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## Appeal Decision

Site visit made on 6 July 2020

**by Ben Plenty BSc (Hons) DipTP MRTPI**

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

**Decision date: 30 July 2020**

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### **Appeal Ref: APP/D3640/W/20/3245089**

### **42-44 London Road, Bagshot GU19 5HL**

- 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 Your Life Management Services Ltd against the decision of Surrey Heath Borough Council.
  - The application Ref 18/1083, dated 7 December 2018, was refused by notice dated 17 October 2019.
  - The development proposed is for the demolition of existing buildings and redevelopment to form 46 Extra Care apartments (C2 use) for older people including communal facilities, car parking and associated landscaping.
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### **Decision**

1. The appeal is allowed, and planning permission is granted for the demolition of existing buildings and redevelopment to form 46 Extra Care apartments (C2 use) for older people including communal facilities, car parking and associated landscaping at 42-44 London Road, Bagshot GU19 5HL, in accordance with the terms of application 18/1083 dated 7 December 2018, and subject to the submitted Legal Agreement and attached schedule of conditions.

### **Procedural matters**

2. A S106 Legal Agreement in the form of a Unilateral Undertaking (UU) has been submitted in support of the appeal. This makes provision for financial payments towards Strategic Access Management and Monitoring (SAMM) and Suitable Accessible Natural Green Spaces (SANG). It would also ensure that the operator provides a suite of care commensurate with an extra care facility. The Council has identified that these sums would provide a satisfactory means to secure appropriate mitigation towards the Thames Basin Heaths Special Protection Area (TBHSPA). It has consequently withdrawn its second reason for refusal. However, as decision maker it is incumbent upon me as competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA. It is therefore necessary to still consider this as a main issue.
3. The application was amended following its initial submission to the Council but prior to its determination. I have dealt with the appeal on the basis of the amended plans, which were subject to public re-consultation. These do not materially change the substance of the proposal. Consequently, taking these into account would not prejudice any party.
4. I have adjusted the address from that used on the application form to the one within the appeal form and decision notice for clarity. Also, the description of

development was changed by the Council. However, I do not appear to have confirmation that this revised description was agreed with the appellants. As such, I have used the description from the application form that clearly describes the proposal.

### **Main Issues**

5. Accordingly, the main issues are:

- the effect of the proposed development on the character and appearance of the area, with particular respect to its footprint, mass and dormer design,
- the effect of the proposal on the setting of the adjacent Bagshot Village Conservation Area and on the identified designated and non-designated heritage assets, and
- whether the proposal would have a significant effect on the integrity of the TBHSPA.

### **Reasons**

#### *Character and appearance*

6. London Road is a main route through the village of Bagshot. It is a wide and relatively busy highway. The majority of buildings adjacent to the site and along London Road are in commercial and community use. Residential uses are found to the immediate east of the site. The appeal site is therefore a transitional one between residential and commercial activity. In architectural terms local building heights are generally between two and three stories and are brick with pitched roofs. The appeal site consists of a restaurant, a dwelling to the rear and other smaller buildings. The restaurant presents a side elevation to London Road and overlooks a large car park. Therefore, the front of the site is dominated by hardstanding and built form, with limited landscaping. As a result, the site has a relatively stark and hard urban appearance. It therefore makes a neutral contribution to the character and appearance of the local area.
7. Local building footprints are a variety of sizes. To the north and east of the appeal site there are several examples of substantially larger footprints of buildings in residential and commercial use. Within High Street plots sizes are much smaller, though properties are attached to create larger blocks of development with continuous frontages. The proposed building would have a large footprint in comparison to many traditional buildings but would be consistent with the general form of many more contemporary local examples. The proposed footprint would therefore be appropriate in principal within the local context.
8. The proposed footprint would have a bearing on the retained space available for landscaping, amenity space and parking. The proposal would include a substantial area of private amenity space to the rear of the building that appears adequate for the needs of its residents. Also, the proposed parking provision would satisfy the County Highway Authority in terms of quantity and highway safety. Furthermore, although some parking rows are in clusters of 4, the effect of the proposed landscaping would soften the appearance of the frontage. Moreover, the addition of the generous pockets of frontage green space would substantially enhance the appearance of the site in comparison to

- its existing appearance. Therefore, the proposed car park would not be a dominant feature in the streetscene. There would be adequate opportunity to accommodate on plot landscaping. Accordingly, the areas allocated for landscaping, amenity and parking are reasonable and would not be constrained by the footprint of the proposed development.
9. Turning to the effect of the mass of the proposal, the building would include a 4-storey element within a section closest to London Road, part of which would be within a roof space. Height within the building would then gradually reduce away from London Road to terminate with a single-storey component to the east part of the site. The design includes pitched roofs that would diminish the visual impact of the building and create a lower profile. London Road already contains several three-storey buildings, with Seal House making use of its roof space to provide a third floor. Furthermore, these buildings assist in enclosing and framing this wide and busy street. Accordingly, whilst the proposed building would be a single form, its mass would not appear out of place and would incorporate design elements and characteristics from the local area.
  10. The form of the proposal would consist of various building heights and a modest range of materials. Elevations would largely include brick with timber cladding around the corner feature. The effect of this variety of form would be to disguise the mass of the building. This would be assisted by the clear and defined articulation of the elevations with a coordinated window form and order. Also, the Z-Plan footprint would visually reduce the effect of each elevation and accordingly reduce the appearance of its overall mass. This would also reduce the visual impact of each elevation. The form would also be disaggregated by a variety of design elements. This variety would create further interest in the elevations. Furthermore, the configuration of the footprint would enable it to successfully address both London Road and Half Moon Street. Taking these elements together, the proposed building's form would accord with the general form and character of many local buildings.
  11. Turning to the design of the dormer window features, dormer windows on two-storey buildings are evident along Bridge Road to the east of the site. The proposal would include wide dormer additions for large parts of the proposed building. The Council's Residential Design Guide advises that dormer windows should not dominate a roof and not occupy more than half of a roof slope. However, in this case the dormer window feature would be most prominent from London Road, which has a mixed character. The longer side elevation would only be seen in incidental views from the main road and would therefore not dominate the streetscene. Also, dormers would not appear dominant in the domestic scale found on Half Moon Street. Furthermore, the windows within the dormers would largely follow the established rhythm of lower level windows. Also, the colour blending of its cladding and the surrounding roof tiles would enable the dormers to better integrate with the roof. Moreover, the roof plane would maintain its dominance of form having expressed eaves and a ridge line that would define the principal shape of the roof. Accordingly, these elements when combined would de-emphasise the overall effect of the dormers and enable them to complement the local area with a contemporary response.
  12. Taking the above points together, I have found that the proposal would be an appropriate response to its context in regard to its footprint, mass and dormer design. It would therefore accord with the areas prevailing character and would deliver an attractive well-designed scheme.

13. Accordingly, the proposal would accord with policies CP2 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2011-2028 (2012) (CS). These seek development that would use land efficiently, taking into account its context and be of high-quality design. Furthermore, the proposal would accord with the Council's Residential Design Guide (2017) which amongst other things seeks building heights to help enclose the street and to integrate well into its surrounding context. These policies are also in general accordance with the Framework requiring development to be sympathetic to the local character.

*Effect on heritage assets*

14. The south eastern boundary of the site adjoins the northern boundary of the Bagshot Village Conservation Area (CA). The significance of the CA derives from it being a historic Surrey village with an array of historic buildings, some of which from C16, and that it retains a domestic scale. The National Planning Policy Framework (The Framework) identifies significance as 'the value of a heritage asset to this and future generations' and is derived 'not only from its physical presence, but also its setting'. It explains that elements of a setting may make a positive or negative contribution to its significance or may be neutral. Therefore, the question is whether change within the wider 'setting' of the identified heritage assets would result in a loss of (or degrading to) their 'significance' as a heritage asset. Heights of buildings within the conservation area are predominantly two-storey. A limited number of these include three-storey elements within gable ends such as found at 41-45 High Street.
15. The Council's Bagshot Village Conservation Area Appraisal and Management Proposals 2015 (CAAMP) identifies important views through the conservation area. It also identifies that some modern buildings outside the CA have not been in scale with the surrounding historic environment. The most affected views from within the CA would be from the frontage of the Kings Arms looking north and from Half Moon Street. However, from the frontage of the Kings Arms the upper level of the proposal would only be partially visible and set behind existing buildings. From Half Moon Street, the nearest element of the proposed building would be single-storey and the larger element set way from this frontage. As a result, the proposed building would be discrete and would not dominate either view.
16. Some views from London Road, looking south over the site, would partially obscure distant views of some roofs of modestly scaled buildings on the High Street. However, specific views from London Road are not identified as significant within the character appraisal. Also, this view already includes the petrol station and restaurant which together have a negative effect on this approach. Conversely, the appellant's viewpoint analysis illustrates that the proposal would have a positive impact. It would address the street with a building that would face the main road and complement the established character of London Road. I therefore find that views of the scheme from and into the CA would not be unduly prominent. As such, they would have a neutral effect on its setting and would not harm the character or appearance of the CA.
17. The site is within the setting of several listed buildings. I have a statutory duty<sup>1</sup> to have special regard to the desirability to preserve the setting of a listed building. The listed buildings consist of '75-79 High Street', 'The Three Mariners

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<sup>1</sup> section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

and Cottage', 'Queen Anne House' and '65 High Street'. No 75-79 is Grade II listed. Its significance derives from its C16 origins and being traditional two-storey cottages. The significance of the Grade II 'The Three Mariners' site relates to its origins in the C16 and C17 and its form of construction including a timber frame. A key view of these two buildings is when looking northeast along High Street. Due to the close and intimate nature of this section of the High Street perception of the proposal would be negligible. Furthermore, the rear of No's 75-79 are less detailed parts of the building and Half Moon Street therefore is of less significance to the building. Therefore, the nearer parts of the proposal, consisting of a reduced height, would have a minimal impact on its significance from this vantage.

18. The significance of the Grade II Queen Anne House lies primarily in its prominent formal front façade onto Bridge Road which, whilst modestly detailed, retains its period details. The garage, other buildings and trees opposite this building would result in limited intervisibility of the proposal. The significance of 65 High Street, a Grade II listed building, derives from its architectural detailing and C18 origins. Due to the close proximity of neighbouring buildings the proposal would have a negligible effect on its significance. As such, the proposal would have a negligible impact on the significance of the identified listed buildings within the area and would therefore preserve their setting.
19. Bagshot Park is a Grade II Registered Park and Garden to the north of the site. The proposed building would be seen from the park in context with its surrounding built form. It would therefore have a minimal impact on the significance of the Park.
20. Two locally listed buildings are also close to the site. The property of 1-3 Half Moon Street is a two-storey white painted dwelling. Number 85-87 High Street is a brick C19 building with a relatively strong street presence. Their significance has not been identified within the CAAMP. However, they are traditional buildings that are in character with their surrounding area and make a positive contribution to the CA. The proposed building would be lower where it would be close to these buildings and would therefore respect their significance.
21. I have therefore considered the effect of the scheme on the setting of a range of designated and non-designated heritage assets. I have accepted that the scheme would, to varying degrees, visibly alter their context. However, I have found that individual impacts on setting would be no greater than negligible, and that overall the redevelopment of the site would have a beneficial impact. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving the setting of listed buildings. The protection of these, and other heritage assets, must be given considerable importance and weight. Even taken cumulatively, my view is that the scheme would not harm the significance of the identified designated and non-designated heritage assets.
22. Accordingly, the proposal would accord with policy DM9 of the (CS). This seeks development that takes into account the significance of local heritage assets. Furthermore, the proposal would satisfy the Bagshot Village Conservation Area Appraisal and Management Proposals (2015) which seeks new development

outside the CA boundary to improve and enhance nearby sites. This proposal would also accord with the Framework requiring development to sustain and enhance the significance of heritage assets.

*Special Protection Area (SPA)*

23. The appeal site is located around 0.47km from the TBHSPA. The Council's TBHSPA Avoidance Strategy (2019) identifies that recreational pressure is having a detrimental effect on the nightjar, woodlark and dartford warbler species of birds within the SPA. The Council's second reason for refusal was that in the absence of payment or a completed legal agreement the applicant had failed to satisfy Policy CP14B of the CS. This policy requires any residential development to only be permitted, within 5km of the SPA, if it does not give rise to an adverse effect upon its integrity.
24. Circular 6/2005, and in particular the flow chart in figure 1, sets out the approach to be taken in considering a development proposal that might affect a SPA, in order to fulfil the requirements of the Habitats Regulations. The appeal proposal is not directly connected with nature conservation. I have no evidence to assure me that visits to the SPA would not have a significant effect on the internationally important features of the site. Furthermore, Natural England confirmed during the application process that the proposal would result in an adverse effect without mitigation. Also, it is undisputed by the appellant that without mitigation measures the proposal would result in potential harm to the SPA. In such circumstances the Circular requires that I undertake an Appropriate Assessment (AA) to consider the implications of the proposal in view of its conservation objectives.
25. I concur with the view of Natural England and the Council that, in the absence of mitigation measures, there is the potential for residents of the proposal to visit the SPA. The Circular requires me to consider whether compliance with conditions or other restrictions, such as a planning obligation, would enable it to be ascertained that the proposal would not adversely affect the integrity of the SPA.
26. The Council's Avoidance Strategy explains that residential development between 400m and 5km of the SPA can mitigate its adverse effects through developer contributions. The Council has identified that the site is within the catchment of the Windlemere SANG which has some limited capacity to accommodate further users. The Strategy also confirms that SAMP contributions would be required in accordance with the tariff set out in chapter 7 of the document. The Council has confirmed that the sums within the UU would meet the Strategy's requirements and enable access by future occupiers to the Windlemere SANG.
27. Paragraph 56 of the Framework and the CIL Regulations<sup>2</sup> require planning obligations to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. I find that the offered SPA mitigation contributions are necessary to meet the Council's SPA Avoidance Strategy. Furthermore, the operational management plan is necessary to ensure that the facility provides for an extra care facility and thereby meeting the identified local needs for specialist elderly accommodation. The document is a certified executable Legal Agreement. I am therefore

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<sup>2</sup> Community Infrastructure Levy Regulations 2010, Regulation 122(2)

satisfied that the Agreement is necessary to meet the requirements of policy CP14B and local housing needs. I am therefore content that these elements satisfy the required tests of the CIL Regulations. Moreover, the measures would provide the necessary mitigation to ensure that the development would not adversely affect the integrity of the TBHSPA.

28. As such, the proposal would comply with policies CP14(B)(v) and (vi) of the CS which seeks development that would not affect the integrity of the SPA through making contributions towards a SANG and SAMM. The proposal would also satisfy saved policy NRM6 of The South East Plan 2009, which seeks development to provide mitigation measures that would be likely to affect the integrity of the SPA. Consequently, the proposal would therefore also satisfy the requirements of the TBHSPA Avoidance Strategy (2019) that establishes the Council's mitigation requirements.
29. The Council has stated that its allocation of users to the Windlemere SANG site is becoming limited. Consequently, it has confirmed that planning approvals for development requiring SPA mitigation would receive only a one-year commencement period. This would enable the Council to better manage the allocation of, and access to, the SANG. I find this to be a reasonable response to the management of this limited resource. Furthermore, as the commencement date would be shortened it follows that the trigger payment date within the UU should also reflect this position. Moreover, payment prior to commencement would accord with the Council's Avoidance Strategy. I am aware that the appellant is managing financial difficulties associated with the effects of Covid-19. I understand that this is having a broad and considerable impact on this sector. However, for the above reasons, it would be necessary and fundamental for these payments to be made prior to the commencement of development to avoid an otherwise adverse impact on the SPA.

### **Other matters**

30. I have noted concerns raised by local residents in regard to privacy, outlook, and access to sunlight and daylight. With regard to overlooking, the distances from proposed habitable windows towards neighbouring gardens and rooms is substantial and the impact on privacy would accordingly be negligible. Equally as the separation distances would be generous the effect of daylight levels would be minimal. Moreover, the position of the lower level elements of the proposed building, adjacent to Half Moon Street, would further mitigate any demonstrable harm on adjacent occupiers. In consideration of the effect of loss of direct sunlight the proposal would be northeast of dwellings along Half Moon Street. These properties may have a slight reduction in sunlight at the end of the day. However, they are to the south of the site, and so harm in this regard would be negligible. Other dwellings to the north and south of the site would be less affected by the proposal due to the separation distance and orientation. For similar reasons, the outlook from these nearest dwellings would not be demonstrably harmed.
31. In consideration of noise impact and air pollution, the proposal would locate car parking some distance from the nearest residential boundaries. Furthermore, the noise of traffic using the car park would be unlikely to be significantly greater than noise levels created through the use of the existing car park. For these reasons noise and air pollution would be unlikely to have a demonstrable impact on the living conditions of neighbouring occupiers. Also, the noise

- impact of the main road to future occupiers could be suitably mitigated through the use of a planning condition requiring noise attenuation.
32. Flood issues have been explored through the appellant's Flood Risk Assessment (FRA) and sequential and exception tests. Although the site is partially within flood zone 3a, the tests have illustrated that no other site is reasonably available. The FRA concludes that the site is suitable for development subject to mitigation. The flood attenuation design has been agreed with the Environment Agency and the Lead Local Flood Authority. The proposed building would be raised above the flood plain. It would also include catchment voids under the building and within the car park to accommodate compensatory flood water storage. I see no reason in evidence not to accept these conclusions or the design solution. I am therefore satisfied that flood related matters could be suitably addressed through the application of appropriate planning conditions.
33. Local residents have identified existing parking pressures in the area. However, the proposal would satisfy the Council's car parking requirements. Furthermore, the proposed rear access would provide a safe and useful pedestrian link to the high street. Also, the site is close to the railway station. Subsequently, there is no compelling evidence to indicate that the proposal would exacerbate existing congestion or parking pressures in the area. I am also satisfied that the site is in an accessible location and that the parking provision is appropriate for the given context. Accordingly, the proposal would not result in an unacceptable impact on highway safety.
34. Representations have identified a perceived lack of adequate environmental surveys in regard to Windle Brook and that surveys were not completed at an appropriate time of the year. Nevertheless, I am satisfied that the appellant's ecological report is robust, and I note that the proposal has not raised an objection from the Surrey Wildlife Trust.
35. I have also taken into account representations made in regard to the loss of the existing restaurant and the impact of the proposal on infrastructure, but these matters do not affect my findings on the main issues.

### **Conditions**

36. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance. The Council has suggested the imposition of 21 conditions. I shall impose most of these with some minor amendments and adjustments for clarity.
37. It is necessary for details in regard to conditions 13, 15 and 17 to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These are required prior to construction commencing because they would include work within the footprint of the building or would affect initial site setting for construction materials and plant. The tree protection condition would be necessary to retain the trees which contribute to the local setting and the overall environmental quality of the area. Construction management details would be required to protect the living conditions of neighbouring residents. Also, details of levels would be necessary to ensure that the building relates well to adjacent buildings in the interests of the character and appearance of the area.



38. The further conditions are necessary in the interests of the character and appearance of the area [3 and 14], to protect flood related matters and ensure the proper drainage of the site [4, 5 and 20], in the interests of highway safety and to limit the impact of highway activity on the local infrastructure [8, 10 and 11], in regard to the identified archaeological and ecological interests [7 and 19], and to protect the living conditions of existing residential neighbours [18] and future occupiers [6]. Furthermore, it is necessary to limit the use of the building to extra care due to the limited car parking provision and to meet the specific local need for specialist accommodation for older people within the area [9]. It is also necessary to require vehicle charging points to satisfy the objectives of policy CP2 of the CS [12].
39. Condition 16 is required to provide adequate noise attenuation and thereby protect the living conditions of future occupiers. However, I am not convinced that these details are required at a pre-commencement stage and have adjusted the submission period accordingly. I have also not imposed the Council's suggested condition 16 as I find this to be repetitious.

### **Conclusion**

40. For the above reasons, the appeal is allowed, and planning permission is granted subject to the appended conditions and the associated Unilateral Undertaking.

*Ben Plenty*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin no later than one year from the date of this decision.
- 2) The proposed development shall be built in accordance with the following approved plans: 1454-SE-2385-RL-PL1110 Rev. B, 1454-SE-2385-RL-PL1111 Rev. B, 1454-SE-2385-RL-PL1112 Rev. B, 1454-SE-2385-RLP-PL1210 Rev. B, 1454-SE-2385-RLP-PL1221 Rev. B, 1454-SE-2385-RL-PL1222 Rev. B, 1454-SE-2385-RL-PL1223 Rev. B, 1454-SE-2385-RL-PL1214 Rev. B, 1454-SE-2385-RL-PL1310 Rev. A, 1454-SE-2385-RL-PL1311 Rev. A, 1454-SE-RLP-PL-1314 Rev. A and 1454-SE-2385-RL-PL1312 Rev. A.
- 3) No construction above ground level shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed shall include the proposed brick, tile, cladding, windows, guttering and fenestration. Notwithstanding the approved plans, no windows in the extension shall be installed until details have been submitted to and approved in writing by the local planning authority. The window details shall include:- a) the windows in question and their location within the property, cross referenced to an elevation drawing or floor plan; b) 1:20 elevation and plan; c) 1:10 section with full size glazing bar detail; d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and e) a schedule of the window materials proposed, method of opening and finishes. Thereafter the approved

- development shall be constructed in accordance with the approved materials.
- 4) No construction above ground level shall take place until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy SuDS hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include: a) Evidence that the proposed final solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 l/s. b) Detailed design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers, etc.). c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected. d) Details of drainage management responsibilities and maintenance regime for the drainage system. e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
  - 5) The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates dated July 2019 [Ref: 43792/4001 Rev. A] and received on 29 July 2019 and the following mitigation measures: a) Finished floor levels shall be set no lower than 57.71 metres above Ordnance Datum (APD); b) Floodable voids shall be incorporated in accordance with Section 6.2.3 of the FRA. The underside of the void shall be set no lower than 57.42 metres above Ordnance Datum (AOD); c) Compensatory storage shall be provided in accordance with Proposed Flood Compensation Scheme drawing Ref: 43792/4001/103 rev. B dated 19.11.2018. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
  - 6) No construction above ground level shall begin until a scheme to manage contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall include :- (a) a contaminated land desk study and suggested site assessment methodology; (b) a site investigation report based upon (a); (c) a remediation action plan based upon (a) and (b); (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction; and (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d); and (f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out. The development shall be carried out and completed in accordance with the agreed details.

- 7) No construction above ground level shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority. All agreed work shall be undertaken in accordance with the agreed programme and completed prior to the occupation of the approved development.
- 8) The development hereby approved shall not be occupied until the proposed modified access to London Road, as shown on Drawing No. 1454-SE-2385-RL-PL1110 Rev. B received on 15 July 2019 have been constructed in accordance with the approved details.
- 9) The premises shall be used for extra care apartments (and associated uses) and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
- 10) The parking spaces shown on the approved Drawing No. 1454-SE-2385-RL-PL1110 Rev. B received on 15 July 2019 shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles. The parking spaces should be marked such that 7 spaces are provided and made available for staff and visitors.
- 11) The development hereby approved shall not be occupied until the following facilities have been provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority for: a) The secure parking of a minimum of 7 bicycles with the development site, and b) Travel information packs are to be provided to residents/staff/visitors regarding the availability of and whereabouts of local public transport/walking/cycling/car sharing clubs/car club. The approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 12) The development hereby approved shall not be occupied until six of the approved car parking spaces have been provided with a fast charge socket (minimum requirement 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to the submitted to and approved by the Local Planning Authority.
- 13) No development shall take place until a Method of Construction Statement, to include details of: (a) parking for vehicles of site personnel, operatives and visitors, (b) loading and unloading of plant and materials, (c) storage of plant and materials, (d) programme of works (including measures for traffic management), (e) provision of boundary hoarding, (f) hours of construction, (g) a method of keeping the local highway network clean, and (h) a method to protect the banks of Windle Brook, have all been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the construction period.
- 14) No construction above ground level shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and implemented prior to first occupation. The submitted details shall also include an indication of all level alterations,

hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied BS5837:2012 – Trees in Relation to Design, Demolition and Construction Arboricultural Method Statement [AMS]. All hard and soft landscaping works shall be carried out in accordance with the approved details. Furthermore, a landscape management plan including maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development. The schedule shall include details of the arrangements for its implementation and shall be implemented prior to the occupation of the proposal or the next planting season. The landscape areas shall then be managed and maintained in accordance with the agreed landscape management plan for a minimum period of five years, with any trees removed or having failed being replaced.

- 15) No demolition, site clearance or building operations shall commence until tree and ground protection has been installed in accordance with British Standard 5837: 2012 "Trees in Relation to Design, Demolition and Construction" in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Tree and ground protection to be installed and retained during the course of the development.
- 16) No construction above ground level shall take place until a scheme for protecting the approved dwellings from noise from A30 London Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any of the affected dwellings are occupied.
- 17) No development shall take place until details of the proposed finished ground floor slab levels of the building and the finished ground level of the site including access, parking areas and rear amenity areas, in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.
- 18) No construction above ground level shall take place until details of external lighting has been submitted to and approved by the Local Planning Authority. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification. Once approved, the external lighting shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter retained in perpetuity.
- 19) The development hereby approved shall be undertaken in accordance with the recommendations of the 'Preliminary Ecological Appraisal and Bat Preliminary Roost Assessment' dated 27th June 2018; and 'Bat Emergence and Reptile Surveys', dated 8th October 2018.
- 20) An evacuation strategy for future residents in the event of a flood event shall also be submitted to and approved by the Local Planning Authority. This strategy shall be approved prior to occupation and undertaken in the event of a flood event emergency.

### **End of Conditions**