodation as supply and demand are approximately in balance. This is based on evidence from its 2016 Strategic Housing Market Assessment. The Council goes on to point out that a 2020 Local Housing Market Assessment has identified a reduced overall need due to different population projections, and thus it argues there is lesser overall need.
36. However, Policy CS20 of the Core Strategy indicates that the Council will support the development of specialist accommodation for older people in suitable locations, and the Council has not sought to show that this policy should no longer apply nor has it been withdrawn. Both the care home and the extra-care accommodation would comply with this policy. I acknowledge that by only providing one-bedroom units in the extra-care accommodation this would not meet the policy requirement for at least 50% to be of two-bedrooms. The provision of an additional 60 extra-care apartments on the site would of itself be a public benefit as well as the improvement to the care home facilities. Paragraph 124 of the Framework indicates decisions should support development that makes efficient use of land and I consider that this would be the case. I give the benefit of providing specialist accommodation substantial weight.

37. Further, the extra-care accommodation would provide 50% of the units as affordable housing and this is secured in the Planning Obligation. This is above the 40% required in Policy CS21 of the Core Strategy and therefore should be given significant additional beneficial weight.
38. There are a number of other public benefits of the proposals in addition to those flowing from the type of the development. These include the closing of the existing access at the junction of Church Road and Hurst Road and its replacement further along Hurst Road, which would be a public benefit to highway safety. The proposal would also involve economic and social benefits from the construction and operation of the facilities. I give the construction benefits limited weight as they would only be temporary in nature, but I give the operational benefits significant weight.
39. The Council acknowledges that it cannot demonstrate a five year supply of land for housing, indicating a supply at just less than four years. The appellant does not dispute this figure. This is a significant, clear and demonstrable deficiency in supply. I will consider the implications of this below.

Other matters

40. Local residents have expressed their concerns about the effect of the proposal on the living conditions of those living on Church Road. Nobody is entitled to a private view and I am satisfied that there is sufficient separation between the proposed buildings and the existing dwellings so that the proposal would not give rise to unacceptable levels of overlooking nor would it result in an overbearing effect.
41. Concerns have also been expressed about the amount of parking provided. I can understand that parking may be an issue, particularly during peak usage of Hurst Gardens. However, I note that there are no parking restrictions in Church Road and that parking would be provided on site. Therefore, I am satisfied that there would be sufficient parking not to lead to an unacceptable impact on highway safety, which is the test set out in paragraph 111 of the Framework if development is to be prevented. The Planning Obligation to the County Council makes appropriate provision for the relocation of the nearby bus stop and is necessary, relates to the development and is proportionate; I am therefore able to take this into account and do so.
42. I am satisfied that, subject to conditions, the proposal would make appropriate provision to ensure the retention of appropriate trees and a comprehensive landscaping scheme.
43. It has been suggested that the proposal may result in contravention of the South Western Railway Act 1913 relating to the height of the proposal. However, this legislation does not form part of the planning system and anyone wishing to construct a proposal would need to ensure that they had all necessary consents in this regard.

Planning Balance

44. The proposal would comply with those elements of the development plan relating to supporting accommodation for the older population and would surpass the policy requirement for affordable housing. However, it would be contrary to those parts of the development plan relating to the design of buildings and their effects on the character and appearance of an area and

their effect on heritage assets. Overall, I conclude that the proposal would not comply with the development plan taken as a whole.

45. While the proposal would result in substantial harm to the non-designated heritage assets of the existing buildings, I am satisfied that due to the nature of the existing accommodation and the unsympathetic extensions that its replacement by the proposals would be acceptable as the public benefits would significantly outweigh that harm. I am also able to conclude that the public benefits 'left over' from this balance would also outweigh the less than substantial harm to the Conservation Area and its setting and the setting of St Paul's Church as identified above even giving those harms great weight and special attention. These benefits provide clear and convincing reasons for harm to the significance of all the heritage assets.
46. That being the case, the lack of a five year supply of housing land means that the tilted balance set out in paragraph 11 d) of the Framework applies. This means that the proposal should be granted unless, the application of policies in the Framework to protect assets of particular importance provides a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. For the reasons set out above, the harm to the heritage assets would not represent a clear reason, nor would there be any significant or demonstrable adverse impacts of granting permission.
47. I therefore conclude that while contrary to the terms of the development plan as a whole, there are material considerations that indicate that the appeal should be determined otherwise to its provisions and thus the appeal allowed and planning permission granted.

Conditions

48. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. The numbers given in brackets (X) refer to the condition being imposed, with the order being prescribed by the time when the condition needs to be complied with. A significant number of the suggested conditions were drafted on the basis that the development would be constructed in two phases, the care home and the extra-care accommodation, identified by a plan. However, that plan was not submitted and does not form part of the application, and consequently I have drafted the conditions on the basis of a single phase of development. I have tried to ensure in dealing with the conditions relating to first occupancy that this would not prevent the development being constructed in two phases should that be how the development is to take place.
49. In addition to the standard timescale condition (1), I have imposed a condition specifying the relevant drawings as this provides certainty (2).
50. In order to ensure that development does not have an adverse effect on highway safety and the free-flow of traffic and in the interests of the amenities of those living in the vicinity of the site, I have imposed a condition requiring approval of details of a construction management plan. This includes matters such as operating hours, but a requirement relating to repair of damage to the public highway during construction falls outside planning powers (3). Due to the location of the site in Flood Zones 2 and 3 I have imposed a condition

relating to the surface water drainage of the site in order to minimise the risk of flooding and to ensure safe access (4). I have also imposed conditions relating to tree protection (5, 6, 7) to ensure the retention, health and longevity of trees on site. In order to ensure that any archaeology is recorded a scheme for this is required (8). All these conditions are required to be pre-commencement conditions in order to ensure that the relevant matters are dealt with either before or throughout the construction period. These have been agreed by the appellants.

51. Reports relating to flood risk mitigation and ecology, including bats, were submitted with the application. These reports included various mitigation measures to be implemented if permission were granted. Conditions are required to ensure that these mitigations take place to mitigate flood risk and adverse effects on bats respectively (9, 10). Where reference is made to climate change, I have ensured that all conditions relate to a 40% exceedance as this represents current best practice.
52. In order to ensure that the materials, landscaping and lighting are in keeping with the character and appearance of the Conservation Area I have imposed conditions requiring relevant details to be submitted and approved (11, 12, 13).
53. In order to protect the living conditions of neighbouring residents and future occupiers in relation to noise and smells, I have imposed conditions requiring details of noise mitigation from fixed plant, kitchen extract systems and internal construction be submitted and approved (14, 15, 16), and the provision of refuse and recycling storage areas shown on the relevant plan (17).
54. To protect the living conditions of the occupiers of adjoining properties, I have imposed conditions relating to obscure glazing in identified locations (18). However, I consider such conditions are unnecessary in respect of balcony screens due to the distances involved.
55. I have imposed a condition requiring a verification report relating to the surface water scheme to be submitted so that the local lead flood authority has the necessary information to ensure the surface water scheme is properly maintained (19) to minimise flood risk in the future.
56. In the interests of highway safety, I have imposed conditions relating to the provision of the new access to Hurst Road and the closing of the existing access immediately thereafter (20) and the delivery of the parking and turning arrangements (21). To facilitate use of non-car modes and electric vehicles, I have imposed conditions requiring the delivery of cycle parking and electric vehicle charging points (22, 23). In similar vein, I have imposed a condition relating to a Travel Plan in the interests of sustainability (24), although reviewing this upon every new occupation would not be practical. I have therefore reworded this condition to requiring an on-going obligation to follow it.
57. In light of the Planning Obligation relating to the bus stop I see no need for a condition relating to this matter.
58. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

59. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

AA6351-2000 Rev -	Existing Site Location Plan
AA6351-2001 Rev D	Site Plan
AA6351-2002 Rev D	Ground Floor GA Plan
AA6351-2003 Rev B	First Floor GA Plan
AA6351-2004 Rev A	Second Floor GA Plan
AA6351-2005 rev C	Third Floor GA Plan
AA6351-2006 rev C	Roof Plan
AA6351-2007 rev B	Coloured Elevations – North and South
AA6351-2008 rev D	Coloured Elevations – East and West
AA6351-2009 rev C	Elevations – North and South
AA6351-2010 rev E	Elevations – East and West
AA6351-2011 rev C	Site Sections
AA6351-2012 rev C	Shephard’s Trust Site Sections
AA6351-2016 Rev C	Proposed Block Plan
AA6351-2017 rev B	Building Elevations behind boundary
AA6351-2018 Rev B	Proposed Outbuildings
31075/AC/004 Rev F	Proposed site access arrangement - ‘New’ main access
31075/AC/005 Rev F	Proposed site access arrangement - Existing secondary access

- 3) 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 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;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction; and
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design must satisfy the Sustainable Drainage Systems (SuDS) Hierarchy. The required drainage details shall include:
 - i) evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+ 40% allowance for climate change (CC)) storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum staged discharge rate of 0.6 l/s for the 1 in 1 year rainfall event and 2.2 l/s for the 1 in 100 year (+ CC) rainfall event;
 - ii) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.);
 - iii) a plan showing exceedance flows (for example, during rainfall greater than design events or during blockage) and how property on and off site will be protected;
 - iv) details of drainage management responsibilities and maintenance regimes for the drainage system; and
 - v) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the site will be managed before the drainage system is operational.
- 5) No development including groundworks and demolition shall take place and no other equipment, machinery or materials brought onto site until the approved tree protection measures have been installed in accordance with the approved tree protection plan(s) ACS (Trees) Consulting Royal Cambridge House Hurst Road East Molesey Tree Protection Plan Drawing No. TPP19_RCH Rev D June 2019. The tree protection measures shall be maintained for the course of the development and development shall thereafter be implemented in strict accordance with the approved details and method statements contained in ACS (Trees) Consulting Arboricultural Report Planning and Development Arboricultural Appraisal and Implications Assessment reference ha/aiams4/19/RCH.
- 6) No development including groundworks and demolition shall take place until all supporting arboricultural information has been submitted to and approved in writing by the local planning authority. This shall include details of:
 - i) the location and installation of services/utilities/drainage, including services to automated gates;
 - ii) the methods of demolition within root protection areas of retained trees;
 - iii) the construction and installations including methodologies within a root protection area or that may impact on retained trees;
 - iv) the full specification for the construction of any roads, parking areas, driveways, hard surfacing, including details of no dig specification and extent of the areas to be constructed using no dig surfacing;
 - v) the detailed levels and cross sections to show that the raised levels of surfacing, where the installation on no dig surfacing within root protection area is proposed, demonstrating that they can be accommodated; and

- vi) all arboricultural site monitoring and supervision required for the duration of the development.

The development thereafter shall be implemented in strict accordance with the approved details.

- 7) All existing trees, hedges or hedgerows shall be retained, unless shown as being removed on the approved drawings including any plans approved pursuant to conditions hereby imposed. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the first occupation of the proposed development.
 - i) No retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars;
 - ii) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season.
- 8) No development with the exception of demolition shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

Following approval of the written scheme of investigation the results of any subsequent field work and assessment report required shall be submitted to and approved in writing by the local planning authority.

- 9) The development shall be carried out in accordance with the submitted flood risk assessment (Flood Risk Assessment and Drainage Strategy (no. FRA002, project no. 70044416, rev. 4), compiled by WSP (dated August 2019)) and the following mitigation measures it details:
 - i) finished floor levels shall be set no lower than 9.39 metres above Ordnance Datum (mAOD);
 - ii) level for level flood compensation will be provided up to the 1 in 100 year flood level, plus 40% climate change extent (8.92 mAOD);
 - iii) there will be no land raising in new landscaped or car parking areas within the 1 in 100 year flood level, plus 40% climate change extent;
 - iv) soffit levels for the proposed void openings will be set at a minimum height of 8.99 mAOD;
 - v) voids openings will be designed so they are at least 1 metre wide and set every 5 metres.

These mitigation measures shall be fully implemented prior to occupation and subsequently provided in accordance with the scheme's timing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 10) The development shall be carried out in accordance with the conclusions and recommendations in Section 7 of the Preliminary Ecological Appraisal (ref RT-MME-128886-01) and Sections 6 and 7 of the Bat Surveys and Mitigation Strategy (ref RT-MME-128886-02).

- 11) No development above existing ground level shall take place until samples of the materials to be used on the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) No development above slab level shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. This scheme shall include provision of all hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out.

All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to any development above slab level. All hard landscaping shall be completed prior to the occupation of the development. All soft landscaping, that is planting, seeding or turfing, shall be carried out in the first planting and seeding seasons following the occupation of the building.

Any trees or plants, which within a period of five years of the first occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species.
- 13) No development above slab level shall take place until an external lighting scheme for the development has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented before any of the external lighting is brought into use and thereafter the lighting shall be operated in accordance with the approved scheme and maintained as operational. The scheme shall include the following:
 - i) details of pillar and pole lighting; and
 - ii) the proposed hours of operation of the luminaires.
- 14) No development above slab level shall take place until a detailed scheme for the control of noise from any plant and equipment (including ventilation, refrigeration, air conditioning and air handling units) to be used including a timetable for implementation has been submitted to and approved in writing by the local planning authority. This shall then be installed in accordance with the approved scheme and shall be retained and operated in compliance with the approved scheme.
- 15) No development above slab level shall take place until a detailed scheme setting out how and when the commercial kitchen extraction systems are to be constructed so as to control odours has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented in accordance with the approved details and shall thereafter be retained in compliance with the approved details.
- 16) No construction above slab level shall take place until details of sound insulation measures within the building has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented.
- 17) Prior to the first occupation, details of the refuse storage area shown on drawing ref AA6351 2001 Rev D must be submitted along with a timetable for its implementation. The approved details shall be constructed and thereafter retained.

- 18) Prior to the first occupation of the extra-care accommodation, the south-facing windows at the southern-most ends of the extra-care accommodation hereby permitted must be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it is to serve. The windows shall be permanently retained in that condition.
- 19) Prior to the first occupation of the development, a verification report relating to the surface water drainage system shall be submitted to and approved by the local planning authority. This must demonstrate that the drainage system has been constructed in accordance with the agreed scheme, provide the details of management arrangements and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls). Where the development is constructed in phases, such a report may be provided in accordance with those phases.
- 20) Prior to the first occupation of the extra care development, the new accesses to Hurst Road must have been constructed and provided with visibility splays in accordance with the approved plans. Thereafter the visibility splays shall be kept permanently clear of any obstruction over 1.05 m high. Following the opening of the new accesses the existing access from the site to the Hurst Road/Church Road junction shall be permanently closed in accordance with a scheme submitted to and approved in writing by the local planning authority.
- 21) Prior to the first occupation of the development, space must be laid out within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes only.
- 22) Prior to the first occupation of the development, secure and lit cycle parking spaces must be provided in accordance with a scheme submitted to and approved in writing by the local planning authority. Thereafter the approved facilities shall be retained and maintained.
- 23) Prior to the first occupation of the development at least two of the available parking spaces must be provided with a fast charge Electric Vehicle socket, and a further 20% of the available parking spaces must be provided with the power supply to provide additional fast charge sockets in future, in accordance with details submitted to and approved in writing by the local planning authority. Thereafter the said approved facilities shall be retained and maintained.
- 24) The submitted Travel Plan Statement (by TPP dated June 2019 ref 30175/D003c) shall be implemented upon first occupation and thereafter maintained.

END OF SCHEDULE