



## Appeal Decision

Inquiry opened on 31 January 2023

Accompanied site visit made on 31 January 2023

**by Matthew Nunn BA BPI LLB LLM BCL MRTPI**

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

**Decision date: 2<sup>nd</sup> June 2023**

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### **Appeal Ref: APP/W0530/W/22/3307903**

#### **Former Hotel Felix, Whitehouse Lane, Girton, Cambridge, CB3 0LX**

- 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 Cassel Hotels Ltd against the decision of the South Cambridgeshire District Council.
  - The application Ref 21/00953/FUL, dated 19 February 2021, was refused by notice dated 22 July 2022.
  - The development proposed is described as 'demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works'.
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### **Decision**

1. The appeal is allowed and planning permission granted for the demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works at the Former Hotel Felix, Whitehouse Lane, Girton, Cambridge, CB3 0LX, in accordance with the terms of the application Ref 21/00953/FUL, dated 19 February 2021, subject to the conditions in the attached schedule.

### **Procedural Matters**

2. The Inquiry sat for 6 days as follows: from 31 January to 2 February 2023, and from 7 February to 9 February 2023. Matters pertaining to the effect on the landscape, character and appearance, and the Green Belt were dealt with by way of 'round table' discussions rather than conventional cross-examination.
3. I held a Case Management Conference on 13 December 2022 to discuss the ongoing management of the Inquiry, the likely main issues, including the best method for hearing the evidence, and to ensure the efficient and effective running of the Inquiry.
4. A planning obligation dated 16 February 2023 has been completed between the parties. I deal with this in the body of my decision.

### **Main Issues**

5. The main issues are:
  - (i) the effect of the proposal on the Green Belt, including openness;
  - (ii) the effect on the character and appearance of the area;

- (iii) whether the loss of the non-designated heritage asset is justified;
- (iv) the need for the care home facility;
- (v) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify development within the Green Belt.

## Reasons

### *Planning Policy Context*

6. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise<sup>1</sup>. The statutory development plan comprises the South Cambridgeshire Local Plan (the Local Plan) adopted in 2018. Both main parties agree that the most important policies for determining the appeal are as follows<sup>2</sup>: Policy S/4 (Cambridge Green Belt); Policy S/7 (Development Frameworks); Policy NH/8 (Mitigating the impact of development in and adjoining the Green Belt); Policy NH/9 (Redevelopment of Previously Developed Sites and Infilling in the Green Belt); and Policy NH/14 (Heritage Assets)<sup>3</sup>.
7. Policy S/4 defines the Green Belt around Cambridge and states that new development within it will only be approved in accordance with Green Belt policy in the National Planning Policy Framework (the Framework). Policy S7 deals with 'development frameworks' which 'define where policies for the built-up areas of settlements give way to policies for the countryside'<sup>4</sup>. The appeal site lies outside a 'development framework' and so countryside policies apply. Essentially, in such areas, only certain types of development will be permitted: for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside, or where development is supported by other local plan policies or Neighbourhood Plan allocations.
8. Policy NH/8 requires that any development proposals within the Green Belt must be located and designed so they do not have an adverse effect on the rural character and openness of the Green Belt. It also requires landscaping conditions to ensure that the impact on the Green Belt is mitigated. Policy NH/9 states that redevelopment of previously developed sites and infilling in the Green Belt will be inappropriate except in certain circumstances. Of most relevance is criteria 'e' which allows for the complete or partial redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development.
9. Finally, Policy NH/14 states that development proposals will be supported where they sustain and enhance the significance of heritage assets, including their settings, as appropriate to their significance, and in accordance with

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 & Section 70(2) of the Town and Country Planning Act 1990

<sup>2</sup> Statement of Common Ground, Paragraph 4.1

<sup>3</sup> The reasons for refusal within the decision notice only cite two policies from the Local Plan: namely Policy S/4 and NH/14

<sup>4</sup> South Cambridgeshire Local Plan [CD 100], Paragraph 2.50

the Framework. This policy relates to, amongst other things, non-designated heritage assets.

10. The Framework is also a material consideration. Advice on development within the Green Belt is given in Section 13. Advice relating to heritage assets is provided in Section 16. The Framework explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

*Effect on the openness of the Green Belt*

11. It is agreed that the proposal is 'inappropriate development' within the Green Belt as it does not fall within any of the exception categories in Paragraph 149 of the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances<sup>5</sup>. When considering any planning application, the Framework is clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations<sup>6</sup>.
12. The appeal site is a broadly oblong parcel of land occupied by the former Hotel Felix, positioned fairly centrally within the site. There are fields immediately to the north and south which are enclosed by mature trees and hedgerows. This enhances the sylvan character of the site, and also appreciably filters views of it from surrounding locations including Huntington Road and Whitehouse Lane. There are recent and under construction developments nearby, at Darwin Green and Eddington, which create an increasingly prevalent urbanising influence.
13. As well as falling within the Green Belt, the site also forms part of the 'Girton Gap' which separates the village of Girton from the edge of Cambridge City. This Gap performs a key role preventing Girton and Cambridge City coalescing. The Framework notes a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence<sup>7</sup>.
14. The scheme involves demolishing the former hotel building and replacing it with a care home facility with associated parking and landscaping. The proposed building's volume would be greater by some 53% and the footprint 33% greater, compared with the existing. Taking account of unimplemented extensions approved in 2018<sup>8</sup>, these figures reduce to a 33% volume increase, and a 13% footprint increase respectively.
15. The 2018 permission has now expired. The Council advise that, whether any resubmission for permission is likely to be granted is far from certain, especially given the building is now accepted to be a non-designated heritage asset. Any application would need to be considered against that changed status and policy context. Therefore, I consider that the 2018 permission cannot be accorded any significant weight in calculating the percentage increases in volume and footprint.

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<sup>5</sup> Paragraph 147

<sup>6</sup> Paragraph 148

<sup>7</sup> Paragraph 137

<sup>8</sup> ID8, Ref S/4502/17FL – Extension to provide new reception area and 16 additional bedrooms

16. The significant volumetric increase of some 53% is mainly because the new building is uniformly two or two and a half storeys, whereas the existing building, although primarily of two or two and a half storeys, also includes significant one storey elements: for example the orangery style extension, and two single storey links to the substantial accommodation blocks on the north-eastern side.
17. In this case, whilst of significantly greater volume, the new building would be more compact than the existing somewhat rambling structure: its perimeter would be less, and it would not include various single and two storey elements that protrude from the current building. It would be no higher than the existing building<sup>9</sup>. Furthermore, there would be a net reduction in the parking area and hardstanding, as compared with the current situation, and there would be extensive landscaping around the new building.
18. Caselaw has established that the concept of openness of the Green Belt is not narrowly focused on a purely volumetric approach, but other factors may be relevant too<sup>10</sup>. It has also established that openness is a broad concept of policy not law; applying the policy imperative of preserving openness requires realism and common sense; the word 'openness' is open textured and a number of factors are capable of being relevant, including visual as well as physical and spatial impacts<sup>11</sup>. In other words, it is wrong to always assume an increase in volume will necessarily always have a significant impact on openness.
19. The new building would be positioned slightly further north-westwards increasing the distance to Whitehouse Lane from around 55 metres to 78 metres<sup>12</sup>, and reducing the distance to The Brambles in Girton. This repositioning would marginally increase the degree of separation between Girton and Cambridge. However, in my view, taken in the wider context, this increased distance would have a relatively limited visual effect on opening up the Girton Gap, although it may result in some minor improvement to openness.
20. It is notable that the Council's reasons for refusal are narrowly drafted in that they only allege harm by reason of inappropriateness in relation to the Green Belt<sup>13</sup>. No other Green Belt harm is alleged, although harm is identified in relation to the loss of a non-designated heritage asset. The Council's landscape officer considered any effect of the development would be 'negligible' because of 'the existing presence of a similarly functioning and sized building<sup>14</sup>, and this is the Council's position set out in its Statement of Case<sup>15</sup>. At the Inquiry, the Council argued the effect on openness would not be significant<sup>16</sup>.
21. To sum up, whilst of greater volume and footprint, I consider the scheme's greater compactness means any potential loss in openness would be negligible such that it would have little appreciable visual effect on the openness of the Green Belt. The Framework directs substantial weight

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<sup>9</sup> Ms Magee's Proof, Page 25

<sup>10</sup> Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466

<sup>11</sup> R (Liverpool Open and Green Spaces Community Interest Co) v Liverpool City Council [2020] EWCA Civ 861

<sup>12</sup> Figure 10, Ms Sechi's Proof

<sup>13</sup> CD 93, Decision notice dated 22 July 2022

<sup>14</sup> Landscape Consultation Response [CD76]; Committee Report, Paragraph 10.30 [CD 91]

<sup>15</sup> CD 120, Paragraph 5.11

<sup>16</sup> Ms Glover's evidence

should be given to any harm to the Green Belt in the planning balance. Therefore, substantial weight must be given to both the harm by reason of inappropriateness, as well as the negligible harm to openness.

#### *Effect on Character and Appearance*

22. The Council has advanced no specific case alleging harm to the character and appearance of the area. The Appellant's Landscape and Visual Appraisal and Green Belt Study<sup>17</sup> concluded that proposed development would not result in adverse effects on the identified groups of visual receptors, and that most of the selected viewpoints would not experience a substantial change in the character of the view, as the proposal substitutes an existing building with 'one of similar scale and materiality'. The Council does not take a contrary position and I see no reason to take a different view.
23. The design of the proposal employs a neo-classical aesthetic, using principally plain grey brick and a pitched slate roof. The Council concluded in its Committee Report that the scheme is 'a high-quality design that would contribute positively to its surroundings and be appropriately landscaped'<sup>18</sup>. It did not demur from that position at the Inquiry, and I see no reason to disagree. Overall, I find that the scheme would not harm the character and appearance of the area.

#### *Non-Designated Heritage Asset*

24. Originally known as 'The Close', the building was constructed in 1852 as a private residence, and is an attractive large villa, typical of those built for the professional classes in the mid-19<sup>th</sup> century. Set in spacious grounds and originally roughly rectangular in plan, it is set over two and a half storeys over a raised basement. The architect is not known. It was acquired by Cambridgeshire County Council in the late 1960s and used as an adult education centre. It was sold by the County Council in 2001, and it was subsequently converted into a hotel around 2002.
25. The building merits an entry in the latest edition of 'Pevsner's Buildings of England' as 'a stark Jacobean-gabled villa of 1852'<sup>19</sup>, expanded as the Hotel Felix with forecourt wings by CMC architects, 2002'<sup>20</sup>, although earlier editions of the book do not mention it. One of the most notable architectural features of the house is the bowed 'garden façade', with a terrace and steps down to the garden. This façade comprises a distinctive central Dutch-style gable with a large finial, and the large semi-circular bay comprises the original paired arch sash windows and a pierced brickwork parapet. Good quality local gault brick has been used throughout the original building with stone quoins and detailing to the chimneys. The roofs have slate coverings.
26. The front façade (north-eastern elevation) facing away from Huntington Road was significantly altered in 2002 with an addition. Although the original asymmetrical design has been lost, this addition has been executed very sensitively, with good quality matching brick, and it exactly replicates various architectural features including the arched form of the timber sash windows. It blends seamlessly with the original building, and does not at

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<sup>17</sup> CD 20, dated February 2021

<sup>18</sup> CD 91, Paragraph 10.48

<sup>19</sup> It should be noted that the style is Jacobean inspired and not that it is from the original Jacobean period

<sup>20</sup> Buildings of England – Cambridgeshire, Simon Bradley and Nikolaus Pevsner, Yale University Press 2014, p.344

first glance read as an addition. Whilst not original, this addition does not, in my view, detract from this façade.

27. However, other additions are not so successful. Large projecting wings providing hotel accommodation, in a modern style, pay little heed to the original design, and have been added on to the north-eastern side of the building. This significantly detracts from the building's appearance. In addition, a new orangery-style extension and function room have been added to the side elevations which again do little to enhance the original building. A new competing 'front' entrance within the eastern side of one of the added projecting wings complicates the building's appearance, with the original main entrance only becoming apparent to the visitor if they walk around the new extension to arrive at the now enclosed courtyard in front of the original front elevation.
28. The number and scale of the built extensions have undoubtedly confused the legibility of the original building. Interestingly the now expired 2018 permission<sup>21</sup> would have entirely enclosed the front (north-eastern) façade including the original main entrance, so that it would have fronted on to an internal courtyard. Whilst it is accepted that the permission cannot now be implemented, it does show that the Council was content in the very recent past to allow almost the complete obscuring of an important element of the original building, so that it would have only been visible from within the enclosed courtyard.
29. Internally, some attractive original features remain. These include ornate classical cornicing in some of the principal ground floor rooms, an impressive wood-polished main staircase, comprising turned 'barley-twist' balusters which support a moulded wooden handrail, terminating in a volute over a turned barley twist newel post. There are also original door architraves, deep skirting boards, and internal window surrounds. Within the bow-ended dining room, there is a large ornamental marble fireplace, but this appears to have been introduced at the time the building was converted into a hotel and is not original.
30. However, many internal features have been lost over the years: firstly during the building's use as an adult education centre and later as a hotel. All the original fireplaces have been lost, and the legibility of the original floor plan has been significantly compromised by the removal of walls, the creation of new openings and modern fittings to facilitate its use as a hotel. Even those internal features that do remain, whilst attractive, are not especially unusual or special for a property of this period.
31. The house was originally constructed for Charles Lestourgeon, a Fellow of St John's College, Cambridge, and surgeon at Addenbrooks Hospital from 1842-1879. He was also a keen botanist and had a large conservatory added along the south-east side of the building. The house was subsequently occupied by Sir John Eldon Gorst who was elected MP for Cambridge in 1865 and was subsequently made Solicitor General for England and Wales and knighted. Although the Appellant notes that he lived at the house for 'less than seven years'<sup>22</sup>, this is not an insignificant period of time,

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<sup>21</sup> ID8, S/4502/17/FI

<sup>22</sup> Rebuttal Proof of Ms Hannelly Brown, Paragraph 2.13

and does not diminish the historic interest of the association or the weight attached to its significance.

32. In terms of former occupiers, both Mr Lestourgeon and Sir Eldon Gorst were undoubtedly persons of distinction, but because of the various changes that have occurred to the building, there is little today about the building that has any appreciable connection with these historic owners. The conservatory added by Charles Lestourgeon was removed around the time the building was taken over by the County Council. There is no Historic England 'Blue Plaque'<sup>23</sup>, nor equivalent local or regional marking, on the building in relation to any of its former inhabitants, nor is there evidence anyone has proposed such a plaque.
33. The building was assessed by Historic England in 2020. Although it was found to be an attractive building, it was not considered to possess special architectural or historic interest, nor to meet the strict criteria for listing in a national context. The extensions and additions were described as 'vast'. Historic England decided that the Hotel Felix should be issued with Certificate of Immunity (COI) from listing, being too altered to meet the criteria for listing. The effect of this certificate is that the building cannot be listed for 5 years from the date of issue<sup>24</sup>. This of course does not mean the building has no heritage value, simply that it does not meet the criteria for listing.
34. I appreciate that the building is held in some affection by those who have used the building in the past, either historically as an adult education centre, or later as a hotel from 2002. However, the education use ceased over 20 years ago. Mention was made of weddings, and other memorable family events taking place at the hotel but there is no evidence before the Inquiry that there is any commercial appetite to resume the hotel use.
35. The Appellant has raised the structural condition of the building and refers to 'structural movement'. However, some movement in Victorian buildings is not uncommon, and initially the Structural Report<sup>25</sup> concluded that the property was in 'fair structural condition'. A subsequent more detailed Structural Report<sup>26</sup> refers to only three areas where the highest 'damage category' is recorded: a large ivy root causing movement to the front elevation, and other issues relating to the rear elevation. There is no suggestion, however, that these structural issues cannot be addressed, or that the building is beyond repair. I do not consider the findings of these reports weigh in favour of demolishing the building.
36. To sum up, the building, whilst attractive with some pleasing external and internal architectural features, is typical of its era. There is nothing inherently special about its design that sets it apart from other buildings of this period. It has been substantially extended, unsympathetically in places, and interior features have been lost. It does not meet the criteria for statutory listing. The Council considered that the building has a 'medium/moderate' level of significance in both its design and association<sup>27</sup>,

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<sup>23</sup> Historic England operates a scheme whereby blue plaques are placed on buildings to celebrate links between notable figures of the past and buildings where they lived or worked

<sup>24</sup> From October 2020

<sup>25</sup> Structural Engineers Cambridge Ltd, September 2019

<sup>26</sup> Arc Engineers, October 2022

<sup>27</sup> Paragraph 11.1, Ms Broom's Proof of Evidence

whereas the Appellant says the significance is 'low'<sup>28</sup>. In my view, taking account of the above, I consider it has a low-to-moderate level of significance.

37. Demolition of the building, as proposed here, would result in its total loss. Paragraph 203 of the Framework, in respect of non-designated heritage assets, requires decision makers to make a 'balanced judgement' having regard to the scale of any harm or loss and the significance of the heritage asset. I return to this matter in the planning balance.

#### *Need for the facility*

38. The Planning Practice Guidance (PPG) notes that the need to provide housing for older people is 'critical', and that people are living longer lives and the proportion of older people in the population is increasing<sup>29</sup>. The PPG stops short of requiring local plans to allocate sites, noting it is up to the plan-making body to decide whether to allocate sites for specialist housing for older people. However, it does note that allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations, especially where there is an identified unmet need for specialist housing<sup>30</sup>.
39. Cambridgeshire County Council (the County Council) accepts that there is a current unmet need for additional care home beds within the Council's area. It is further accepted that there is a specific need for specialist dementia care facilities, and that the only way to address this need is to grant planning permission. The main disagreement relates to the extent of the unmet need – the County Council arguing that it cannot be described as a significant unmet need<sup>31</sup>.
40. Much detailed and contradictory evidence was provided at the Inquiry regarding need, with each side predicting a differing outcome. Different methodologies were advanced by each side and data was presented that appeared to be the subject of much conjecture. It seems to me that there is no single approach to assessing need and attempting to arrive at a 'correct' figure is far from an exact science. The complexity of the data, together with differing methods for projecting future need, using different assumptions and definitions, makes deriving reliable figures over an extended period inherently problematic. Ultimately, a judgement must be made, taking account of a range of relevant factors.
41. In 2020, the County Council and Peterborough City Council carried out a joint assessment of the accommodation needs of older people within their areas. These two areas are often taken together for the purposes of strategic planning. At the Inquiry, the County Council's position was that the overall requirement for the Cambridgeshire and Peterborough area was for 2,601 new beds in the period up to 2036<sup>32</sup>, registered by the Care Quality Commission (CQC)<sup>33</sup>. It is understood that this was calculated as follows: taking the existing CQC registered care beds as at 20 April 2020, namely

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<sup>28</sup> Paragraph 7.19, Heritage Statement

<sup>29</sup> Paragraph: 001 Reference ID: 63-001-20190626

<sup>30</sup> Paragraph: 013 Reference ID: 63-013-20190626

<sup>31</sup> Council's Closing Submissions, Paragraph 43

<sup>32</sup> Starting date from 2021; a 15 year requirement up to 2036

<sup>33</sup> The independent regulator of social care in England



5,419 beds; then noting the forecast growth in population aged 65 plus between 2021-2036, namely an increase of 48% from approximately 163,190 to 241,060 persons<sup>34</sup>; then applying a 48% growth factor to the current number of registered beds, namely 5,419, to give a growth of 2,601 beds by 2036 (i.e.  $5,419 \times 0.48 = 2,601$ ).

42. As the Appellant points out, the weakness with this approach is that majority of those in care homes are likely to be aged 80 plus, if not over 85<sup>35</sup>. That being so, any growth calculation should focus on that age cohort, notwithstanding that the County Council's duty of care extends to all those requiring support over 65. The County Council's own figures are that the 85 plus population is estimated to increase by 110% from 22,980 to 48,200<sup>36</sup>. If a 110% growth factor had been applied, arguably a more robust figure, rather than 48%, the overall requirement figure would have been 5,961 beds (i.e.  $5,419 \times 1.10 = 5,961$ ). Therefore, on this basis, there is likely to have been a significant underestimate of the likely need for care beds in the Councils' area.
43. The County Council, having calculated a figure of 2,601 beds, then states that 731 beds will be required within a care home setting. Initially it is not clear how this figure has been derived. According to Laing Buisson (an independent provider of healthcare data), a much lower percentage increase is forecast in demand for residential care bed provision between 2021 and 2031 than the projected percentage increase in the size of the older population for that period. Two alternative figures are put forward for those residing in a care home: either 412,100 people or 488,100 people. This equates, respectively, to a 4% or a 23% increase compared with the 395,100 people that resided in a care home in 2020. These projections are national, and do not inform us about regional variations.
44. The County Council then advises that a 'mid-point' was taken between 4% and 23%, namely 13.5%, and applied it to the number of CQC registered beds that existed in the Councils' area in April 2020, namely 5,419 (previously established above). This is how the figure of 731 care beds for the period 2021-2036 was calculated ( $5,419 \times 0.135 = 731$ ). The County Council explain that a mid-point of 13.5% was chosen 'taking account of factors including lower occupancy levels as a result of Covid 19, market diversification, fewer developments coming forward and new models of care such as Independent Living Services'<sup>37</sup>.
45. As the Appellant highlights, the problem with this approach is that the lower figure of 4% increase in demand between 2021 and 2031 has already taken account of factors that suppress demand and has been adjusted downwards by a 'counter-driver factor'<sup>38</sup>. It is therefore problematic to choose a mid-point between 4% and 23% on the basis there needs to be a downward reduction from 23% when suppressed demand has already been accounted for. The Appellant is not necessarily arguing that a projected increase in 4% should be preferred to one of 13.5%, merely that the basis for selecting a 'mid-point' is flawed. I agree with that assessment.

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<sup>34</sup> Appendix GS2 of Mr Singh's Proof, Slide 8

<sup>35</sup> Although disputed by the Council the figures in Appendix GS1 of Mr Singh's Proof, Table 1.6 (extracted from Lang Buisson Report) bear this out

<sup>36</sup> Appendix GS2 of Mr Singh's Proof, Slide 8

<sup>37</sup> Mr Singh's Proof, Paragraph 4.6

<sup>38</sup> See Notes to Figure 1.10 within Appendix GS1 of Mr Singh's Proof

46. There is a further problem in that the projections used by the County Council cover a 10-year period up to 2031, but these figures are used to calculate a need over a longer period, ending in 2036. This means a 5 year period beyond 2031 is not accounted for in the Councils' projection, although the County Council says this discrepancy is unlikely to alter the figures greatly. Looking at the trend in the projections in the County Council's evidence<sup>39</sup>, it is likely that the mid-point would have been significantly higher than 13.5% in 2036.
47. The same methodology is used by the County Council to calculate the need at district level and formed the basis of the County Council's response to the planning application<sup>40</sup>. A mid-point of 13.5% is used on existing figures of 928 beds (as at 1<sup>st</sup> April 2020) in South Cambridgeshire District to produce a total of 1,052 beds up to 2036; and 697 in Cambridge City to produce a total of 791; in other words, an additional 124 beds in South Cambridgeshire and 94 in Cambridge City. However, given the identified problems with the methodology outlined above, this is likely to be an under-estimate.
48. The Appellant also highlights that there may be a difference between the number of 'registered beds' and the number of actual 'available beds'. The number of 'registered beds' is the maximum number of beds that the CQC has determined a care home can lawfully provide – the 'registered capacity'. However, the actual number of beds offered may, in reality, be considerably lower as there is no obligation to provide the maximum number of beds permitted<sup>41</sup>. Beds may be temporarily or permanently unavailable for various reasons: staff constraints, rooms reconfigured for other uses, or refurbishment. I accept that simply looking at the number of beds registered may not always provide an accurate understanding or indication of supply of available beds.
49. The County Council acknowledge that there is a 'significant growing incidence of dementia in older people'<sup>42</sup>, although it then contends that whilst the number of older people being diagnosed with dementia is growing, this does not necessarily equate to an increase in the need for registered beds<sup>43</sup>. This is because those with dementia may have 'greatly varying symptoms and needs' met by a 'range of housing options'. The County Council has adopted a 'mixed market' approach to reduce dependence on one type of solution to meet the need. It includes new models such as 'Independent Living Services', for people with high dependency and dementia.
50. However, although the County Council expects Independent Living Services schemes to come forward, as yet none have been brought forward in the District. Furthermore, the 'Market Position Statement'<sup>44</sup> published jointly in 2018 by the County Council and Peterborough City Council identifies various 'key pressures' including amongst other things homecare capacity, shortage of residential dementia, nursing, and nursing dementia provision. The

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<sup>39</sup> Figure 1.10, Appendix GS1 of Mr Singh's Proof

<sup>40</sup> Appendix GS4 of Mr Singh's Proof: Response of Lynne O'Brien, Commissioning Manager, dated 22 December 2021

<sup>41</sup> See LaingBuisson Report: Care Homes for Older People – 32<sup>nd</sup> Edition, March 2022, Page 71-2, attached at Appendix A, Proof of Ms Venables

<sup>42</sup> Paragraph 4.21, Mr Singh's Proof

<sup>43</sup> Paragraph 4.22 (Ibid)

<sup>44</sup> CD 128, Page 4

Report goes on to note that there is a 'significant gap in provision' in 'residential dementia beds' and 'nursing dementia beds'<sup>45</sup> in South Cambridgeshire. The context, therefore, is an acknowledged issue with the provision of dementia care within the District. Although the County Council is currently working on a strategy as to how such needs will be met - an Adult Social Care Accommodation Strategy<sup>46</sup>, it is some way from being finalised.

51. The Appellant has provided an alternative approach which arguably provides a more thorough understanding of the current supply within the District, applying up-to-date data on regional demand rates within the East of England to produce a projection of the need for additional care beds. This looks beyond the registered capacity and includes quality considerations as well. The Appellant's Assessment identifies a shortfall of 218 minimum market standard care beds within the South Cambridgeshire District in 2025. This increases to 500 bedspaces if the assessment is based on care bedrooms providing full ensuite wet rooms (as proposed in this scheme). This, the Appellant says, is increasingly the market expectation, especially since the Covid pandemic. The Appellant has also considered the specific need for dedicated dementia care beds for the District, and calculates a need as follows: 277 'minimum' market standard, and 288 'full market standard' beds with ensembles in 2025.
52. I acknowledge the County Council's point that by focussing on beds which are solely ensuite or have a wet room, the assessment fails to assess the whole market, which covers all CQC registered beds. I further acknowledge such an approach imposes an artificial limit, embedding a qualitative factor into the assessment, and is not a definition found in the PPG, nor does the CQC make such a distinction. That said, the Appellant was clear that the 'market standard approach' was increasingly accepted market practice, although this is disputed by the Council.
53. Overall, the Appellant's assessment of net needs for residential care home beds does not appear to be excessively high when compared with other assessments: for example, the '*Older People's Housing Care and Support Needs in Greater Cambridge*' published in 2017<sup>47</sup> and the '*Housing Needs of Specific Groups- Cambridgeshire and West Suffolk*' published in 2021<sup>48</sup>. The Appellant's assessment is the most conservative of these<sup>49</sup>. It is the assessment relied on by the County Council in this appeal that forecasts a much lower need figure<sup>50</sup>.
54. To sum up, it is difficult to predict with certainty a precise need figure. Ultimately it is a matter of judgement. I consider the Appellant to be correct in identifying certain flaws within the methodology relied on by the County Council. This is likely to have significantly under-estimated the need for additional care beds. Taking the evidence in the round, I consider there is an existing and pressing increasing need for additional care beds. The PPG gives a clear injunction to Local Planning Authorities to respond positively to proposals for specialist housing for older people to meet the critical need for

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<sup>45</sup> Page 14 (Ibid)

<sup>46</sup> Paragraph 4.23, Mr Singh's Proof

<sup>47</sup> Report by the Centre for Regional, Economic and Social Research

<sup>48</sup> Report by G L Hearn

<sup>49</sup> See Comparative Table 6, Page 25, Proof of Ms Venables

<sup>50</sup> District Demand Profiles, Cambridgeshire County Council (2021), Mr Singh's Appendix, GS6

it. I consider the timely development of new supply is necessary to meet not only the existing shortfall, but also to address the increasing need based on the substantial growth in the elderly population in South Cambridgeshire. This need must be weighed in the planning balance.

### *Planning Obligation*

55. A planning obligation has been completed by the parties dated 16 February 2023. This would secure a 'burial contribution' (£16,800) to provide additional burial spaces in the Parish of Girton. The obligation requires that the proposed building not be occupied until the burial contribution has been paid in full. It also requires a monitoring contribution of £500 be paid on commencement of development.
56. I have no reason to believe that the formulas and charges used by the Council to calculate the provisions of the obligation are other than soundly based. The Council has provided a Community Infrastructure Levy (CIL) Compliance Statement<sup>51</sup> which sets out the methodology for calculating the contributions, why they are necessary, and how they would be spent. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework<sup>52</sup> and CIL Regulations<sup>53</sup>. I have taken the planning obligation into account in my deliberations.

*Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify development within the Green Belt.*

57. On the harm side, the proposal is inappropriate development and is therefore harmful by definition. There would also be a negligible loss of openness. Substantial weight must be given to both the harm by reason of inappropriateness, as well as the negligible harm to openness.
58. The scheme would also result in the total loss of a non-designated heritage asset of low-to-moderate significance. There was some debate at the Inquiry as to what level of harm would arise from its demolition. Clearly, the demolition of the building would result in the complete loss of its significance. Logically, however, the loss of a building of low-to-moderate heritage significance would only give rise to a low-to-moderate level of harm<sup>54</sup>. I give that harm a corresponding level of weight, even though the loss of the existing building is total. This leaves for assessment 'other considerations' and whether they, collectively, clearly outweigh the harms identified such as to amount to very special circumstances necessary to justify the development.
59. There are certain problems with the methodology of the County Council which leads me to believe there is an underestimate of care home need. Taking the need evidence as a whole, I consider the timely development of

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<sup>51</sup> ID16

<sup>52</sup> Paragraph 57

<sup>53</sup> Regulation 122

<sup>54</sup> It is difficult to see how a building can be of a certain level of significance when it is in place, but then cause harm of a higher level of significance if it is demolished

new supply is necessary to meet not only the existing shortfall, but also to address the increasing need based on the substantial growth in the elderly population in South Cambridgeshire. As noted above, the PPG emphasises that the need to provide housing for older people is critical. I accord the provision of this proposed care home facility substantial weight.

60. The first floor of the proposed building has been designed to operate as a dementia centre. This is indicated on the plans, although not included in the description of development. Despite assurances from the Appellant, the Council have disputed whether the dementia centre will in fact operate as such, arguing that there would be nothing to prevent the use of this floor as a high-end non-dementia care home. In particular, the Council argue that proposed Condition 2, requiring compliance with the approved plans would not secure the actual use of a dementia centre. An additional condition has now been put forward requiring submission of a management plan for the dementia centre, and requiring it to be operated in accordance with the plan. I have no reason to doubt the commitment of the Appellant to provide this facility, nor to doubt it would be used as intended. This attracts substantial weight.
61. The design of the building and associated landscaping would be of high quality, although there was a dispute about the weight this should attract. The Council says there is a renewed emphasis on good design in the Framework: in particular, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve<sup>55</sup> as is the fostering of well designed, beautiful places<sup>56</sup>. Therefore, it is argued, high quality design is not an optional extra, but a basic requirement of policy. Whilst I note the Council's comments, much thought has gone into the design and landscaping to achieve a very pleasing building with attractive gardens. The new facility takes some design cues from the current building and would employ a varied and attractive palette of materials. I find that the design of the scheme, including its landscaping carries moderate weight.
62. In terms of biodiversity, the scheme would exceed minimum policy requirements. There would be a 74.49% net gain in habitats, and a 38.72% net gain in linear features such as hedgerows<sup>57</sup> against Biodiversity Metric 2.0<sup>58</sup>. I accord this significant weight. In terms of job creation and economic impacts, the care home is anticipated to generate 92 full-time and 11 part time employees across a variety of roles<sup>59</sup>. In addition, jobs would be created during the construction process. I attach moderate weight to this benefit. The appeal site is in a relatively sustainable location, with a range of bus services, reasonably close to the amenities of Cambridge City. This attracts limited weight.

### **Planning Balance and Overall Conclusion**

63. Having carefully considered all the evidence, I find that 'other considerations' namely the benefits of the scheme, taken together, clearly outweigh the

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<sup>55</sup> Paragraph 126

<sup>56</sup> Paragraph 8(b)

<sup>57</sup> Appellant's Closing Submissions, Paragraph 114.

<sup>58</sup> Whilst this has now been superseded by Metric 3.1, the landscaping and biodiversity proposals would still achieve more than local policy minimum requirements

<sup>59</sup> Mr Derbyshire's Proof, Paragraph 6.56; and Planning Statement, Paragraph 5.22

definitional Green Belt harm, the negligible harm arising from loss of openness, and harm arising from the total loss of a non-designated heritage asset of low-to-moderate significance. Consequently, very special circumstances exist, and the development is therefore justified.

64. The Framework states that proposals which accord with an up-to-date development plan should be approved without delay. As very special circumstances have been demonstrated, I find general compliance with Green Belt policies of the Local Plan, namely Policies S/4, NH/8 and NH9, when read together. For similar reasons, whilst the site falls outside the development framework, again I find general congruence with Policy S/7 given the demonstration of very special circumstances.
65. Policy NH/14, whilst supporting proposals that sustain and enhance the significance of heritage assets, defers to the Framework in assessing, amongst other things, non-designated heritage assets<sup>60</sup>. The 'balanced judgement' required by Paragraph 203 of the Framework favours allowing the proposal, given the many benefits arising from the scheme, including securing a high quality, modern care facility for which there is a clear need, in a sustainable location.
66. Overall, I find the scheme complies with the development plan as a whole. There are no material considerations to indicate that permission should be withheld. Accordingly, I conclude the appeal should be allowed, subject to the conditions set out below.

## Conditions

67. I have reviewed the agreed list of suggested conditions set out in the Statement of Common Ground in the light of the discussion at the Inquiry. During that discussion, it was agreed that some of the suggested conditions were unnecessary, and others could be simplified. The Framework is clear that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects<sup>61</sup>. I have reworded the conditions for simplicity where necessary and have amalgamated some to avoid duplication. The numbers in brackets relate to the conditions in the schedule.
68. A commencement condition is necessary to comply with the relevant legislation (1). A condition requiring compliance with the approved plans is necessary for certainty (2). Conditions are necessary to ensure the site is adequately drained and to prevent the increased risk of flooding (3, 4). A condition relating to tree protection is necessary to ensure that existing trees within the site are not damaged during construction works (5). Conditions relating to potential site contamination are necessary to protect the health of future occupiers of the development, as well as minimising risks to controlled waters and ecological systems (6, 7, 8).
69. A condition requiring a Construction Traffic Management Plan is necessary to ensure efficient traffic flow and to ensure highway safety during the construction phase (9). A condition requiring a Construction Environmental Management Plan is necessary to mitigate the construction phase effects,

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<sup>60</sup> Paragraph 2 of the Policy

<sup>61</sup> Paragraph 56

including in relation to noise, vibration, and waste management (10). A condition limiting the construction hours of operation is necessary to protect the living conditions of nearby residents (11). Conditions relating to biodiversity and habitat provision, lighting, landscaping, and trees, are necessary to enhance the biodiversity of the site and to ensure high quality landscaping (12, 13, 14, 15).

70. A condition is necessary in respect of the main drive to ensure it drains correctly to prevent flooding and discharge to the adopted highway; and requiring the use of a bound material for the first five metres to prevent debris spreading to the adopted highway to maintain highway safety (16). A condition requiring the provision of visibility splays is required to ensure highway safety (17). A condition is required ensuring appropriate provision of car parking (18). A condition requiring a Travel Plan is necessary to encourage sustainable travel to and from the site (19). A condition requiring the provision of electric vehicle charging points is necessary to encourage sustainable modes of transport and to reduce the impact of the development on local air quality (20).
71. Conditions relating to the installation of low energy technologies and water efficiency measures are required to ensure a sustainable and energy efficient form of development (21, 22). Conditions restricting the use of the building to a care home and imposing an age restriction are necessary to ensure the building is used for its intended purpose (23, 24). A condition relating to the provision of a dementia centre is necessary to ensure the benefits of such a facility are realised (25).
72. A condition requiring approval of external materials is necessary to ensure a high quality scheme, and to protect the character and appearance of the area (26). Conditions relating to waste management provision and cycle storage are necessary to ensure these matters are appropriately addressed (27, 28). A condition is required relating to fire hydrants to ensure an adequate supply of water is available for emergency use (29).
73. A number of the conditions relate to pre-commencement activities. In each case, the requirement of the condition is fundamental to make the scheme acceptable in planning terms. Subject to the imposition of these conditions, I conclude that the appeal should be allowed.

*Matthew Nunn*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT**

Gwion Lewis of King's Counsel, Landmark Chambers

He called

Melissa Magee	Design and architecture
Martina Sechi	Landscape and visual impact
Kate Hanelly Brown	Heritage
Jessamy Venables	Need for the facility
Michael Derbyshire	Planning

### **FOR THE COUNCIL**

Asitha Ranatunga of Counsel, Cornerstone Barristers

He called

Gail Broom	Heritage issues
Gurdev Singh	Need for the facility
Elisabeth Glover	Planning

### **INTERESTED PERSONS**

Anne Muston	Girton Parish Council (Vice Chair)
Dr John Gray	Cambridge Past, Present and Future
Michael Goodhart	Cambridge Past, Present and Future
David Rosewarne	Local resident
Janet Dye	Local resident
Dr Frederick Nkonge	Local resident

### **INQUIRY DOCUMENTS**

1. Opening submissions for the Appellant
2. Opening Submissions for the Council
3. Historic England: Local Heritage Listing: Identifying and Conserving Local Heritage
4. Statement of the Chancellor, Jeremy Hunt
5. Erratum Note: Proof of Evidence of Martina Sechi
6. Greater Cambridge Landscape Character Types & Areas



7. Reducing long stays: Where best next campaign
8. Planning permission for extension to Hotel Felix (Ref: S/4502/17/FL)
9. Statement of Ann Muston, Vice-Chair of Girton Parish Council
10. Statement of John Gray and Michael Goodhart, Cambridge Past, Present and Future
11. Statement of David Rosewarne
12. Statement of Janet Dye
13. Comparison Table: current building, current building with previously approved extensions, and proposed building
14. Age specific demand rates for care in residential settings
15. Suggested condition in respect of dementia research centre
16. Community Infrastructure Levy Compliance Statement
17. Legal authorities (from both parties) including
  - a. *R (Cherkley Campaign Ltd) v Mole Valley DC* [2014] EWCA Civ 567
  - b. *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466
  - c. *R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314
  - d. *R (Samuel Smith Old Brewery) v North Yorkshire CC* [2018] EWCA 489
  - e. *R (Liverpool Open and Green Spaces) v Liverpool CC* [2020] EWCA 861
  - f. *R (Sefton MBC) v Secretary of State for Housing, Communities and Local Government* [2021] EWHC 1082 (Admin)
18. Closing submissions of the Council
19. Closing submissions of the Appellant
20. Planning Obligation dated 16 February 2023

## Schedule of Conditions

- 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: A-846 22A (courtyard elevations); A-846 11A (ground floor / first floor); A-846 12A (second floor / roof); A-846 21A (main elevations); A-846 24A (proposed sections); A-846 06A (location plan); A-846 04B (site plan).
- 3) No development shall take place until a scheme for the detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved scheme has been implemented. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Drainage Strategy Report prepared by Arc Engineers (Ref: 20 106) dated February 2021. It shall include:
  - a. Full calculations detailing the existing surface water runoff rates for the QBAR (Mean Annual Flood), 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
  - b. Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
  - c. Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
  - d. Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
  - e. Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - f. Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
  - g. Full details of the maintenance/adoption of the surface water drainage system;
  - h. Permissions to connect to a receiving watercourse or sewer;
  - i. Measures taken to prevent pollution of the receiving groundwater and/or surface water.

- 4) No development, excluding demolition, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during construction works have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be brought into operation before any works to create buildings or hard surfaces commence.
- 5) Before any works on site take place, an Arboricultural Method Statement, Tree Protection Strategy and Schedule of Monitoring shall be submitted to and approved in writing by the Local Planning Authority (including details of timing of events, protective fencing and ground protection measures). These documents should comply with BS 5837. The approved tree protection methodology shall be installed before any works commence on site and shall remain in place throughout the construction period. The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site.

Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the Local Planning Authority. If any tree shown to be retained is damaged, any remedial works as specified by the local planning authority will be carried out in accordance with an approved timetable.

Before any site clearance begins, a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and the Council's Tree Officer to discuss details and implementation of the approved Arboricultural Method Statement.

- 6) No development, excluding demolition, shall take place until: (a) the site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority; (b) detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the first occupation of the development hereby permitted, the works specified in any Remediation Method Statement must be completed and a Verification report submitted to and approved in writing by the Local Planning Authority.
- 8) If during remediation or construction works, any additional or unexpected contamination is identified, then remediation proposals for this material should be agreed in writing by the Local Planning Authority before any works proceed and shall be fully implemented prior to first occupation of the care home hereby approved. If during the course of construction, contamination not previously identified is found to be present at the site, then no further works shall be carried out (unless otherwise agreed) until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as

approved, verified and reported to the satisfaction of the Local Planning Authority before works resume.

- 9) No demolition or construction works shall commence on site until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan should address the following: (i) movement and control of 'muck away' vehicles (all loading and unloading should be undertaken where possible off the adopted public highway); (ii) contractor parking, with all such parking to be within the curtilage of the site where possible; (iii) movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway where possible); (iv) control of dust, mud and debris, and the means to prevent mud or debris being deposited on to the adopted public highway. The development shall be carried out in accordance with the approved details.
- 10) No development (including any site clearance / preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include the following matters: (i) piling methods (if employed); (ii) earthworks; (iii) site hoardings; (iv) noise limits; (v) vibration; (vi) control of emissions; (vii) waste management and disposal and material re-use; (viii) anticipated nature and volumes of waste; (ix) measures to ensure the maximisation of the re-use of waste (including effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities); (x) proposed timing of submission of a Waste Management Closure Report to demonstrate the effective management of construction waste; (xi) materials storage and hazardous material storage and removal. The development shall be carried out in accordance with the approved details.
- 11) Works during the demolition and construction phase, including operation of site machinery and plant, deliveries and dispatches from the site, that generate noise beyond the site boundary shall be only carried out between the hours of 0800 hrs and 1800 hrs Mondays to Fridays, and between 0800 hrs and 1300 hrs on Saturdays and at no time on Sundays, Bank or Public Holidays.
- 12) Prior to the commencement of development above slab level, a scheme of biodiversity enhancement shall be supplied to the Local Planning Authority for its written approval. The scheme must include details as to how a measurable net gain in biodiversity has been accomplished. The approved scheme shall be fully implemented before occupation of the building hereby permitted, or in accordance with a timetable agreed with the Local Planning Authority. Ecological measures shall be carried out in accordance with the details within the Ecology Assessment (Ecology Solutions, October 2020) before occupation of the building hereby permitted or in accordance with a timetable agreed by the Local Planning Authority.
- 13) A Lighting Design Strategy for Biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:
  - (a) identify those areas / features on site that are particularly sensitive for bats; and
  - (b) show how and where external lighting will be installed

(through the provision of appropriate lighting contour plans and technical specification) so that any lighting will not disturb bats.

The Strategy should provide details of the installation of all the low-level lighting, including any tree up-lighting. Where lighting is proposed around trees, a bat roost assessment of the tree shall be undertaken and submitted to and approved in writing by the Local Planning Authority. Lighting shall not be installed in the canopy of trees.

External lighting shall be installed, maintained and operated in accordance with the specifications and locations set out in the Strategy, and in accordance with a timetable agreed by the Local Planning Authority.

- 14) No development above ground level shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include: (a) hard surfacing materials; (b) planting plans, including schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; (c) boundary treatments indicating type, positions, design, and materials; (d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; (e) any trees to be translocated and their means of protection and establishment. All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the building or in accordance with a programme agreed in writing with the Local Planning Authority.
- 15) If within a period of five years from the date of the planting, any tree or plant is removed, uprooted, destroyed or dies, another tree or plant of the same species and size shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.
- 16) The proposed new drive shall be constructed so that its falls and levels are such that no private water from the site drains across or on to the adopted public highway. It shall be constructed using a bound material for the first five metres from the boundary of the adopted public highway into the site, to prevent debris spreading on to the adopted public highway.
- 17) Prior to the first occupation or bringing into use of the development, hereby permitted, two pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicular access from Whitehouse Lane measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be permanently maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.
- 18) Prior to first occupation of the development, the car parking spaces shall be provided in accordance with the approved details and shall be retained thereafter for that use.

- 19) The building shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify: the methods to be used to discourage the use of the private motor vehicle and encourage use of alternative sustainable travel arrangements, including public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved.
- 20) No permanent connection to the electricity distribution network shall be established until an electric vehicle charge point scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed before the development is occupied.
- 21) The approved renewable/low carbon energy technologies (as set out in the Energy Strategy Report, Harniss Consulting Ltd, Version P2, dated May 2021) shall be fully installed and operational prior to the occupation of the building and thereafter maintained in accordance with a maintenance programme, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority.
- 22) Water efficiency measures within the development shall be submitted to and approved by the Local Planning Authority, and implemented before occupation of the building.
- 23) Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), the premises shall be used for a residential care home and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).
- 24) The care home hereby approved shall only be occupied by persons aged at least 55 years.
- 25) Prior to the occupation of the first floor of the building, a Management Plan for the dementia centre shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out consultations with specialist dementia agencies and bodies, and the results of these consultations and the availability for use of the centre by these agencies and bodies. The dementia centre shall be operated in accordance with the approved Management Plan.
- 26) No development shall take place above ground level, except for demolition, until details of all the materials to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include: external wall finishes, brickwork, windows and doors (material and colour), entrances, porches and canopies, roof cladding, balustrades and rain water goods. Development shall be carried out in accordance with the approved details.

- 27) The development shall not be occupied until refuse storage facilities have been provided within the site in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to the occupation of the development and permanently retained thereafter.
- 28) Details of facilities for secure parking of bicycles for use in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is first occupied and shall be retained in accordance with the approved details thereafter.
- 29) A scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.