



## Appeal Decision

Hearing held on 11 January 2023

Site visits made on 10 and 11 January 2023

**by S Dean MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 January 2023**

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**Appeal Ref: APP/P1805/W/22/3300106**

**Keyostas Ltd, 277 Birmingham Road, Bromsgrove, B61 0EP**

- 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 Leo Bromsgrove Ltd against the decision of Bromsgrove District Council.
  - The application Ref 21/01657/FUL, dated 8 November 2021, was refused by notice dated 12 April 2022.
  - The development proposed is the "Demolition of Existing Buildings and Erection Of 72-Bedroom Care Home".
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### Decision

1. The appeal is allowed and planning permission is granted for the "Demolition of Existing Buildings and Erection Of 72-Bedroom Care Home at Keyostas Ltd, 277 Birmingham Road, Bromsgrove, B61 0EP in accordance with the terms of the application, Ref 21/01657/FUL, dated 8 November 2021, subject to the conditions in the Schedule attached to this Decision.

### Application for costs

2. An application for costs was made by Leo Bromsgrove Ltd against Bromsgrove District Council. This application is the subject of a separate decision.

### Main Issues

3. The main issues are;
  - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies,
  - the effect of the proposal on the openness of the Green Belt,
  - the effect of the proposal on the historic environment,
  - the need for the development proposed, and
  - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## Reasons

4. A Statement of Common Ground (SOCG) was agreed between the parties and submitted in advance of the hearing. Parties agreed that its contents and their positions as set out within it were up to date.

### *Whether inappropriate development*

5. It is common ground between the parties that the proposal does not fall within the exceptions to development considered inappropriate in the Green Belt. I agree with this position and find that the proposal would be inappropriate development in the Green Belt.
6. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, as set out in Policy BDP4 of the Bromsgrove District Plan 2011-2030, adopted January 2017 (the District Plan) and the National Planning Policy Framework (the Framework).

### *Openness*

7. Policy BDP4 of the District Plan is clear that Green Belt boundaries in the area will be maintained in line with the results of a full review of the Green Belt, needed in order to identify land sufficient to deliver approximately 2300 homes required in the area. The first part of this review has been undertaken, but it appears that later, more detailed site-specific assessments have yet to be carried out. The relevant sections of the 'Green Belt Purposes Part One Assessment August 2019' are before me in evidence, and these assess the Green Belt parcel within which the site lies in terms of its contributions to the purposes of the Green Belt. Parties agreed that this assessment was undertaken at a broad scale, and that beyond their Officer Report, the Council had not undertaken a detailed, site-specific assessment, such as that undertaken by the appellant in their Landscape and Visual Appraisal.
8. Notwithstanding local policy issues, national policy expressed in the Framework is clear that the essential characteristics of Green Belt are their openness and their permanence, and the site is currently within the Green Belt. Courts have held that openness has a spatial aspect as well as a visual one, and it is possible on this site to clearly draw that distinction.
9. The Council has calculated the increase in both volume and footprint of the appeal proposal over the existing structures on the site and the appellant does not dispute those figures. The increase in volume is significant, whereas the increase in footprint is modest. This is an obvious function of the form and massing of the proposal in comparison to the existing development on the site. The Council has no objection to the design or appearance of the proposal.
10. The proposal would increase the northwards extent of built-form on the site, towards the neighbouring property. However, I find that this increase would be relatively minor. I also note that broadly speaking, the proposal would not increase the amount of built form 'down' the site, towards the access, the main road, and the more open land beyond it. The part of the site on which development would take place is, to my mind, broadly similar to that part already developed, further limiting any increased effects on the spatial openness of the Green Belt in this location.

11. Taking all of that together with the overall size of the site and the nature of its boundaries, I give the increased volume of built-form on the site less weight than the increased footprint.
12. Given the size of the site, and the amount of it which would remain undeveloped, and which would retain, or be returned to a largely open appearance following the development, I find the increased footprint of built-form on the site to have only a very limited effect on the openness of the Green Belt. To my mind, the larger built-form footprint although slightly larger than the existing, even combined with the proposed car-parking, has only a very limited increased effect on spatial openness of the Green Belt.
13. In considering the effect of the proposal on the visual openness of the Green Belt, it is important to acknowledge the appearance of the site as existing. Although the centre of the site, around the car parking, original building and additions is relatively open, the rest of the site features a number of large, mature and substantial trees, and the boundaries of the site are well-vegetated, with views into the site from close-by and further away limited as a result. The majority of this boundary screening is to remain, with additional planting proposed in certain areas.
14. The site is elevated somewhat above the main road but owing to the trees and vegetation within the site, views of the buildings within it are still limited. Established, mature vegetation outside the site adds to the screening effect of the planting within it.
15. The Council was particularly concerned about views of the site and proposal from the northeast and southeast. During the hearing, they confirmed that these views had been assessed by the Landscape and Visual Appraisal submitted by the appellant, which included narrative and tabulated assessments of the visual effects.
16. From my site visits, I agree with the conclusions of this Assessment. Whilst the site may be visible, close views, particularly from the directions highlighted by the Council would be filtered through trees and other boundary screening as at present, and longer views from those directions would be further filtered by distance and screening combined.
17. The proposal would be more visible from the new residential development to the southeast of the site than from elsewhere. But, given the context, of a building visible through trees and planting from other buildings, I do not consider that this would be unacceptable or otherwise harmful. I accept that the building would be larger, and as such, more of it may be visible in those filtered views. However, I do not find that to be unacceptable in and of itself. Nor do I find that visibility of the proposal alone would cause harm to the visual element of Green Belt openness. As, given the existing situation, including the visibility of existing buildings and the strong visual containment of the site, coupled with my conclusions on the spatial effects above, I find that any increased visibility would be just that; increased visibility but not increased effect upon or harm to the visual openness of the Green Belt.

18. I note the concerns of the Council around the potential for increased visibility as a result of the repositioning of the bulk of the built-form within the site. However, given the retention of the existing screening, and the proposed additional planting, I am satisfied that increased visibility would not have any unacceptable effect on openness. The proposal would be entirely contained within the existing site and planting.
19. In considering the effect of the proposal on openness, the Council have considered the purposes of the Green Belt set out in the Framework. It is agreed between the parties that the final two purposes are not relevant to this proposal, but the Council still considers that there is conflict with the first three purposes, albeit limited to "*an element of sprawl and merger*" and a "*moderate*" degree of encroachment owing to the contained nature of the site. Despite these specific conclusions, they found that overall the proposal would have a sizeable degree of harm to openness.
20. As noted above, both the Green Belt Purposes Part One Assessment August 2019 and the Landscape and Visual Assessment address themselves to the Green Belt purposes. Having regard to that evidence, and those Green Belt purposes as well as the particular effects of the proposal on the site, I am satisfied that the proposal would not conflict with those purposes. The increase in footprint is modest, allowing the Green Belt to continue to check unrestricted sprawl. Similarly, the fundamental spatial relationship of the built-form within the site to its surroundings remains largely unchanged, with no significant northward expansion, allowing the Green Belt in this location to continue to contribute towards the prevention of coalescence. Finally, given the comparative footprint, location within the established and retained site boundaries, redevelopment of the site does not lead to any greater encroachment into the countryside.
21. To my mind it is clear that the Green Belt parcels assessed by the Council would still be able to fulfil their Green Belt purposes in the way they currently do. Whilst the Green Belt parcel in which the site lies has a moderate to strong role to play in those purposes, the evidence before me on the particular role of the site itself leads me to conclude that the proposal would not alter the ability or effectiveness of the wider parcel to meet those Green Belt purposes. No harm to the purposes of including land in the Green Belt would therefore arise.
22. Taking all of the above together, I therefore find that the proposal would have only a very limited effect on the openness of the Green Belt. It would therefore cause very limited harm to the Green Belt. I do note however that in the Framework substantial weight is given to any harm to the Green Belt.

### *Historic environment*

23. Setting aside the single-storey additions and temporary buildings, which all agree are of little merit, the site currently hosts what is undoubtedly an attractive, pleasant building with some fine remaining internal and external detail. Currently used as a training centre, but previously a school, and originally a vicarage, it was built by a prominent locally-based, but nationally-successful architect.

24. The 2017 Cotswold Archaeology Heritage Assessment, submitted by the appellant, but considered by the Council to be an objective, detailed and thorough assessment, describes the building as a "*well-designed, mature example of a Victorian upper-middle-class villa*". Despite this, and despite the retention of attractive internal and external detailing, that 2017 Assessment concludes that whilst the building is of historic interest insofar as it represents the Church of England's building of vicarages and churches to meet the needs of expanding industrial towns, it does not have the special architectural or historic interest to warrant listing. The Council agrees with this conclusion.
25. There is agreement between the parties that the building is therefore a non-designated heritage asset, and the Council is clear that were its Local Heritage List complete, then the building would meet the criteria for inclusion on it.
26. The 2020 Heritage Assessment, which builds on that 2017 Assessment reaches similar conclusions; that the building is of limited significance, and no more than local interest.
27. Policy BDP20 of the District Plan takes a similar approach to the Framework with regard to non-designated heritage assets, requiring a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
28. As demolition is proposed, it is plain that the proposal would result in the total loss of the heritage asset, and this would obviously affect its significance. The Council notes that as a result, the proposal could not accord with Policy BDP20.3 which requires that development not be to the detriment of any heritage assets. Whilst I acknowledge this, I also note Policy BDP20.6 and BDP20.14 specifically seek to address situations in which there is a loss in whole or in part of a heritage asset, requiring a substantial public benefit and the carrying out of a balanced judgement.
29. The SOCG sets out a number of agreed matters, many of which are benefits against which the loss of the heritage asset must be weighed. These include the provision of a care home of reasonable size, for which there is a significant need in the area and which Policy BDP10 identifies as being required, the reduction in pressure on local healthcare facilities, an improvement to elderly people's lifestyles, a reduction in bed-blocking, immediate and long-term local employment opportunities and the freeing up of homes elsewhere in the area.
30. To my mind, all of these matters are public benefits of substantial weight arising from this proposal, and on the basis of the evidence before me, I am satisfied that their delivery does warrant and outweigh the loss of the non-designated heritage asset.
31. Mindful of the requirements of paragraph 204 of the Framework, a condition has been suggested and agreed between the parties which sets out reasonable steps to ensure that the appeal proposal would take place after the loss of the heritage asset occurred. Conditions around historic building recording and interpretation have also been suggested. Whilst I accept that the Council would prefer to have the building rather than photographs of it, in this case, and on the basis of the evidence before me, I am satisfied that the proposal would deliver substantial public benefits which would outweigh the loss of the building.

32. As such, whilst the proposal would harm the historic environment insofar as the non-designated heritage asset would be lost, this loss has been fully justified and I consider it to be acceptable when balanced against the public benefits of the proposal. The proposal does not therefore conflict with Policy BDP20 of the District Plan taken as a whole, or the content of the Framework around conserving and enhancing the historic environment, particularly set in the context of its wider aim of delivering a sufficient supply of homes.

#### *Other considerations*

33. I have framed my consideration of the 'other considerations' in this case around the five main 'other considerations' set out by the appellant in their submissions. The Council have addressed themselves to these five matters and it was agreed at the hearing that they provide an appropriate framework to consider the relevant 'other considerations'. There was little disagreement that these 'other considerations' exist; the principal matter at issue between the parties was the weight which should be attributed to them and therefore the role they should ultimately play in the Green Belt balance.

#### *Need*

34. In the SOCG, parties agree that there is a "*significant need for additional care provision in Bromsgrove*". This is consistent with Policy BDP10 of the District Plan and its supporting text, which notes that housing for the elderly is one of the greatest housing challenges, that need is rising nationally and particularly quickly in Bromsgrove. The Policy itself specifically encourages the provision of housing for the elderly and seeks to do this through the identification of sites and/or the granting of planning consents in sustainable locations.
35. The Council has not sought to suggest that the appeal site is not a sustainable location in the terms of this policy. The appellant has highlighted that no sites to meet this identified need, or indeed, the requirement of the policy have yet been identified and there is no current timescale for doing so.
36. Although the Council is concerned that the appeal proposal may not necessarily meet local need, I have been presented with compelling evidence which demonstrates local supply as well as the existing and growing local need. This need clearly and seriously outstrips local supply. This is consistent with the picture painted in the supporting text to Policy BDP10 of the District Plan.
37. The appellant has provided two examples of decisions in the local area where Council Members, but not Officers, considered that care home need was an 'other consideration' of significant weight. The appellant has also brought to my attention a more recent appeal decision, albeit in a different Council area where need combined with other 'other considerations' to constitute very special circumstances.



38. At the hearing and in their submissions, the Council has sought to distinguish each of those cases individually from that before me. However, whilst I accept and note those differences, the importance of care home need is a constant and important thread which runs through them all. In particular, I note that the two decisions in Bromsgrove are several years apart. To my mind, these decisions demonstrate that in making decisions the Council understands the importance of meeting care home need, and the passage of time between those decisions highlights the ongoing, unmet need for such development in the area. This reinforces the case of the appellant that care home need exists, is increasing and is not being met.
39. As a result of the above, I find that the established, accepted need for the development proposed, and the lack of any other apparent action to meet it in line with the requirements of Policy BDP10 is an 'other consideration' of significant weight in favour of the proposal. This conclusion is consistent with the decisions in evidence before me.

*Impact on housing supply*

40. Again, there is agreement in the SOCG, consistent with the supporting text to Policy BDP10 of the District Plan that the appeal proposal would free up market housing elsewhere in the district. That supporting text goes further, noting that "*a housing policy for an aging society is therefore a good housing policy for everyone*".
41. I accept, as the Council argues, that a care home of the type proposed here would not free up as much market-housing as a development of retirement flats (with or without care provided), which often release housing on an almost one-to-one basis. Nevertheless, it would free up some market housing and as set out above, much of this is expected to be local. Coupled with the overall level of housing land supply in Bromsgrove (3.23 years according to the Council), I find that impact of the proposal on housing land supply in the area is an 'other consideration' of significant weight in favour of the proposal.

*Removal of unsightly buildings*

42. As noted above, the main building on the site is surrounded by a number of single-storey extensions and temporary buildings in various states of (dis)repair which do little for the appearance of the site. However, as their visibility from beyond the site boundaries is limited, and as this development is not in itself required to remove them, I give this 'other consideration' very little weight in favour of the proposal.

*Reduction in pressure on local services*

43. That the proposal would reduce pressure on local healthcare services, in particular through a reduction in bed-blocking, is agreed between parties and the evidence before me leads me to share that conclusion. In particular I note evidence around the particular circumstances of the area and the associated costs.
44. I also note that the Worcestershire Acute Hospitals NHS Trust considers that financial contributions from the development would mitigate against any new capacity issues in the provision of acute and planned healthcare arising from the proposal.

45. In light of the above, and the detailed evidence on the reduction in pressure on local services, I find that this is an 'other consideration' of significant weight in favour of the proposal.

#### *Employment opportunities*

46. At present the appeal site hosts a local business, whose local employees serve a nationwide client base. However, they are clear that the current building is unsuitable, and the works required to refurbish it to a suitable standard are unviable. It is their stated intention, albeit beyond the ability of the planning system to control, to use funds from the disposal of this site to relocate in the local area, retaining their current staff and clients and building their business into the future. This would secure 24 existing jobs in the area.
47. The proposed care home would give rise to approximately 50 full-time and 50 part-time roles. Further short-term employment opportunities would arise during the construction of the proposal, and other, harder to quantify employment opportunities would be secured through the delivery of services during its operation. The Council does not dispute any of these figures.
48. Despite their ultimate conclusion on this 'other consideration' in their statement the Council has agreed in the SOCG that the proposal would create immediate and long-term local employment opportunities. I accept the agreement between the parties on this point. Coupled with the detailed employment opportunities set out, I therefore find this to be an 'other consideration' of significant weight in favour of the proposal.

#### *Very special circumstances*

49. I have found that the proposal would not harm the purposes of the Green Belt which parties have identified and agreed as being relevant to this site and proposal. I have however found very limited harm to the spatial openness of the Green Belt, as a result of the increased footprint of the proposal in comparison to the existing buildings.
50. The proposal is, as set out above, inappropriate development in the Green Belt, and the Framework is clear in requiring that substantial weight be given to any harm to the Green Belt. I have not found any other harm resulting from the proposal.
51. As set out above, I have found that there are several other considerations which are of significant weight in favour of the proposal and one which is of very little weight. Taken together with the very limited harm to the openness of the Green Belt, I find that the totality of the harm to the Green Belt by reason of inappropriateness, and the lack of any other harm is clearly outweighed by other considerations, and as such, very special circumstances do exist in this case and on the basis of the evidence before me.

#### **Other Matters**

52. Although it did not form a part of their reason for refusal, the Council has nevertheless drawn my attention to the part of Policy BDP20 which requires the Council to embrace opportunities to mitigate the effects of climate change by seeking the reuse or modification of historic buildings to reduce emissions.



53. Although I have been given no detailed evidence on carbon emissions from either party, I accept that demolition of the current buildings on site and the construction of a new one would lead to carbon emissions as well as to the release of embodied energy in existing materials. However, it also appears that either the continued operation of the existing building, which is apparently inefficient and costly, or its refurbishment, which is apparently unviable, would also lead to carbon emissions. There is clearly a balance to be struck between retention and reuse, particularly when climate change issues are to be considered in concert with historic environment matters. But in the same way that I have concluded the benefits of the appeal proposal outweigh its effects on the historic environment, I also find that those same benefits, coupled with the likely more energy-efficient operation of the appeal proposal, weigh in favour of the appeal proposal.
54. I also note that this element of the policy is essentially aspirational; the proposal before me offers neither an opportunity to reuse, nor modify the existing building, and the appellant has set out in some detail why such reuse would not be appropriate. In this, I also acknowledge the content of the Framework highlighted by the Council, but consider that the three overarching sustainable development objectives it seeks to pursue are met in the appeal proposal.

### **Planning obligation**

55. I have had regard to the evidence, the relevant guidance in the Framework and considered whether the requirement for contributions towards community transport, the acute services at the local hospitals trust and monitoring meet the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that such contributions would be necessary to make the development acceptable in planning terms, directly relate to the development and are fairly related in scale and kind to the development.
56. A signed and sealed unilateral undertaking under section 106 of the Act has been provided. The Council has confirmed that this obligation meets their requirements, both legally and with regard to what it will secure and deliver. I agree with that conclusion. On that basis, I consider that the proposal could secure satisfactory contributions towards community transport, acute healthcare provision and monitoring of its delivery.

### **Conditions**

57. The Council has suggested a number of conditions to be attached, should planning permission be granted and the appellant has agreed to these in the Statement of Common Ground. The appellant has also confirmed that they have no objection to the terms of the pre-commencement conditions proposed by the Council. It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development.

58. Having had regard to that agreed list and the requirements of the Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2), in order to ensure the satisfactory appearance of the completed development. Following discussion at the hearing a number of drawing references have been corrected, and I have referred to both the colour and black-and-white elevations.
59. As noted in my reasoning above, at the hearing there was discussion around the need for a condition to ensure that the requirements of paragraph 204 of the Framework would be met. Parties agreed wording for such a condition, and I am satisfied that it achieves what is required of it, and that it meets the relevant tests. It has been imposed as condition 3.
60. Conditions 4, 15 and 16 are necessary to ensure the satisfactory appearance of the completed development. Conditions 5, 6, 7, 8, 9, 10, 11, are necessary to ensure that the site can be safely and suitably accessed, that suitable parking provision is made and that measures are taken to promote non-car, more sustainable journeys associated with the development. Condition 12 is necessary to ensure that the implementation of the permission does not cause harm to the amenity or safety of the surrounding area. Conditions 13 and 14 are necessary to ensure appropriate recording and site investigation of the non-designated heritage asset. Condition 17 is necessary to ensure that appropriate arrangements are made to deal with surface water drainage, and to ensure suitable implementation. Conditions 18, 19 and 20 deal with amenity-related matters for the operation of the appeal proposal and are necessary to protect the amenity of the surrounding area. Condition 21 is necessary to ensure that the proposal delivers biodiversity net-gain. Condition 22 specifies the use class of the appeal development, and I am satisfied that it is necessary and reasonable, to ensure that the development which takes place is that which has been applied for.
61. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

## **Conclusion**

62. I have found that the proposal would accord with Policy BDP10 of the District Plan by helping to meet the significant need for homes for the elderly in the area, as well as by delivering other benefits which flow from meeting that need.
63. I have also found that whilst the proposal would result in the loss of a non-designated heritage asset, it would do so in a way which I have found to not conflict with Policy BDP20 of the District Plan.
64. The proposal conflicts with Policy BDP4 insofar as it is inappropriate development in the Green Belt. I have found that whilst the development would be inappropriate development in the Green Belt, the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.

65. For the reasons given above I therefore conclude that the proposal accords with the development plan taken as a whole and there are site- and proposal-specific material considerations, set out in my reasoning above which also weigh in its favour. There are no material considerations which indicate that a decision be taken otherwise.

66. The appeal should therefore be allowed, and planning permission granted.

*S Dean*

INSPECTOR

## **Appearances**

### FOR THE APPELLANT:

Andy McMullan BA Hons, DIP TP MRTPI  
-Director, Broadgrove Planning & Development Ltd

Ian Ward  
-Development Manager, Torsion Care

Richard Lawrence  
-Leo Deansgate Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Paul Lester BSc DIP TP MRTPI  
-Principal Planning Officer

Mary Worsfold MSc BSc RICS IHBC  
-Principal Conservation Officer

## **Schedule of Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.
2. The development hereby approved shall be carried out in accordance with the following plans:
  - Location Plan 2760 206 Rev A
  - Proposed Site Layout Plan 205 Rev G
  - Elevations, East West GA 2760 100 Rev A
  - Elevations, North South GA 2760 101 Rev A
  - Coloured Elevations, East West GA 2760 102 Rev A
  - Coloured Elevations, North South GA 2760 103 Rev A
  - Ground Floor GA 2760 200 Rev A
  - First Floor GA 2760 201 Rev A
  - Second Floor GA 2760 202 Rev A
  - Basement Floor Plan 2760 203 Rev A
  - Roof Layout 2760 204 Rev A
  - Proposed Site Section C 8002 Rev A
  - Proposed Access Arrangements 2021/6021/002 Rev P4
  - Proposed Parking Arrangements 2021/6021/004 Rev P1
  - Landscape Masterplan MSB07 Rev B
  - Tree Protection Plan MSB05 Rev B
3. The demolition works hereby permitted shall not begin until documentary evidence is provided to the local planning authority demonstrating that contracts have been entered into by the developer to ensure that building work on the site subject to this consent begins within 12 months of the commencement of demolition in accordance with the scheme for which planning permission has been granted.
4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
  - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally including boundary treatments

The development shall be carried out in accordance with the approved details and retained thereafter.
5. The development hereby approved shall not be occupied until the visibility splays shown on Proposed Access Arrangements (ref: 2021/6021/002 REV P4) have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

6. The development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 24 cars at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.
7. The development hereby approved shall not be brought into use until 2 electric vehicle charging points have been installed. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.
8. The car parking (including two accessible car parking spaces) shown on the approved drawings shall be retained as car parking and used for no other purpose.
9. The development hereby approved shall not be brought into use until the cycle parking shown on the approved layout has been provided. Thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
10. The development hereby approved shall not be occupied until the applicant has submitted a Travel Plan in accordance with the County Council guidelines in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented, monitored for a minimum of 5 years and shall be updated in agreement with Worcestershire County Council's Travel Plan Officer and thereafter implemented as updated.
11. The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential Travel Welcome Pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.



12. The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- Details of any temporary construction accesses and their reinstatement; and
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

13. No development shall take place until a programme of archaeological work / Programme of Historic Building recording and Interpretation including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

14. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (13) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

15. The development shall comply with the details outlined within the Arboricultural Impact Assessment and Arboricultural Method Statement prepared by Weddle Landscape Design (March 2022). No work of any kind shall take place on the site until the protective fences have been erected around the retained trees in the positions and to the specification shown on Tree Protection Plan MSB05 Rev B. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fences shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced areas there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.
16. Notwithstanding the details within the Landscape Masterplan (MSB07 Rev B), prior to the occupation of the development, an updated Landscaping Masterplan including a detailed specification of the landscape planting scheme giving numbers, size and species. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

17. No works or development above foundation level shall take place until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015). The submitted scheme shall give priority to achieving infiltration techniques and the scheme shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Prior to the first use of the approved development a management plan detailing future maintenance responsibilities for SuDS assets shall be submitted to and approved in writing by the Local Planning Authority. The plan should include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal assets. The approved management plan shall be implemented prior to the first use of the development and thereafter maintained.

18. Prior to their installation details of any external lighting that is to be installed at the site shall be submitted to and approved in writing by the local planning authority. The details provided should include the following:
- a. Position of lighting
  - b. Amount and type of light
  - c. Uniformity of light
  - d. Where relevant, consideration of how the lighting scheme will support an effective CCTV system
  - e. Measures to minimise environmental impact (inc. energy use, light pollution)

The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

19. The approved scheme for the noise attenuation of the development as specified in Environmental Noise Survey, Noise Break-in Assessment & Sound Insulation Scheme prepared by Nova Acoustics (20/01/2022) shall be completed prior to the occupation of the building and thereafter retained.

20. Prior to the first occupation of the development, equipment to control the emission of fumes and smell from any commercial kitchen shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
21. No works or development above foundation level shall take place a biodiversity plan and programme have been submitted to and approved in writing by the local planning authority. The biodiversity works shall be completed in full accordance with the approved details and retained thereafter.
22. The premises shall be used for the purpose specified in the application (Residential Care Home) and for no other purpose (including any other purpose in Class C2 Use Class of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

**End of Schedule of Conditions**