
Appeal Decision

Site visit made on 9 December 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/T0355/W/25/3373207

Lawnfield House, Westmorland Road, Maidenhead SL6 4HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms R Ruscoe (Propco (Maidenhead) Ltd) against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/00221/FULL.
 - The development proposed is described as: 'full application for the proposed construction of a residential care home (Use Class C2) comprising access, parking, landscaping and associated works, following demolition of existing buildings on the site'.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a residential care home (Use Class C2) comprising access, parking, landscaping and associated works, following demolition of existing buildings on the site at Lawnfield House, Westmorland Road, Maidenhead SL6 4HB in accordance with the terms of the application, Ref 24/00221/FULL, and subject to the conditions in the attached schedule. The grant of planning permission is also subject to a section 106 agreement and an associated deed of variation as described below.

Preliminary Matters

2. Whilst the Council refused the appeal application on six grounds, it has signed a Statement of Common Ground with the appellant which confirms that it is no longer pursuing any of the reasons for refusal. Nevertheless, there remain a number of objections from interested parties relating to the reasons for refusal and these have therefore guided the identification of the main issues in this appeal.

Main Issues

3. The main issues are:
 - the effect of the appeal scheme on the non-designated heritage asset (NDHA) on the appeal site;
 - the effect on trees;
 - the effect of the appeal scheme on the character and appearance of the area; and
 - highways, with particular regard to parking.

Reasons

Effect on Non-designated Heritage Asset

4. In assessing proposals affecting NDHA, paragraph 216 of the National Planning Policy Framework (the Framework) requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the NDHA.
5. An interested party has also drawn my attention to Draft Policy BH-4 of the emerging Maidenhead Neighbourhood Plan (eMNP) which states that buildings which are locally listed as NDHA should be retained. They have also noted that none of the representations in respect of the eMNP make any objection to the emerging policies in its Built Heritage section. However, the Examiner has not yet provided their report and therefore a referendum on the eMNP has not taken place either. I must also have regard to the degree of consistency of the relevant policies in the emerging plan with the Framework, including with paragraph 216. Accordingly, I attach limited weight to this emerging policy.
6. The significance of the NDHA is primarily derived from it being a well-preserved example of a late Victorian villa, built in a Queen Anne style, which retains historic architectural features of interest and its plan form. It contributes to the local identity of the area in terms of the Victorian development of Boyn Hill and the Bath Road. The spacious, original plot also forms part of the historic interest of the property.
7. As a result of its demolition, the appeal scheme would result in the total loss of significance of the NDHA. BLP Policy HE1 allows for works which would cause harm to the significance of a NDHA provided that there is a clear justification in accordance with legislation and national policy and, as already noted, the Framework requires a balanced judgement to be made. These are matters that I will return to in considering the overall planning balance, also having regard to other relevant considerations.
8. Nevertheless, the appeal scheme would still conflict to some extent with Policy HE1 of The Royal Borough of Windsor & Maidenhead Borough Local Plan (2022) (BLP) insofar as it says that the loss of heritage assets will be resisted as well as with the similar provision of Draft Policy BH-4 of the eMNP.

Trees

9. All of the existing mature trees on the appeal site are covered by a group Tree Preservation Order (TPO). The Town and Country Planning (Tree Preservation) (England) Regulations 2012 enable protected trees to be felled where it is necessary to do so to implement a planning permission.
10. Although the appellant's initial proposals were amended to reduce the impact of development on trees, the Council's officer report notes that of the 64 individual trees and 8 groups of trees on the site, 25 individual trees and 7 groups would be removed. However, only 2 of these are Category B trees (moderate quality) and the others are Category C (low quality) or Category U (unsuitable for retention). As well as agreeing with the categorisation of the quality of the trees, the Council has agreed that works to remove an Oak tree on the site are necessary to address an immediate risk of serious harm, albeit it has required replacement planting.
11. Nevertheless, the Council's arboriculturist objected to the loss of trees. They have also expressed concern about the effect of the appeal scheme on the root

protection area of Lime trees on Westmorland Road which are covered by a separate TPO. However, details relating to the execution of works that could affect these is capable of being dealt with by way of a planning condition.

12. Whilst an interested party has said that the existing trees, shrubs, and soft landscaping play a crucial role in mitigating noise pollution from the busy A4, I have not been provided with any evidence to demonstrate that the proposed removal of trees would have a harmful effect on living conditions as a result of noise or, as also suggested by an interested party, in terms of air quality.
13. Overall, and acknowledging the categorisation of the trees that would be lost, the appeal scheme would result in some conflict with BLP Policy NR2 which seeks to maintain, protect and enhance the biodiversity of application sites including features of conservation value such as trees.

Character and Appearance

14. The existing building on the site, along with the large plot within which it is located, is generally well-screened by the dense planting along its boundaries such that it makes a limited contribution to the street scene, even in winter when deciduous trees are not in leaf. The size of the plot sets it apart from many other large Victorian houses in the Boyn Hill / Bath Road area where plot sub-division has resulted in a variety of differently-sized dwellings and architectural styles alongside each other.
15. The character of Bath Road in the vicinity of the appeal site is different to the predominantly residential streets to its south including Westmorland Road; as well as being more heavily trafficked, a number of larger buildings are apparent including commercial uses such as a supermarket and offices, as well as blocks of flats.
16. Given that context, the bulk and massing of the appeal scheme would not appear to be over-dominant or out-of-place in the street scene. Furthermore, and together with the size of the plot, the location of the appeal site on the corner of Bath Road and Westmorland Road provides an opportunity for a stronger urban design element than would be the case if the site was sandwiched between two smaller residential-scale buildings. As such, whilst the proposed building would be noticeably larger than the dwellings on Westmorland Road, this site is capable of accommodating a contrasting scale of development.
17. A combination of distance and orientation of the appeal scheme along with the extent of boundary planting that would be retained would avoid issues such as loss of privacy and overlooking into the habitable rooms of neighbouring properties. Furthermore, the development would not be unduly overbearing and would not result in unacceptable overshadowing.
18. Overall, the appeal scheme would be a good quality development that would make a positive contribution to the street scene. Whilst some of the existing green boundary would be removed, it is apparent that much of it has suffered from a lack of management. The appeal scheme presents an opportunity to secure the management of retained trees alongside a scheme of landscaping that maintains the green character of the site's boundaries and thus continues the positive contribution that the site makes to the local area.

19. As such the appeal scheme complies with BLP Policy QP3 as well as with the principles in the Royal Borough of Windsor & Maidenhead Borough Wide Design Guide Supplementary Planning Document (2020) which seek high-quality design and development that is appropriate to its context.

Parking and Highways

20. Although reference has been made to parking provision and occupancy at other care homes to illustrate an interested party's argument that insufficient parking is being proposed, I have not been provided with any other information, for example the size of those facilities or their locational characteristics, to enable me to gauge whether there are any similarities with the appeal site.
21. In any event, whilst the Council's parking guidance suggests that a larger number of spaces should be provided, this pre-dates the Framework which promotes more active and sustainable modes of travel and, therefore, I attach limited weight to it in this case.
22. The appellant's assessment has taken into account local car ownership levels, accessibility by public transport and likely staffing and visitor movements in arriving at the proposed number of car parking spaces. In addition to facilities for cyclists, the appellant has proposed additional measures comprising a travel plan to promote car sharing, a car park management plan, and improvements to a nearby bus stop.
23. To address concerns relating to the sufficiency of car parking provision the main parties proposed a restriction on residents' and workers' eligibility for parking permits. However, based on case law I queried the enforceability of such a provision and the proposed permit restrictions were subsequently withdrawn by the parties. Nevertheless, I acknowledge that the nature of the future occupiers of the appeal scheme means that few would own or drive their own cars and that there are measures that the appellant could take to encourage those staff who drive to travel by means other than single-occupancy cars. Furthermore, the Council has confirmed that its policy is to issue only one or two permits per property but that this would be reduced if off-street parking is available, and that staff members would not be eligible for parking permits.
24. Given the likely staffing and visitor numbers, and typical shift and visiting times, even if some parties did seek to park on-street outside of the restricted hours, I consider it unlikely that this would have a significant harmful effect either in terms of parking availability or on the operation of the highway network.
25. In that context I consider there to be no reason why the local network would be unduly burdened by the appeal scheme, whether in terms of parking or additional traffic. Therefore, the appeal scheme would not conflict with BLP Policy IF2 or paragraph 116 of the Framework which together promote sustainable transport and seek to avoid severe residual cumulative impacts on the road network.

Other Matters

Effect on Listed Buildings

26. The appeal site is close to two Grade II-listed buildings, Cromwell Cottage and Hill Cottage. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers to have special regard to the desirability of

preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

27. The contribution of the application site to the setting of those buildings and their significance is drawn from the grouping of remaining historic buildings along the historic Bath Road, and the original intent in which plots had been developed. The well-vegetated boundary of the appeal site and Lawnfield House itself – which is an attractive building – also contribute to the wider setting of the buildings.
28. The total loss of Lawnfield House would erode this historic understanding and the removal of trees would also have a negative effect. Taking account of the listed buildings' existing setting – including recent developments – and the extent of change resulting from the proposals, I find that the appeal scheme would result in less than substantial harm to the settings of the listed buildings, albeit to a very small degree.
29. BLP Policy HE1 states that development which would cause harm to the significance of a heritage asset or its setting will not be permitted without a clear justification in accordance with legislation and national policy. Similarly, according to paragraph 215 of the Framework when less than substantial harm is identified, this should be weighed against the public benefits of the proposal. This is a matter that I will discuss below in respect of the overall planning balance.
30. Nevertheless, the appeal scheme conflicts with BLP Policy HE1 insofar as it says that development proposals should demonstrate how they preserve or enhance the character, appearance and function of heritage assets (whether designated or non-designated) and their settings.

Ecology

31. An interested party has said that the appeal scheme does not address the impact on ecology, noting sightings of a diversity of bird species and other fauna.
32. The appeal application was made before the mandatory biodiversity net gain (BNG) of the Environment Act 2021 came into force in February 2024. Nevertheless, BLP Policy NR2 requires applications to demonstrate how they would maintain, protect and enhance the biodiversity of application sites and to avoid impacts, both individually or cumulatively, on species and habitats of principal importance.
33. I am satisfied that the conditions agreed between the Council and the appellant provide sufficient safeguards to protect any species or habitats on the appeal site and that, overall, the appeal scheme would achieve a BNG as detailed in the section 106 agreement. Thus, the appeal scheme would comply with BLP Policy NR2 as described above.

Appropriate Assessment

34. The application site is located within 5km of the Chilterns Beechwood Special Area of Conservation (SAC), an extensive tract of beech forests. The woodland is an important part of a grassland-scrub-woodland mosaic and a distinctive feature in the woodland flora is the occurrence of the rare coralroot *Cardamine bulbifera*.
35. Any net increase in residential development between 400m and 5km from this internationally-designated site is likely to have a significant effect on the integrity of

these areas, either alone or in-combination with other plans or projects. The appeal site is 3.8km from the SAC and, therefore, as the competent authority in this case I am required to carry out an appropriate assessment.

36. The potential adverse effects on the integrity of this site include recreational activities within the SAC and air pollution from inside and outside the SAC. Given the scale of the proposals and the potential sensitive receptors such as the nearby designated sites, it is possible that the proposed development could have the potential for significant environmental effects on these sites.
37. However, given the nature of the use being proposed, it is most unlikely that there would be a significant number of the residents making visits to the SAC and, therefore, there would be no significant recreational impacts or wider impacts generated from the development on the SAC. Accordingly, it is not likely that there would be a significant adverse impact on the integrity of the SAC and, therefore, there is no need for the Habitats Regulations Assessment process to go any further.

Need and Housing Supply

38. Whilst the Council's local needs assessment indicates that there are sufficient Class C2 bedspaces in the borough in the short term, a number of these do not include wet room / *en suite* facilities for each resident as is proposed in the appeal scheme. The appellant has provided two studies which look further into the future, also taking account of qualitative considerations – for example, it has identified local care homes where the quality of accommodation was a factor in their closure as well as other similar-quality homes which are still open. Thus, as well as providing full market standard care bedrooms, the appeal scheme could help to replace dated or sub-standard accommodation elsewhere. Furthermore, there is evidence of a growing need for dementia care, and a need for providers who can enter into block contract arrangements with the Council to provide suitable space to enable it to support older people. Despite this, the BLP does not identify any sites for Class C2 uses. Overall, and based on all of the evidence that has been submitted, I find there to be a clear need for the proposed Class C2 use.
39. The appeal scheme would result in the loss of a single dwellinghouse and it is common ground that as of July 2025 the Council has a 4.04-year supply of deliverable housing sites. The Planning Practice Guidance (PPG) notes that older people's housing should be included in the calculation of housing land supply. The appellant and the Council have agreed that the proposed facility is the equivalent of 31 new residential dwellings. Thus, the appeal scheme would comply with BLP Policy HO5 which seeks to avoid the net loss of residential accommodation. Furthermore, the appeal scheme offers the potential to free-up family-sized housing as residents move into a care environment.

Jobs

40. As well as creating temporary employment during the construction phase, the appeal scheme would create between 50 and 60 full-time equivalent jobs.

Other Planning Considerations

41. Whilst an interested party has said that the appeal scheme would have a negative impact on the local microclimate, create a local heat hotspot and exacerbate the

effects of global warming, no evidence was provided to support this argument. Similarly, although it has been suggested that the proposed development would place a strain on existing infrastructure as a result of the increase in the number of residents, no further details were provided to substantiate this concern.

Furthermore, no evidence has been provided to support suggestions that the appeal scheme would result in harmful noise or air pollution. Other matters, such as the effect on privacy due to overlooking, the location of refuse facilities having regard to the living conditions of nearby occupiers, and the control of odours can be satisfactorily dealt with by way of planning conditions, as can potential disturbance, vibration and dust during the construction phase.

42. Similarly, details of landscaping, including the creation of any green walls, can be dealt with by way of a condition.
43. An interested party has also noted that the submitted solar study did not take account of the dappled light that passes through trees. Even so, I still conclude that the extent of additional overshadowing to private open space resulting from the appeal scheme does not amount to an impact of concern that should weigh against the appeal scheme.
44. It has also been argued that approving the appeal scheme would set a dangerous precedent. However, each proposal must be considered on its own merits having regard to the particular circumstances of the case.

Other Matters

45. It has been suggested that the appeal process is being used to bypass the views of local people. However, in making this decision I have taken account of all representations that have been made in respect of this appeal.
46. Other comments have been made in relation to the way that the appeal application was presented at the Council's planning committee meeting, the identity and financial means of the appellant, the financial implications of the proposed care home for the Council, the lack of benefits for the local community and the emotional stress and mental health impacts of the proposed development on residents. However, such considerations are outside of the matters that I can take into account in determining this appeal which are constrained by the relevant legislation.

Planning Balance

47. The Council cannot demonstrate a five-year housing land supply. As such paragraph 11 d) of the Framework is engaged. Part i. of this paragraph states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. These include policies relating to designated heritage assets and to habitats sites.
48. The appeal scheme would result in less than substantial harm to the settings of two listed buildings. This is a matter to which I must attach considerable importance and weight and, as noted above, I must pay special regard to the desirability of preserving the settings of listed buildings.
49. However, given the Council's housing land supply position I attach significant positive weight to the proposed Class C2 accommodation which would be on

previously-developed land. I also attach a moderate amount of positive weight to the role that the appeal scheme would play in meeting the need for specialist accommodation in the borough. In addition, the appeal scheme would result in a BNG even though a mandatory BNG of 10% does not apply to this site. Based on the scale of the gain, this is a matter to which I attach a very small amount of positive weight. Furthermore, the appeal scheme would create new jobs, a matter to which I attach a moderate amount of positive weight. Together, these constitute clear justification for the harm as is required by BLP Policy HE1 and address the policy in Section 16 of the Framework. Given that these public benefits clearly outweigh the harm that I have identified to the settings of the listed buildings, with reference to paragraph 11 d) i. of the Framework, the effect of the appeal scheme on designated heritage assets does not constitute a strong reason for refusing the development proposed.

50. Similarly, the absence of a likely significant effect on the integrity of the Chilterns Beechwood SAC means that part i. is not engaged.
51. Paragraph 11 d) ii. then states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
52. The appeal scheme would result in the total loss of significance of an NDHA. With reference to BLP Policy HE1 I find that clear justification has been provided for that harm and that, similarly, the policy in Section 16 of the Framework in respect of NDHA has been addressed. Taking account of the significance of the asset, this is a matter to which I attach a moderate amount of negative weight in the overall balance, albeit at the lower end of moderate.
53. Whilst the appeal scheme would result in a change to the character and appearance of the site and the vicinity, taking account of the proposed design of the appeal scheme, it would not be a harmful change and, therefore, this is not a matter that should weigh against the grant of planning permission. Similarly given that the appeal scheme would not result in a severe residual cumulative impact on the road network as a result of increased traffic or parking demand, it would not conflict with policy in this respect and therefore this is also not a matter that should weigh against the grant of planning permission.
54. However, even though there would be some replacement planting and the development offers an opportunity to better manage the trees that would be retained, I attach a small amount of negative weight to the loss of trees on the appeal site.
55. Nevertheless, and taking account of all of the adverse impacts of the appeal scheme, these do not significantly and demonstrably outweigh the benefits and, therefore, planning permission should be granted.

Conditions

56. I have reviewed the conditions proposed by the Council in light of the tests in the Framework and advice in the PPG. I sought clarifications on various points from the Council and the appellant and have amended the proposed conditions accordingly. The appellant has also agreed to all of the proposed pre-commencement conditions.

57. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. Conditions relating to construction materials and landscaping are also necessary in the interests of the character and appearance of the area.
58. It is necessary to require that a Construction Environmental Management Plan is submitted and adhered to, and to restrict hours of deliveries and works, to minimise the effect of the development on the living conditions of those nearby as well as on the highway network.
59. Conditions relating to lighting, odour mitigation, bin storage and noise from the operational development are also necessary in the interests of the living conditions of those nearby, as are the requirements to ensure that a window only has obscured glazing and to prevent the extension of the building or the installation of additional windows without first having sought planning permission.
60. Conditions relating to the protection of trees and fauna during works, and the preparation and implementation of a biodiversity net gain plan, are required in the interests of biodiversity and the character and appearance of the area.
61. A condition relating to piling is necessary to protect underground infrastructure, and a surface water drainage scheme is required to minimise the risks associated with run-off.
62. Conditions are also required in relation to the installation of photovoltaic panels, ground source heat pumps and ventilation in the interests of sustainable development.
63. Given the loss of an NDHA, it is reasonable to require the recording of the building and the site before demolition and similarly, given the location of the site, to explore whether there is any potential archaeology of interest.
64. In the interests of highways safety and sustainable travel, I consider it necessary to attach conditions relating to the site's vehicular access – including to prevent the installation of gates, and to ensure the provision of parking and turning areas, arrangements relating to the allocation of parking, electric vehicle charging, cycle parking, and access for pedestrians and cyclists.
65. Finally, a condition is necessary to restrict the proposed use to a care home to ensure that the need that the development seeks to serve continues to be met and to avoid any untested impacts that could arise from the use of the premises for any other purpose within Class C2.

Planning Obligation

66. I have been provided with an executed agreement (dated 17 September 2025) that has been made pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) which I have reviewed in light of the statutory tests for obligations which are set out at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (Regulation 122). Following my review and with reference to case law I queried the proposed parking permit restrictions. In response the appellant and the Council agreed a deed of variation (dated 10 December 2025) to the section 106 agreement.

67. Provisions relating to biodiversity net gain and a carbon offset contribution are directly related to the development and necessary to make the development acceptable in planning terms having regard to development plan policy. They are also fairly and reasonably related in scale and kind to the development. Therefore, these provisions meet the tests in Regulation 122.
68. Similarly, the travel plan and bus stop works are necessary to manage the potential impacts of development arising from the amount of parking that is proposed. Thus, these provisions also meet the tests of Regulation 122 as does the obligation to enter into a section 278 agreement for highways works to ensure that the public highway adjacent to the site, including footways, is made good to an acceptable standard.
69. The appellant has also agreed that the Class C2 use would be operated in accordance with the standards set out by the Care Quality Commission. Given that the need for the Class C2 facility forms part of the justification for the proposal, this provision meets the tests in Regulation 122.
70. Overall, I conclude that the section 106 agreement dated 17 September 2025 as varied by the deed of variation dated 10 December 2025 meets the tests in Regulation 122 and that this appeal should be allowed subject to the provisions therein.

Conclusion

71. The appeal scheme accords with the development plan when taken as a whole and there are no material considerations which suggest that an alternative conclusion should be reached. Therefore, for the reasons given above the appeal should be allowed.

P Burley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be commenced within three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans:
 - Site Location Plan
 - B01-01 – 01 Rev A Proposed Basement Floor GA Plan
 - B01-01 – 02 Rev B Proposed Ground Floor GA Plan
 - B01-01 – 03 Rev B Proposed First Floor GA Plan
 - B01-01 – 04 Rev B Proposed Second Floor GA Plan
 - B01-01 – 05 Rev A Proposed Roof Plan
 - B01-01 – 11 Rev A Proposed Elevations – Sheet 1
 - B01-01 – 12 Rev A Proposed Elevations – Sheet 2
 - B01-01 – 13 Rev A Proposed Elevations – Sheet 3
 - B01-01 – 14 Rev A Proposed Materials
 - B01-01 – 17 Rev A Street Section – Westmorland Road
 - B01-01 – 25 Proposed Demolition Works
 - B01-01 – 26 Site plan – Trees, Existing Building & Proposed Building
 - B01-01 – 42 Rev E Proposed Site Plan
 - M424–0100 Rev P4 Landscape Masterplan
 - M424–0201 Rev P4 Landscape Plan 1 of 2
 - M424–0202 Rev P4 Landscape Plan 2 of 2
 - Rev 2 Tree Protection and Removal Plan
 - Geo23–041_T Topographical Survey
- 3) No development shall take place until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. For each phase of the development, the plan shall set out:
 - a) procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - b) arrangements for liaison with the Council's Environmental Protection Team;
 - c) mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites to minimise noise disturbance from construction works;
 - d) a noise monitoring plan;
 - e) procedures for emergency deviation from the agreed working hours;
 - f) control measures for dust and other air-borne pollutants. These must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants;
 - g) measures for controlling the use of site lighting whether required for safe working or for security purposes;

- h) details relating to the parking, routing and manoeuvring of vehicles (including cranes) of site operatives and visitors, to take account of any phasing schedule;
- i) arrangements for the loading and unloading of plant, materials and any waste to be removed from the site;
- j) arrangements for the storage of plant and materials used in constructing the development;
- k) facilities for operatives;
- l) details relating to the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and
- m) details relating to wheel washing facilities.

The development shall be undertaken in accordance with the details approved pursuant to this condition at all times.

The noise mitigation measures in the Noise Assessment by Hawkins Environmental dated October 2023 must also be implemented in full prior to construction activities taking place, and retained as such at all times thereafter during the construction phase.

- 4) No development shall take place (including demolition, ground works, vegetation clearance and lopping or felling of trees) until a Biodiversity Construction Environmental Management Plan (BCEMP) has been submitted to and approved in writing by the Local Planning Authority. The BCEMP shall set out:
- a) A risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures for the protection of habitats, reptiles, hedgehogs, invertebrates, badgers, and bats.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved BCEMP shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

- 5) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) 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 in the WSI.

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 approved WSI and provision has been made for analysis, publication and dissemination of the results, and archive deposition has been secured.

- 6) No site clearance, preparatory work or development shall take place until details setting out the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction – Recommendations (or in an equivalent British Standard if replaced) have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved. [In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 7) Prior to demolition of any buildings on this site:
 - a) a written scheme of investigation / methodology for a Level 3 building record as set out in Historic England’s guidance document, Understanding Historic Buildings, A Guide to Good Practice (Historic England, 2016), shall be submitted to and approved in writing by the Local Planning Authority; and
 - b) a completed Level 3 building record of the buildings and site as existing, shall be submitted to and approved in writing by the Local Planning Authority. Copies of the final building and site record shall also be deposited to the RBWM Local Studies department and the Berkshire Historic Environment Record.
- 8) No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to sub-surface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 9) Prior to the commencement of relevant works, samples, including brickwork panels of all relevant brickwork and detailing, and product details including manufacturer information of all external materials including windows, doors and

balconies and finishes shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site for inspection. Works shall be carried out in accordance with the approved details, prior to the first occupation of the development, and retained as such at all times thereafter.

- 10) No development above slab level shall commence until a Biodiversity Net Gain Plan prepared in accordance with the submitted Biodiversity Net Gain Assessment (Ecosupport Ltd, November 2024) that details how the habitats on the site will be created, established, managed, and monitored in perpetuity, along with a timetable for such works, has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Net Gain Plan shall thereafter be implemented in accordance with the approved details.
- 11) The permitted development shall not commence (other than demolition) until details of the design of a surface water drainage scheme based on the principles of the Drainage Strategy Report (22 September 2023, updated 5 November 2024) 29512-HYD-XX-XX-RP-C-0001 (Rev p03) have been submitted to and approved in writing by the Local Planning Authority. The design must comply with the national Non-Statutory Technical Standards for SuDS, the National Planning Policy Framework, and Borough Local Plan (2022) policies SP2, QP2 and NR1. It must also be aligned with the SuDS Hierarchy. The required drainage details are:
 - a) Evidence to show that the proposed final design will effectively manage through all stages of the development the 1 in 30 allowance for climate change and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep. The final design should follow the principles set out in the approved drainage strategy. All associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2l/s.
 - b) A plan setting out exceedance flow routes (i.e. during rainfall greater than design events or during a blockage) and how property on and off site will be protected from increased flood risk.
 - c) Detailed drainage design layouts and hydraulic calculations to include a finalised drainage layout showing the location of components, pipe diameters, levels and long and cross sections of each component detailing any flow restrictions and maintenance or risk-reducing features such as silt traps, inspection chambers etc.
 - d) A plan setting out the drainage management responsibilities and maintenance regimes for the drainage system.
 - e) Details of how the drainage system will be protected and maintained during construction and how run-off, including pollutants, from the development site will be managed before the system is operational.
 - f) A ground investigation confirming whether infiltration is possible on site.

The surface water drainage system shall be implemented prior to the occupation of the development and maintained in accordance with the approved details and retained as such for the lifetime of the development.

- 12) No development above ground level, other than site access, clearance and demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) proposed finished levels or contours via a topographical survey, rain water gardens and other drainage features, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, method of demarcation of the cycle / pedestrian shared path, details of the shared surface's finish, minor artefacts and structures (e.g. street furniture, artwork, play / gym equipment, refuse or other storage units, signs and water features) (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports);
 - b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities where appropriate;
 - c) notwithstanding the details on the hereby approved plans, fencing / boundary treatments indicating the type, positions, design, and materials of fencing / boundary treatments to be erected;
 - d) an implementation programme for the above works; and
 - e) a landscape maintenance and management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas.

The development shall be undertaken in accordance with the approved details, including the approved implementation programme.

- 13) No tree or hedgerow shown to be retained on the Tree Protection and Removal Plan, Rev 2, dated 19 February 2025 shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of the last occupation of the buildings hereby permitted.

Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority gives its prior written consent to any variation. The works shall be undertaken in accordance with the mitigation measures detailed in the Arboricultural Report by Andrew Day Arboricultural Consultancy (Rev 2, February 2025) and those detailed on the Tree

Protection and Removal Plan, Rev 2, dated 19 February 2025. In addition, all underground drainage installation works happening within the site and within 1 metre of any root protection area as drawn, must be undertaken with a qualified arboriculturist present.

- 14) All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March to August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably-qualified ecologist must check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
- 15) Deliveries to and removal of plant, equipment, machinery and waste from the site, and all works and ancillary operations which are audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - 8:00am and 6:00pm on Mondays to Fridays;
 - 8:00am and 1:00pm on Saturdays; and
 - At no time on Sundays and on Bank and other public Holidays.
- 16) No external lighting shall be installed until a written scheme and layout plan of the proposed lighting, including siting, height, design, a drawing showing Isolux lines to 1 lux both vertically and horizontally, position of lights, beam orientation, a schedule of equipment, lamps, measures to avoid glare and hours of use has been submitted to and approved in writing by the Local Planning Authority. The written scheme shall also explain how the lighting will not adversely impact upon wildlife including areas identified as being of importance for commuting and foraging bats, and on the locations of bird and bat boxes.

The lighting shall be implemented in accordance with the approved scheme prior to first occupation of the development and no other form of lighting shall be installed or used on the application site without the prior written approval of the Local Planning Authority.
- 17) The development hereby permitted shall not be occupied until the site access onto Westmorland Road has been constructed and provided with visibility splays of at least 2.4m x 43m in each direction along Westmorland Road in accordance with the approved drawings and in accordance with construction and visibility splay details which have been submitted to and approved in writing by the Local Planning Authority. The visibility splay areas shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway of Westmorland Road.
- 18) The development hereby permitted shall not be occupied until a means of access to the main entrance and cycle store for pedestrians and cyclists has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

- 19) Prior to the first occupation of the development, full details of the cycle parking facilities for the building including specification and access door widths shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented and made available for use prior to the first occupation of the development and retained for the lifetime of the development.
- 20) The development hereby permitted shall not be occupied until the vehicular access to the site has been surfaced with a bonded material across the entire width of the access for a distance of at least 5m measured from the back edge of the existing carriageway. The access shall be retained as such thereafter.
- 21) The existing accesses to the site shall be stopped-up immediately upon the new access being first brought into use.
- 22) No part of the development shall be occupied until vehicle parking and turning spaces as shown on plan ref. B01-01 – 42 Rev E Proposed Site Plan have been provided, surfaced and marked out. The space approved shall be kept available for parking and turning in association with the development for the lifetime of the development.
- 23) All parking spaces shown on plan B01-01 – 42 Rev E Proposed Site Plan shall be equipped with electrical charging points. Prior to occupation of the residential units hereby permitted, details of the design, operation and ongoing maintenance regime for electric vehicle charging infrastructure (charge points and / or ducting) with a minimum output of 7kW to be provided for all of the parking spaces shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging infrastructure shall be provided before first occupation and maintained in working order for the lifetime of the development.
- 24) No part of the development shall be occupied until a car parking allocation and management plan showing how the car parking facilities within the site will be allocated and managed has been submitted to and approved in writing by the Local Planning Authority. The car parking shall be managed in accordance with the approved plan for the lifetime of the development.
- 25) No part of the development shall be occupied until an area for refuse bin storage and recycling facilities has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be kept available at all times for use in association with the development.
- 26) No part of the development shall be occupied until a noise impact assessment has been carried out to assess the impact of proposed noise sources. The noise impact assessment shall demonstrate that the following standards are met at nearby noise-sensitive premises:
 - LA_{eq} 50-55 dB 16 hours – gardens and outside living areas (for example balconies) daytime.
 - LA_{eq} 50 dB 16 hours – façade level daytime.
 - LA_{eq} 45 dB 8 hours – façade level night-time (11:00pm and 7:00am).

- LAF_{max} 60 dB 8 hours – façade level night-time (11:00pm and 7:00am).
- LAF_{max} 60 dB 4 hours – façade level evening (7:00pm and 11:00pm)*.

* The evening standard LAF_{max} will only apply where the proposed evening LAF_{max} significantly exceeds the LA_{eq} and the maximum levels reached are regular in occurrence, for example several times per hour.

The development shall be undertaken in accordance with the approved details and retained as such at all times thereafter.

- 27) Prior to the occupation of the development hereby approved, a maintenance, cleaning and filter replacement schedule for kitchen extraction systems shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction / filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such for the lifetime of the development.
- 28) Prior to first occupation, details relating to the measures set out in the Energy Strategy, Part L Compliance and Thermal Comfort Modelling Report by Betton Consulting (Rev P01, 21 June 2025), shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, size and manufacturer specifications of the heat pumps (the assessment should be in accordance with the Microgeneration Installation Standard MCS020) and photovoltaic panels and the manufacturer's specifications of the other sustainability measures put forward in the Statement. In addition, the following shall be provided:
- a) a full GLA reporting spreadsheet;
 - b) a Part G report targeting water use to 110l per person, per day (including 5l external use);
 - c) an on-site waste management plan; and
 - d) details relating to:
 - i. how the waste hierarchy will be followed;
 - ii. incorporation of locally-sourced, low carbon materials;
 - iii. a circular economy statement;
 - iv. considered and reduced embodied carbon, where possible;
 - v. an embodied carbon assessment; and
 - vi. the recycled content of materials (25% minimum, 50% target).

The approved details shall be undertaken prior to the first occupation of the development and retained as such at all times thereafter, unless equipment is to be replaced with new / upgraded equipment or the use of alternative equipment is agreed in writing with the Local Planning Authority.

- 29) Prior to the first occupation of the development, a detailed ventilation scheme shall be submitted for approval by the Local Planning Authority. The scheme design shall provide sufficient ventilation and overheating prevention measures, for residents in accordance with industry best practice. The ventilation scheme shall be implemented prior to the first occupation of the development in

accordance with the approved details and retained for the lifetime of the development.

- 30) The biodiversity enhancements described in Section 6.5 “Enhancements” of the submitted Preliminary Ecological Appraisal (Ecosupport Ltd, 8 December 2023, amended October 2024) shall be installed as approved prior to the first occupation of the development.
- 31) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and / or re-enacting that Order) the proposed first floor stairwell window facing 3b Westmorland Road shall be non-opening and glazed with obscured glass to a minimum of level 3 within the Pilkington Range of glazing and shall be permanently maintained thereafter as non-opening and obscure-glazed.
- 32) Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), the premises shall be used for a residential care home and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).
- 33) No gates shall be provided at the vehicular access to the site.
- 34) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and / or re-enacting that Order) no extensions, enlargement (including additions to roofs) or additional fenestration shall be made to the residential care home hereby permitted without the express permission in writing of the Local Planning Authority.

End of Conditions