

Statement of Common Ground (Draft)

Site: 2, 4, 6 And 8 Danson Road, Bexleyheath, Kent, DA6 8HB

Proposal: Demolition of the existing dwellings and erection of a part 1/2/3 storey building to provide a 70 bedroom nursing home, with associated access alterations, car and cycle parking, landscaping and amenity space.

PINS Ref: APP/D5120/W/22/3293225

LBB Ref: 19/03072/FULM

1. Introduction

- 1.1. This Statement of Common Ground between Carebase Ltd (“the Appellant”) and the London Borough of Bexley (LB Bexley, the Council) sets out the areas of common ground relating to the appeal against the Council’s refusal of planning application ref: 19/03072/FULM for proposals at 2-8 Danson Road, Bexleyheath, involving:


Demolition of the existing dwellings and erection of a part 1/2/3 storey building to provide a 70 bedroom nursing home, with associated access alterations, car and cycle parking, landscaping and amenity space.

- 1.2. The Statement of Common Ground is structured as follows:

- Section 2 – sets out areas where there is agreement between the parties;
- Section 3 – outlines matters which have not been agreed;
- Section 4 – provides a list of proposed planning conditions and s106 heads of terms; and
- Section 5 – provides the core documents.

- 1.3. This Statement of Common Ground is prepared jointly and agreed by:

NAME: Mark Batchelor

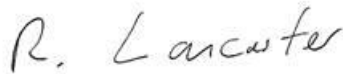


Signed:

Date: 16th November 2022

On behalf of Carebase Ltd

NAME: Robert Lancaster



Signed:

Date: 16th November 2022

On behalf of London Borough of Bexley.

2. Common Ground on Planning Matters

The Appeal Details

- 2.1. Appeal reference: APP/D5120/W/22/3293225
- 2.2. Site address: 2-8 Danson Road, Bexleyheath, Kent, DA6 8HB.
- 2.3. Appellant: Carebase Ltd
- 2.4. Local Planning Authority: London Borough of Bexley
- 2.5. Application reference: 19/03072/FULM.
- 2.6. Description of development: "Demolition of the existing dwellings and erection of a part 1/2/3 storey building to provide a 70 bedroom nursing home, with associated access alterations, car and cycle parking, landscaping and amenity space."
- 2.7. The application sought full planning permission for the above described development.
- 2.8. Following pre-application discussions, the application was submitted to the Council on 20 December 2019.
- 2.9. The application was reported to Planning Committee on 18 November 2021 with an officer's recommendation that planning permission should be granted subject to conditions.
- 2.10. Planning permission was refused by committee with a decision notice being dated 30 November 2021.
- 2.11. By email dated 07 November 2022, the Council wrote to the Planning Inspectorate to advise that it will not contest the appeal. The Council is, therefore satisfied that planning permission can be granted, subject to the prior completion of a legal agreement and conditions.
- 2.12. Further details of the matters to be included in the section 106 agreement and the recommended conditions are discussed below.

Site and Surroundings

- 2.13. The appeal site is approximately 0.35 hectares in area and comprises the domestic curtilages of the 4 houses at numbers 2, 4, 6 and 8 Danson Road. Each house has its own vehicular access onto Danson Road.
- 2.14. The site is situated on the west side of Danson Road, to the south of the junction with Park View Road (A207).

- 2.15. The existing houses were built as 2 pairs of semi-detached houses. Numbers 4 and 6 have been heavily extended and they now connect, creating a large unbroken frontage of 4 terrace houses.
- 2.16. The site boundaries are lined by tall boundary treatments. To the rear of nos. 2 and 6 are large domestic outbuildings. The boundary treatments and outbuildings are visible from within the neighbouring Danson Park.
- 2.17. The appeal site is not subject to any restrictive Local Plan designations. There are no listed buildings (statutorily or locally) within or immediately adjoining the appeal site.
- 2.18. To the West (rear) of the appeal site is Danson Park, a Grade II Listed Park designated as 'Metropolitan Open Land' and in part as a 'Borough Grade 1 Site of Importance for Nature Conservation (SINC)', that contains Danson Park Mansion, a Grade I Listed Building as well as a stables, which are a Grade II* Listed Building. To the North of the site is the entrance and access path to Danson Park. The entrance is marked by piers and gates (not part of the original design) fronting onto Danson Road. The entrance, including the grass verges to either side of the path itself, is approximately 25m wide at the entrance.
- 2.19. The site lies in Flood Zone 1.
- 2.20. The site has a PTAL rating of 4.

List of Plans and Documents

- 2.21. The following is an agreed list of plans and documents submitted with the application (where superseded shown with a strikethrough) and a list of updated plans and documents submitted during the application.

Original submission - Documents

- Air Quality Assessment (October 2019)
- Arboricultural Report (June 2019)
- Archaeological Desk Based Assessment (December 2019)
- Demographic Needs Analysis (May 2019);
- ~~Design and Access Statement (December 2019);~~
- Economic Benefits Statement (December 2019);
- Flood Risk / Foul and Surface Water Management Statement (December 2019);
- Heritage Statement Draft 2 (August 2019);
- Landscape and Visual Appraisal (October 2019);
- Noise Assessment (September 2019);
- Nursing Home Proposal (undated);
- Planning Statement (December 2019);
- Preliminary Ecological Appraisal (September 2019);
- Statement of Community Involvement (September 2019);

- Sustainability Statement and Renewable Energy Statement (September 2019);
- Transport Statement (September 2019);

Original submission - Drawings

- 12395_TG_P_001 – Illustrative Landscape Plan;
- 12395_TG_P_100 – Landscape General Arrangement Plan;
- 12395_TG_P_300 – Landscape Planting Plan;
- 0401/P3 – Existing Site Plan;
- 0402/P3 – Site Location Plan;
- 0403/P4 – Existing Elevations;
- ~~1003/P5 – Proposed Site Plan;~~
- ~~3000/P7 – GA Ground Floor Plan;~~
- ~~3001/P7 – GA First Floor Plan;~~
- ~~3002/P7 – GA Second Floor Plan;~~
- ~~3003/P6 – GA Lower Ground Floor Plan;~~
- ~~3004/P2 – GA Roof Plan;~~
- ~~3601/P4 – GA Elevations;~~
- 3801/P2 – GA Sections;

2.20 The following is a list of additional documents submitted during the application:

Date Submitted	Documents / Drawings Submitted
25 February 2020	Heathfield Court Parking Survey
01 December 2020	Energy Statement (November 2020); Overheating Assessment (October 2020); Design and Access Statement (September 2020); Cushman & Wakefield letter re: demographic analysis (13 October 2020); 1003/P7 – Proposed Site Plan 3000/P10 – GA Ground Floor Plan; 3001/P8 – GA First Floor Plan; 3002/P8 – GA Second Floor Plan; 3003/P7 – GA Lower Ground Floor Plan; 3004/P3 – GA Roof Plan; 3601/P5 – Proposed Elevations; 3602/P1 – Refuse Store Plan and Elevation; 12395/P09 – Boundary Treatment Plan;
07 January 2021	Designers' Response – Stage 1 Road Safety Audit
12 March 2021	Right Turn Mitigation Strategy (undated); Technical Note (highways) (March 2021) 190320-004/B – Proposed Internal Arrangements;

11 June 2021	Fire Statement (May 2021); Fire Statement Form (June 2021);
21 August 2021	190320-005 - Proposed Refuse Collection Strategy (August 2021) Drainage Strategy (August 2021)

Relevant Planning History

2.22. There is no relevant planning history for the proposals on the site.

Pre Application consultation

2.23. The Appellant engaged in pre-application discussions with the Council regarding the proposed redevelopment of the site. The request was processed under ref: 19/00272/PREAPP. A meeting was held on 13 March 2019 with email advice being issued by the Council on 6 June 2019.

2.24. The Council's advice comprised a list of 10 bullet points to be addressed prior to the submission of the application.

2.25. The Council's advice focussed on whether the development would result in a loss of dwellinghouse accommodation; whether the proposed use would fall within Use Class C2 or C3; how access and car parking and servicing was to be managed; how the development would impact on Danson Park; what impact there would be on trees and ecology; and requested additional detail in respect of scale, design, drainage and energy.

2.26. In addition to pre-application engagement with the Council, the appellant also engaged with the local community through a public exhibition, as detailed in the Statement of Community Involvement. Further engagement was then carried out post-submission of the application.

The Development Plan

2.27. The following documents comprise the adopted development plan for the area:

- The London Plan (2021)
- Bexley Core Strategy (2014)
- Bexley Council Unitary Development Plan (Saved Policies) 2004

2.28. The draft Bexley Local Plan is currently at examination stage. Examination hearing sessions were held in 2022. The Council is currently preparing the necessary modifications to the plan and policies map which will be the subject of formal public consultation in due course.

2.29. Adoption of the Local Plan by the Council will follow the Inspector's Report.

2.30. The following is a list of the most important development plan policies that were identified for the determination of the planning application:

London Plan (2021)

D1: London's form, character and capacity for growth.
D3: Optimising site capacity through the design-led approach.
D4: Delivering good design.
H8: Loss of existing housing and estate redevelopment.
HC1: Heritage, Conservation and growth
T4: Assessing and mitigating transport impacts.

LB Bexley Core Strategy (2012)

CS01: Achieving Sustainable Development.
CS07: Welling Geographic Region.
CS15: Achieving an integrated and sustainable transport system
CS19: Heritage and Archaeology

LB Bexley Unitary Development Plan (2004) (saved policies)

ENV39: Built Environment.
H3: Character of Local Residential Area.
T6: Optimising use of the existing transport network

2.31. The following Development Plan Policies are also considered relevant to the determination of the planning application:

London Plan (2021)

GG1: Building strong and inclusive communities.
GG2: Making the best use of land.
D5: Inclusive design.
D7: Accessible housing.
D12: Fire Safety.
D14: Noise
H13: Specialist Older Persons Housing.
S1: Developing London's social infrastructure.
S2: Health and social care facilities.
SI1: Improving air quality.
SI2: Minimising greenhouse gas emissions.
SI4: Managing heat risk.
SI5: Water infrastructure.
SI13: Sustainable drainage.
T1: Strategic approach to transport.
T5: Cycling.
T6: Car Parking

LB Bexley Core Strategy (2012)

- CS08: Adapting to and Mitigating the Effects of Climate Change.
- CS10: Housing Need.
- CS13: Access to Jobs.
- CS16: Reducing the need to travel and the impact of travel.
- CS17: Green Infrastructure.
- CS18: Biodiversity and geology
- CS21: Supporting Community Infrastructure and Services.

LB Bexley Unitary Development Plan (2004) (saved policies)

- G18: Road network
- ENV35: Trees and hedges- planting, protection and retention.
- T1: Applications for Major Developments- travel plans.
- T2: Applications for Major Developments- full transport assessments
- T17: Off street parking
- COM4- Health Care Facilities

Other Relevant Planning Policy / Guidance / Material Considerations

2.32. It is agreed between the parties that the National Planning Policy Framework (NPPF) (2021) is relevant in the determination of the appeal.

Areas where the parties are working together and there is a prospect of resolving a related reason for refusal.

- 2.33. The Council have reviewed the reasons for refusal in the light of the evidence as detailed in their Statement of Case and hereby confirm that on the basis of this evidence, the Council will not contest the appeal.
- 2.34. The Council is satisfied that the development is acceptable in planning terms subject to conditions and obligations.

Areas of Agreement

2.35. A summary of the matters which can be agreed are set out below.

	Appellant	LPA
1	The site is previously developed land where the principle of redevelopment is supported.	Agreed
2	The proposed development will provide a form of housing, contributing to both housing land	Agreed

	supply and housing delivery in the Borough.	
3	The development will result in a net increase of 66 homes in the Borough.	Agreed
4	The proposed nursing home would operate within Use Class C2. There is no policy requirement for affordable housing.	Agreed
5	The 2021 HDT shows a delivery of 93% of the Council's targets. An Action Plan needs to be published.	Agreed
6	Bexley has an ageing population.	Agreed
7	There is established unmet need for nursing home accommodation with proportion of that nursing accommodation being dementia care in Bexley.	Agreed – see conditions/Obligations. (subject to amendment)
8	The development plan (existing and emerging) does not allocate any sites for nursing home developments.	The allocations for residential development in the draft Borough local Plan could be taken up by residential care homes.
9	The proposed nursing home will generate employment and economic benefits in the Borough.	Agreed
10	The nursing home will provide end of life and dementia care for future residents. The residents who would live at the home would otherwise typically be living in general housing in the Borough,	Agreed, subject to appropriate controls to be secured through planning conditions/obligations.

	unsuited to their complex nursing care needs.	
11	There are 4 driveways serving the existing houses on site. They impose no restriction on vehicles being able to turn right when joining Danson Road.	Agreed
12	Vehicles can turn right into the existing properties from Danson Road.	Agreed
13	The site has a PTAL of 4.	Agreed
14	There are no listed buildings within the appeal site.	Agreed
15	The site is not in a conservation area.	Agreed
16	The area is characterised by detached and semi-detached family houses on generous plots which contain further, subservient structures including garages, studios and sheds., though there are also other types of development (including the Leisure Centre and 4 storey apartment buildings) within less than 100m of the site.	Agreed.
17	The development would not cause any harm to the amenities of any neighbouring residential properties.	Agreed
18	There would be no unacceptable impact on trees.	Agreed, subject to imposition of conditions

19	The development is acceptable in terms of its impact on ecology.	Agreed, subject to imposition of conditions
20	There are no unacceptable flooding or drainage impacts arising from the development.	Agreed, subject to imposition of conditions
21	The development is acceptable in respect of energy and sustainability.	Agreed, subject to imposition of conditions
22	There would be no unacceptable impacts on local air quality.	Agreed, subject to imposition of conditions
23	The development will reduce pressure on local NHS services.	The Council, having regard to the comments from the NHS, understand that the additional pressure is mitigated by a contribution (see proposed Obligations). It is understood the NHS consider that with the contribution the effect on Local NHS Services will be neutral.
24	<p>The Council's decision identified less than substantial harm to the RPG and did not allege any harm to other heritage assets. The Council accepts that the significant public benefits arising from the development would outweigh the low level of heritage harm.</p> <p>The appellant's position is that the development would not cause harm to nearby heritage assets.</p>	The proposed development would cause less than substantial harm to the RPG. It is considered, with the additional obligations, that the public benefits of the proposal outweigh the harm to heritage assets.
25	It is agreed that the nursing home would replace 4 houses. However, the appellant does not agree that there is an established need for these.	<p>The proposals would result in the loss of 4 family dwellings</p> <p>The Council's position is that whilst harm arises from the loss of 4 family dwellings for</p>

		which there is an objective need for (see SHMA Table 7.7A) the benefits of the proposal, including 70 beds for Nursing and Nursing Dementia Care, outweigh the harm.
26	Agreed subject to suggested amendment.	The proposal would result in the replacement of 4 semi-detached 2 storey dwellings with 1 nursing home.
27	The existing houses on the site have large roof voids which could be converted into habitable space, creating accommodation across ground, first and second floor levels.	Agreed
28	Many houses along Danson Road and Danson Mead have utilised their roof space to create additional accommodation, revealed by rooflight windows and dormer extensions.	Agreed
29	The Officer Report to Committee upon which the decision is based considers the Need for care home provision alongside the Council's Strategic Housing Market Assessment Update 2020 (SHMA 2020).	Agreed
30	Table 7.5 of the SHMA 2020 'Analysis of future need for specialist older person accommodation' incorporates a significant arithmetic error in the calculation of future care need (C2). This leads to a dramatic understatement of future need.	The SHMA 2020 contains an arithmetical error which results in the Table 7.5 under-representing the per annum requirement for C2 Housing. It is agreed that no regard should be had to the 2020 version of the SHMA, including references within the Committee Report. It has been superseded by the 2021 SHMA

31	The proposal is for a nursing home providing critical illness and end of life care, including dementia care, to future residents.	Agreed
32	The proposed access / egress solution is considered to be safe and suitable for the development, having been independently audited by a Road Safety Audit team at Stage 1. The Council confirm that this design is appropriate.	Agreed, subject to the associated physical alterations to the footway including new access/egress points and removal of redundant existing residential access crossovers being delivered by the developer under an appropriate highway agreement or licence (see s106 Head of Terms & conditions)
33	Measures to restrict the right turn of vehicles out of the site are acceptable mitigation measures.	Agreed subject to a contribution of £7697 covering the cost to the Council of additional mitigation measures as follows: Advertisement of TMO banning right turn out of the site at egress and right and left turn into the site at egress plus installation of all associated signage, posts, sign lights and electrical connections and implementation of keep clear markings at access (see s106 Head of Terms & conditions)
34	The increase in vehicle flows as part of the proposed development is considered to be minimal and well within daily fluctuation levels on the local road network.	Agreed
35	Travel patterns from employment developments such as this can be influenced by the provision of a Travel Plan and through Car	Agreed and associated Travel Plan and Parking Management Plan and Servicing and Delivery Management Plan will

	Parking Management and Servicing and Delivery Management Plans.	consequently be secured through appropriate condition
36	The provision of a Transport Statement for the application was agreed at the pre-application stage, and the LBB Highways consultation response recommended approval subject to conditions at the planning application stage.	Agreed
37	The proposed development, in terms of its layout, height, bulk and scale would result in a form and scale of development which would be generally in keeping with the local area, given the existing variations in building types and sizes in the area around the site. The proposals have been designed to reflect and complement the character and appearance of the area, and the change to the landscape and townscape around the site brought about by the proposed development would in general be low to medium in terms of degree, and broadly neutral in terms of its nature, as it would be roughly balanced between the potentially negative aspects of the additional built form (though much of that increase would not be readily apparent from outside the site, and additional built form is not inherently harmful within an urban area) and the positive aspects of the high quality bespoke design and materials.	The proposal would result in a larger form of development than prevails in the area. Whilst the design has mitigated to a significant extent the bulk of the proposed building and it is recognised that the character of the area is not uniform, the Council considers some slight harm remains to the character and appearance of the area. As set out elsewhere the Council considers the benefits of the proposal, principally the provision of 70 beds for Nursing and Nursing Dementia care, outweigh this slight harm.
38	The proposed development by reason of the limited intensity of vehicular movements and its location has been considered to	Agreed subject to additional mitigation (see s106 Head of Terms & conditions)

	be acceptable in highway safety and congestion terms and would not be considered to have a severe impact in relation to NPPF Paragraph 111.	
39	The proposed development would provide sufficient parking for the use in this location that is proportionate to the site's PTAL and overall accessibility by non-car modes.	Agreed
40	There is no policy in the development plan which protects family houses. By contrast there is policy advocating for the delivery of nursing home accommodation. The planning officers did not raise any objection on this basis when reporting the application to committee.	Agreed, but the London Plan states that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floor space.
41	The position agreed by the appellant and Council in this case is that the planning balance clearly falls in favour of a grant of planning permission, a point accepted by officers when recommending the application for approval.	Agreed subject to additional mitigation (see s106 Head of Terms & conditions)

Areas of Disagreement

2.36. Following the Council's decision not to contest the appeal, there are no areas of disagreement between the parties, other than those elements of disagreement of emphasis as set out above.

1	Paragraph 11d)ii. of the NPPF is engaged in this case and the "tilted balance" applies. Accordingly, planning permission	Not agreed. The Development Plan, which includes the London Plan 2021, is up-to-date and the Council is able to
---	--	---

	<p>should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits.</p> <p>The appellant's position is that the development plan is out of date as it has not made adequate provision for nursing home accommodation to meet identified local need.</p>	<p>demonstrate a 5 year housing land supply (Five year housing land supply report 2022-2027).</p> <p>Paragraph 11(d) (ii) is therefore not engaged.</p>
--	--	---

4.0 Proposed S106 Heads of Terms and suggested planning conditions

4.1 Draft S106 Heads of Terms

- (i) A 20 year commuted sum of £6,464.27 for the maintenance of the proposed hedge to be planted in Danson Park.
- (ii) A Carbon Offset payment of £55,470.50
- (iii) A payment of £130,235 towards NHS health contributions
- (iv) contribution of £7,697 covering the cost to the Council of additional mitigation measures as follows: Advertisement of TMO banning right turn out of the site at egress and right and left turn into the site at egress plus installation of all associated signage, posts, sign lights and electrical connections and implementation of keep clear markings at access
- (v) The building will only be used as a Nursing Home and for no other purpose with Use Class C2 (including use as a Residential Care Home)
- (vi) No less than 14 beds within the Nursing Home shall be reserved for the care of dementia patients

4.2 The following conditions are suggested without prejudice to the determination of the planning appeal.

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall only be carried out in accordance with the following approved plans:

Plans:

3000 Rev P10, 3001 Rev P8, 3002 Rev P8, 3003 Rev P7, 3004 Rev P3, 3601 Rev P5, 1003 Rev P7, 12395/P09, 3602 Rev P1, 190322-005, 190320-004 Rev B, 12395_TG_P_001 (Illustrative Landscape Plan), 12395_TG_P_100 (Landscape General Arrangement Plan), 12395_TG_P_300.

Reason: For the avoidance of doubt and in the interests of good planning.

3. The development hereby permitted shall only be completed in full accordance with the Right Turn Mitigation Strategy (undertaken by Ardent Consulting Engineers).

Reason: For the avoidance of doubt and in the interests of good planning.

4. The development hereby permitted shall only be completed in full accordance with the Fire Statement (undertaken by Fire Training International LTD).

Reason: For the avoidance of doubt and in the interests of good planning.

5. The development hereby permitted shall only be completed in full accordance with Air Quality Assessment (undertaken by Dustscan AQ) dated October 2019.

Reason: For the avoidance of doubt and in the interests of good planning.

6. The development hereby permitted shall only be completed in full accordance with the Noise Assessment (undertaken by Ardent Consulting Engineers ref:190320- 03) dated September 2019.

Reason: For the avoidance of doubt and in the interests of good planning.

7. No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority and Historic England (Archaeology) wishes to secure the provision of appropriate archaeological investigation, including the publication of results.

8. A. The development may not commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:

a) The location of notice boards on the site to include details of the site manager, including contact details (phone, email, postal address) and 'out of hours' contact details;

- b) A strategy for the parking of vehicles of site operatives and visitors;
- c) A strategy for the loading and unloading of plant and materials;
- d) A strategy for the storage of plant and materials used in constructing the development;
- e) Details of days/hours of work and deliveries of construction materials;
- f) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- g) Measures to be adopted to ensure that pedestrian access past the site on the public footpaths is safe and not (unduly) obstructed during construction works;
- h) Construction site lighting;
- i) Reasonable measures to be adopted, such as a restriction on the size of construction vehicles and machinery accessing the site, to minimise any potential damage occurring to adjacent streets throughout the construction period;
- j) Location of vehicle and construction machinery access during the period of site works including identification of any works necessary to the public highway necessary to provide a means of access during the construction and/or operation of the development;
- k) Numbers and timing of truck movements throughout the day and the proposed routes broken down by size of trucks;
- l) Vehicle holding areas;
- m) Construction traffic routes;
- n) Means of minimising noise and vibration (including any piling), and compliance with BS 5228;
- o) Procedures including wheel washing for controlling sediment runoff, dust and the removal of soil, debris and demolition and construction materials from public roads or places;
- p) A Dust Management Plan, including details of mitigation measures for dust and emissions during demolition and construction along with a monitoring regime for the same in accordance with Air Quality: Best Practice Guidance - The Control of Dust and Emissions During Construction and Demolition Supplementary Planning Guidance (published by the Greater London Authority, July 2014);
- q) A Demolition and Construction Site Waste Management Plan which includes details of managing demolition and construction waste having regard to the site waste hierarchy (prevention, reuse, recycling, recovery, safe disposal).
- r) Location of workers' conveniences (e.g. toilets, showers); and,
- s) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

B. The development hereby permitted shall only be carried out in accordance with the approved details.

Reason: In order to ensure that the construction of the development is undertaken in a manner which minimises its' effect on the local environment.

9. A. Prior to the commencement of development, the development hereby approved shall be registered on the Non-Road Mobile Machinery (NRMM) register: <https://nrmm.london/user-nrmm/register>.

Throughout the duration of construction all NRMM to be used on the development site shall be submitted to the NRMM register.

- B. The development shall only be carried out in accordance with the submitted details to the NNMM register.

Reason: In the interests of maintaining local air quality.

- 10.A. The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012, including tree protection measures, has been submitted to and approved in writing by the Local Planning Authority in relation to the development.

The plans and particulars submitted in accordance with this condition shall include:-

- i. a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained/removed and the crown spread of each retained tree;
- ii. details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- iii. details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- iv. details of any proposed alterations in existing ground levels, and of the position of any proposed excavation works in relation to any nearby trees
- v. details of the for the protection of any retained tree from damage before or during the course of development. In the event that any part of the protective fencing is damaged or removed during the course of development it shall be promptly repaired or replaced to the satisfaction of the Local Planning Authority. No protective fencing shall be removed

until all equipment and machinery and surplus materials have been removed from the site

- vi. details of any measures used to avoid damaged caused to tree roots by any hardstanding or structure erected within the root protection zone of any tree on site.
- B. The development shall be undertaken in accordance with the approved Statement and existing trees identified to be retained shall be protected in accordance with the measures outlined in the approved Statement.
- C. In the event that any part of the protective fencing is damaged or removed during the course of development it shall be repaired or replaced within 48 hours or as soon as reasonably possible. No protective fencing shall be removed until all equipment, machinery and surplus materials have been removed from the site.

Reason: To prevent any unnecessary damage to the trees during the construction process.

11. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 12.A. No material operations within the meaning of section 56(4) of the Town and Country Planning Act, 1990 (as amended) may take place, save for demolition until a scheme for a Sustainable Drainage System in accordance with the Bexley Sustainable Drainage Design and Evaluation Guide (2018) shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of:
- i. How reduction in surface water runoff to the greenfield runoff rate shall be achieved;
 - ii. Calculations to demonstrate that the proposed system is fit for purpose, including correctly sized attenuation and surface water discharge rates;

- iii. Installation of petrol/oil interceptors as necessary;
- iv. Distribution of foul water flows into the surrounding sewer network as necessary;
- v. Installation of rainfall attenuation units for capturing and reusing water;
- vi. Information about the design storm period and intensity, the method employed to delay and control surface water discharged from the site and measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- vii. Include a timetable for its implementation; and
- viii. Provide a management and maintenance plan for the lifetime of the development.

B. The Scheme must demonstrate how the drainage hierarchy set out in London Plan Policy 5.13 has been followed:

- 1st Store rain water for later use;
- 2nd Use infiltration techniques, such as porous surfaces in non-clay areas;
- 3rd Attenuate rainwater in ponds or open water features for gradual release to a watercourse;
- 4th Attenuate rainwater by storing in tanks or sealed water feature for gradual release to a watercourse;
- 5th Discharge rainwater direct to watercourse;
- 6th Discharge rainwater to a surface water drain; and
- 7th Discharge to the combined sewer

C. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the site is sustainably drained. These details are required at an early stage to ensure the drainage measures are factored into the build process.

13.A. Prior to the commencement of above ground works a detailed schedule and specification/samples of the materials and finishes to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Brickwork (including bonding and mortar);
- Cladding;
- Windows and doors (including reveals and frames);
- Soffits;
- Balconies and privacy screens;
- Canopies;
- External guttering;
- Roofing materials;

- Boundary treatments

B. The development shall be carried out and retained in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

14. A. Prior to the commencement of above ground works details of electric vehicle charging point provision for conveniently located charging points shall be submitted to and approved in writing by the Local Planning Authority.

B. The agreed details shall be implemented prior to occupation of the development and shall be permanently maintained and available for use thereafter.

Reason: To accord with the London Plan and in the interests of sustainability. These details are required prior to commencement as the infrastructure will need to be designed and planned with cables and ducting being laid during construction and possibly the electricity supply and/or circuitry being upgraded to suit, which would be difficult to achieve post construction.

15. The proposed access and egress to the site onto the existing highway shall be constructed in accordance with design and specification first submitted to, and approved in writing by, the Local Planning Authority before the development is first brought into use.

Reason: To ensure a satisfactory standard of development and in the interests of highway safety.

16. A. Details of arrangements for cycle storage (including means of enclosure for the area concerned where necessary) for 12 long stay and 4 short stay spaces shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development hereby permitted is first brought into use.

B. the approved arrangements shall be completed to the satisfaction of the Authority before any part of the development is first occupied, and permanently maintained thereafter to the Authority's satisfaction.

Reason: To ensure a satisfactory standard of development and to encourage travel to and from the site by sustainable means

17. A. Before any part of the development is first brought into use, a Travel Plan incorporating measures to reduce car traffic by encouraging travel to and from the site by other means of transport shall be submitted to, and approved

in writing by, the Local Planning Authority. The plan shall include a methodology for its implementation and monitoring. The development shall not be occupied or operated other than in complete accordance with the agreed Travel Plan.

B. No part of the development shall be occupied prior to implementation of the approved travel plan (or implementation of those parts identified in the approved travel plan as capable of being implemented prior to occupation). Those parts of the approved travel plan that are identified as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for the lifetime of the development.

Reason: In the interests of minimising the environmental impact of the scheme and to promote sustainable travel to and from the site.

18. A. Before any part of the development is first brought into use, a Delivery and Servicing Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall identify the expected number and time of delivery and servicing trips to the site, as well as the type of vehicles to be used, their management on site, and mechanisms for monitoring and review, with the aim of reducing the impact of servicing activity on residents' amenity and maintaining highway safety.

B. The approved Delivery and Servicing Plan shall be implemented from the first occupation of the development and shall be adhered to thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities enjoyed by occupiers of properties in the vicinity and in the interests of highway safety.

19. Notwithstanding condition 2, prior to above ground works, a scheme of soft and hard landscaping, which shall include details of vehicular car parking, public footpath and means of access to the communal amenity areas for occupants of the development (including people who require level access and wheelchair users) planting plans and specifications, and a management plan for future maintenance of the areas concerned shall be submitted to and approved in writing by the Local Planning Authority.

- The hard landscaping works, shall be carried out prior to occupation in accordance with the approved details.
- The soft landscaping works shall be carried out prior to occupation or in the first seeding season following practical completion (whichever is earlier) in accordance with the approved details.

- The management plan shall be implemented in accordance with the approved details.

Any trees or plants which, within a period of 5 years from the carrying out of the soft landscaping works, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

Reason: In the interests of the visual and residential amenities of the area.

20. Prior to occupation of the development hereby approved, details of bird nesting boxes and bat boxes to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include the exact location, number specification and design of the habitats. The boxes shall be installed within the development in accordance with the approved details, prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance Policies CS09 and CS18 of the Bexley Core Strategy.

21. The access to the site shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

Reason: In the interests of highway safety

22. A. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing. Before development restarts at that part of the site a Risk Assessment and Remediation Scheme shall be produced by (a) suitably qualified person(s) and submitted for written approval to the Local Planning Authority.

B. The development may only restart on that part of the site in accordance with the approved Remediation Scheme.

C. Prior to first occupation

- i. A Verification Report that demonstrates the effectiveness of the works carried out pursuant to approved details in relation to Part A and B of this condition shall be submitted for written approval to the Local Planning Authority.

- ii. No occupation or use of the development shall take place until the Report has been approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- 23. The premises shall be used as a nursing home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to ensure that the use is appropriate in this location, as other uses may generate additional impacts.

5.0 List of Core Documents

The following is a list of Core Documents which will be referred to at the appeal.

CD1 Application Documents as originally submitted (those which are struck through have been superseded by later submissions.

- CD1.1 Air Quality Assessment (October 2019)
- CD1.2 Arboricultural Report (June 2019)
- CD1.3 Archaeological Desk Based Assessment (December 2019)
- CD1.4 Demographic Needs Analysis (May 2019);
- ~~CD1.5 Design and Access Statement (December 2019);~~
- CD1.6 Economic Benefits Statement (December 2019);
- CD1.7 Flood Risk / Foul and Surface Water Management Statement (December 2019);
- CD1.8 Heritage Statement Draft 2 (August 2019);
- CD1.9 Landscape and Visual Appraisal (October 2019);
- CD1.10 Noise Assessment (September 2019);
- CD1.11 Nursing Home Proposal (undated);
- CD1.12 Planning Statement (December 2019);
- CD1.13 Preliminary Ecological Appraisal (September 2019);
- CD1.14 Statement of Community Involvement (September 2019);
- CD1.15 Sustainability Statement and Renewable Energy Statement (September 2019);
- CD1.16 Transport Statement (September 2019);

CD2 Original submission – Drawings

- CD2.1 12395_TG_P_001 – Illustrative Landscape Plan;
- CD2.2 12395_TG_P_100 – Landscape General Arrangement Plan;
- CD2.3 12395_TG_P_300 – Landscape Planting Plan;
- CD2.4 0401/P3 – Existing Site Plan;
- CD2.5 0402/P3 – Site Location Plan;
- CD2.6 0403/P4 – Existing Elevations;
- ~~CD2.7 1003/P5 – Proposed Site Plan;~~
- ~~CD2.8 3000/P7 – GA Ground Floor Plan;~~
- ~~CD2.9 3001/P7 – GA First Floor Plan;~~
- ~~CD2.10 3002/P7 – GA Second Floor Plan;~~
- ~~CD2.11 3003/P6 – GA Lower Ground Floor Plan;~~
- ~~CD2.12 3004/P2 – GA Roof Plan;~~
- ~~CD2.13 3601/P4 – GA Elevations;~~
- CD2.14 3801/P2 – GA Sections;

CD3 The following documents were submitted during the course of the application

Core Doc no.	Documents / Drawings Submitted	Date Submitted
--------------	--------------------------------	----------------

CD3.1	Heathfield Court Parking Survey	25 Feb 20
CD3.2	Energy Statement (November 2020);	01 Dec 20
CD3.3	Overheating Assessment (October 2020);	
CD3.4	Design and Access Statement (September 2020);	
CD3.5	Cushman & Wakefield letter re: demographic analysis (13 October 2020);	
CD3.6	1003/P7 – Proposed Site Plan	
CD3.7	3000/P10 – GA Ground Floor Plan;	
CD3.8	3001/P8 – GA First Floor Plan;	
CD3.9	3002/P8 – GA Second Floor Plan;	
CD3.10	3003/P7 – GA Lower Ground Floor Plan;	
	3004/P3 – GA Roof Plan;	
CD3.11	3601/P5 – Proposed Elevations;	
CD2.12	3602/P1 – Refuse Store Plan and	
CD3.13	Elevation;	
	12395/P09 – Boundary Treatment Plan;	
CD3.14	Designers' Response – Stage 1 Road Safety Audit	07 Jan 21
CD3.15	Right Turn Mitigation Strategy (undated);	12 Mar 21
CD3.16	Technical Note (highways) (March 2021)	
	190320-004/B – Proposed Internal Arrangements;	
CD3.17	Fire Statement (May 2021);	11 Jun 21
CD3.18	Fire Statement Form (June 2021);	
CD3.19	190320-005 - Proposed Refuse	21 Aug 21
CD3.20	Collection Strategy (August 2021)	
CD3.21	Drainage Strategy (August 2021)	

CD4 London Borough of Bexley Application documents - (consultation responses, Committee Report, Decision notice, Committee Minutes)

Consultation responses

CD4.1	Environmental Health
CD4.2	Housing 1
CD4.3	Housing 2
CD4.4	Drainage
CD4.5	Highways 1
CD4.6	Highways 2
CD4.7	The Gardens Trust 1
CD4.8	Historic England
CD4.9	Highways 3

- CD4.10 London Fire Brigade
- CD4.11 Crime Prevention Design officer 1
- CD4.12 Crime Prevention Design officer 2
- CD4.13 The Garden Trust 2
- CD4.14 Contaminated Land
- CD4.15 Bexley Civic Society
- CD4.16 Waste Services
- CD4.17 NHS HUDU
- CD4.18 LBB Parks and Open spaces
- CD4.19 Planning Policy
- CD4.20 Thames Water

- CD4.21 19/03072/FULM – Committee Report dated 18/11/2021
- CD4.22 Committee Minutes 18/11/21
- CD4.23 19/03072/FULM - Decision notice dated 30/11/2021

CD5 LB Bexley Planning Appeal documents

- CD5.1 Planning Statement of case (Informal Hearing Statement)
- CD5.2 Highways Statement of Case (Informal Hearing Statement)
- CD5.3 Statement of Common Ground

CD6 Appellants Planning Appeal Documents

- CD6.1 Appeal Form
- CD6.2 Statement of Case
- CD6.3

CD7 Rule 6 Party Appeal Documents

- CD7.1

CD8 Planning Policy Documents

Development Plan Documents

- CD8.1 Bexley Council Unitary Development Plan 2004
- CD8.2 Bexley Core Strategy 2014
- CD8.3 London Plan 2021

Supplementary Planning Guidance

- CD8.4 Bexley Sustainable Design and Construction Guide SPD
- CD8.5 Sustainable Drainage Design and Evaluation Guide

Emerging Development Plan Documents

- CD8.6 Bexley Borough Local Plan (submission draft) 2021
- CD8.7 Bexley Local Plan Examination – Post Hearing letter dated 18/10/22

Technical Documents

- CD8.8 arc⁴; London Borough of Bexley Strategic Housing Market Assessment 2021
- CD8.9 arc⁴; London Borough of Bexley Strategic Housing Market Assessment Update 2020
- CD8.10 London Borough of Bexley; Housing Strategy 2020 – 2025
- CD8.11 Bexley Local Character Study (2021)
- CD8.12 Bexley Local Plan EiP technical note - Action arising from Matter 4 – providing London Plan evidence of older persons specialist housing benchmarking and establishing the need in Bexley

Other Documents

- CD8.12 NPPF 2021
- CD8.13 PPG on Housing for older and disabled people
- CD8.14 PPG on the Historic Environment

CD9 Other Documents

- CD9.1 National Design Guide 2019
- CD9.2 Care Policy & Evaluation Centre, London School of Economics & Political Science; Projections of Older People with Dementia and Costs of Dementia Care in the UK 2019 – 204
- CD9.3 Kevin Brown PHD et al; The Association between Nursing Home Crowding and COVID-19 Infection and Mortality in Ontario, Canada
- CD9.4 The Care Act 2014
- CD9.5 NHS South East London Clinical Commissioning group; Consultation Response to application 19/03072/FULM
- CD9.6 The House and Park at Danson, London Borough of Bexley: The anatomy of a Georgian suburban estate
- CD9.7 Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2
- CD9.8 Making Changes to Heritage Assets Historic England Advice Note 2
- CD9.9 Conservation Principles, Policies and Guidance
- CD9.10 The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)
- CD9.11 Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets. (2019).
- CD9.12 Department of Health; National Minimum Standards for Care Homes for Older People

CD10 Appeal decisions

CD10.1 Planning Appeal Decision Bromley APP/G5180/W/20/3249202
CD10.2 Planning Appeal Decision East Molesey
APP/K3605/W/20/3257109
CD10.3 Planning Appeal Decision Crawley APP/D3830/W/21/3281350
CD10.4 Planning Appeal Decision Harpenden
APP/B1930/W/20/3259161
CD10.5 Planning Appeal Decision Wilmslow APP/R0660/W/20/3264480
CD10.6 Planning Appeal Decision Takeley APP/C1570/W/19/3234532