
Appeal Decision

Inquiry held on 18-20 September, 30 September - 4 October and 4 November 2024

Site visits made on 30 September and 8 October 2024

by H Butcher BSc (Hons) MSc PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2024

Appeal Ref: APP/Z3635/W/24/3342657

Land East of Vicarage Road, Sunbury-on-Thames TW16 7LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a hybrid planning permission.
 - The appeal is made by Senior Living (Sunbury-on-Thames) Limited against the decision of Spelthorne Borough Council.
 - The application Ref is 23/00121/OUT.
 - The development proposed is an Integrated Retirement Community to consist of:
 - a) a full planning application for 38 extra care and 28 close care units (Use Class C2), with an on-site village centre to include a medical facility, means of access off Vicarage Road, associated infrastructure, landscape buffer and open space;
 - b) an outline planning application for a care home (up to 60 beds) and up to 98 extra care units (Use Class C2), landscaping and open space, parking, infrastructure, and internal access roads.
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Decision

1. The appeal is allowed and planning permission is granted for an Integrated Retirement Community to consist of: a) 38 extra care and 28 close care units (Use Class C2), with an on-site village centre to include a medical facility, means of access off Vicarage Road, associated infrastructure, landscape buffer and open space; and b) a care home (up to 60 beds) and up to 98 extra care units (Use Class C2), landscaping and open space, parking, infrastructure, and internal access roads at Land East of Vicarage Road, Sunbury-on-Thames TW16 7LB, in accordance with the terms of the application Ref 23/00121/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The detailed planning application (a) includes two new accesses off Vicarage Road, which would serve both the outline and full planning applications. The outline application (b) is made with all matters reserved. In respect of the outline application, various plans are before me, including an Illustrative

Masterplan, Illustrative Streetscenes, and Illustrative Site Masterplan, and I have considered these on this basis.

3. The appellant submitted a Flood Risk Assessment (FRA) which identified that part of the site falls within Flood Zone 2 and is also at risk of groundwater flooding. The FRA goes on to find that, notwithstanding this, a Sequential Test is not required. However, national planning policy is clear that in circumstances such as this, a Sequential Test is necessary. After considerable debate in the Inquiry, it was agreed that a short extension and additional sitting day be permitted to allow for the late submission of a Sequential Test. A Sequential Test is highly material to this case. Furthermore, given that interested parties would be able to comment on it in writing and orally, and only a short delay would result, there would be no conflict with natural justice or procedural fairness by allowing this late evidence to be submitted.
4. A request was made for the appeal to be recovered for determination by the Secretary of State. The appeal was considered for recovery, but it was decided that it could be determined by the appointed Inspector.
5. On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). These reforms are draft and therefore may be subject to change before the final document is published. The parties agree that they carry limited weight at this time.
6. A formal site visit was carried out at the appeal site on 30 September 2024. In addition to this a visit was also made on 8 October 2024 to Richmond Villages, Letcombe Regis, Oxfordshire, which was put forward in the Inquiry as an example of an Integrated Retirement Community.
7. It is not in dispute that the Council are currently unable to demonstrate a five-year supply of housing land. The supply is agreed by the parties to be between 2.4 and 2.35 years.
8. It is common ground between the parties that limited weight can be given to the emerging local plan at this stage.

Main Issues

9. Having regard to all the evidence before me the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt and Green Belt purposes;
 - The effect of the proposal on the character and appearance of the surrounding area; and,
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

10. The Council's reasons for refusal included a reason relating to the provision of affordable housing but this has fallen away following the submission of a S106 Planning Agreement. It is not necessary therefore for me to take this matter further.

Reasons

Whether Inappropriate Development

11. The site is 5.3ha of open land comprising areas of grassland, scattered trees, and a strip of semi-natural broadleaved woodland. The site lies adjacent to the settlement boundary of Sunbury-on-Thames and falls entirely within the Metropolitan Green Belt.
12. The parties agree that the appeal scheme comprises 'inappropriate development' as set out in local and national planning policy and it is not the appellant's case that any of the exceptions in Policy GB1 of the Spelthorne Borough Local Plan 2001 Saved Policies and Proposals (LP), or paras 154 and 155 of the Framework, apply in this case. I concur with that position.

Effect on Openness

13. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. One of the essential characteristics of Green Belts are their openness and their permanence.
14. The parties agree there would be harm by virtue of a loss of openness of the Green Belt both spatially and visually. I again concur with that position. The proposal would see the construction of permanent new buildings across much of the site along with associated activity; a site which is presently free from development. It follows therefore that there would be harm to openness.
15. It is useful, however, to consider the degree of any such harm. The proposed buildings would be between 1.5 to 2.5 storeys in height in the outline application, and up to 3 storeys in the full application; 3 storeys being the height of the village centre building. This would clearly result in an impact on openness. The design of the buildings, specifically the use of pitched roofs, would, however, reduce their visual bulk. The village centre building, in particular, would have a flat roof concealed behind a pitched roof. This would, to a modest degree, reduce the development's spatial and visual impacts on openness.
16. Furthermore, the visibility of the site is relatively localised with views largely experienced from the immediately adjacent roads and footpaths, and a limited part of Kenyngton Manor Recreation Ground. The largely flat topography and non-elevated position of the site, set within the surrounding suburban landscape, would also somewhat reduce the visual effects of the development on openness.

Effect on Green Belt Purposes

17. The main parties also agree that the site contributes to three of the five purposes of Green Belt as set out in the Framework, namely:
 - a) to check the unrestricted sprawl of large built-up areas;

- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment.

It is also agreed that the proposal conflicts with these three purposes.

18. I again concur with the parties' position. It is useful to analyse the degree of harm associated with this conflict. The proposal would constitute an extension of the town of Sunbury-on-Thames. However, it would infill an area partly constrained by existing development and would extend no further north than the existing northern extent of the town. Whilst it would reduce the gap between Feltham and Sunbury-on-Thames, it would not completely close it and it could not be said that the two towns would merge as a result of the proposal. The site falls within the countryside and its development would clearly result in the encroachment of it.

Overall Finding on Green Belt

19. The development would constitute inappropriate development in the Green Belt. I have also found harm to openness and the Green Belt purposes. I find the totality of this harm, for the reasons set out above, to be not as high as 'substantial' as put to me by the Council, but nevertheless significant. The harm to the Green Belt carries substantial weight as set out at paragraph 153 of the Framework.

Character and Appearance

20. The appeal site is an open field. It was previously used for agricultural purposes, but it is now more accurately described as scrub land. Its immediate surroundings include Kenyngton Manor Primary School, Kenyngton Manor Recreation Ground, the Running Horse Public House, a parade of shops, allotments, and relatively dense residential development. High rise buildings are visible in the distance along with a communications mast. Consequently, whilst the appeal site is an open field, it has an over-riding suburban character and appearance rather than a rural character and appearance as put to me by the Council and articulated in their relevant reason for refusal.
21. The proposal is for an Integrated Retirement Community. The development would be largely domestic and residential both in terms of scale and appearance and, to a degree, contained by existing development such as the public house, residential housing, school, and recreation buildings. Whilst the proposal would result in a stark change from a field to a developed site, the change itself would not be out of character with its suburban surroundings. Rather, it would read as part of the established townscape.
22. I find no substantive reason in character and appearance terms to retain the visual break currently provided by the appeal site from its surrounding suburban environs given the adjacent allotments and recreation ground, amongst other public areas of open space in the vicinity, provide such a break in a more meaningful manner. Whilst the appeal site might form part of a landscape break between Sunbury-on-Thames and Feltham, this is not clearly appreciable on the ground given surrounding development, for example, the Running Horse Public House and buildings at the recreation

ground intercept such views. In any event, a meaningful gap between settlements would still be retained.

23. The Council raise no specific design concerns in respect of the development, and I find no reason to disagree. Based on the plans before me which include Full Plans for Phase 1 (Full planning application a)) and illustrative masterplans and a Design Commitment Statement for Phase 2 (Outline planning application b)) I am satisfied that an acceptable development could be brought forward in respect of local character and appearance.
24. Taking the above points together, I find no harm to the character and appearance of the surrounding area as a result of the development. It follows therefore, that I find no conflict with Policy EN1a) of the Spelthorne Core Strategy and Policies Development Plan Document (CS) which requires a high standard in design, and, specifically, to create buildings and places which respect and make a positive contribution to the street scene and the character of the area in which they are situated. Nor do I find any harm with the relevant provisions of the Framework on design.
25. Although Policy EN8 which relates to landscape and biodiversity is referred to in the second reason for refusal, the Council confirmed at the Inquiry that they were no longer relying on this policy. Furthermore, the Council raised no specific objections to the proposal in this regard.

Other Matters

26. Matters of increased flood risk and insufficient drainage of the site were dealt with in detail at the Inquiry. These are matters of great concern for residents, understandably so given the frequent and long-standing occurrences of flooding in the vicinity of the appeal site. Based on all the evidence before me, however, I find that it would be feasible to adequately drain the development, subject to the imposition of suitable conditions, such that the proposal would not result in increased flood risk elsewhere. Furthermore, the Council has maintained a position of no objection to the proposal on flood risk or drainage grounds throughout the application and appeal process.
27. Notwithstanding the above, a Sequential Test was submitted to the Inquiry based on parameters agreed with the Council beforehand in respect of, amongst other things, the search area. It is an exhaustive and comprehensive Sequential Assessment that has considered all potential forms of flooding and responded to the Council's suggested points of consideration. It has also taken into account recent developments in respect of Green Belt allocations in the emerging Spelthorne Local Plan. I am therefore satisfied that there are no available sequentially preferable sites. Accordingly, the Sequential Test has been passed.
28. Whilst the appellant also carried out an Exception Test, it was agreed in the Inquiry that this was not required based on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the Framework.
29. The proposal would likely result in an increase in vehicular movements onto Vicarage Road and surrounding roads. However, the Highway Authority raises no concerns in this regard, and I find no reason to conclude otherwise. Given

the scope of care to be provided on-site, I find that the impact of the development on local services would not be material.

30. Any concerns over contamination and local ecology could be dealt with by way of suitable conditions. Air quality impacts could also be mitigated by way of condition.
31. I have included a condition to protect the living conditions of occupiers of neighbouring properties in terms of noise and disturbance during the construction period. Finally, the appellant's marketing strategy and business model are not matters on which this appeal would turn.

Other Considerations

32. There are benefits in favour of the appeal. Most significant of these is the provision of 'housing with care' and a care home. The Council agree there is a significant level of need for 'housing with care' in the Borough. There is also an agreed need for care home bedspaces. It is also of note that there are currently no other such developments in the pipeline nor any proposed allocations in the emerging plan for this type of development. It is further agreed that the need figures for both will continue to rise in the future.
33. The need to provide housing for older people nationally is critical as set out in Planning Practice Guidance. There is no doubt that there is a clear and pressing need for this type of development in Spelthorne. In my view agreeing absolute figures for need in this case is purely academic, as even using the Council's more conservative figures, the proposed development would still leave a significant deficit in the provision of both types of housing in the borough. I therefore afford the provision of housing with care and a care home in this case very substantial weight.
34. The proposal would also bring about further benefits which would include freeing up market housing, a contribution towards affordable housing, economic benefits in terms of job creation, health and wellbeing benefits to future residents, for example, on-site care services and a village transport service, and a Bio-diversity Net Gain. Cumulatively these benefits carry moderate weight.

S106 Planning Agreement

35. A signed and dated agreement under S106 of the Town and Country Planning Act 1990 has been submitted which provides for various obligations. In line with Regulation 122(2) of the CIL Regulations 2010 (as amended) the Framework explains in paragraph 57 that planning obligations must only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is therefore necessary for me to consider these obligations in detail and reach a finding on them having regard to the above tests.
36. First are obligations relating to occupancy and use, care services, village transport service and the provision of clinical space within the development. These are necessary given the specific nature of the development applied for and that the benefits as set out above are secured.

37. Also included is an obligation to pay a contribution towards off-site affordable housing. This is below the requirement outlined in Policy HO3 of the CS. However, it is agreed that it may be the maximum viable amount for this development and that this will be subject to an obligation to conduct a Viability Review.
38. Finally, an obligation relating to the approval of and then subsequent implementation, operation, and compliance with a Travel Plan for the development, and the payment of a Travel Plan auditing fee is necessary to support measures and specific schemes to improve sustainable transport.
39. In summary, all the obligations meet the tests of the Framework and fully comply with the requirements of Regulation 122(2) of the CIL Regulations 2010.

Conditions

40. The appellant has provided written agreement to all of the pre-commencement conditions. The pre-commencement conditions I have included relate to matters of: the phasing of the development; the protection of protected species; site drainage; the management of the construction of the development and the waste associated with it; archaeology; tree protection measures; contamination; biodiversity enhancement of the site; and necessary highway works. These are all matters which are fundamental to be resolved prior to development commencing as to not do so would mean it would be necessary to refuse the whole permission.
41. An agreed list of conditions was provided at the Inquiry. I have considered these in line with the advice contained at paragraph 56 of the Framework, i.e., that they are kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have also carried out minor editing and removed any duplication.
42. Given the hybrid nature of the application I have divided the conditions into the following sections:
 - *Conditions relating to full planning application only (38 extra care and 28 close care units (Use Class C2) with an on-site village centre)*
43. In addition to the standard time limit condition (1), I have included a plans condition for certainty (2). To ensure a satisfactory appearance it is necessary to include a condition relating to materials used for external surfaces (3) and condition 4 secures landscaping works. To ensure adequate access and parking is provided I have included conditions 5-9. It is necessary to secure both accesses under the full planning application as these have been applied for and full plans provided. In respect of the parking condition the proposed parking spaces are unallocated and I find no substantive reason to require them to be so. Finally, to protect the living conditions of occupiers of adjacent properties condition 10 requires the submission of extraction and filtration details for the on-site kitchen.
 - *Conditions relating to the outline planning application only (care home (up to 60 beds) and up to 98 extra care units (Use Class C2))*

44. I have attached standard conditions requiring details of the reserved matters to be submitted for approval, specifying when the reserved matters application must be submitted by, and when the development permitted must be commenced by (1-3). I have included a plans condition as this provides certainty (4), and to provide clarity as to what should be submitted at reserved matters stage, I have also included condition 5 which references parameter plans and a Design Commitment Statement.
45. A condition to ensure adequate parking is provided is necessary (6). However, given the size of the site, it is not necessary to specify that vehicles enter and leave the site in a forward gear as this could easily be dealt with at layout stage. Condition 7 requires the inclusion of a buffer zone with the adjacent watercourse to protect wildlife. It is contradictory, however, to require details of footpaths, fencing, and lighting, as set out in the final bullet point of the suggested condition as these are explicitly prohibited in the first part of the condition.
- *Conditions relating to both the full planning application and the outline application*
46. As the proposal includes two phases of development (a) and b)) it is necessary to require the submission of a Master Phasing Plan as set out in condition 1.
47. In the interest of amenity, security, and wildlife, condition 2 requires a technical specification for all proposed external lighting. Also in the interest of wildlife I have included condition 3. To ensure satisfactory drainage of surface water, conditions 4-6 are necessary.
48. A condition requiring the submission of a Construction Transport/Environmental Management Plan is necessary for reasons of the environment and the amenity of local residents during the construction period (7).
49. To protect any archaeological remains I have included conditions 8 and 9. To protect existing trees and ensure a satisfactory appearance, condition 10, requiring the submission of an Arboricultural Method Statement and Tree Protection Plan, is necessary.
50. For reasons of health and safety, conditions 11-14 are necessary to protect against contamination. Condition 15 is necessary to ensure that any redundant boreholes are safe and secure and do not cause groundwater pollution. Condition 16 secures biodiversity enhancements.
51. Conditions 17 and 18 secure a refuge island crossing and the relocation of the southbound bus stop on Vicarage Road. These conditions are necessary to ensure the development is accessible and safe and to mitigate the impact of the new primary access to the site. However, as these both involve works on land not controlled by the appellant these conditions are negatively worded. There is nothing before me to indicate there is no prospect at all of these actions being performed within the time limits of the permission, therefore they meet the relevant tests. There is no justification before me, however, for improvements to the north and southbound bus stops. I have

therefore not included that as a requirement of the condition as it would not meet the test of necessity.

52. To promote sustainable travel, Condition 19 secures the provision of secure and covered cycle parking. Given the sensitive nature of development providing residential care, I have included the Council's suggested noise condition (20).
53. To ensure a satisfactory appearance condition 21 relates to the provision of refuse and recycling storage and condition 22 the submission of details of all boundary treatments. Condition 23 will ensure the development is sustainable but it is not necessary for this to be a pre-commencement condition. Condition 24 ensures the satisfactory management of waste generated by the construction.
54. To protect the amenity of occupiers of neighbouring properties I have included a condition restricting the hours of construction (25). Air quality relates to both parts of this hybrid application, therefore I have included it as a condition relating to both applications (26) for the same reason of amenity. Finally, I have removed a condition relating to a Travel Plan as this is included within the S106 Planning Agreement.

Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

55. The development would constitute inappropriate development in the Green Belt resulting in harm to the openness of the Green Belt and conflict with three of the five purposes of the Green Belt. For the reasons set out I find the totality of Green Belt harm to be significant. As set out in the Framework this harm should be given substantial weight.
56. I have found no other harms, subject to the imposition of appropriate conditions.
57. On the other hand, I find that the other considerations in this case carry very substantial weight, sufficient to clearly outweigh the harm I have identified. I therefore find that in this case very special circumstances exist.
58. Consequently, the Green Belt does not provide a clear reason for refusing the development as set out in paragraph 11d) i) of the Framework, mindful as I am that the Council cannot demonstrate a five-year supply of deliverable housing sites. I move now to paragraph 11d) ii) and conclude that in light of my findings above, the adverse impacts in this case do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
59. Whilst I have found conflict with the development plan as a whole insofar as I have found harm to the Green Belt, and subsequently conflict with Policy GB1 of the LP, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration which in this case clearly indicates that planning permission should be granted.

Conclusion

60. The appeal is allowed.

H Butcher

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Edward Grant

He called:

Ivan Tennant MSc, MRTPI, MIED (Temple Group Limited)

Phillip Hughes BA (Hons), MRTPI, FRGS, Dip Man, MCMI (PHD Chartered Town Planners)

FOR THE APPELLANT:

Christopher Young KC instructed by Savills and assisted by Christian Hawley

He called:

Charlie Collins MSc, MRTPI, Head of Office (Planning), Savills

James Donagh MSC MIED, Director, Stantec

Nigel Newton-Taylor BSc (Hons) MRICS, Director, Healthcare Property Consultants

Mike Carr BA (Hons) LA DIP UD RUDP, Director (Design and Masterplanning), Pegasus Group

Ellen Pearce BA MSc MRTPI, Head of Planning, Inspired Villages

James Atkin BSc Dip Landscape Management MLI, Senior Director (Landscape) Pegasus Group

Richard Garside BSc (Hons) MRICS, Director, Newsteer

INTERESTED PERSONS WHO SPOKE AT THE INQUIRY

Lorraine Fuller

Kath Sanders

Suraj Gyawali

Councillor Mary Bing Dong

Ian Beardsmore

Alan Mockford

Cllr Harry Boparai

INQUIRY DOCUMENTS

- ID1 List of appearances for the appellant
- ID2 List of appearances for Spelthorne Borough Council
- ID3 Opening statement on behalf of the appellant
- ID4 Opening submissions on behalf of Spelthorne Borough Council
- ID5 List of interested parties
- ID6 Planning Practice Guidance Housing for older and disabled people
- ID7 Planning profile for accommodation with care for older people, Mole Valley District, April 2024
- ID8 Comparison of Market Extra Care/Housing-with-Care Assessments
- ID9 Completions forecast under previous policy
- ID10 Agreed Inspector's Site Visit Itinerary
- ID11 Email from 18th June 2024 to the appellant regarding Sequential Test and accompanying appeal decisions.
- ID12 Inspector's Ruling on whether to admit late evidence
- ID13 Survey of site showing location of Japanese Knotweed 2021
- ID14 Appellant's position in terms of Care Home Need - Spelthorne
- ID15 Council's setting out of position in terms of care home need - Spelthorne
- ID16 Photos from Cllr Boparai
- ID17 Large copy of Fig 5: ZTV, PRoW and Viewpoint Locations
- ID18 Revised Draft Planning Conditions
- ID19 Planning Agreement
- ID20 Draft CIL Compliance Statement
- ID21 Flood Risk Sequential Test Report (Savills)
- ID22 Spelthorne Borough Council comments on the Flood Risk Sequential Test
- ID23 Note on behalf of Spelthorne Borough Council in respect of the emerging Local Plan
- ID24 Note on behalf of the appellant in respect of the emerging Local Plan
- ID25 Sequential Test Input Addendum: Greenbelt Allocation Sites
- ID26 Closing Submissions on behalf of Spelthorne Borough Council
- ID27 Closing submissions on behalf of the appellant

SCHEDULE OF CONDITIONS

Conditions relating to the full planning permission only (Phase 1)

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the relevant parts of the following approved plans:
 - Site Location Plan 5564-PAL-ZZ-XX-DR-A-1100
 - Site Existing 5564-PAL-ZZ-XX-DR-A-1101
 - Site Plan – Component Plan 5564-PAL-ZZ-ZZ-DR-A-1103 Rev P1
 - Typical Scooter and Cycle Store Design Intent 5564-PAL-CS-DR-A-2000 Rev P2
 - Energy Centre GA Plans and Elevations 5564-PAL-EC-XX-DR-A-2000 Rev P3
 - Typical External Stores 5564-PAL-ES-XX-DR-A-2000 Rev P2
 - Site Masterplan – Phase 01 – Roof Plan 5564-PAL-ZZ-ZZ-DR-A-2030 Rev P4
 - Site Masterplan – Phase 01 5564-PAL-ZZ-00-DR-A-2031 Rev P5
 - Distances and Proximities – Phase 01 5564_2032 Rev P2
 - Site Sections and Street Elevations 5564_3500 Rev P5
 - Village Core GA Plans – Ground Floor 5738-PAL-VC-00-DR-A-2000 Rev P6
 - Village Core GA Plans – First Floor 5564-PAL-VC-01-DR-A-2001 Rev P4
 - Village Core GA Plan – Roof Plan 5564-PAL-VC-RF-DR-A-2003 Rev P4
 - Village Core GA Plans – Second Floor 5564-PAL-VC-02-DR-A-2002 Rev P4
 - Village Core GA Elevations 5564-PAL-VC-ZZ-DR-A-3000 Rev P6
 - Block 01 GA Plans – Ground Floor 5564-PAL-B1-00-DR-A-2000 Rev P3
 - Block 01 GA Plans – First Floor 5564-PAL-B1-01-DR-A-2001 Rev P3
 - Block 01 GA Plan – Roof Plan 5564-PAL-B1-RF-DR-A-2002 Rev P3
 - Block 01 GA Elevations 5564-PAL-B1-ZZ-DR-A-3000 Rev P6
 - Block 1a GA Plans 5564-PAL-B1a-ZZ-DR-A-2000 Rev P4
 - Block 1a GA Elevations 5564-PAL-B1a-ZZ-DR-A-3000 Rev P4
 - Block 02 GA Plans – Ground Floor 5564-PAL-B2-00-DR-A-2000 Rev P4

- Block 02 GA Plans – First Floor 5564-PAL-B2-01-DR-A-2001 Rev P4
- Block 02 GA Plan – Roof Plan 5564-PAL-B2-RF-DR-A-2002 Rev P3
- Block 02 GA Elevations 5564-PAL-B2-XX-DR-A-3000 Rev P6
- Block 03 GA Plans – Ground Floor 5564-PAL-B3-00-DR-A-2000 Rev P3
- Block 03 GA Plans – First Floor 5564-PAL-B3-01-DR-A-2001 Rev P3
- Block 03 GA Plans – Roof Plan 5564-PAL-B3-RF-DR-A-2002 Rev P3
- Block 03 GA Elevations 5564-PAL-B3-DR-A-3000 Rev P6
- Block 04 GA Plans – Ground Floor 5564-PAL-B4-00-DR-A-2000 Rev P4
- Block 04 GA Plans – First Floor 5564-PAL-B4-01-DR-A-2001 Rev P4
- Block 04 GA Plans – Roof Plan 5564-PAL-B4-RF-DR-A-2002 Rev P3
- Block 04 GA Elevations 5564-PAL-B4-XX-DR-A-3000 Rev P6
- Block 05 GA Plans Ground Floor 5564-PAL-B5-00-DR-A-2000 Rev P3
- Block 05 GA Plans – First Floor 5564-PAL-B5-01-DR-A-2001 Rev P3
- Block 05 GA Plans – Roof Plan 5564-PAL-B5-RF-DR-A-2002 Rev P3
- Block 05 GA Elevations 5564-PAL-B5-XX-DR-A-3000 Rev P5
- S4 Cottages GA Plans 5564-PAL-S4-ZZ-DR-A-2000 Rev P3
- S4 Cottages GA Elevations 5564-PAL-S4-ZZ-DR-A-3000 Rev P3
- Proposed Site Access Arrangement 16734-HYD-XX-XX-DR-TP-0003 Rev P04
- Proposed Care Home Emer.Access 16734-HYD-XX-XX-DR-TP-0002 Rev P04
- Phase 1 Woodland Belt Planting Plan P21-2515_EN-0012_A_0001
- Detailed Planting Plan (Sheet 1 of 4) P22-2515_EN_0011_B_0001
- Detailed Planting Plan (Sheet 2 of 4) P22-2515_EN_0011_B_0002
- Detailed Planting Plan (Sheet 3 of 4) P22-2515_EN_0011_B_0003

- Detailed Planting Plan (Sheet 4 of 4) P22-2515_EN_0011_B_0004
- 3) No development above damp-proof course level shall take place until details of the materials to be used for the external surfaces of the buildings and surface material for parking areas 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.
 - 4) All landscaping works comprised in the approved details shall be carried out prior to first occupation of the buildings and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 5) Phase 1 of the development hereby permitted shall not be occupied until the primary vehicular access has been constructed in accordance with the details shown on Proposed Site Access Arrangement 16734-HYD-XX-XX-DR-TP-0003 Rev P04.
 - 6) The visibility splays shown on Proposed Site Access Arrangement 16734-HYD-XX-XX-DR-TP-0003 Rev P04 shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.
 - 7) Phase 2 of the development hereby permitted shall not be occupied until the secondary vehicle access has been constructed in accordance with the details shown on Proposed Care Home Emer.Access 16734-HYD-XX-XX-DR-TP-0002 Rev P04.
 - 8) The visibility splays shown on Proposed Care Home Emer.Access 16734-HYD-XX-XX-DR-TP-0002 Rev P04 shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.
 - 9) The development hereby permitted shall not be occupied until vehicle parking spaces have been provided in accordance with the approved plans. Thereafter these spaces shall be retained for the parking of vehicles only.
 - 10) Prior to the occupation of the on-site kitchen serving the restaurant in the Village Centre building, details of extraction and filtration equipment to be installed therein shall have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed as approved prior to occupation of the kitchen and be permanently retained thereafter.

Conditions relating to the outline planning permission only (Phase 2)

- 1) Details of the access, appearance, landscaping, layout, and scale, "the reserved matters", shall be submitted to and approved in writing by the Local Planning Authority before any development takes place, and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of the approval of the last of the reserved matters to be approved.
 - 4) The development permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan 5564-PAL-ZZ-XX-DR-A-1100
 - Site Plan – Component Plan 5564-PAL-ZZ-ZZ-DR-A-1103 Rev P1
 - 5) Any reserved matters application shall be submitted in general conformity with:
 - Parameter Plan - Building Height Zones 5564_1106 Rev P4
 - Parameter Plan - Access 5564_1107 Rev P2
 - Parameter Plan - Land Use 5564_1108 Rev P2
 - Design Commitment Statement December 2022
 - 6) The development hereby permitted shall not be occupied until the car parking serving Phase 2 has been constructed in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter these spaces shall be retained for the parking of vehicles only.
 - 7) No development shall take place until a scheme for the provision and management of an 8-metre-wide buffer zone alongside the Feltham Brook watercourse has been submitted to and approved in writing by the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:
 - Plans showing the extent and layout of the buffer zone
 - Details of any proposed planting scheme (for example, native species)
 - Details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of a detailed management plan.
- The development shall be carried out in accordance with the approved details and permanently retained thereafter.

Conditions relating to both planning permissions

- 1) Prior to the commencement of development a Master Phasing Plan for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed Master Phasing Plan.
- 2) For each phase of development a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The agreed specification shall be fully implemented before occupation of that phase of development and shall be permanently retained thereafter.
- 3) No development on any phase of development shall commence until a pre-works badger survey has been carried out for that phase. This shall be undertaken by a suitably qualified ecologist, no more than 3 months prior to the commencement of works and the clearance of vegetation to establish the use of that part of the site by badgers. If required, a license shall be obtained from Natural England and any mitigation shall be carried out in accordance with the terms of the license. A copy of the license shall be submitted to the Local Planning Authority prior to commencement of development on the phase to which the license relates.
- 4) No development on any phase of development shall commence until a surface water drainage scheme for the whole site has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
 - a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) 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 maximum discharge rates: 1 in 1 year = 4 l/s, 1 in 30 year = 5.5 l/s, 1 in 100 year + CC = 15 l/s. The care home will have a maximum restricted discharge rate of 1.5 l/s.
 - b) Detailed drainage 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.) and details of the proposed green roofs, permeable pavements, filter strips/swales and rain gardens.
 - 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 from increased flood risk.
 - d) Details of drainage management responsibilities and maintenance regimes 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.

- f) A timetable for its implementation.
- g) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Each phase of the development shall be carried out in accordance with the approved scheme. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 5) Prior to the first occupation of each phase, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority for that phase. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company, state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 6) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters and any subsequent development carried out in accordance with the approved details.
- 7) No development on any phase of development shall commence until a Construction Transport/Environmental Management Plan has been submitted to and approved in detail by the Local Planning Authority. The Construction Transport/Environmental Management Plan should 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 behind any visibility zones;
 - (f) HGV deliveries and hours of operation;
 - (g) Vehicle routing;
 - (h) Measures to prevent the deposit of materials on the highway;
 - (i) Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
 - (j) On-site turning for construction vehicles;
 - (k) Dust suppression measures;
 - (l) A reptile precautionary method of working;

- (m) Protection measures for trees with bat roosting potential;
- (n) Inclusion of invasive species management plan.

The approved Construction Transport/Environmental Management Plan shall be adhered to throughout the construction period of each phase of development.

- 8) No development on any phase of development shall commence until a Written Scheme of Investigation relating to a programme of archaeological work for that phase has been submitted to and approved in writing by the Local Planning Authority.
- 9) No development on any phase of development shall commence other than in accordance with the Written Scheme of Investigation approved under condition 8.
- 10) No development on any phase of development shall take place until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to through the construction period of each phase of development.
- 11) No development on any phase of development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include:

- i) A survey of the extent, scale and nature of contamination; and;
- ii) The potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 12) No development on any phase of development shall commence where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and

remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out, and, upon completion, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority before the development or relevant phase of development is occupied.

- 13) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, the development or relevant phase of development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 14) No development on any phase of development shall take place until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of any required reports, has been submitted and approved in writing by the Local Planning Authority. The plan shall be adhered to in accordance with the approved details.
- 15) No development on any phase of development shall commence until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.
- 16) No development on any phase of development shall commence until a biodiversity enhancement scheme and landscape ecological management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how a minimum of 10% habitat value and 100% hedgerow value will be delivered across the site. The development shall be carried out in accordance with the approved details and thereafter maintained.
- 17) No development on any phase of development shall commence until the proposed refuge island crossing on Vicarage Road in between the main vehicle access and Groveley Road/Vicarage Road junction has been constructed in accordance with Proposed Site Access Arrangement 16734-HYD-XX-XX-DR-TP-0003 Rev P04 and permanently retained thereafter.

- 18) Development on any phase of development shall not commence until the southbound bus stop on Vicarage Road has been relocated in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter.
- 19) Prior to the first occupation of each phase of development facilities for the secure and covered parking of bicycles shall have been provided within the relevant phase of development in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter.
- 20) The rated noise level from any plant (operating at capacity), together with any associated ducting, shall be 10 dB (A) or more below the lowest relevant measures LP90 (15mins) at the nearest noise sensitive premises on the site.
- 21) Prior to occupation of each phase of development facilities for the storage of refuse and recycling materials shall have been provided in accordance with details which shall first have been submitted to and approved by the Local Planning Authority. The approved facilities shall be retained thereafter.
- 22) For each phase of development details of a scheme of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details and maintained as approved.
- 23) No part of any phase of the development shall be occupied until a report demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods, and the agreed measures have been implemented with the construction of each building/phase of development. Each phase of development shall be retained as approved thereafter.
- 24) No development on any phase of development shall commence until a Site Waste Management Plan (SWMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall demonstrate that waste generated by the construction and excavation is limited to the minimum quantity necessary and that opportunities for re-use and recycling of any waste generated are maximised. The SWMP shall be implemented as approved.
- 25) Demolition or construction works shall take place only between the hours of 0730 – 1800 Monday to Friday and 0800 – 1300 Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

- 26) Prior to the occupation of any phase of development a supplementary Air Quality Report detailing air quality mitigation measures and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority and implemented on site in accordance with the approved details and permanently retained thereafter.