



Appeal Decision

Inquiry Held on 8 to 11 and 16 March 2022

Site visit made on 16 March 2022

by G D Jones BSc(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2022

Appeal Ref: APP/Q4625/W/21/3285876

Wyndley Garden Centre, Warwick Road, Knowle, Solihull B93 0DX

- 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 Knowle Care Limited against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/01993/PPFL, dated 25 August 2020, was refused by notice dated 29 April 2021.
 - The development proposed is the demolition of the existing garden centre and associated buildings, and the erection of an extra care facility (Use Class C2) comprising: a village care centre; 39no. one and two bedroom care suites; 46no. one and two bedroom care apartments; and associated works, including car parking, access, landscaping and associated engineering works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing garden centre and associated buildings, and the erection of an extra care facility (Use Class C2) comprising: a village care centre; 39no. one and two bedroom care suites; 46no. one and two bedroom care apartments; and associated works, including car parking, access, landscaping and associated engineering works at Wyndley Garden Centre, Warwick Road, Knowle, Solihull B93 0DX in accordance with the terms of the application, Ref PL/2020/01993/PPFL, dated 25 August 2020, subject to the conditions contained within the Schedule at the end of this decision.

Main Issues

2. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt, including any effect it might have on openness, and whether there would be any other harm to the Green Belt;
 - Its effect on the character and appearance of the area;
 - The proposed developed site's accessibility in respect to sustainable modes of transport; and
 - If the proposed development is found to be 'inappropriate', whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

3. The appeal site is located within the Green Belt. The Government attaches great importance to Green Belts. The National Planning Policy Framework (the Framework) states that Green Belt serves five purposes. It is common ground between the main parties that the proposed development would not affect these purposes. Nonetheless, the Framework also states that, subject to a few exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The appeal scheme would involve the construction of new buildings, such that it should be considered inappropriate development in the Green Belt unless it satisfies one or more of the exception criteria of the Framework. The only potential exception cited in the evidence is that which falls under Framework para 149 g). In this regard the only point of disagreement between the main parties is whether or not the proposed development would have a greater impact on the openness of the Green Belt than the existing development at the appeal site, which is occupied by a garden centre.
5. In spatial terms the parties disagree over how the assessment of openness should be approached, particularly in terms of how any storage of materials / stock, displays and temporary structures are taken into account. Material of this nature will move and alter over time as stock changes and as operational needs evolve. Nonetheless, it is a direct manifestation of the site's use as a garden centre and has a material effect on openness. Consequently, it should be taken into account.
6. The Council's approach to attempting to calculate the gross and net effects of the proposed development on volume compared to the existing development fails to fully engage with the effects of existing material on the site other than buildings. Consequently, the appellant's evidence in this regard represents a better reflection of the likely net effect of the development in terms of volume. I have, therefore, employed the appellant's approach to calculating net volume as a benchmark to assist my assessment of this matter. In short, the appellant maintains that the proposed development would result in a 28% increase in volume compared to the current situation.
7. The appellant's evidence also indicates that at present the developed parts of the site, including buildings / structures, car parking and hard landscape areas, cover some 62% of its area, while the remaining approximately 38% is open green space, whereas with the proposed development these figures would be some 40% and 60% respectively. Based on the appellant's evidence, the footprints of buildings on the site would reduce by some 36% from 6,453 sqm to 4,128 sqm as a result of the proposed development.
8. Therefore, the appeal scheme would have a positive effect on openness in terms of drawing the footprint of the developed parts of the site together onto a smaller, more consolidated area. Nonetheless, given the significant additional height of the built form and the resultant increase in volume, the overall effect of the development on openness would be reasonably significant in spatial terms, such that it would have a markedly greater impact on the

openness of the Green Belt than the existing development including taking account of non-built form along the lines suggested by the appellant.

9. In visual terms the proposed palette of facing materials would be more muted than the light tones of many of the existing buildings and structures at the garden centre, which would have an effect on the perception of openness. For the reasons outlined above regarding the built form, there would also be a change to the perception of openness, with some parts of the site feeling and appearing more open. Nonetheless, due to the relative scale of proposed development compared to the existing garden centre the perception of an overall reduction in openness within the Green Belt would be quite evident. Consequently, in this regard, the scheme conflicts with Policy P17 (Countryside and Green Belt) of the Solihull Local Plan, December 2013 (the Local Plan).
10. For the foregoing reasons, therefore, the proposals would represent inappropriate development in the Green Belt such that planning permission should only be granted in very special circumstances.

Character and Appearance

11. Although there is some existing development nearby, including dwellings immediately to the south, the site is located in the countryside some distance from the settlement edge of Knowle. The site falls within the centre of landscape character area *LCA 3 Knowle and Dorridge Fringe* of the Solihull Borough Landscape Character Assessment 2016 (the SBLCA).
12. The SBLCA states, amongst other things, that *LCA 3 shows signs of urban influence especially within the northern extent of the LCA on the approaches to the settlement of Knowle. A large portion of the character area remains unspoilt and is distinctly rural in character with pastoral fields despite the close proximity of the urban edge. It adds as an overall summary of LCA 3 that it is a largely rural landscape with some urban influences and distinct watercourses with pastoral fields. The Grand Union Canal is a natural boundary to the area and provides good recreational value. Overall, this area is likely to be able to accommodate small areas of new development, which would need to be of an appropriate type, scale and form, in keeping with the existing character and local distinctiveness.* The contents of the SBLCA relating to LCA 3 appear accurate and appropriate.
13. It is common ground between the main parties that the site itself is previously developed land. It still trades as a garden centre. With the exception of a strip of scrubland to part of its northern boundary, it is largely developed with either buildings, structures or areas of hardstanding, including a car park to its Warwick Road frontage. A garden centre use and associated buildings and structures is the type of development that might be expected to be found in this kind of location, in the countryside, reasonably close to a settlement and fronting onto a fairly busy highway. The site is, therefore, to some extent in keeping with the character and appearance of the area.
14. Nonetheless, the site has several detracting features that have a detrimental effect on the character and appearance of the area. The most notable of these include the facing materials of the buildings, some of the storage areas, the prominent expanse of parking to the frontage, the railings to that frontage and the limited extent and quality of planting, particularly between the main garden centre building and Warwick Road.

15. While the light coloured facing materials of the existing buildings are hidden to some extent in views from Warwick Road by a timber screen and in wider views by vegetation, they remain eye catching and are starkly at odds with the local character. Notwithstanding the presence of dwellings immediately to the south, the combination of the parking area, limited planting and the railings to the frontage give the site a fairly discordant, somewhat urban feel within the wider rural landscape.
16. There is a large glasshouse located to the rear of the site. Taken in isolation it is very much in keeping with the rural context. However, due to its size and light reflective nature it too draws the eye causing the other development on site to be more prominent, including those features that are detrimental to the character and appearance of the area as outlined above.
17. Given its nature and kind, the proposed development would have a much more urbanising effect compared to the existing garden centre. While the design takes inspiration from farmsteads it is not intended to read as a farmstead in the landscape. Nor would it, due primarily to the quantum of development, the layout, the heights of buildings and design detail, including the fenestration. A distinct benefit of this design approach is that the car parking would be largely concealed within courtyards behind the proposed clusters of buildings, in positive contrast to the current parking arrangement at the garden centre.
18. Other benefits of the proposals in this regard would be the replacement of the visually discordant railings to the site's frontage with a hedge and the consolidation of the access from two to one point, thereby bringing the site's Warwick Road frontage much more in keeping with the character and appearance of the largely hedged-lined streetscape. This effect would be reinforced through additional native tree planting.
19. The proposed layout would also incorporate spaces and visual gaps between the buildings in contrast to the much more solid form of the main garden centre building. However, while the palette of materials proposed would also be much more muted, the overall bulk of the proposed development would be substantially greater, particularly given its relative height, notwithstanding the topography which falls from the west to east.
20. Moreover, while incorporating features that are intended to give it a rustic feel, the overall impression of the proposed development is, in my view, primarily urban in character, due mainly to its scale and detailed design features, such as bay windows, verandas, porches and balconies. Greater light spillage from windows and external lighting compared to the current site, would also be likely to have a markedly urbanising effect. Consequently, while the development would bring a number of benefits in terms of its effect on the character and appearance of the area, overall the net urbanising impact compared to the existing site would be that of a development that is more out of keeping with and harmful to this part of the LCA 3.
21. For the foregoing reasons, therefore, the appeal development would have a detrimental effect on the character and appearance of the area albeit that that harm would be reasonably limited given the current use of the site and the benefits outlined above. Consequently, in this regard, it would conflict with Policies P15 (Securing Design Quality) and P17 of the Local Plan as well as with Policies VC1 (Green Belt and Landscape) and D1 (Character and Appearance)

of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan January 2019 (the Neighbourhood Plan).

Sustainable Transport

22. The location of the appeal site, some distance from Knowle, combined with the local topography and nearby local transport infrastructure are such that this is a far from ideal location for a use of this type. Pedestrians and cyclists using conventional cycles would have a significant incline to negotiate in order to access facilities in Knowle, including bus services. The route is fairly poorly lit and has limited natural surveillance beyond the fringes of the settlement. The footway is also significantly constrained in width for considerable lengths that could make passing difficult, especially for users of wheelchairs and mobility scooters. As such these options are unlikely to be viable for some of the residents of the development and are also likely to be unattractive to many, be they residents, staff or visitors.
23. Amongst other things, Local Plan Policy P7 sets out a number of accessibility criteria which new development will be expected to meet. These include minimum distances between new housing and a range of services, which the proposed development would fail to meet. I note the appellant's submission that Policy P7 is aimed at traditional housing schemes rather than specialist housing of the type proposed here. However, Policy P7 does not draw any distinctions between different forms of housing such that the appeal scheme would conflict with it.
24. Resting places are proposed as part of the scheme along the route between the site and Knowle. However, while of some help, these would be of limited benefit given the circumstances outlined above, particularly in cold weather.
25. For the foregoing reasons and given that a considerable amount of car parking is proposed to be provided on site as part of the development for residents, staff and visitors there is a danger that the scheme would be largely car reliant. In broad terms the Framework expects a genuine choice of sustainable transport modes for new development. It also makes it clear that it is also important to bear in mind the nature of the use proposed and the availability of on-site services.
26. On-site services would be offered as part of the development, including a gymnasium, hairdressers, private dining room, café, arts and crafts studio and a library. The scheme would be supported by at least two on-site electric vehicles, starting with a minibus and a 5-seater car, intended to provide staff and residents with a dedicated and responsive service. These low-emission vehicles would offer a genuine communal transport option to access off-site services and the public transport network.
27. Car sharing could also be promoted and encouraged via a travel plan. Some residents and staff may also use electric cycles, which would make the journey to and from Knowle more attractive in terms of negotiating the topography. It is also noteworthy that there is a section of dedicated cycleway on the fringes of Knowle, albeit that it is reasonably short. Notwithstanding the issues outlined above, while clearly not for everyone, walking would also be likely to represent a realistic option for some.

28. The second reason for refusal also refers to Neighbourhood Plan Policy T3. Amongst other things, it states that *proposals which do not provide for safe and free flowing movement by pedestrians and cyclists will not be supported. Development should link to existing public footpaths whenever possible.* While the route is likely to be unattractive to many potential cyclists and pedestrians, there is no good reason to believe that it is unsafe or that its constraints would inhibit free movement as such. I have found no wider conflict with this Policy. Accordingly, the scheme would comply with Neighbourhood Plan Policy T3.
29. Overall, therefore, while not ideal and conflicting with Local Plan Policy P7, the scheme would be accessible by a genuine choice of sustainable modes of transport in accordance with the Framework.

Other Considerations

30. As the appeal scheme would be inappropriate development that is harmful to the Green Belt it should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In addition to the harm to the Green Belt by reason of inappropriateness and loss of openness, the development would also have a reasonably limited harmful effect on the character and appearance of the area. I have found the scheme would be acceptable in the terms of the Framework in regard to sustainable transport.
31. There are a number of other considerations that have the potential to weigh for or against the appeal scheme thereby having an influence on the assessment of whether or not the weight of the other considerations clearly outweighs the totality of the harm and in turn whether very special circumstances exist in this case. These considerations are assessed under the following subheadings.

Need and Delivery

32. Both main parties recognise that there is a clear need for older people's housing. The Local Plan contains no policies that relate to housing or care for older people. While the emerging Local Plan (the eLP) does contain such policies, it is also common ground between the Council and the appellant that it currently carries only limited weight. I have found no reason to disagree given that it may be subject to further change and as there is uncertainty over when it might be adopted and in what form.
33. During the course of the Inquiry the Council's position on the unmet need for new specialist housing for the elderly softened in that its witness, Mr Pitcher, indicated in oral evidence that need is likely to fall within a range of 4.5-6.5% of the 75+ population, rather than just at the lower end of that range. Applying this 4.5-6.5% range and making allowance for existing provision in the 'pipeline', the Council's evidence indicates that there was a shortfall of extra care and enhanced sheltered housing in the range of 169 to 646 units in 2020, and that this will rise to 439 to 1,033 units by 2036.
34. The appellant contends that the range of need is likely to be wider and that need is greater than the Council has accepted. Nonetheless, even though it may well be higher, I have employed the Council's position on need as a benchmark to assist the balancing exercise below. I now turn to the related matter of how this need might be met.

35. As things stand, pending the adoption of a new local plan, the Council is effectively reliant on windfall sites to meet the need for specialist housing for its elderly residents. It is noteworthy that the strategy set out in the eLP relies on housing, including for older people, being delivered on land that is currently within the Green Belt. Notwithstanding that the eLP attracts limited weight, its approach suggests, at the very least, that this specialist housing need cannot be fully met on windfall sites outside the Green Belt.
36. Furthermore, while critical of the appellant's approach to site selection, including not having looked for small sites, there is no evidence put forward by the Council that there are any available sites that could either accommodate the appeal scheme, in totality or on a disaggregated basis, or indeed any development that might contribute to meeting the identified need for new specialist housing for the elderly.
37. The identified on-going unmet need, the absence of an adopted strategy to meet that need and uncertainty over when such a strategy will be in place and delivering, and the absence of any identified sites that might contribute to meeting that need other than the appeal site each weigh in favour of the development.

Housing Supply

38. It is common ground between the main parties that the Council cannot currently demonstrate a Framework compliant supply of deliverable housing land. As of 1 April 2020 the Council's stated supply is 4.19 years. The proposed 85 extra care units would contribute to addressing this shortfall. There would also be likely to be a consequential freeing-up of existing, potentially under-occupied, housing to the general market as older people move into the redeveloped site. These considerations also weigh in favour of the scheme.

Employment

39. Although not cited in its reasons for refusal, the Council also maintains that the proposed development would conflict with Local Plan Policy P3. Amongst other things, it provides that *the Council will encourage the retention of small and medium sized enterprises, and the creation of new ones, both in urban and rural areas as a key economic driver and to help facilitate growth in a broad variety of locations*. The Policy does not preclude the loss of such enterprises but rather encourages their retention as well as the creation of new ones.
40. The appeal development would result in the loss of the garden centre business as a small / medium sized enterprise, including some 27 jobs. Nonetheless, the proposed use would have a significant commercial dimension such that it would result in the creation of some 44 full time equivalent jobs. In short, it appears to be the kind of business Local Plan Policy P3 supports. Therefore, not only would there be no conflict with Policy P3 of the Local Plan, overall there would be likely to be net benefit in this regard, which weighs in favour of the development.
41. In making this assessment I have also had regard to the submissions relating to a planning permission for the redevelopment of a garden centre at Eastcote, the supporting details for which included reference to the transfer of jobs from that site to the garden centre at the appeal site. However, I see no reason

why that matter should attract any more than very limited weight in this appeal given that the determination of that application remains a separate matter and that, in any event, any such transferred jobs will have been taken into account in the net assessment of employment as outlined above.

Other Matters

42. In addition to the net employment benefit identified above, the proposed development would bring economic benefits during the construction phase. In the longer term the use would be likely to support local shops and businesses as well as those in the wider supply chain that support care facilities. This latter economic benefit would, nonetheless, be tempered by the loss of the existing garden centre business. Overall there would, therefore, be a net economic benefit associated with the development beyond employment creation, which weighs in favour of the appeal scheme.
43. The social benefits of the development are, to some extent, captured within the benefits associated with the need for older people's housing. Nonetheless, there are some wider noteworthy social benefits, for instance in terms of offering a broader variety of accommodation choices, along with on-site progression through the levels of care as needs change. There would also be a greater likelihood of a reduced sense of isolation for some elderly people. These benefits weigh in favour of the development.
44. In addition to the main issues and the other matters outlined above, concern has been expressed locally, including in respect to the development's potential effect on the living conditions of neighbours and the loss of the garden centre as a community facility. All of the matters raised are largely identified and considered within the Council officer's report on the appeal development. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry, and they are, at least to some extent, addressed in its evidence and in the statement of common ground.
45. Other than as set out above, the Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions in that regard. Nonetheless, I consider that the loss of the garden centre as a community facility does weigh against the scheme. That weight is limited though given that there is no reason to believe that the goods and services offered by the garden centre cannot be reasonably found elsewhere, albeit that they may be less convenient.

Balance - Very Special Circumstances

46. The proposed development would cause harm to the Green Belt by reason of inappropriateness and loss of openness, have a reasonably limited harmful effect on the character and appearance of the area and cause some limited harm through the loss of the garden centre as a community facility. There would also be the associated conflict with the development plan as well as with Local Plan Policy P7. Given the great importance the Government attaches to Green Belts the combined harm attracts substantial weight.
47. None of the benefits in this case are particularly unusual. However, they are very numerous and, significantly, several carry considerable individual weight such that collectively the benefits do clearly outweigh the totality of the harm.

I would stress that this is not just a consequence of the unmet need. Rather it is primarily because the high level of need is set within the context of there being no adopted strategy to address it, there being significant uncertainty over when such a strategy might be in place and once in place when it might start to deliver accommodation, and the absence of any other identified sites that might contribute to meeting the unmet need in the meantime. These matters, combined with the other more modest benefits, including job creation, clearly outweigh the combined identified harm.

48. Therefore, notwithstanding that the proposals would represent inappropriate development in the Green Belt, in the particular circumstances of the case, very special circumstances do exist in this instance.

Conditions

49. A schedule of suggested conditions was jointly proposed by the main parties. I have considered these in the light of Government guidance on the use of conditions in planning permissions and made amendments accordingly. My conclusions are summarised below.
50. In order to provide certainty, a condition requiring that the development is carried out in accordance with the approved plans would be necessary. To ensure that the development harmonises with its context, a condition would be necessary to control materials used on the exterior of buildings and structures. For this reason and to safeguard the living conditions of local residents a condition to control the ground and floor levels of the development would also be necessary. To protect the character and appearance of the area and in the interests of biodiversity, conditions would be necessary to secure and maintain planting and landscaping as part of the development, to secure the implementation of a landscape and ecological management plan, to protect retained trees and to control external lighting.
51. A condition would also be necessary to ensure that features of archaeological interest are properly examined / recorded. Conditions to control drainage and its management would be necessary in the interests of flood prevention and biodiversity, as well as to protect the environment and to secure acceptable living conditions for residents. In the interests of highway safety and to safeguard local residents' living conditions, a condition would also be necessary to ensure that the construction works proceed in accordance with a Construction Management Plan.
52. To ensure that the development harmonises with its context, in the interests of highway safety and to secure suitable access arrangements, conditions would also be necessary to control the details of the site access, parking, turning and service areas. To promote sustainable modes of transport, reduce the need for travel and in the interests of highway safety, conditions would be necessary to secure the implementation of a travel plan and a car parking management strategy, and to secure suitable on-site cycle storage. While of lesser benefit, a condition to secure the provision of seating / resting areas for pedestrians along Warwick Road between the site and Knowle would nonetheless also be necessary for those reasons. In respect to the travel plan, rather than purely being targeted at residents as the suggested condition implies, it should be directed at all users of the redeveloped site.

53. To protect the living conditions of neighbours, conditions would be necessary to control air conditioning, ventilation systems and other similar equipment. A condition to safeguard against unsuspected contamination that might affect the site, along with any requisite remediation, would be necessary to protect the health and well-being of future occupiers and off-site receptors as well as in the interests of biodiversity. Conditions would also be necessary to ensure that the proposed use would be delivered and retained in the form and manner proposed and that it would be made available to meet need within the Council's administrative area only for a period of 6 months from the commencement of marketing.

Conclusion

54. I conclude, therefore, that the appeal should be allowed subject to the identified conditions.

G D Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Robert Walton, of Queens Counsel	Instructed by Avison Young, Birmingham
He called ¹	
Iain Lock BA MRICS	Managing Director of Health, Avison Young
Gary Symes BA(Hons), DipArch	Architect
Gary Holliday BA(Hons), MPhil, FLI	Director, FPCR Environment and Design Ltd
Tim Rose BA(Hons), MCIHT, MTPS	Director, Mewies Engineering Consultants Ltd
Robert Gardner BSc(Hons), DipTP, MRTPI	Director, Avison Young

FOR THE LOCAL PLANNING AUTHORITY:

John Barrett, of Counsel	Santokh Gill, Team Leader - Litigation & Planning, Solihull Metropolitan Borough Council (SMBC)
He called	
John Pitcher CIH	Senior Housing Strategy Officer, SMBC
Tim Colles BEng(Hons)	Senior Managing Consultant, Atkins Limited
Gary Palmer DipTP, MRTPI	Group Manager for Policy and Engagement, SMBC
Kate Murphy BA(Hons), MA, MRTPI	Senior Development Officer - Urban Design, SMBC
Lawrence Osborne DipTP, MRTPI	Team Leader for Major Projects, SMBC

INTERESTED PERSONS:

Martin Trentham	Local Resident
Stephen McCarthy	Local Resident

¹ Additionally, Emily Hill of Avison Young contributed to the conditions session

APPEAL REF APP/Q4625/W/21/3285876 - 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 not be carried out except in complete accordance with the details shown on the submitted plan number:
 - LOC01 - Location Plan
 - PL_12_100 REV A – Landscape GA
 - PL_12_105 REV A – Site Layout
 - PL_003 REV C – Block A1 – Plans & Elevations
 - PL_004 REV C – Block A2 – Plans & Elevations
 - PL_005 REV C – Block A3 – Plans & Elevations
 - PL_006 REV C – Block B1 – Plans & Elevations
 - PL_007 REV C – Block B2 – Plans & Elevations
 - PL_008 REV D - Block C1 – Plans & Elevations
 - PL_009 REV C - Block C2 – Plans & Elevations
 - PL_110 REV B – VCC – Ground Floor Plan
 - PL_111 REV B - VCC – First Floor Plan
 - PL_112 REV B - VCC – Second Floor Plan
 - PL_113_REV C - VCC – Elevations
 - PL_0014 REV B – VCC – Roof Plan
 - PL_12_101 – Landscape Section A
 - PL_12_102 – Landscape Section B
 - PL_12_103 – Landscape Section C
 - PL_12_104 – Landscape Section D
 - PL_12_106 – Block Plan
 - 36338_T-REV 0 – Building Footprints
 - 36338_T-REV 0 - Excluded Structures
 - 36338_BV_ REV 0 – Building Volumes
- 3) With the exception of demolition and site clearance, no development above ground shall commence until details and samples of all materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
- 4) With the exception of demolition and site clearance, no development shall take place until a plan showing the proposed finished floor levels of the new buildings and finished ground levels of the site in relation to the existing levels of the site and adjoining land have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
- 5) Prior to the commencement of development an Arboricultural Method Statement (AMS) shall have been submitted to and approved in writing by the Local Planning Authority, which ensures that all site operations shall be carried out with minimal risk of adverse impact upon trees that are to be

retained. The AMS shall include a list of contact details for the relevant parties and shall be appropriate to the scale and duration of the works, and may include details of:

- a) How existing trees, hedges and shrubs to be retained shall be protected;
- b) Removal of existing structures and hard surfacing;
- c) Installation of temporary ground protection;
- d) Excavations and the requirement for specialized trenchless techniques;
- e) Installation of new hard surfacing – materials, design constraints and implications for levels;
- f) Specialist foundations – installation techniques and effect on finished floor levels and overall height;
- g) Retaining structures to facilitate changes in ground levels;
- h) Preparatory works for new landscaping; and
- i) Auditable / audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

The approved AMS shall be implemented and adhered to throughout the construction phase with tree protection, as approved under part (a) of this condition, being implemented before any demolition, equipment, machinery or materials are brought on to the site for the purposes of the development. Tree protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

- 6) The development hereby approved shall not be occupied until details of a scheme for hard and soft landscaping to include boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The landscape details shall include an implementation programme for all planting, seeding and turfing. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Local Planning Authority gives written consent to any variation. The approved hard landscaping works shall be implemented prior to first occupation of those parts of the development to which they relate.
- 7) A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implantation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the LEMP shall be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and / or remedial action shall be identified, approved and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

- 8) Prior to the occupation of the development hereby approved and prior to the installation of any external lighting, details of all external light fittings and external light columns shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in full accordance with the approved details.
- 9) No development shall take place until:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across areas where archaeological trial trenching has not yet taken place has been submitted to and approved in writing by the Local Planning Authority (LPA); and
 - b) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the LPA.

In the event that part (b) identifies a need for mitigation, an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This shall detail a strategy to mitigate the archaeological impact of the proposed development and shall be informed by the results of the archaeological evaluation. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

- 10) The drainage strategy shall be installed in accordance with the approved drainage general arrangement drawing 19105-ARC-XX-00-DR-D-0001-P1 and the drainage strategy report 19105-ARC-XX-00-RP-D-0001-P1, unless otherwise approved in writing by the Local Planning Authority. The scheme shall be implemented, maintained and managed in accordance with the approved details.
- 11) No above-ground work shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority which, as a minimum, shall include:
- The arrangements for adoption by an appropriate public body or statutory undertaker or, management and maintenance by a Residents' Management Company; and

- Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and shall include elements such as:
 - on-going inspections relating to performance and asset condition assessments;
 - operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; and
 - Means of access for maintenance and easements where applicable.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

- 12) No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved drainage general arrangement drawing 19105-ARC-XX-00-DR-D-0001-P1 and the drainage strategy report 19105-ARC-XX-00-RP-D-0001-P1 has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:
- Any As-Built Drawings and accompanying photos;
 - Results of any Performance testing undertaken as a part of the application process (if required / necessary); and
 - Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

Any departure from the approved design shall be in keeping with the approved principles.

- 13) No development hereby approved (including any demolition works) shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be strictly adhered to and shall provide for:
- The anticipated movements of vehicles;
 - The parking and loading / unloading of staff, visitor, and demolition / construction vehicles;
 - The loading and unloading of plant and materials used during demolition and construction;
 - Hours of operation and deliveries;
 - The storage of plant and materials used in constructing the development;
 - A turning area within the site for demolition and construction vehicles; vehicle routeing; and
 - Wheel washing facilities and other measures to prevent mud / debris being passed onto the public highway.
- 14) The development hereby approved shall not be occupied until details of the vehicular access off Warwick Road (A4141) and details of the closure of the existing access to be removed and reinstatement of the footway and highway verge have been submitted to and approved in writing by the Local Planning Authority. The access arrangement submitted shall be in general accordance with Drawing Number 25746_08_020_01 (Access Design) provided within Appendix G of the Transport Statement prepared by M-EC (Report Ref: 25746-08-TS-01). The highway works shall be constructed in accordance

- with the approved details prior to the occupation of the development hereby approved.
- 15) The development shall not be occupied until the parking, turning and service areas shown on approved drawing PL_12_105 REV A (Site Layout) have been constructed. They shall be retained and made fully available for those purposes at all times thereafter.
 - 16) The development hereby approved shall not be occupied until a scheme of secure, covered cycle parking and a 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.
 - 17) The development hereby approved shall not be occupied until a Car Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of, but not limited to, the management of the residential, staff and visitor car parking spaces, and measures to prohibit non-authorised / public vehicles parking within the site. The car park shall thereafter only be operated in accordance with that approved Strategy.
 - 18) The development shall not be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the installation of two seating / resting areas on the public highway footway / verge along Warwick Road (A4141). The seating / resting areas shall be implemented in accordance with the approved scheme prior to the occupation of the development hereby approved.
 - 19) The development hereby permitted shall not be occupied until a Site Travel Plan (STP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The STP shall include measures to actively promote the use of more sustainable transport choices for all users of the site, including the provision of on-site vehicles and drivers service, which is available permanently and solely for use by residents. The measures contained within the STP shall be implemented at the point of occupation of the development and thereafter, a report on the outcomes of the implementation of the STP shall be submitted to the LPA, in accordance with the timescales set out in the approved STP, for monitoring purposes.
 - 20) Before the development hereby approved is brought into use any air conditioning, electrical or mechanical ventilation scheme shall be installed and thereafter used and maintained in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority.
 - 21) Before the development hereby approved is brought into use details of any ventilation system, incorporating grease and odour filtration and / or suppression shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the system shall be used and maintained in accordance with the approved scheme.
 - 22) a) If during development work significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until investigations and / or a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in full accordance with such approved strategy.

b) Any soils and other material taken for disposal shall be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought on site shall be clean and a soil chemical analysis shall be undertaken to verify imported soils are suitable for the proposed end use. A verification report confirming the suitability of the soil imported shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved.

- 23) Each extra-care unit hereby permitted shall be occupied only by:
- persons over 60 years old; or
 - a spouse / or partner (including live-in partner) living as part of a single household with such a person or persons.
- 24) Prior to the first occupation of the extra-care apartments, details of the proposed 'care package', which shall provide a basic level of care to occupiers of the care apartments, shall be submitted to and approved in writing by the Local Planning Authority. All households of the care apartments shall subsequently be required to subscribe to the care package for the duration of their occupation of their apartment.
- 25) Notwithstanding the provisions of Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any equivalent statutory instrument revoking and re-enacting that Order, the development hereby permitted shall not be used for any purpose other than as an extra care facility to be operated in accordance with a scheme of leasehold accommodation / tenancy. Priority shall be given, for a period of 6 months from the commencement of marketing, to the local need of occupiers / tenants from within the Council's administrative area before any accommodation is offered to the wider market and provide such evidence as the Local Planning Authority should reasonably request for monitoring purposes.