



Appeal Decision

Site visit made on 14 May 2019

by C Beeby BA (Hons)

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

Appeal Ref: APP/H3510/W/18/3218993

Kininvie, Fordham Road, Newmarket CB8 7AQ

- 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 Churchgate Newmarket Limited against the decision of Forest Heath District Council.
 - The application Ref DC/17/2676/FUL, dated 20 December 2017, was refused by notice dated 29 June 2018.
 - The development proposed is demolition of existing house including associated swimming pool, outbuildings and hard-standing. Construction of 63 bed care home for the elderly including car park, bicycle, refuse and garden stores. Alterations to vehicular and pedestrian access from Fordham Road.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house including associated swimming pool, outbuildings and hard-standing, construction of 63 bed care home for the elderly including car park, bicycle, refuse and garden stores and alterations to vehicular and pedestrian access from Fordham Road at Kininvie, Fordham Road, Newmarket CB8 7AQ, in accordance with the terms of the application, Ref DC/17/2676/FUL dated 20 December 2017, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

Preliminary Matters

2. On 1 April 2019 Forest Heath District Council merged with St Edmundsbury Borough Council to become a unitary authority, West Suffolk Council. The development plans for the merged local planning authorities remain in place for the area within the West Suffolk authority which they relate to, until such time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now-dissolved borough council.
3. The appeal makes reference to emerging review and development plan policies. These have not yet been formally adopted by the Council. Therefore in accordance with paragraph 48 of the National Planning Policy Framework ("the Framework"), whilst I have had regard to the emerging policies I have not attached full weight to them in my consideration of this appeal.
4. The drawing number of the submitted tree protection plan differs from that cited on the Council's decision notice. Accordingly, I have used the one given on the tree protection plan.

5. A different planning permission¹ at the site was granted following the Council's decision on this appeal scheme. That extant permission allows for the construction of a 60-bed care home, subject to the completion of a Section 106 agreement.

Main Issues

6. The main issues are:

- The effect of the proposed development on the character and appearance of the area; and
- The effect of the proposed development on the living conditions of the occupiers of dwellings adjacent to the site with regard to privacy and sunlight.

Reasons

Character and appearance

7. The appeal site contains a large bungalow and associated garage, both of which are subject to some dilapidation. The site is somewhat overgrown and has well treed boundaries. Views of the property from Fordham Road are limited to glimpses through its gateway access due to the presence of dense undergrowth and trees along its front boundary.
8. Fordham Road is a main route into the town centre, which is tree-lined in the area of the appeal site. Development in the vicinity of the appeal site includes a number of substantial detached buildings. An extensive stables building and complex and a large apartment block lie in the immediate vicinity of the site. Such buildings generally lie within large, well treed plots, giving rise to a pattern of large-scale development which maintains the spacious and verdant appearance of the tree-lined avenue.
9. The dimensions of the permitted building at the appeal site are similar to those of the current proposal and the two schemes have identical proposed uses. There is nothing before me to suggest that the extant permission is unlikely to be implemented and consequently there is a reasonable likelihood that the previously allowed development might take place. As there are notable similarities between the two schemes, I accordingly attach significant weight to the permitted scheme as a fallback position in determining this appeal.
10. Whilst the scale of the proposed care home would be substantial, the area's pattern of development is such that the proposal would not appear incongruous in its context. The building would be reasonably well set back from the road, with car parking spaces at the front of the site. The distance between the building and the road would be greater than that allowed for by the permitted scheme. Motorists on the near side of the road would be able to glimpse the north west elevation of the building through trees. This side of the proposal is very similar in appearance to that which has been permitted. It would not disrupt the approximate building line set by surrounding development. Undue prominence in the street scene would therefore be avoided as a result of these factors. Furthermore, the proposed building would be no more visually prominent than that which has already been permitted.

¹ DC/18/1912/FUL

11. The level of proposed landscaping along the front boundary would mitigate and soften the effect of the building in views from outside the site. The retention of a significant proportion of the site's boundary trees and hedgerow would additionally mitigate the visual impact of the building's depth and height in longer-range views of the development. Whilst some of the border trees are deciduous and the screening effect would consequently be reduced in the winter months due to leaf loss, a significant proportion of the planting is evergreen, which would provide year-round screening. The good level of roadside planting in the area would additionally allow for further screening from a distance.
12. I conclude that the proposal would have an acceptable effect on the character and appearance of the area. It therefore complies with Policy CS5 of the Forest Heath Core Strategy (2010) ("the CS"), which states that all new development should be designed to a high quality, and that it should have regard to local distinctiveness. It additionally complies with Policies DM2 and DM22 of the Joint Development Management Policies Document (2015) ("the JDMPD"), which set out that development should address the character of an area. Further compliance exists with Policies H2 and ENV4 of the CS, which reinforce the need for high quality design. Compliance also exists with the design aims of the Framework.

Living conditions

13. "Aldene" is a dwelling and garden which lies adjacent to the appeal site. Dense shrub and tree planting lies along the boundary between the two. The closest part of the care home building to the dwelling would be the side elevation of its front section. This would mainly consist of blank wall, with two obscure glazed windows in the first and second floors respectively. These would serve a bathroom and corridor, in each case.
14. The care home building would then recede to form a central, narrower, rear wing. As a result, the first and second floor lounge and day room windows therein would be set back at a significantly further distance from Aldene than those within the building's front section. A garage lies between Aldene and its boundary with the site, which provides additional separation between the dwelling and the proposed building.
15. The set back section would then have 7 first and 7 second floor bedroom windows in the side elevation facing the dwelling and garden. Four of the first floor bedroom windows would be angled to face away from Aldene's garden, so that any overlooking would only be possible at an oblique angle. Planting is proposed along a walled terrace outside the second floor bedroom windows. The terrace would not be accessible from bedrooms but would provide a level of screening from overlooking to the occupiers of Aldene.
16. The scheme proposes the retention, subject to further inspection, of much of the boundary landscaping, which would provide a reasonable level of screening between Aldene and the care home. The combination of deciduous and evergreen species at the boundary would offer acceptable year-round screening. Furthermore, a condition requiring a landscape management plan would enable the Council to approve details of the boundary planting and thus to ensure the safeguarding of the privacy of neighbouring occupiers.

17. Elements of the proposal which are identified above, therefore, combine to reduce any overlooking of the occupiers of Aldene by occupiers of the care home to a limited and acceptable level. These are the distance between the side elevations of the rear section of the care home and Aldene, the intervening planting, design elements which are intended to reduce overlooking from the first and second floors of the new building, and the potential to control the design of landscaping by condition. Accordingly, I conclude that the proposal has an acceptable effect on the living conditions of the occupiers of Aldene with regard to privacy.
18. Albion Lodge is a dwelling and garden which lies adjacent to the appeal site, on the opposite side to Aldene. Dense shrub and tree planting lies along the common boundary.
19. The closest part of the care home building to the dwelling would be the side elevation of its front section. This would contain two small obscure glazed windows to both the first and second floor, which would serve a landing and bathroom in each case. The obscure glazing would prevent any direct overlooking of occupiers of the dwelling by occupiers of the care home at this point.
20. First and second floor windows within the care home's central section would serve a dining room and a day room. This section of the building would lie further back from the common boundary than the front, and the additional distance and intervening retained landscaping would limit any overlooking of those using the garden to Albion Lodge to an acceptable level.
21. No second floor windows would exist along the remainder of the rear side elevation of the care home, except one office skylight. Seven bedroom windows would lie at first floor level, however these would all be well set back from the boundary with Albion Lodge. Trees and shrubs along the boundary are typically dense and mature, and have a significant height. Much of this landscaping would be retained, providing screening between the bedroom windows and the garden to Albion Lodge. Furthermore, conditions could require the agreement of a scheme of landscaping sufficient to protect the privacy of the occupiers of Albion Lodge.
22. In view of the above factors, I consider that the proposal would have an acceptable effect on the living conditions of the occupiers of Albion Lodge with regard to privacy. I also note that the fenestration of the relevant elevation of the proposed building differs from that which has already been permitted only by the addition of a second floor skylight and a small day room window. Any additional overlooking as a result of the appeal scheme would consequently be so limited as to be negligible.
23. The Council considers that the care home would cause unacceptable overshadowing to occupiers of Albion Lodge during afternoon and evening periods. The appellant has provided a daylight and shadow study which indicates that the dwelling and its garden would be generally unaffected by additional shadows cast by the care home from midday and for the remainder of the afternoon and evening on 21 March and 21 September. The dwelling and garden are generally unaffected by any additional shadowing between 0800 and 1700 on 21 June. Significant shadowing of the dwelling's garden occurs for the duration of the afternoon on 21 December. However, it is likely that the height and density of mature boundary planting already contributes to

- a similar level of shadowing of this area at this time. Furthermore, shadowing from the proposed care home would be so similar to that which would be caused by the permitted scheme as to result in a very limited difference. Accordingly, I consider that the proposal would have an acceptable effect on the living conditions of the occupiers of Albion Lodge with regard to sunlight.
24. No 8 Meynell Gardens ("No 8") lies adjacent to the appeal site. First floor windows to 2 of the care home bedrooms would face this dwelling and its garden. Windows to 2 bedrooms would lie further along the building, and any views from these would only be possible at an oblique angle and at a greater distance than the first two windows. The facing side elevation to No 8 contains no first floor windows, and boundary treatments, landscaping and the intervening distance would limit the potential for overlooking of any ground floor wall openings and the garden to an acceptable level. I conclude that these factors would prevent any significant harmful effect on the living conditions of the occupants of No 8 with regard to privacy. It follows that it is unnecessary for me to consider whether obscure glazing to the relevant care home windows should be used.
25. The garden to No 5 Meynell Gardens ("No 5") contains a number of mature trees where it borders the appeal site, and dense mature hedgerow and trees lies along the boundary between the two. Any views into this property and garden which would be available from first and second floor bedrooms to the care home would be limited by their oblique angle and the intervening distance and planting. Accordingly, the proposal would have no significant harmful effect on the living conditions of the occupants of No 5 with regard to privacy.
26. The appeal proposal would have an acceptable effect on the living conditions of the occupiers of dwellings adjacent to the site with regard to privacy and sunlight. Accordingly, it complies with Policy DM2 of the JDMPD, which requires that all development proposals should not adversely affect the amenities of adjacent areas by reason of overlooking and overshadowing. Additional compliance exists with Policy DM22 of the JDMPD, which requires new dwellings to provide adequate light and privacy. Further compliance exists with Policy H2 of the CS, which requires new development to have regard to local context. The proposal additionally complies with the design aims of the Framework.

Other Matters

27. Ecological surveys at the site have identified that the garage supports the minor day roost of a single brown long-eared bat. The surveys conclude that the garage is likely to be used on an occasional basis by very low numbers of bats. Horseshoe and typical bats are European Protected Species ("EPS") under Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
28. The survey results suggest that there is a reasonable likelihood that an EPS is present at the site. As the proposal requires the demolition of a garage used as a roost, the appeal proposal has an effect on an EPS. Accordingly, I have a duty under Regulation 9(3) of the Habitats Regulations to have regard to the requirements of the Habitats Directive 92/43/EEC in reaching my decision.
29. The demolition of the garage is an action which is likely to infringe Article 12 of the Habitats Directive, as it would destroy the breeding site or resting place of

- a wild animal of an EPS. Accordingly, a mitigation licence must have been granted in order for development to proceed.
30. Having regard to the 3 tests used to establish whether such a licence may be issued, the evidence before me does not suggest any reason in principle why a licence would not be granted. Furthermore, the garage supports the roost of a single bat, and the effect of the proposal on the EPS would consequently be limited. As a result of these factors, I am satisfied that any harm caused by the development to the habitat of the EPS can be adequately mitigated by the use of the licence and a condition to require the submission of an Ecological Protection and Enhancement Strategy to the Council.
 31. The boundary of the Newmarket Conservation Area ("the CA") lies across the road from the appeal site. As a result, the site lies in close proximity to the CA, but not within it. Nevertheless, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
 32. The significance of the CA derives in part from the ubiquity of establishments related to the horse racing industry in the area, including training yards, stables and stud farms, often within spacious and well treed grounds. The substantial stables building and complex almost opposite the appeal site provide such an example.
 33. Whilst the care home building would be substantial in scale, it would be well set back from its highway frontage, which would reduce the prominence of the building in public views from within the CA. Its scale and appearance would be in keeping with the surrounding pattern of larger buildings within well-sized plots, which is echoed at equine industry complexes within the wider townscape. There is sufficient modern development in the vicinity that its modern appearance would not be incongruous. Furthermore, the level of boundary planting at the site and the roadside planting in the area would limit public views when approaching the building to glimpses of sections of it through landscaping. Frontage planting would soften the effect of the building when viewed from the road outside. Accordingly, I conclude that the proposal would reflect the relevant defining characteristics of the CA, and that its effect on its significance would be one of preservation as a result. The Council considers the assessment to have a neutral impact on the significance of the CA, and its view consequently supports my own on this matter.
 34. The appeal proposal is accompanied by a Section 106 planning obligation, in a form acceptable to the Council. It seeks to mitigate the effect of the proposal upon the delivery of health services at catchment GP surgeries by the payment of a contribution to accord with Policy CS13 of the CS.
 35. The proposal is for "chargeable development" and therefore Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) ("the Regulations") is engaged. This states that the obligation cannot be a reason for granting permission when Community Infrastructure Levy ("CIL") and planning obligations would overlap, or when pooled Section 106 contributions would be capable of being funded by CIL.
 36. The Council has not published a CIL charging schedule, and therefore the development would not be double charged for the same relevant infrastructure. As a CIL charging schedule is not in place, pooled S106 contributions would not

- be capable of being funded by CIL and therefore the pooling restrictions do not apply to the development.
37. As the planning obligation can therefore be lawfully taken into account, I am required to consider whether it meets the 3 tests² set out in the Regulations.
38. In generating approximately 63 residents who generally require an increased level of NHS support, the proposal would increase demand on existing services. Whilst some residents of the development may already use healthcare services at catchment GP surgeries prior to transfer to the care home, with no resulting effect on the demands on the services involved, there is no evidence to suggest the likely number of people this may entail. Furthermore, the appellant does not submit that any reduced number of residents should be used in the assessment of the proposal's impact on healthcare services. As a result, I consider that the maximum residency figure should be used. I note that the assessment of the NHS supports my own on this matter.
39. Data is provided which indicates that primary healthcare services in the vicinity of the appeal site currently have a deficit in spare capacity of net internal area. Without a contribution, the development would consequently exacerbate this deficit, with a resulting harmful effect on the provision of local healthcare facilities. As a result, I am satisfied that the effect of the development on primary healthcare provision in the area requires mitigation in order to make the development acceptable in planning terms.
40. The contribution would be spent on improvements to capacity at local healthcare facilities, which would be likely to entail a contribution to the relocation of Oakfield surgery. The resulting additional capacity would contribute to meeting the additional healthcare demands which would result from the proposed development. I am consequently satisfied that the planning obligation is directly related to the development.
41. The size of the contribution has been established by a calculation of the additional floor space needed to meet a growth in patient numbers of 63. The standard square metre cost multiplier for primary healthcare in the East Anglia Region has been used to produce the figure needed for the total contribution. This represents a proportion of the funding required for the provision of capacity to absorb the patient growth generated by the development. I therefore consider that the contribution is fairly and reasonably related in scale and kind to the development.
42. Accordingly, I am satisfied that the submitted planning obligation makes adequate provision for services to meet the additional needs arising from the development in accordance with Policy CS13 of the CS.
43. Concern is raised by a number of interested parties regarding the potential for the development to increase external illumination during the hours of darkness. Whilst I acknowledge the value of the lack of illumination currently experienced at night by adjacent residents, as a residential facility I consider that external lighting at night at the care home would be necessarily restricted. I note that planned external lighting around the sides and rear of the building is limited, comprising downward-facing motion sensor floodlights over the goods entrance and cycle store to one side towards the front of the building, and downward-

² At Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

facing emergency lights to illuminate the path outside fire escapes. Other lighting to these sides of the building is not considered appropriate in the interests of providing adequate sleeping conditions for residents and adjoining occupiers. Furthermore, acceptable arrangements in this respect can be secured by the use of a condition to require the approval of an external lighting strategy by the Council. I am therefore satisfied that levels of external illumination at the site during the hours of darkness would be acceptable.

44. The potential for odours from the site to affect local living conditions is additionally raised. I acknowledge the proximity of the bin store to the garden of Albion Lodge and the potential for cooking odours to arise from kitchens of the necessary scale, and as such I consider that conditions in order to adequately control such matters are necessary.
45. I acknowledge concerns regarding noise, the effect of the proposal on boundary tree roots, overlooking of other nearby properties, highway safety, danger to horses and the demands on the drainage and sewerage systems. However, there is no evidence before me that the proposal would have an unacceptable effect on such matters. Furthermore, I consider that these matters can be adequately addressed by conditions. Accordingly, I do not consider that the proposal would cause unacceptable harm in these regards.

Planning Balance

46. There would be some economic uplift during construction through short-term employment and the purchase of building materials. Socially, the development would add to the supply of housing in a location with access to services and facilities. That would be in accordance with the Government's objective of significantly boosting the supply of homes. As set out above the proposal would not harm the area's character and appearance or the living conditions of adjacent occupiers, and I have not found environmental harm to result from any other aspect of the proposal. As a result, the environmental aspect of sustainable development would be achieved.
47. Thus, any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. Therefore the proposal would be a sustainable form of development when considered against the Framework taken as a whole.

Conditions

48. In addition to the standard condition which limits the lifespan of the planning permission I have imposed a condition specifying the relevant drawings as this provides certainty.
49. Conditions 3, 11 and 12 are imposed in order to protect the living conditions of residents of the area, and Conditions 3 and 11 are additionally imposed in view of the sensitivity to noise of equines at establishments in the vicinity. It is necessary for Condition 3 to be a pre-commencement condition in order to provide protection over the full course of development.
50. Conditions 4, 10 and 22 are imposed in the interests of highway safety. Condition 4 is a pre-commencement condition to ensure that the proposed means of access is available over the full course of development.

51. I have imposed Condition 5 in order to ensure that the site is adequately drained. It is necessary for this to be a pre-commencement condition in order to provide suitable arrangements for drainage over the full course of development.
52. I have imposed Condition 6 in order to provide protection to trees and other vegetation at the site over the course of development, in view of the importance of such elements in providing screening of the building. It is necessary for this to be a pre-commencement condition in order to provide full protection to retained trees.
53. Condition 7 is imposed in order to ensure the protection of the protected species over the course of development. This is a pre-commencement condition in order to provide appropriate protection over the full course of development.
54. Condition 8 is imposed to ensure an acceptable design of building and, thus, to protect the character and appearance of the area.
55. I have imposed Condition 9 as it is necessary to meet the Council's policies relating to resource and energy consumption and the impacts of climate change.
56. Condition 13 is imposed in view of recommendations which are made in the Ecological Appraisals which accompany the proposal. These recommend the measures which are included in the condition, and there is no evidence to suggest that these are unreasonable.
57. Conditions 14 and 16 are imposed in order to ensure the success of the landscaping scheme, given the importance of screening to the development.
58. I have imposed Condition 15 due to the potential vulnerability of residents of the development, in view of recommendations by the Suffolk Constabulary.
59. Condition 17 is imposed in order to protect the living conditions of the occupiers of adjacent dwellings to the development, and to mitigate the potential effects of external lighting on bats, which are likely to use the site.
60. I have imposed Condition 18 in order to protect the living conditions of occupiers of the development and those of adjacent properties.
61. I have imposed Conditions 19, 20, 21 and 25 in order to protect the living conditions of the occupiers of adjacent dwellings to the development.
62. I have imposed Condition 23 in to order to promote the use of electric vehicles by visitors to the site in order to minimise emissions and enhance local air quality, having regard to support within local authority standards for such matters.
63. Condition 24 is imposed in order to promote sustainable transport measures, having regard to support for such initiatives within the Council's policies.
64. I have not imposed conditions requested by the Council which would have required archaeological investigation at the site and post investigation assessment, as the evidence does not suggest that these conditions are necessary.

65. I have not imposed a condition requiring the replacement of a highway tree, which was requested by the Council. The lime tree in question is of a C1 grading category (i.e. a low quality specimen), with an estimated remaining contribution of up to 10 years. Its contribution to the street scene is not so significant that the condition is necessary, especially given the level of surrounding planting bordering the highway and the close proximity of a better quality lime tree with an estimated remaining contribution of up to 20 years. The requested condition therefore does not meet the test of necessity, as the development would not be unacceptable without it.
66. I have not imposed a condition requiring surface water drainage within private properties to be accessible, as the development does not include any separate private properties from the care home and I consider that such arrangements are adequately provided for by other conditions. As a result, I do not consider that this condition is necessary.
67. I have not imposed a condition requested by the Council which would have removed certain permitted development rights associated with the proposed building. I am mindful of advice in the Planning Practice Guidance and I consider that the evidence does not demonstrate why removing such rights is necessary, and why these circumstances may be exceptional in that regard.
68. I have not imposed a condition requested by the Council requiring the provision of a protected species licence or confirmation that this was not necessary, as this matter is adequately provided for by Condition 7, which requires the provision of an Ecological Protection and Enhancement Strategy. The suggested condition is therefore unnecessary.

Conclusion

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

C Beeby

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: CS1703 01 Rev P9 of 5 July 2017, CS1703 02 Rev P4 of 21 July 2017, CS1703 03 of 21 July 2017, CS1703 04 Rev P3 of 21 July 2017, CS1703 05 Rev P3 of 23 July 2017, CS1703 06 of 7 August 2017, CS1703 07 Rev P4 of 7 August 2017, CS1703 11 of 18 December 2017, CS1703 12 of 9 January 2018, CS1703 13 of 12 January 2018, CS1703 14 of 20 December 2017, CS1703 15 of 20 December 2017 and 9940-KC-XX-YTREE-TPP01REV0 of January 2018.
 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:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - any temporary offices, plant and machinery;
 - the erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for minimising and recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition and construction working hours;
 - a method statement to minimise the risks posed by demolition and construction activities to nearby equine yards (with particular regard to activities that could generate loud noise);
 - a construction Surface Water Management Plan setting out how surface water and storm water will be managed during construction (including method statement/s, scaled and dimensioned plans and drawings to include i) temporary drainage systems, ii) measures for managing pollution/water quality and protecting controlled waters and watercourses, and iii) measures for managing any on or off site flood risk associated with construction).
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
4. Development shall not commence until details of the means of access for vehicles (including the position of any gates to be erected and visibility splays to be provided) shall have been submitted to and approved in writing by the local planning authority. The approved access shall then be

constructed in accordance with the approved details prior to first occupation of the building. The access shall be retained in its approved form thereafter.

5. Development shall not commence until drainage works for surface water, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained in its approved form thereafter. The applicant shall submit a detailed design based on the Flood Risk Assessment and Sustainable Drainage Strategy by MTC Engineering (drawing reference 2052-FRA & DS) and will demonstrate that surface water run-off generated up to and including the critical 100 year+climate change storm will not exceed the existing run-off from the site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details of the drainage scheme shall include:
 - details of further infiltration testing on site in accordance with BRE 365 to verify its permeability (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing;
 - infiltration devices shall be no more than 2 metres deep and shall have at least 1.2 metres of unsaturated ground between the base of the device and the groundwater table;
 - dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices and the conveyance network. A statement on the amount of impermeable area served by each soakaway should also be illustrated on the plans and should be cross referenceable with associated soakaway calculations;
 - full modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100 year+climate change event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design;
 - infiltration devices shall have a half drain time of less than 24 hours;
 - modelling of conveyance networks showing no above ground flooding in a 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall+climate change;
 - infiltration devices shall only be used where they do not pose a threat to groundwater. Only clean water shall be disposed of by infiltration devices due to the site being inside a Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted with the drainage scheme – SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer;

- topographic plans depicting safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths shall include demonstration that the risks to people and property are kept to a minimum.
6. The development shall be carried out in accordance with i) the Arboricultural Impact Assessment (prepared by Ian Keen Ltd, document reference JTK/9940/so) submitted with the planning application and ii) drawing number 9940-KC-XX-YTREE-TPP01 Rev 0 (dated January 2018 and prepared by Ian Keen Ltd). The protective fencing illustrated on the drawing shall be fully implemented, in the positions shown on the approved drawing, prior to any other operations being carried out on site (including any works of demolition).
 7. No development shall take place until a written Ecological Protection and Enhancement Strategy has been submitted to and approved in writing by the local planning authority. The written strategy shall demonstrate either a) compliance with and implementation of all recommendations set out within the Ecological Impact Assessment report ref. PRI21638_EcIA dated 26 June 2018 and prepared by ACD Environmental and forming part of the planning application submission, or b) proposals for a suitable alternative strategy. Thereafter, the approved strategy shall be fully implemented and adhered to in accordance with a timetable and/or trigger points agreed as part of the written strategy.
 8. No development above ground floor slab level shall commence until details/samples of the materials to be used in the construction of the external surfaces of the building 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/samples.
 9. Development above ground level shall not commence until an energy, water and sustainability statement for the development has been submitted to and approved in writing by the local planning authority. The statement shall outline how the development has adhered to broad principles of sustainable design construction and how energy and water efficiency will be optimised through the use of design, layout, orientation, materials, insulation, fixtures and fittings and construction techniques. The development shall thereafter be carried out in accordance with the approved strategy.
 10. No development above ground level shall take place until details have been submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used, and shall be retained thereafter in its approved form.
 11. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan ("DMP") which shall be submitted to the local planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the DMP. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the DMP throughout the period of occupation of the site.

12. No windows/dormer windows other than those expressly authorised by this permission shall be constructed at first floor level or above (including the roof) in the north west (side), south east (side) or north east (rear) elevations of the hereby approved care home.
13. Vegetation clearance and approved tree felling works shall be undertaken outside the main breeding bird period (from March to August, inclusive). Where this is not possible, a suitably qualified ecologist shall be present immediately prior to removal of vegetation to check trees and other vegetation for breeding or nesting birds. Any active nests discovered shall be left with an undisturbed 5-10 metre buffer until nesting ends naturally.
14. All planting, seeding or turfing comprised in the approved details of landscaping (shown on drawing number CS1703 13) shall be carried out in the first planting and seeding seasons following the commencement of the development (or within such extended period as may first be agreed in writing with the local planning authority). 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 otherwise agreed in writing by the local planning authority.
15. The development hereby approved (including the building and external areas of the site) shall be constructed and thereafter operated fully in accordance with the Secured by Design Statement (Churchgate Services) dated 13 November 2018.
16. Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all existing and new planting within 5 metres of the site boundaries and upon the roof terrace of the building, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
17. An external lighting strategy shall be submitted to and approved in writing by the local planning authority before the use hereby permitted takes place and the building is occupied. Development shall be carried out in accordance with the approved details. The strategy shall:
 - include details of all external lighting to be provided at the site;
 - identify those areas/features of the site that are particularly sensitive for bats and where they are likely to be disturbed by lighting;
 - demonstrate how and where all external lighting shall be installed (through the provision of appropriate lighting contour plans and technical specifications), including a demonstration that external lighting will not i) disturb or prevent bats from using their territory or having access to their breeding sites and resting places, ii) adversely

affect the living conditions of the occupiers of nearby dwellings and iii) risk the safety of users of the Fordham Road highway.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed at the site (including external attachments to the building) without prior consent from the local planning authority.

18. The building hereby permitted shall not be occupied until the relevant windows have been fitted with obscured glazing. Details of the type of obscured glazing to be used shall be submitted to and approved in writing by the local planning authority before the window is installed, and once installed the obscured glazing shall be retained thereafter.
19. Details of the location/s and specification of any plant or machinery for i) air conditioning (or mechanical/electrical ventilation), ii) refrigeration or iii) odour control from kitchen equipment shall be submitted to the local planning authority for approval in writing prior to being installed or otherwise provided at the site or at the care home building. Only the approved plant or machinery shall be installed at the site in the locations approved by the local planning authority.
20. The development hereby permitted shall not be occupied until the area for storage of refuse/recycling bins shall have been constructed in accordance with details shown on submitted plan no. CS1703 01 Rev P9. The area shall be retained thereafter and used for no other purpose.
21. A refuse strategy shall be submitted to the local planning authority for approval in writing prior to the first occupation of the care home. The strategy shall include details of the bin types and numbers and arrangements for collections, including the frequency of these. The care home shall only be operated in accordance with the approved refuse strategy thereafter.
22. The building hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. CS1703 01 Rev P9 for 22 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
23. The 2 car parking spaces (Nos 15 and 19) illustrated on drawing number CS1703 01 Rev P9 shall be equipped with electric vehicle charging equipment with an electric supply to the charge point capable of providing a minimum 7kW charge prior to the first operational use of the site. The two electric vehicle charging points shall thereafter be retained and maintained in an operational condition.
24. Details of a completed Travel Information Pack ("TIP") shall be submitted to the local planning authority for approval in writing no less than 3 months prior to first occupation of the building. The TIP shall include up-to-date walking, cycling and bus maps, relevant bus and rail timetable information, car sharing information and sustainable transport discounts (financial

incentives). Each employee of the operational care home shall be provided with a TIP within one month of first occupation of the building.

25. The external roof terrace at second floor level of the building (illustrated on drawing number CS1703 04 Rev P3) shall not be accessed or used for any purposes (other than for maintenance of the building, survey work or emergency exit) by residents of the care home, their guests, care home employees or contractors, visitors or the owners of the site/building. The door from the care home building (day room) to the roof terrace area shall remain locked when access to the area is not required for the limited purposes permitted.