



Appeal Decision

Hearing Held on 19 February 2019

Site visit made on 19 February 2019

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/A0665/W/18/3203413

Beechmoor Garden Centre, Whitchurch Road, Great Boughton, Chester CH3 5QD

- 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 Mr Oliver Smith of Castleoak Care Developments Ltd against the decision of Cheshire West & Chester Council.
 - The application Ref 17/03661/FUL, dated 21 August 2017, was refused by notice dated 27 November 2017.
 - The development proposed is demolition of the existing garden centre buildings and redevelopment of the site to provide a total of 110 care apartments and bungalows together with associated car parking, landscaping and amenity spaces.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing garden centre buildings and redevelopment of the site to provide a total of 110 care apartments and bungalows together with associated car parking, landscaping and amenity spaces at Beechmoor Garden Centre, Whitchurch Road, Great Boughton, Chester CH3 5QD in accordance with the terms of the application, Ref 17/03661/FUL, dated 21 August 2017, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description in the header above reflects that on the original application form. The decision notice and appeal form refer to 111 units, but the appellant's statement confirms that it should be 110. As such, for the avoidance of doubt I have used the original description in my formal decision.
3. Subsequent to the Council's decision, the Revised National Planning Policy Framework (the Framework) was published. For the avoidance of doubt, I have considered the appeal based on the most up-to-date national policy. The parties had the opportunity to address any implications of this at the hearing. In addition, new national Planning Practice Guidance (PPG) on 'Housing for older and disabled people' was published after the hearing closed. This is material to the appeal and the main parties were given the opportunity to comment. I have had regard to any comments made in my decision.
4. The emerging Cheshire West and Chester Local Plan Part 2 (LP2) had reached 'main modifications' stage at the time of the hearing. On this basis, I have

- given the plan, and the proposed main modifications, substantial weight in line with paragraph 48 of the Framework.
5. The appellant submitted late evidence in the lead up to the hearing. Parties had the opportunity to consider and discuss this at the hearing. I am satisfied that no interests were prejudiced as a result. A signed and dated Unilateral Undertaking (UU) was also provided, which establishes the limitations on occupation and operation of the extra care units.
 6. The site is located in the Green Belt. There is no dispute that the proposal would not fall within any of the exceptions set out in paragraphs 145 or 146 of the Framework and should therefore be considered as inappropriate development in the Green Belt. Inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances.
 7. The Council's fourth reason for refusal relates to a lack of information on impacts to biodiversity assets. The appellant has sought to address this through the submission of an ecological study. Subject to conditions, the Council no longer considers this a matter of dispute. I have considered the appeal on this basis.

Main Issues

8. As a result of the above, the main issues in this case are:
 - The effect of the development on the openness of the Green Belt and the purposes of designating land within the Green Belt.
 - Whether the development is in an appropriate location in relation to development plan policy, with particular regard to its effect on the character and appearance of the area and access to services and facilities;
 - Whether the development makes appropriate provision for affordable housing; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Openness and the purpose of the Green Belt

9. Paragraph 133 of the Framework states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belt are its openness and permanence. Paragraph 134 identifies the five purposes the Green Belt serves.
10. The site has two distinct parts. The northern element includes a dwelling and vacant buildings associated with the former garden centre and a bungalow fronting the main road. The southern part of the site is an open area of grassland. The site is bounded to the west by the A41, to the north by Whitchurch Road and to the east by a large park and ride facility. An access road to the park and ride creates the southern boundary. There is a substantial amount of screening from mature landscaping, particularly on the eastern, western and southern boundaries. The overall density of development

on the site is low, with large areas of hard standing between low profile and often lightweight buildings. Part of the site is given over to the display and sale of sheds, which as well as being small in scale also appear temporary in nature.

11. The one and two storey 'bungalows' would be located mainly in the area of open and undeveloped grassland. These would be well screened and thus the visual impact on openness would be mitigated to an extent. However, openness is not a purely visual matter. As a matter of fact, the introduction of buildings and other associated domestic paraphernalia, access roads and parking into an area where there is currently no development would clearly have a significant impact on the openness of this part of the site.
12. The apartment block would be a substantial three storey building of a considerably larger scale, bulk and volume than anything already on the site. Though it would be set back from the road, the building would nevertheless be a highly visible and prominent feature. The overt increase in coverage, scale and volume of development on this part of the site would also have a substantial impact on both the spatial and visual openness of the site. Taken together, I therefore must conclude that the development would result in a substantial reduction in the openness of this part of the Green Belt.
13. In considering the degree of additional harm caused to the purposes of including land within the Green Belt, I have had regard to the existing character of the site and its environs, the distance between the site and Christleton, the nature of intervening development, the degree of enclosure and visual containment the site benefits from, and the scale of development proposed. The development sits outside any defined settlement boundary and is thus classified as countryside in policy terms. As a result of this, and the expansion of built form into the open area, there would be inevitable degree of encroachment into the countryside. Nevertheless, the scale of this encroachment would not be significant.
14. There is a clear and distinct change in the density of development either side of the A41. Between the roundabout and the A55 overpass to the east, development on the southern side of the A41 is quite sporadic and low key. The park and ride and neighbouring allotments are generally open and, while there is a short row of houses and a hotel further east, there is a general sense of an area of transition on the fringes of the main urban area. As a result, the development would not appear isolated or remote from the main built form of Chester. The increase in density of development may give rise to a small sense of 'overspill' from the west. However, any sense of urban sprawl would be minimal in scale. For the same reasons, any real or perceived effect on the gap between Chester and Christleton would be very minor. I am not convinced therefore that there would be material harm to either of these purposes.
15. I am satisfied there would no harm in terms of preserving the setting of an historic town. Furthermore, while resisting development here might encourage regeneration outside the Green Belt, the scale of development is such that it would be difficult to attribute any material harm to this objective.
16. In conclusion on this matter, I find that the development would have a significant adverse impact on the openness of the Green Belt. There would also be some limited additional harm relating to encroachment in the countryside. These factors would add to the harm caused by being inappropriate development in the Green Belt.

Location, including impact on character and appearance and access to facilities

17. The Council's second reason for refusal primarily stems from the requirements of Cheshire West and Chester Local Plan Part 1 (LP1) Policy STRAT9. This states that the intrinsic character and beauty of the countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. Policy HO7 of the Chester District Local Plan (CDLP) states that dwellings will not be permitted in the open countryside. While not referred to in the Council's reason for refusal, Policy DM26 is also relevant in this regard. This states that new large-scale extra care villages located outside of settlement boundaries will be resisted in line with Policy STRAT9. However, it also states that such facilities should be in areas with good accessibility to services and facilities.¹
18. The Council's concerns appear to relate to the principle of this type of development outside a defined settlement and the 'resetting' of the edge of the settlement through the urbanisation of the site. Indeed, the appeal statement refers to the 'intrinsic beauty' of the countryside being linked to it being 'open and undeveloped'. Such concerns are closely related to those expressed in relation to Green Belt.
19. While the aim of Policy STRAT9 might be to protect the intrinsic beauty of the countryside by guiding development to defined settlements, it cannot be said that all parts of the countryside have the same degree of intrinsic beauty. Moreover, it is important to differentiate between harm to openness, which has already been considered, and any visual impact of development.
20. The site is not within any formally designated landscape area. It sits on the edge of the built-up area of Chester and forms parts of a sporadic ribbon of development along the southern edge of Whitchurch Road. Although the built form here is low key, it clearly forms part of the urban fringe. The site is also well contained by busy roads and mature landscaping. The site therefore forms a relatively unremarkable plot that neither adds to nor detracts from the wider character of the area. The main features of note are the trees and hedgerows, which would be largely retained, and the area of open grassland, which is relatively small and somewhat disconnected to the more open countryside to the south.
21. The Council raises no particular concerns over the design of the buildings or their impacts on local character. I have seen nothing that would lead me to a different conclusion. The apartment block would be a large three storey flat roofed structure. Although set back and down from the road, it would still be a prominent feature on a busy junction. In the main, buildings fronting the road here are either one or two storey pitched roof dwellings of differing designs. The development would differ considerably from anything in the immediate area. However, there would be nothing objectionable about the design of the apartments, and the relatively enclosed and self-contained nature of the site means that it would be largely set in its own context. On this basis, it would not appear as an unduly discordant, intrusive or harmful addition to the street scene.
22. The 'bungalows' would be well screened and of a design that would not be out of keeping with the local area. Visual impacts would be mitigated to a large

¹ MM58 of the LP2 Main Modifications Consultation.

degree by landscaping and views into the site would be fleeting and glimpsed in nature. The impact from both types of development would be softened further by additional landscaping, which can be required by condition.

23. Therefore, although there would be a degree of intensification of the site, the quality of design, the existing character of the area and the level of screening available would combine to ensure that any impact on the character and landscape value of the area would not rise to the level of material harm.
24. The site is relatively well related to services and facilities. Although crossing the road here can be a lengthy process, there is a large supermarket within walking distance of the site. Perhaps of more importance are the bus stops outside the site and the proximity of the park and ride facility that would provide easy access to Chester. Therefore, although in conflict with the specific locational requirements of Policy DM26, the development would be broadly consistent with its intentions in terms of access to facilities and services.
25. As it is outside a defined settlement, the development must conflict with the locational requirements of policies STRAT9 HO7 and DM26. However, the purpose of these policies is to protect the character of the countryside and promote sustainable patterns of development. The weight given to this conflict will therefore be tempered to a significant degree by the extent of encroachment beyond the settlement boundary, the lack of harm to character and appearance of the area and the relative accessibility of the site.
26. I also note that the paragraph 79 of Framework states that 'isolated' homes in the countryside should be avoided. There is no blanket restriction on homes outside defined settlement boundaries within national policy. The development would not be considered 'isolated' in this context and thus there is no conflict with national policy in this particular regard.

Affordable housing

27. Each unit would be self-contained insofar as they would have their own 'front doors', with kitchens, bathrooms and living rooms. There would be several communal facilities that residents could make use of if they wish. There would also be a range of on-site care services that would be tailored to meet different needs of residents. The UU would limit occupancy to those who have a need for at least 1.5 hours of care per week and a minimum age of 65.
28. There is no dispute between the main parties that the development falls into the C2 Use Class. However, this does not alter the Council's position that such development should be liable for affordable housing. LP1 Policy SOC1 states that affordable housing will be sought on all new residential development on sites that have a capacity for 10 or more dwellings (or 0.3 hectares (ha) or more) in urban areas or have a capacity of three or more dwellings (or 0.1 ha) in rural areas. The appellant argues that as the development would be a 'residential institution' rather than 'dwellinghouse' it would not be caught by Policy SOC1.
29. Whether or not the development is C2 or C3, it is still residential development. While the policy refers to 'dwellings', there is nothing within it which specifically distinguishes between different use classes, or states that only residential development under C3 is covered by the policy. The policy is also clear that residential development over 0.3ha will be required to provide affordable

housing. The site is around 1.6ha and thus is comfortably above this threshold.

30. Policy SOC1 provides an opportunity for the viability of any individual development to be considered. However, in this case the appellant has chosen not to avail themselves of this opportunity. I have insufficient evidence to conclude that an affordable housing contribution would be unviable, either in principle for C2 uses or for this scheme. Generalised observations about the viability of C2 uses are not enough to conclude they are exempt from Policy SOC1.
31. I am also unconvinced by the argument that other C2 uses in the area have not been required to provide affordable housing. I cannot be certain that the examples given are comparable to that before me. This is particularly the case when considering that Policy SOC1 provides opportunities for the affordable housing requirement to be set aside under certain circumstances. Moreover, some of the examples provided appear to contain an affordable housing element. These examples do not alter my conclusion.
32. Taking all factors into account, I am not persuaded that C2 uses are necessarily excluded from Policy SOC1. This would be a form of residential development which is above the relevant threshold and for which no specific viability evidence has been provided.
33. This conclusion must also be considered in the context of emerging LP2 Policy DM26. This provides guidance on specialist housing. With regard to affordable housing, it states that provision will be required for all elements of a proposal that would create 'self-contained dwellings'. Again, neither the policy nor supporting text distinguish between specific use classes. However, the supporting text refers to the fact that extra care housing can provide self-contained housing with on-site care. In my view, the development falls directly into this category of development. A common sense reading of the policy and supporting text, suggests it is expected that developments of the model proposed here would be subject to the requirements of the policy.
34. Based on what I have before me, I consider that the failure to make provision for affordable housing conflicts with Policy SOC1. In coming to this conclusion, I have had regard to the appeal decisions put to me by the appellant where Inspectors concluded that C2 development was not required to make such provision. However, all of these are in different local authority areas with different policy contexts. These may not be comparable to that before me and do not lead me to alter my conclusion.
35. In the event of the appeal being allowed, the possibility of imposing a condition to secure affordable housing was discussed at the hearing. The appellant submitted a suggested wording for this after the site visit with my approval. The Council did not agree to the suggested wording.
36. The PPG is clear that the best way to deliver sufficient certainty on what is being agreed is to enter into a planning obligation or other agreement prior to permission being granted. The suggested condition lacks the necessary certainty or clarity, particularly in relation to the proportion of affordable housing to be provided, which is left open ended. It also includes a caveat suggesting that a financial contribution in lieu of on-site provision could be the outcome of any approved 'scheme'. No mechanism is identified for either how

a decision on this would be made or how the contribution would be secured. There is therefore no certainty that the affordable housing element would be achieved.

37. The PPG² also states that negatively worded conditions requiring a planning obligation, or some other agreement can only be considered in exceptional circumstances in the case of complex or strategically important development, and where there is clear evidence that delivery would be put at risk. The development does not fall into this category. In this case, I am not persuaded that the use of a condition would be an acceptable mechanism to secure affordable housing. Accordingly, there is nothing before me which would address the harm caused by the lack of provision.

Other considerations

38. The appellant has submitted an assessment which indicates there is a substantial level of need in the area for private leasehold extra care of the nature being proposed. Their data suggests an existing need for 428 extra care units within the defined market catchment of the proposal and 884 units within the local authority area. The assessment also indicates such demand will grow to 696 in the market catchment and 1306 in the district by 2028. The Council has not provided figures of its own, nor does it dispute those provided by the appellant. The Development Plan does not include a specific requirement for housing for older people, and the Council expects all needs to be catered for within the general housing requirement. While the appellant's figures cannot constitute a formal requirement, they nevertheless give some indication of a level of demand for a specialist form of housing. The PPG states that the need to provide housing for older people is critical³.
39. While there may be some scope for error in the appellant's figures, there is no clear evidence that they are wholly unreasonable. I also note that they relate specifically to the need for the type of facility being proposed here. There are therefore likely to be separate 'needs' for different types of specialist housing and care models. The presence of other care homes or existing extra care facilities does not alter the fact that further provision may be required. Furthermore, it is unlikely to be the case that other forms of housing will necessarily meet the demand the appellant has identified.
40. Nevertheless, even if other housing or care models could help meet some of this need, it still seems likely that a specific need for this form of extra care housing would remain. The fact that the development would make a sizeable contribution to help meeting these demands is something to which I have attributed very substantial weight.
41. The development would also provide associated social and economic benefits. Importantly, it would assist in ensuring the well-being of elderly tenants and there is evidence to suggest such facilities can reduce pressure on local community and health facilities. In addition, it would provide short- and long-term employment in the area. Finally, it would provide the potential to free up market housing in the area as a result of tenants downsizing. Collectively, these benefits also add substantial weight in favour of the development.

² Planning Practice Guidance ID 21a-010-20140306.

³ Planning Practice Guidance ID 63-001-20190626

42. The appellant has indicated there is a lack of alternative non-Green Belt sites that could accommodate the development and that there are no extra care facilities in the pipeline that would help meet the need. An assessment has been submitted which considered a range of alternatives between 1.2ha and 4ha. Most sites looked at were ruled out based on size, or that they could not be delivered in the short to medium term. Of those identified for more detailed consideration, some were ruled out because they were also in the Green Belt, some because of planning issues such as noise and some because they were in areas the appellant considered not to be viable for development.
43. I have some concerns about the assessment. While there is likely to be a minimum site size that could accommodate an extra care development, there is little evidence that the appellant has been particularly flexible in their approach to scale or in terms of the types of location considered viable for delivery. Moreover, how much thought has gone into the likelihood of planning issues being able to be mitigated is unclear. Nevertheless, the Council has not been able to provide evidence of suitable sites for the development, nor has it demonstrated that similar developments are coming forward as windfalls.
44. While I do not agree that the Council's policies are too restrictive, there is nothing before me to suggest a reasonable prospect of the demand identified being met by windfall within defined settlements in the short term. Although there are some weaknesses in the appellant's assessment, I have seen nothing to convince me that there is a surfeit of suitable or available sites within defined settlements to address the demand identified. This is a factor to which I have attributed significant weight.
45. Over and above the potential to release market housing through downsizing, the development would make a sizeable contribution to the general housing land supply. The Council can currently demonstrate a supply of 7.56 years. Considering this relatively healthy position, I have given only moderate weight to this factor in the overall balance. I have already concluded that the development is in a relatively accessible location. While this is a basic policy requirement, this still constitutes a positive aspect of the proposal which carries a limited degree of weight in favour of the proposal.
46. I have given little weight to an earlier Council review which suggested this area might be suitable for removal from the Green Belt. Whatever the review's recommendations, the site remains in the Green Belt. There is nothing in the Framework which suggests different weight should be attributed to harm in different parts of the Green Belt. Any consideration of the site's suitability for inclusion in the Green Belt should be considered through the Development Plan.

Other matters

47. Based on the appellant's evidence on biodiversity, I am satisfied there would be no unacceptable impact on protected species. The Council is satisfied that the development would not result in a severe impact on the highway network, and that there would be adequate parking. I have seen nothing that would lead me to a different conclusion. Although located near to a busy junction, the scale of development is not such that it would exacerbate any existing issues to an unacceptable degree. The site also has good public transport accessibility, which could provide some degree of mitigation. Any issues resulting from construction traffic would be temporary and could be managed. I have noted

concerns relating to cumulative impacts with other development proposed nearby. With or without these developments in place, I am satisfied that the cumulative transport impacts of development would not be severe. With suitable conditions in place, all other potential impacts of development can be adequately addressed.

48. I have noted Christleton Parish Council's representations regarding public consultation, but this has had no bearing on my decision. I have considered the appeal based on the evidence provided and my own observations.

Planning Balance and Very Special Circumstances

49. The development would cause harm to the Green Belt by virtue of it being an inappropriate form of development and insofar as it would have a detrimental impact on the openness of the Green Belt. There is minor additional harm in relation to encroachment into the countryside. I have given substantial weight to the harm caused in this respect. There would be some additional harm resulting from the failure to provide affordable housing. The development would also conflict with the strategy for such uses as set out in policies STRAT9, HO7 and DM26. However, considering the site's accessible location, my conclusions on the visual impact of the development, and the requirements of the Framework about rural housing, I have attached only moderate weight to this conflict.
50. I have attached significant weight to the contribution the development would make to meeting the needs for specialist housing in the area for older people and the associated social and economic benefits it would bring. I have also given substantial weight to the evidence relating to alternative available sites and the likelihood of the needs identified being met in the short to medium term by development within defined settlements. Finally, I have attached moderate weight to the other benefits highlighted above relating to the housing supply and limited weight to promoting development in accessible locations.
51. Having weighed all the factors carefully, I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I therefore consider that very special circumstances exist which justify the development.
52. In coming to this conclusion, I have had regard to the two appeal decisions put to me which pull in different directions on this issue⁴. The context and evidence in these cases differ to each other and to that before me. However, both are clear that the determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. This is the approach I have followed in this appeal.
53. I have given particular consideration to matters relating to affordable housing. Based on the evidence before me, I am not convinced that extra care housing should be exempt from affordable housing in principle. However, I am also satisfied that in this case there are material considerations which justify a decision other than in accordance with the development plan.
54. The Council raised concerns over precedent at the hearings. However, no directly similar sites or situations were put forward. Each application and appeal must be determined on its individual merits. This is particularly the

⁴ Appeal reference: APP/Q3630/W/18/3195463 & APP/H2265/W/18/3202040

case with proposals in the Green Belt. A generalised concern of this nature does not therefore justify withholding permission in this case. Furthermore, given that I have concluded the proposal would be acceptable, I see no reason why it would lead to harmful development on other sites in the area.

Conditions and Planning Obligation

55. I have considered the suggested conditions from the main parties in accordance with the PPG. In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings, as this provides certainty. As discussed at the hearing, I have corrected the numbering of the plans.
56. Condition 3 is necessary in the interests of highway safety and the living conditions of nearby residents. This is by necessity a pre-commencement condition, as the demolition of existing buildings must proceed in accordance with the approved details. Rather than two separate conditions dealing with demolition and construction management plans, I have incorporated both requirements into one condition which removes unnecessary duplication. This does not fundamentally alter the requirements of the conditions that were agreed by the parties.
57. For the same reasons, I have also imposed conditions 8 and 9. I have amended the suggested wording to these conditions in the interests of clarity and precision. Conditions 4 and 5 are necessary to ensure the site can be adequately drained. I have amended the condition on sustainable drainage so that it does not unnecessarily preclude demolition or clearance works taking place. Conditions 6, 7, 14, 15, 16, 17 and 18 are necessary in the interests of the character, appearance and visual amenity of the area. Conditions 15 and 17 are also necessary to protect the living conditions of future residents.
58. Conditions 10 and 11 are necessary in the interests of promoting the use of more sustainable forms of transport. Condition 12 is necessary in the interests of biodiversity. Condition 13 is necessary in the interests of the living conditions of future residents. I have not included the 'alternative' approach in the suggested condition as this would be confusing.
59. I have not imposed the Council's suggested condition on the occupancy of the units. The condition does not adequately reflect the care element of the proposal. The UU addresses this issue. It is necessary to make the development acceptable in planning terms. Without the restrictions it places on occupancy and operation, the development would not fulfil its role as specialist housing for older people and the case for very special circumstances would not be the same. The UU is also clearly related to the development and is fairly and reasonably related in scale and kind to it. It therefore meets the relevant tests in the Framework.
60. For the reasons given above, I have not imposed the appellant's suggested condition on affordable housing.

Conclusion

61. As a result of the above, and having considered all other relevant matters, the appeal is allowed.

S J Lee INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Walton, Of Counsel	Instructed by Castleoak Care Developments Ltd
David Phillips	Strutt and Parker
Andrew Smith	Fabrik UK
Verena Womersley	Castleoak Care Developments Ltd
Ben Hartley	Carterwood Ltd
Peter Nurse	Carterwood Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Steven Holmes, Senior Planning Officer	Cheshire West and Chester Council
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INTERESTED PERSONS:

Councillor L. Henley	Christleton Parish Council
Robert Chesworth	
Anya Chesworth	

DOCUMENTS SUBMITTED AT THE HEARING

1. Corrected Plans
2. Signed Unilateral Undertaking
3. Appeal Decision – APP/Q3630/W/18/3195463
4. Suggested condition on affordable housing
5. Consultation responses to Main Modifications consultation on LP2

Schedule of Conditions

- 1) The development hereby approved shall be commenced within 3 years of the date of this decision
- 2) The development hereby approved shall be carried out in accordance with the following drawings:
 - A-712 20 A – Location Plan
 - A-712 32 A1 – 1 Bed Bungalow Plans and Elevations
 - A-712 33 A1 – 2 Bed 2 Level Bungalow Plans and Elevations
 - A-712 34 A1 – 2 Bed Bungalow Plans and Elevations
 - A-712 35A – External Plant Room
 - A-712 51 B – Assisted Living Ground Floor Plan
 - A-712 52 B – Assisted Living First Floor Plan
 - A-712 53 C – Assisted Living Second Floor Plan
 - A-712 55 B – Assisted Living Elevations
 - A-712 56 A – Assisted Living Courtyard Elevations
 - A-712 57 A – Assisted Living Room Layout Types 1 & 2
 - A-712 58 A – Assisted Living Room Layout Types 3 & 4
 - A-712 59 A – Assisted Living Room Layout Types 5 & 6
 - A-712 62 C – Site Plan
 - D2535 L.100 A – Combined Hard and Soft Landscape General Arrangement Plan - Sheet 1 of 3
 - D2535 L.101 A – Combined Hard and Soft Landscape General Arrangement Plan - Sheet 2 of 3
 - D2535 L.102 A – Combined Hard and Soft Landscape General Arrangement Plan - Sheet 3 of 3
 - D2535 L.103 – Plant Schedule and Maintenance Specification
 - 17052 C-002 3 – Drainage Strategy Layout
- 3) No development shall take place until a construction management plan, which shall include full details of the phasing of demolition and site clearance traffic (including temporary highway vehicle and pedestrian accesses, suitable off highway parking for all demolition or construction related vehicles and suitable vehicle cleaning facilities) and details of construction lighting has been submitted to and approved in writing by the local planning authority. The development shall be carried wholly in accordance with the approved construction management plan.
- 4) With the exception of demolition and site clearance works, development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based on the principles recommended within the Flood Risk Assessment and Drainage Strategy and Drainage Strategy Layout drg. C-002 Rev. 3 both dated May 2017 (Quad Consult) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through infiltration features located within the curtilage of the site.

- 5) With the exception of demolition and site clearance works, development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a timetable for its implementation, and
 - a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
- 6) With the exception of demolition and site clearance works, no development shall take place until details of the existing and finished site level have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) With the exception of demolition and site clearance works, no development shall take place above ground level until details of external facing materials to be used in the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) The development hereby approved shall not be occupied until details of the modified accesses to the application site, including details of the visibility splays for the accesses, and a timetable for the implementation of any approved details have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented wholly in accordance with the approved timetable and thereafter shall be maintained with the approved visibility splays in place so long as the use remains in operation.
- 9) Prior to the occupation of any individual unit hereby approved, the parking, turning and servicing areas shown on approved drawing A-712 62 Rev C relevant to that unit have been implemented in full and made available for use.
- 10) The development hereby approved shall not be occupied until details of a scheme of electric vehicle charging points and timetable for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained in full working order permanently thereafter.
- 11) The development hereby approved shall not be occupied until a scheme of secure, covered cycle parking and timetable for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 12) The development hereby approved shall not be occupied until details of a scheme of bird and bat boxes and timetable for implementation have been submitted to and approved in writing by the local planning authority. The

approved scheme shall be implemented in accordance with the approved details.

- 13) The development hereby approved shall not be occupied until a scheme of noise insulation for the unit has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that noise levels in each unit shall meet the following internal ambient noise levels in habitable rooms when they are unoccupied and with a window partially open (unless otherwise adequate ventilation to meet the standards outlined in the Building Regulations), and in all external private amenity space:

i. Noise levels within habitable rooms during the day (0700-2300hrs) of 35dBLAeq,16hrs

ii. Noise levels within bedrooms during the night (2300-0700hrs) of 30dB(A)LAeq,8hrs and where individual noise events should not exceed 45dBLAmax.

iii. Noise levels within private outdoor living areas (including balconies, terraces etc.) during the daytime and evening (0700-2300hrs) should not exceed 58dBLAeq,16hrs.

No unit shall be occupied until the measures approved for that dwelling have been implemented in full.

- 14) The development hereby approved shall not be occupied until details of all fences, walls (including retaining walls) or other means of enclosure and a timetable for implementation are submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 15) The development hereby approved shall not be occupied until details of a scheme of external lighting have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and no external lighting other than in accordance with the approved details shall be installed on the site.
- 16) The development hereby approved shall not be occupied until details of a scheme of hard and soft landscaping, which shall include the submission of a planting schedule prescribing details of the size and species of proposed planting, are submitted to and approved in writing by the local planning authority. The landscaping scheme shall include for the retention of the existing hedgerow on the eastern and western site boundaries and the planting of a new hedgerow comprised solely of native species on the northern site boundary. The approved scheme shall be implemented in full in the first planting season following the completion of the development or otherwise in accordance with a timetable which shall have been agreed in writing by the local planning authority. If within a period of 5 years from the date of initial planting, any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species, unless the local planning authority gives its written approval to any variation.

- 17) The development hereby approved shall not be occupied until a timetable for the implementation of the communal gardens and areas of landscaping around the apartment building shown on approved drawing A-712 62 Rev C, and a scheme for their future management and maintenance, has been submitted to and approved in writing by the local planning authority. The gardens and landscaped areas shall be implemented wholly in accordance with the agreed timetable and thereafter managed and maintained in accordance with the agreed scheme.
- 18) The development hereby approved shall be carried out wholly in accordance with the tree protection measures set out in the document entitled "Arboricultural Survey and Planning Integration Statement Rev A" (ref AR/3616A/rg) dated 24 August 2017 produced by Quaife Woodlands.

Richborough Estates