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## Appeal Decision

Inquiry opened on 14 January 2014

Site visit made on 15 January 2014

**by Joanna Reid BA(Hons) BArch(Hons) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 February 2014**

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**Appeal Ref: APP/Q1445/A/13/2200978**

**Court Farm House, King George VI Avenue, Hove, East Sussex BN3 6XJ**

- 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 Thornton Properties Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03446, dated 24 October 2012, was refused by notice dated 11 April 2013.
  - The development proposed is "Demolition of existing buildings. Construction of 5 no. two storey detached houses and a 58 bed space, two and three storey nursing home with associated landscaping, vehicle parking and external works. Alterations to the existing site access".
  - The inquiry sat for 2 days on 14 and 15 January 2014.
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### Decision

1. The appeal is allowed and planning permission is granted for "Demolition of existing buildings. Construction of 5 no. two storey detached houses and a 58 bed space, two and three storey nursing home with associated landscaping, vehicle parking and external works. Alterations to the existing site access" at Court Farm House, King George VI Avenue, Hove, East Sussex, BN3 6XJ, in accordance with the terms of the application, Ref BH2012/03446, dated 24 October 2012, subject to the conditions set out in Schedule A at the end of this Decision.

### Application for costs

2. At the inquiry an application for costs was made by Thornton Properties Ltd against Brighton & Hove City Council. This application is the subject of a separate Decision.

### Procedural matters

3. The Council's letter to the appellant's agent dated 21 October 2013 confirmed that it does not seek to defend the reference to 'access' in its reason for refusal 2. The Council's letter to the appellant's agent dated 16 December 2013 confirmed that it does not seek to defend its reason for refusal 1, which alleged conflict with Policies NC5 and NC6 of the *Brighton & Hove Local Plan 2005* (LP) in relation to the site being within the urban fringe and in a countryside location. The Council also confirmed at the inquiry that it does not seek to defend reason for refusal 3 regarding measures to promote and encourage sustainable transport and highway improvements because the

appellant's planning obligation, which was submitted at the inquiry, addresses the Council's concerns. I shall deal with the appeal accordingly.

4. The appellant's advocate explained that because 'nursing home' is an antiquated term, 'care home with nursing' would better describe the relevant part of the proposal. The Council raised no objection to this. As there would be no prejudice to the main parties, and I agree with that view, I shall refer to the relevant part of the proposal as a care home with nursing (care home).
5. The plans on which the Council made its decision included plan 0214.PL.002A. The appellant has submitted revised plan numbered 0214.PL.002C, which shows minor amendments to the parking, including parking spaces for disabled users. As the Council raised no objection to the revised plan at the inquiry, it has been available to the public during the appeal process, and I do not consider that anyone's interests would be prejudiced, I shall take it into account.

### **Main issue**

6. From my inspection of the site and its surroundings, and from the representations made at the inquiry and in writing, I consider that the main issue in this appeal is whether the proposal would be a sustainable development.

### **Reasons**

7. The appeal site is within the urban fringe, which is outside the Built-up Area of the city defined in the LP. The South Downs National Park is close by to the north-west, north and north-east. The site adjoins a mainly open area of land, known as Toad's Hole Valley (THV) to the south-west, and it is otherwise mostly bounded by roads, including King George VI Avenue, a roundabout, and a slip road, which is in a well-treed cutting, to the A27 trunk road. There are established mainly residential areas on the opposite side of King George VI Avenue and beyond THV. The roughly 0.98 hectare site includes Court Farm House, a storage/garage building, and hard-surfaced and soft landscaped areas which would make way for the proposed development including 5 4-bedroom houses and a care home with 58 single en-suite bedrooms for elderly people.

#### *Planning policy context*

8. No conflict with Development Plan policy was identified in the Council's only remaining reason for refusal 2. Therefore, the proposal falls to be considered in the context of the presumption in favour of sustainable development at paragraph 14 of the *National Planning Policy Framework* (Framework). For decision-taking this means granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
9. Paragraph 49 of the Framework is relevant because the proposal includes 5 houses. It states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Although the Council and the appellant said at the inquiry that the Council has about 4.5 years and about 1.8 years housing land supply respectively, it was common ground that the Council cannot demonstrate a five-year supply of deliverable housing sites.

*Emerging local policy*

10. The appeal site is part of a site identified as DA7-Toad's Hole Valley in the emerging *Brighton & Hove Submission City Plan Part One* (CP) which includes a proposed development area (DA7) and a site of nature conservation importance which is statutory open access land. The Council's witness confirmed that DA7 is the only urban fringe site included in the CP.
11. An Examination Hearing for the CP has taken place, so the CP is at a fairly advanced stage. My colleague's letter to the Council of 13 December 2013 reflects her initial conclusions on the soundness issues she has identified at this stage. However, her comments are not intended to be comprehensive, and are made without prejudice to the content of her final report.
12. Emerging CP Policy DA7 aims to secure a modern, high quality and sustainable mixed use development to help meet the future needs of the city, improve accessibility and provide new community facilities to share with adjacent neighbourhoods. Whilst CP Policy DA7 is subject to objections, it would seem likely to progress. However, the hearings into the CP are not expected to reopen until about September 2014, so the weight that can be attached to this emerging Policy is a little less than significant.
13. In the light of the Council's concerns in reason for refusal 2, it is relevant to consider whether, due to its relationship to the rest of DA7 and timing, uses, and density, the proposal would compromise the aims of CP Policy DA7 to achieve housing, employment and infrastructure at DA7.

*Comprehensive development, relationship to the rest of DA7 and timing*

14. The appeal site is between 2% and 3% of the area of DA7. It is at one end of DA7, where its curved shape, the nearby National Park, off-site trees, and the roads in all but one direction, are some of the constraints to development. THV and the appeal site are in 2 separate ownerships and there is no proposal by the Council to assemble the sites. There is also no requirement in CP Policy DA7 for the 2 sites to be developed comprehensively. As the appeal site is a relatively small part at one end of DA7, and because the rest of DA7 is in a single separate ownership, the proposal would not be likely to result in the unacceptable piecemeal development of the substantially larger THV site.
15. The Council has recently made a start on the planning brief referred to in CP Policy DA7, but it is not yet ready for public consultation. The best available indication of how DA7 might be developed is the neighbouring owners' Vision for THV. The Vision shows that all of the development envisaged by CP Policy DA7, including a school, a minimum of 700 dwellings and 25,000 m<sup>2</sup> of use Class B1 floorspace, could be accommodated at THV. On that basis, the proposed 5 houses and the care home would be in addition to the minimum policy requirements.
16. The likely modification to CP Policy DA7 includes between 3.5 and 4.5 hectares of use Class B1 floorspace. As modified, the supporting text says that the most appropriate location for the employment area is close to the trunk road network in terms of accessibility and amenity. The appeal site is just smaller than the difference between the 2 parameters for the Class B1 floorspace, so most of that development would be within THV. Whilst Class B1 development may be preferred at the appeal site, the Council's witness agreed that all of the

3.5 to 4.5 hectares of use Class B1 development could be provided close to the A27 within the adjoining site. So, the proposal would not compromise the provision of the Class B1 employment floorspace.

17. Although the Council may wish to see DA7 developed in a different way, the adjoining owners' Vision shows that their scheme would not conflict with the proposal. Moreover, due to their siting in relation to the common boundary between the 2 sites, the proposed dwellings would not have an adverse effect on the development of the THV site for Class B1 or residential use. So, the 2 sites could be developed independently from one another, and at different times, without compromising the aims of emerging CP Policy DA7. The owners of the THV site have not objected to the proposal; that also supports my view.

#### *Uses*

18. All of the houses would be suited to families, and each would have 4 bedrooms. This would satisfy CP Policy DA7, which seeks a minimum of 50% family sized dwellings with 3 bedrooms or more. The care home would not be residential in the sense of providing new dwellings. Whilst the Council's Older People's Housing Strategy aims to support elderly people in their own homes for as long as possible, and the catchment area for the care home would include land outside the local authority area, the Council's witnesses agreed that a care home could be acceptable at DA7. However, the Council's preference was for the care home to be provided on a different part of DA7.
19. The employment likely to be created by the high tech modern office space envisaged by CP Policy DA7 would typically provide employment for one person per 10 m<sup>2</sup>. The employment created by the care home would be in a different sector and much lower at roughly one person per 46 m<sup>2</sup>. This would be similar to a data centre use, which is at the lower limit for Class B1 office uses. However, the Employment Land Study 2012, which underpins CP Policy DA7, explains that over the last decade the largest contributors to job growth in the city included healthcare, where the city outperformed regional and national growth rates. So, non-B1 uses are also important to the local economy. Also, the care home would create jobs for about 60 full-time equivalent staff which would be in addition to the business park that could be provided at THV.
20. The care home would also provide specialist housing for up to 58 elderly people, which would meet more than one tenth of the existing identified qualitative need for single en-suite bedrooms. The Council's witness explained that there would be no quantitative shortage of bed spaces for the elderly during the next 10 years as the Council has been granted an exemption from providing bed spaces with en-suites. There was also no evidence that the Council would fund bed spaces at the care home. Even so, it would not be reasonable to deny choice to future occupiers not funded by the Council, as that would be at odds with the government's aim to provide all residents with a single en-suite bedroom.
21. The proposal would not be part of the offices for the knowledge based economy aspired to in the likely supporting text to the Policy. However, the care home would make a significant contribution to the identified qualitative need, and it would provide employment in addition to the Class B1 uses in DA7. It would also provide 5 family houses, and no concerns were raised about the access to the site. So, the proposal would not compromise the aims of emerging CP Policy DA7 to provide housing, employment and infrastructure.

### *Density*

22. At the inquiry the Council confirmed that its concern about density relates only to the dwellings. CP Policy DA7 seeks a residential density of 50 to 75 dwellings per hectare, with a minimum of 50% family sized dwellings of 3 bedrooms or more. The supporting text explains that the Policy aims to enable a mix of housing types and sizes to be provided, to achieve a choice in the range of housing.
23. With the proposed mix of housing types and sizes, the density of the housing would be most unlikely to be uniform across DA7. The appellant's witness explained that one approach would be to increase the density towards the centre of DA7, and to reduce it towards the edges to respect the nearby lower density development and the setting of the National Park, but there would be other valid approaches. The density would be roughly 12.5 dwellings per hectare on the relevant part of the site, which would be lower than the nearby mainly residential areas. However, due to its site specific circumstances, including its elevated siting at one end of DA7, and the 4-bedroom houses proposed, the density at the visually sensitive but relatively modest site would reasonably be expected to be lower than that on other parts of DA7.
24. Whilst the Council drew attention to the significant need for housing in the local planning authority area, as each proposal should be considered on its merits, the density at the appeal site would not establish a harmful precedent for other housing sites. Moreover, the proposal would not compromise the residential densities sought by emerging CP Policy DA7.

### *Efficient and effective use of land*

25. During the appeal process the Council raised the concern that the proposal would not make efficient and effective use of the site. The appellant's witness explained the importance of the spaces around the buildings to the quality of life of the future occupiers and to the function and setting of the development. The well-planned outside spaces would be put to effective use as gardens, to provide access and parking, and to promote biodiversity, amongst other things. However, almost no analysis of the site constraints and opportunities was put to me by the Council. From my assessment of the plans and the site specific circumstances, there is no reason to consider that the scheme would waste land or that it has been poorly designed. So, the scheme would satisfy emerging CP Policy DA7, which seeks the efficient and effective use of the site.

### *Conclusion on emerging policy*

26. For all of these reasons, I consider that the proposal would make a positive contribution to the proposed modern, high quality and sustainable mixed use development envisaged at DA7. It would not unacceptably compromise the aims of emerging CP Policy DA7 to provide housing, employment and infrastructure.

### *Other matters*

27. The planning obligation for a Sustainable Transport Contribution would provide measures including dropped kerbs and tactile paving on Sandringham Drive, King George VI Drive, Woodland Avenue and Queen Victoria Avenue. It would also provide Real Time Passenger Information, a bus shelter and an accessible bus stop at the King George VI Drive West bus stop. The bus stop serves a

route which includes Brighton city centre and Brighton and Hove railway stations. The footway improvements would be necessary to provide inclusive access along a continuous footway from the development to local shops and nearby public transport. As the King George VI Drive West bus stop only has a bus stop post at present, the bus stop infrastructure would be necessary to make the use of public transport more realistic and attractive. These measures would be necessary to encourage occupiers, staff and visitors to the development to make sustainable transport choices.

28. The footway improvements would connect routes between the development and nearby local shops in Queen Victoria Avenue and the bus stop, and the bus stop infrastructure would be provided at the nearest bus stop to the development. As the occupiers, visitors and staff at the proposal would be most likely to use them, they would be directly related to the development. The contribution has been calculated on the basis of the forecast net increase in trip generation from the development including a reduction factor based on the level of public transport accessibility of the development, so it would be fairly and reasonably related in scale and kind to the development. The contribution would satisfy LP Policy TR1, which aims for development to provide for the demand for travel it creates, and LP Policy QD28 which aims to provide public transport infrastructure, facilities for people with mobility problems, and off-site highway improvements. As the obligation for the Sustainable Transport Contribution would satisfy all 3 of the statutory tests in *The Community Infrastructure Levy Regulations 2010* (the CIL) I shall take it into account.
29. Although the planning obligation includes the carrying out of Highway Works to provide vehicular and pedestrian access to the proposal, the advice in the Framework and Circular 11/95 *The Use of Conditions in Planning Permissions* is that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. At the inquiry the main parties agreed that those highway works could be dealt with by means of a condition and I agree. Because the obligation for Highway Works would not be necessary it would fail to meet that statutory test in the CIL. As all 3 statutory tests in the CIL have to be met, I shall not take the obligation for the provision of highway works into account.

### *Benefits*

30. The proposal would provide a number of benefits. These include that it would make better use than is made at present of the site, which is in a sustainable location in transport terms. The development would provide well-designed accommodation and surroundings for its future occupiers with good standards of amenity. It would respect the setting of the nearby National Park, and it would harmonise with the character and appearance of the surrounding area. The ecological measures at the site should enhance biodiversity. The highway improvements would provide safe access to the site and the infrastructure improvements in the locality would promote sustainable transport choices for the future occupiers, staff, visitors and existing nearby residents. The development would also achieve BREEAM Outstanding and Code level 5, so it would achieve very high levels of sustainability. The 5 dwellings would make a modest contribution towards meeting the identifiable local need for family housing in the city. The care home would provide appropriate accommodation for up to 58 elderly persons with respect for their dignity, which would

contribute towards meeting the existing identifiable qualitative need. The care home would also create jobs in a non-B1 sector which is important to the city.

31. As well as creating construction jobs during development, the care home would create employment, so the proposal would contribute to economic growth. The proposal would include family housing and the care home which would meet identified needs, so it would fulfil a social role. Moreover, the sustainably located and well-designed scheme would be readily assimilated into its surroundings without having an unacceptable effect on the development of the adjoining THV site. Thus, the proposal would satisfy the economic, social and environmental dimensions of sustainable development.

#### *Balance*

32. In the absence of relevant Development Plan policies, the presumption in favour of sustainable development prevails, unless material considerations indicate otherwise. I have found that the proposal would not unacceptably compromise the aims of emerging CP Policy DA7. Even if the proposed uses and the density of the proposed dwellings were to amount to adverse impacts in themselves, which is not accepted, they would be insufficient, individually or cumulatively, to outweigh the benefits. Therefore, the proposal would be in accordance with the presumption in favour of sustainable development.
33. I consider that the proposal would be a sustainable development. It would satisfy the Framework, and the thrust of emerging CP Policy DA7. Therefore, planning permission should be granted subject to conditions.

#### *Conditions*

34. The Council's suggested conditions have been considered in the light of the advice in Circular 11/95 and the Framework. The condition identifying the approved plans is reasonable and necessary for the avoidance of doubt and in the interests of proper planning. The condition for highway works is necessary and reasonable in the interests of highway safety. The conditions for external materials; hard and soft landscaping, including boundary treatments; tree, shrub and hedge protection; refuse and recyclable materials storage facilities; and existing and proposed levels are reasonable and necessary to protect the character and appearance of the area. The tailpiece in the landscaping condition is reasonable to give the Council discretion to approve different species should specified trees or shrubs be unsuited to conditions at the site.
35. The relationship of the site to the National Park and the sustainable design and construction provide the exceptional circumstances whereby it is reasonable to remove permitted development rights for extensions and alterations. The condition to remove permitted development rights for side-facing windows and other glazed openings is necessary and reasonable to safeguard the privacy of the nearby occupiers. Conditions for final/post construction Code level and BREEAM certification are reasonable in the interests of sustainable development. The condition for external lighting is necessary to protect the living conditions of nearby occupiers and in the interests of biodiversity. The condition for a biodiversity method statement is necessary to safeguard and enhance biodiversity interests at and near the site. The condition for cycle parking is reasonable to promote sustainable transport choices. The conditions for vehicle parking, and the roads within the site including their surface water drainage, outfall and lighting, are necessary in the interests of highway safety.

36. The conditions for a scheme of odour control at the care home and sound insulation of plant at the development are necessary to safeguard the living conditions of the future occupiers. The conditions for the noise barrier and garden fences, the enhanced glazing specification and ventilation for the dwellings and the care home are necessary to protect the future occupiers from traffic noise associated with the nearby roads. The condition to control plant and machinery noise is necessary to protect nearby occupiers' living conditions. The condition for a travel plan, including parking management, is reasonable to promote sustainable travel modes. The condition for investigations and measures to deal with contaminated land is necessary to safeguard the health of the future users and occupiers, because localised areas of chemical and/or fuel contamination are possible due to the historic agricultural use. These conditions have been imposed.
37. Conditions for design stage/interim Code for Sustainable Homes and BREEAM certification are not necessary because these would only assess the standards likely to be achieved, and planning permission would not need to be refused if this certification were not to be provided. The condition for a management scheme for the vehicle parking is not necessary because it can be dealt with in the travel plan. The condition for disabled users' parking bays is not necessary because they are shown on approved plan 0214.PL.002C. These conditions have not been imposed.

*Conclusion*

38. For the reasons given above and having regard to all other matters raised, the appeal succeeds.

*Joanna Reid*

INSPECTOR

**Schedule A**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0214.PL.001, 0214.PL.002C, 0214.PL.003, 0214.PL.004, 0214.PL.010A, 0214.PL.011A, 0214.PL.012A, 0214.PL.013A, 0214.PL.020, 0214.PL.021, 0214.PL.022, 0214.PL.023, 0214.EXG.002, 0214.EXG.003, 0214.EXG.200, and 0214.EXG.201.
- 3) No development shall take place until a scheme setting out highway works to implement a new site access with right turn lane, pedestrian refuge crossing facility including dropped kerbs and tactile paving and resurfacing of the path on the southern side of King George VI Avenue has been submitted to and approved in writing by the local planning authority. No dwelling and no part of the care home shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.
- 4) No development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in



- writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Notwithstanding the provisions of *The Town and Country Planning (General Permitted Development) Order 1995* as amended (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses hereby permitted within Classes A, B and C of Part 1 of Schedule 2 of that Order other than those expressly authorised by this permission shall be carried out.
  - 6) Notwithstanding the provisions of *The Town and Country Planning (General Permitted Development) Order 1995* as amended (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, roof lights or glazed doors other than those expressly authorised by this permission shall be constructed in the south-east elevations of House 02, House 03, House 04 and House 05, or in the north-west elevations of House 01, House 02, House 03 and House 04, as shown on approved plan 0214.PL.002C.
  - 7) No development or other operations shall take place on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in accordance with the approved protection scheme.
  - 8) No operations shall commence on site in connection with the development hereby approved (including tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
  - 9) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
  - 10) No development shall take place until a scheme for hard and soft landscaping which shall include all hard surfacing, boundary treatments, planting, and indications of all existing trees, shrubs and hedgerows on the land and details of any to be retained has been submitted to and approved in writing by the local planning authority. All planting, seeding and turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is the sooner, and any trees or shrubs 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 the same size or species unless the local planning authority gives its written approval to any variation. All hard landscaping and boundary treatments shall be carried out in accordance with the approved details before any part of the development hereby approved is

occupied and the boundary treatments shall be retained as approved thereafter.

- 11) No part of the development shall be occupied until the noise barrier fence and garden fence in accordance with the specification on Page 3 of the Acoustics Associates Ltd letter to Giles Ings, ABIR Architects, dated 22 February 2013, has been erected and the noise barrier fence and garden fence shall be retained as such thereafter.
- 12) The glazing of the development hereby approved shall only be carried out in accordance with the enhanced thermal glazing 6/12/4 specification in section 6.2 of Acoustics Associates Ltd report ref J1120 dated 10 October 2012 and the glazing shall be retained as such thereafter.
- 13) The dwellings shall achieve Level 5 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 5 has been achieved.
- 14) The care home shall achieve a minimum BREEAM rating of Outstanding. No part of the care home shall be occupied until a Post Construction Review Certificate has been issued by the Building Research Establishment for the care home certifying that a BREEAM rating of Outstanding has been achieved.
- 15) The development hereby approved shall not be occupied until the refuse and recyclable materials storage facilities shown on the approved plans have been implemented and made available for use, and the approved refuse and recyclable materials storage facilities shall be retained as approved for those purposes thereafter.
- 16) No development shall take place until details of all external lighting have been submitted to and approved in writing by the local planning authority. The external lighting shall be carried out in accordance with the approved details and shall be retained as approved thereafter.
- 17) No development shall take place until details of existing and proposed ground levels on and adjoining the site and finished floor and finished roof levels for the development hereby approved to Ordnance Survey Datum have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved level details.
- 18) No development shall take place until a Biodiversity Method Statement, including details and timescales for mitigation measures, the creation of the proposed habitats, the translocation of reptiles, the clearance of bird nesting habitats, the proposed green roofs, and details of the types and locations of nest boxes, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Biodiversity Method Statement.
- 19) No part of the development hereby approved shall be occupied until the vehicle parking areas have been implemented in accordance with the approved plans, and those areas shall be retained as approved for the parking of motor vehicles and motor cycles of the occupiers of and visitors to the development hereby approved thereafter.
- 20) No development shall take place until details of secure cycle parking facilities for occupiers of and visitors to the development hereby

- permitted have been submitted to and approved in writing by the local planning authority. No part of the development hereby permitted shall be occupied until the secure cycle parking facilities have been carried out in accordance with the approved details and they shall be retained as approved for use as such thereafter.
- 21) No development shall take place until details of the on-site roads, surface water drainage, outfall disposal, and street lighting, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
  - 22) No development shall take place until a scheme for the sound insulation of plant at the development has been submitted to and approved in writing by the local planning authority. The sound insulation measures shall be implemented in accordance with the approved scheme before any part of the development is occupied and shall be retained as such thereafter.
  - 23) No development shall take place until a scheme for the installation of equipment to control the emission of odour from the care home hereby approved has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented before the care home is occupied. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
  - 24) No development shall take place until a scheme for the ventilation of the dwellings and the care home to achieve the 'good' internal noise level standard in accordance with BS 8233:1999 *Sound insulation and noise reduction for buildings Code of Practice* and World Health Organisation for all living rooms and all bedrooms for internal noise events to not exceed 45 dB  $L_{Amax}$  has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and shall be retained as such thereafter.
  - 25) Noise associated with plant and machinery in the development shall be controlled so that the Rating Level, measured or calculated one metre from the façade of the nearest noise sensitive receptor, shall not exceed a level of 5 dB below the existing  $L_{A90}$  background noise level. The Rating Level and existing background noise levels shall be determined in accordance with BS 4142:1997 *Method for Rating industrial noise affecting mixed residential and industrial areas* and there shall be no significant low frequency tones present.
  - 26) Before the care home hereby approved is occupied a Travel Plan, which shall include measures to promote sustainable travel choices by residents, visitors and staff, for deliveries, and parking management, shall be submitted to and approved in writing by the local planning authority. The approved Travel Plan shall be implemented within 3 months of the occupation of the care home.
  - 27) No development shall take place until there has been submitted to and approved in writing by the local planning authority:
    - i) a desktop study documenting all previous and existing land uses at the site and adjacent land in accordance with Contaminated Land

Research Reports No 2 and No 3 and BS 10175:2001 *Investigation of potentially contaminated sites Code of Practice*;

and unless otherwise approved in writing by the local planning authority:

ii) a site investigation report documenting ground conditions at the site including chemical and gas analysis identified as appropriate by the desktop study in accordance with BS 10175:2001;

and unless otherwise approved in writing by the local planning authority:

iii) a Detailed Scheme for Remedial Works and Measures to be undertaken to avoid risks from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a Competent Person to oversee the implementation of the works. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by the Competent Person that any remediation scheme required has been implemented in accordance with the approved details. Unless otherwise agreed in writing by the local planning authority such verification shall comprise: a) 'as built' drawings of the completed scheme, b) photographs of the remediation works in progress, and c) certificates demonstrating that imported and/or material left in-situ is free from contamination. Thereafter the scheme shall be maintained and monitored in accordance with the approved Detailed Scheme for Remedial Works and Measures.

End of Schedule A

