



Appeal Decision

Site visit made on 3 February 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 11th March 2025

Appeal Ref: APP/M0655/W/24/3354475

Land at Watercress Farm, Off Thirlmere Drive, Lymm, Warrington WA13 9PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by McCarthy and Stone Retirement Lifestyles Ltd against the decision of Warrington Borough Council.
 - The application Ref is 2023/00608/FULM.
 - The development proposed is erection of a part two/part three storey building comprising 36 apartments (24no. 1 bed and 12no. 2 bed) for retirement living housing (Use Class C3) with associated communal facilities, substation, landscaping and car parking with access onto Thirlmere Drive.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a part two/part three storey building comprising 36 apartments (24no. 1 bed and 12no. 2 bed) for retirement living housing (Use Class C3) with associated communal facilities, substation, landscaping and car parking with access onto Thirlmere Drive, at Land at Watercress Farm, Off Thirlmere Drive, Lymm, Warrington WA13 9PF in accordance with the terms of the application, Ref 2023/00608/FULM, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was refused by the Council contrary to the officer recommendation. After the appeal was made, on 12 December 2024, the Council's Development Management Committee resolved not to provide any evidence to defend the reason for refusal in the appeal. This followed consideration of the appellant's appeal submission, the contents of which were not previously available to the Committee. Notwithstanding, the agreed Statement of Common Ground continues to identify the reason for refusal as the main issue in the appeal.
3. A certified Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (the s106) dated 30 January 2025 has been provided. This contains planning obligations including relating to the payment of financial contributions towards off-site affordable housing, healthcare and monitoring fees. As the s106 is completed, this is a matter that I will return to later in this decision.

Main Issue

4. Therefore, the main issue is whether the proposal would make appropriate provision for affordable housing, having regard to local and national planning policy.

Reasons

5. The appeal relates to around 0.5ha of grassland with scattered scrub and boundary trees, hedges and a ditch. It lies to the east of Mardale Crescent, north of Watercress Farm and south of Fletchers Lane. Highway access is via Thirlmere Drive. The land to the east of the appeal site is in the process of being developed for housing and a healthcare facility (the Bellway Site)¹.
6. The Bellway Site and the appeal site were removed from the Green Belt and allocated for residential-led mixed used development under Policy OS5 Lymm (Rushgreen Road) of the Warrington Local Plan 2021/22-2038/39 Adopted December 2023 (the LP). This requires a mix of housing to contribute to meeting the Borough's housing needs, including specific provision for older people. Support for specialist housing for older people in accessible locations is also provided by LP Policy DEV2, which sets out the Council's wider approach to meeting its housing needs including those of the rapidly expanding older population. The principle of development of the appeal site is therefore established.
7. However, Policy OS5 requires that a minimum of 30% of homes should be affordable in line with Policy DEV2. In this regard, Policy DEV2 sets out that the requirement applies to major residential development outside of Inner Warrington, including self-contained older person's dwellings. A lower proportion may be permitted, including where it can be satisfactorily demonstrated that development would otherwise not be financially viable or there is clear evidence from a Registered Provider (RP) that an alternative tenure composition is required to ensure a development is deliverable. Moreover, while affordable housing should be provided on the application site, exceptionally where the nature of the site is deemed unsuitable, the Council will accept a commuted sum in lieu of on-site provision. This is consistent with the approach in the National Planning Policy Framework 2024 (the Framework).
8. The full policy requirement of 30% affordable housing provision would equate to around £1.7m. However, following rigorous review and discussion with the appellant, the Council's independent viability consultant agrees that the viable sum available for all planning obligations is only £345,972. In recognition of the importance of providing a new health facility on the allocated site, and in accordance with the Council's Planning Obligations Supplementary Planning Document Adopted July 2024 (the SPD), £1001 per dwelling (£36,036 in total) would be provided towards health care. The remaining sum (£309,936) would then be available to contribute towards affordable housing. This would equate to roughly 5% affordable housing or 2 units.
9. Notwithstanding the agreed viability position, the planning application was refused on grounds that it would not make provision for 30% affordable housing. Although the Council has not substantiated the reason for refusal, I am aware of third party concerns in this regard. However, there is little robust evidence that the agreed viability position includes excessive costs, either in relation to sales and marketing fees, empty property costs or profit margins. Therefore, I have no reason to think that the accepted viability position is inaccurate or unreliable.

¹ Planning permission Ref 2022/41134 for the construction of 108 dwellings and outline planning permission (all matters reserved) for the construction of a primary healthcare facility (Use Class E), approved December 2023.

10. The proposal would be private retirement housing. The maintenance and management of the building, its communal indoor and outdoor spaces and emergency facilities would be funded by future occupiers through service charges. The evidence clearly sets out the difficulties and practical implications of attempting to deliver mixed tenure retirement housing within a single scheme such as this, particularly taking into account the low number of affordable housing units.
11. None of the locally operating RPs contacted, such as were agreed with the Council's Housing Officer, expressed an interest in the scheme. I understand that the appellant has its own RP and it has previously worked in partnership to deliver affordable housing. However, there is little evidence that the proposal would be eligible for Homes England grant funding nor would it be directly comparable to joint venture schemes elsewhere, taking into account the relatively low number of units and their delivery in a single building.
12. During the processing of the planning application, the Council's Head of Housing accepted that affordable housing could not reasonably be provided on site. They advised that a financial contribution in lieu of on site provision would be a more sustainable outcome, taking into account the likely costs and service charges and the virtual impossibility of placing elderly social care residents on the waiting list. The evidence before me supports this same conclusion.
13. As noted above, the local plan establishes that there may be circumstances whereby lesser provision and a financial contribution instead of on-site provision are deemed acceptable. In this case, the proposal would deliver much needed specialist housing for older persons. It would demonstrably not be financially viable if it included provision for 30% affordable housing. Moreover, it would be neither practical nor desirable to deliver affordable housing on site, and there is no interest in the scheme from RPs.
14. Therefore, I conclude that, notwithstanding that it would fail to make 30% provision for affordable housing on site, the proposal would make appropriate provision for affordable housing in accordance with the requirements of LP Policy DEV2.

Other Considerations

Third party concerns

15. Third party representations to the planning application and the appeal raise a number of concerns in relation to the proposal. As the appeal site was removed from the Green Belt, it is not necessary to consider whether or not the proposal would be inappropriate development in the Green Belt. The building would not be a traditional 2-storey dwelling with a pitched roof such as characterise the area. Even so, its design and external materials would not be out of keeping with the surrounding residential built environment. The Council raises no concerns in relation to design or appearance and I see no reason to disagree.
16. Temporary traffic and parking during construction would be controlled through the Construction Environment Management Plan (the CEMP). The CEMP would also address concerns in relation to noise, dust, odour, vibration and pollution during construction. The parking provision for the proposal would be in accordance with the Council's parking standards. There is little substantive evidence that the highway access or any overspill parking would compromise the safe operation of the highway or the residential amenity of the wider area.

17. Some site clearance took place in advance of the planning application being made, and the biodiversity surveys are now several years old. However, having regard to the nature of the appeal site, its current condition and the surrounding context, I am satisfied that the potential impacts are sufficiently well understood. The proposal would not result in significant impacts on biodiversity, and mitigation measures for potential impacts on protected and priority species would be secured by the imposition of planning conditions. A sensitive scheme of lighting would ensure that the proposal did not result in light pollution.
18. Taking into account the set back of the proposal from the boundaries and the distances between facing windows in neighbouring properties, the proposal would not result in any undue overlooking or loss of privacy nor would it adversely affect the outlook or be overbearing when viewed from neighbouring properties. Concerns in relation to the potential for flooding would be addressed by the drainage strategy such as would be secured by the imposition of planning conditions.

Planning obligations

19. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 requires that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
20. In this case, the s106 agreement includes planning obligations relating to an age restriction on future occupiers; financial contributions towards health care facilities and affordable housing; a review mechanism to secure additional financial contributions if viability improves; a local employment scheme; and monitoring fees.
21. The Council's officer report additionally identified the need for financial contributions towards compensatory Green Belt improvements, open space and sports facilities, in accordance with LP Policy INF5 and the SPD. However, in view of the agreed viability position, the importance of securing the new health facility and the historic undersupply of affordable housing, the Council's Local Plan Board agree that health care and affordable housing should be prioritised. Moreover, the neighbouring Bellway Site, which comprises the larger part of the allocated site, does contribute to sports facilities and Green Belt compensation.
22. The s106 would ensure that the proposal was not occupied by persons below the age of 60 years, or 55 years if they are or were living with a person 60 years or older. As the proposal would be older people's housing, and it was considered on that basis, the age restriction would be necessary and it would be directly, fairly and reasonably related to the development.
23. There would be a contribution of £36,036 towards the delivery or improvement of the primary health care facility in the Bellway Site. This is equal to the level of contribution established in the SPD. Taking into account that the proposal would be residential development, and specialist older people's housing, I find the contribution to health care would meet the CIL tests.
24. The affordable housing contribution would be £309,936, which is the remainder of the viable surplus following the priority contribution to health care. This would be used towards affordable housing provision within the Council area. This is necessary and directly related, taking into account the high demand for affordable

housing, including older people's housing, in the Borough. Moreover, taking into account the agreed viability position, the level of the contribution would be fairly and reasonably related in scale and kind to the development.

25. The s106 secures an Updated Viability Appraisal to assess whether and to what extent there is a surplus over and above the agreed contributions. If there is a surplus, a viability payment up to but not exceeding the maximum affordable housing contribution of £1.7m shall be made to the Council. This is a requirement of LP policy INF5 in cases where development would not be viable if it met the full planning obligation requirements, in order that additional contributions can be secured if viability improves over time. Taking into account the viability position, the review mechanism meets the CIL tests.
26. The s106 also makes provision for contributions towards the Council's reasonable costs related to monitoring compliance with the planning obligations and Biodiversity Net Gain. These are justified with reference to LP policy, the SPD and the Framework. Taking into account the number of obligations, the number of site visits and the duration of the BNG period, I find that the level of contribution is directly related and reasonably and fairly related in scale and kind.
27. Finally, the s106 includes an obligation relating to a local employment scheme. This ensures that employment opportunities and related training opportunities are available to local residents, in order that they benefit from economic growth and development in the Borough. Given the scale and nature of the proposal, this would also meet the CIL tests.
28. Therefore, drawing all this together, I consider that the planning obligations are necessary and fairly, reasonably and directly related to the development. Although the proposal would not provide 30% affordable housing, having regard to the agreed level of viability and the inclusion of a review mechanism, I am satisfied that the planning obligations would meet the tests in the CIL Regulations.

Other matters

29. The appeal site is in an accessible location, having regard to the distance to Lymm village centre, services and facilities and public transport. In this regard, while there would be on site parking provision, including accessible spaces, there would also be pedestrian routes via Thirlmere Drive and the Bellway Site.
30. The proposal would be 1- and 2-bed specialist market housing for older people, which is a type of housing not provided by the neighbouring Bellway Site. As such, it would contribute to the mix of housing across the allocated site as a whole.
31. The Planning Practice Guidance notes the critical need to provide housing for older people. It emphasizes the social and economic benefits of offering older people a better choice of accommodation to suit their changing needs, in terms of helping them live independently for longer, feel more connected to their communities and reduce costs to the social care and health systems. The proposal would make a significant contribution in this regard, taking into account the identified local need for around 35% of new homes to be for older persons and the historic shortfall in delivery of private sector retirement housing. The proposal would also release underoccupied family housing. Irrespective that the Council can demonstrate a five year supply of deliverable housing land, the proposal would make a modest

contribution towards the government's objective of significantly boosting the supply of homes.

32. In addition to the social benefits, there would be a significant economic benefit to local economy in the short term during construction. Future occupiers of the proposal and of the released local housing stock would contribute to the local economy over the longer-term. There would also be, albeit limited, employment opportunities as a result of the need for a full time house manager and part-time cleaners, gardeners, window cleaners and the like.
33. The proposal would be acceptable in terms of character and appearance, living conditions and residential amenity, flood risk, biodiversity, replacement tree planting and landscaping, air quality and highway safety. Compliance with the requirements of policy in these regards is a neutral factor. However, as the planning application was made in advance of the mandatory 10% Biodiversity Net Gain, the proposed biodiversity enhancements would be a modest benefit. Furthermore, on the basis that the proposal would achieve a greater reduction in carbon emissions than required by the development plan, the energy efficiency and climate change adaptation measures would be a scheme benefit.

Conditions

34. The parties have provided a list of suggested and agreed planning conditions in the event the appeal was allowed. I have considered these against the tests for planning conditions set out in the Framework. Pre-commencement conditions have been agreed by the appellant in the Statement of Common Ground.
35. Condition No 1 (time limits) and No 2 (approved plans) are necessary in the interests of certainty.
36. Condition No 3 (samples of materials) is necessary in the interests of the amenity of the area, as are No 20 (landscaping plan), No 21 (landscape management) and No 22 (boundary treatments). Several conditions are necessary in the interests of residential amenity, including Nos 15 and 32 (external plant and equipment) and No 28 (timing of refuse collection). Condition No 33 (wheelchair user dwellings) is required in order to contribute to meeting the Borough's housing needs.
37. Condition No 8 (CEMP) is required to protect residential amenity and in the interests of highway safety. Condition No 24 (management and maintenance of roads and footpaths), No 9 (site access and offsite highway improvement), No 18 (prevention of water discharge to public highway), No 25 (pedestrian and vehicular access) and No 27 (visibility splays) are necessary in the interests of highway and pedestrian safety.
38. Conditions No 26 (footpath), No 29 (EV charging points), No 12 (covered and secure cycle storage) and No 30 (travel plan statement) are required to ensure a sustainable and accessible form of development and to promote sustainable transport modes. Condition No 31 (car parking management plan) is necessary to ensure satisfactory parking arrangements, while No 34 (photovoltaic panels) ensures that 10% of the site's energy would be from renewable sources.
39. Condition No 10 (contamination) is necessary to mitigate risks to human health, controlled water and the wider environment. Several conditions are required to mitigate and compensate for impacts on biodiversity, including No 11 (lighting

scheme), No 13 (tree works), No 14 (breeding birds), No 4 (reasonable avoidance measures during works), No 5 (control of invasive species), No 6 (repeat survey for badgers) and No 16 (biodiversity management plan),

40. Condition No 17 (foul and surface water drainage), No 7 (maintenance and management plan) and No 19 (confirmation of surface water system) are necessary in the interests of acceptable site drainage and to reduce the risk of flooding. Condition No 23 (waste and recycling storage facilities) will ensure adequate provision for waste and recycling.

Conclusion

41. For the reasons set out above, I conclude that the proposal would be in accordance with the development plan as a whole and there are no material considerations to indicate that a decision should be made to the contrary.
42. Therefore, I conclude that the appeal should be allowed subject to the conditions in the attached Schedule.

Sarah Manchester

INSPECTOR

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:
Location plan – NO-2812-3-AC-0001 Rev A;
Proposed site plan – NO-2812-03-AC-003 Rev E;
Landscape Layout – NW-2812-02-LA-101 Rev S;
Planting Plan – NW-2812-03-LA-201 4116 Rev O;
Proposed Boundary Treatment Plan drawing no. NO-2812-03-AC-0004 Rev D;
Boundary Treatment Details drawing no. NO-2812-03-AC-0005;
Brick Detailing – NO-2954-03-AC-2004 Rev A;
Proposed Planning Elevations 1 of 2 – NO-2954-03-AC-2000 Rev E;
Proposed Planning Elevations 2 of 2 – NO-2954-03-AC-2001 Rev E;
Proposed Roof Plan – NO-2954-03-AC-1060 Rev B;
Ground Floor General Layout Drawing – NO-2954-03-AC-1800 Rev C;
First Floor General Layout Drawing – NO-2954-03-AC-1801 Rev B;
Second Floor General Layout Drawing – NO-2954-03-AC-1802 Rev B;
Proposed Substation – NO-2812-03-AC-2009;
Proposed External Works Layout - McC&S-WF-H-DEV-100-001 Rev L;
Proposed External Works Layout Sheet 1 of 2 - McC&S-WF-H-DEV-100-002 Rev L;
Proposed External Works Layout Sheet 2 of 2 - McC&S-WF-H-DEV-100-003 Rev L;
Proposed Drainage Layout - McC&S-WF-H-DEV-100-004 Rev L;
Proposed Drainage Layout - McC&S-WF-H-DEV-100-005 Rev L;
Proposed Drainage Layout - McC&S-WF-H-DEV-100-006 Rev L;
Proposed Drainage Layout - McC&S-WF-H-DEV-100-007 Rev A;
Proposed Headwalls, Hydro-brake & Maintenance Strategy - McC&S-WF-H-DEV100- 008 Rev A;
Flood Risk Assessment – Ref: 6640/R1 Rev A 13.05.24 – Lees Roxburgh Consulting Engineers;
Energy Statement dated 15.05.2024 by Focus Consultants 2010 LLP;
Tree Protection Plan – 1811-KC-XX-YTREE-TPP01 Rev C;
Biodiversity Net Gain Assessment (Defra 4.0 Metric) by RSK biocensus May 2024.
- 3) No development above ground level shall take place until samples of all external facing and roofing materials have been submitted to and approved in

writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.

- 4) Prior to the commencement of the development hereby approved, a reasonable avoidance measures method statement for mammals and amphibians to protect them from accidental harm during site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.
- 5) Prior to the commencement of the development hereby approved, a method statement detailing eradication and/or control and/or avoidance measures for variegated yellow archangel and wall cotoneaster shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.
- 6) Prior to the commencement of any earthworks on the site, a resurvey for badger setts on the site and within 30m (where accessible) shall be submitted to and approved in writing by the Local Planning Authority. The remainder of the development shall be carried out in accordance with any recommendations of the survey and the relevant timescales.
- 7) Prior to the commencement of the development hereby approved, a maintenance/management plan for all drainage elements (existing and proposed) within the site and for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plan.
- 8) Prior to the commencement of any works on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall review all construction operations proposed on site and shall cover as a minimum the following areas of work, identifying appropriate mitigation measures as necessary:
 - Construction traffic routes, including provision for access to the site;
 - Entrance/exit from the site for visitors/contractors/deliveries;
 - Location of directional signage within the site;
 - Proposed locations of site compound areas including siting of temporary containers;
 - Parking for contractors, site operatives and visitors;
 - Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction;
 - Temporary roads/areas of hard standing;
 - Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements;
 - Measures to control noise and dust;

- Details of street sweeping/street cleansing/ wheelwash facilities;
- Details for the recycling/disposing of waste resulting from demolition and construction works;
- Hours of working including proposed delivery hours;
- Phasing of works including start/finish dates;
- Acoustic mitigation measures;
- Consideration for joining a Considerate Contractors Scheme;
- Measures for the prevention of pollution of the nearby watercourses;
- Delivery and waste management;
- Loading and storage areas;
- Hoarding;
- Gates and security;
- Control of dust and air quality on site.

The CEMP shall consider in each case issues relating to construction and demolition - noise, dust, odour, control of waste materials and vibration. Once approved in writing, all identified measures within the CEMP shall be implemented in full and shall be reviewed on a regular basis and in case of receipt of any justified complaint. Any changes to the identified CEMP mitigation measures from either the regular review process or following receipt of a complaint shall be forwarded to the Local Planning Authority within 24hrs of a change being agreed or implemented.

- 9) Notwithstanding the details shown on the approved plans, no development shall commence until full details (including a timetable for implementation) of the site access and the offsite works of highway improvement, including the creation of a new vehicular access and pedestrian connectivity, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with approved details.
- 10) A 'Watching Brief' shall be implemented to allow for unexpected contamination encountered during site works. The development shall not be taken into use until the works in Sections A and B below are undertaken and completed:

A: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously unidentified contamination encountered during development works shall be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in affected area(s), contamination shall be characterised and risk assessed, with remediation/validation measures carried out as necessary.

B: VALIDATION: Validation shall be carried out providing details regarding any imported fill materials (source/quantity/suitability); any exported fill materials; any unexpected contamination; and any remediation carried out at

the site. Following completion of all measures, a Validation Report shall be submitted to the LPA for approval.

The actions required in Sections A and B above shall be completed in accordance with the following guidance: LCRM (Environment Agency, 2021); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

- 11) Prior to any above ground works of the development hereby approved taking place, an external lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. Such strategy shall:
 - Show how and where external lighting will be installed and, through lighting contour plans, demonstrate that any impacts on the eastern boundary would be negligible for bats; and
 - Specify the frequency and duration of use of external lighting. Any lighting on the site shall be carried out in accordance with the approved strategy.
- 12) Prior to the carrying out of any above ground construction works, details of covered and secured cycle storage shall be submitted to and approved in writing by the local planning authority. The scheme as agreed shall be implemented prior to the first occupation of any of the units hereby approved and retained for the lifetime of the development.
- 13) Prior to the coppicing of tree T9 as detailed in the Tree Survey and Impact Assessment by Keen Consultants dated May 2024 and referenced in the aerial tree inspection letter from RSK biocensus dated 21st September 2023, a reasonable avoidance measures method statement in relation to bats shall be submitted to and approved in writing by the Local Planning Authority. The felling of the tree shall be carried out in accordance with the approved statement.
- 14) No works to trees or shrubs shall occur between 1st March and 31st August in any year unless and until a detailed bird nest survey by a suitably qualified ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present, which shall be agreed in writing by the Local Planning Authority prior to any works to trees or shrubs commencing.
- 15) Any externally located plant or equipment shall not cause an increase in the ambient background sound level at the boundary of the nearest residential property. Any equipment not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted. For the avoidance of doubt calculated rated sound levels from any externally mounted plant or equipment at the boundary of the nearest noise residential property should not exceed the existing background sound level in accordance with the results of a BS4142:2014 noise assessment.
- 16) Prior to first occupation of any of the units hereby approved, a biodiversity management plan for a minimum period of 30 years shall be submitted to and approved in writing by the Local Planning Authority, and the biodiversity management shall be carried out in accordance with the approved plan over the period specified.

- 17) The drainage for the development hereby approved shall be carried out in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing McC&S-WF-H-DEV-100-004, Rev L. For the avoidance of doubt surface water shall drain at the restricted rate of 2.6 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. The approved drainage scheme shall be completed in accordance with the approved details prior to first occupation of any of the units hereby approved and retained thereafter for the lifetime of the development.
- 18) The surface water drainage of the site shall be designed to prevent the discharge of water on to the public highway.
- 19) Prior to first occupation of any of the units hereby approved, a signed verification report carried out by a qualified drainage engineer (or equivalent) shall be submitted to and approved in writing by the Local Planning Authority to confirm that the approved surface water system has been constructed as per the agreed scheme and plans. The report shall include:
 - i. Details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings.
 - ii. An operation and maintenance manual for the unadopted parts of the scheme as constructed.
 - iii. Proposed arrangements for future adoption by any public body, statutory undertaker or management company (where not previously provided).
- 20) The landscaping shown on the Planting Plan – NW-2812-03-LA-201 4116 Rev O shall be implemented no later than the end of the first planting season following the occupation of the last dwelling hereby approved. Any approved planting which is removed, dies or becomes seriously damaged or diseased within a period of five years from first planting, shall be replaced with other planting of similar size, species and maturity in the first available planting season.
- 21) Prior to first occupation of any unit hereby approved, a detailed scheme for the management and maintenance of all communal hard and soft landscaped areas on the site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall also include management of all communal boundaries including hedgerows and trees. Management and maintenance of all such areas shall be carried out in complete accordance with the approved details.
- 22) Prior to first occupation of any of the units hereby approved, the boundary treatments shown on Proposed Boundary Treatment Plan drawing no. NO-2812-03-AC-0004 Rev D and Boundary Treatment Details drawing no. NO-2812-03-AC-0005 shall be implemented in full and shall be retained as such for the lifetime of the development.
- 23) The waste and recycling storage facilities shown on the approved drawings shall be in place and made available for use prior to first occupation of any of the apartments hereby approved and shall be retained thereafter for the lifetime of the development.
- 24) Prior to first occupation of any of the units hereby approved, details of the proposed arrangements for future management and maintenance of the

roads and footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority. The roads and footpaths/cycleways shall thereafter be maintained in accordance with the approved management and maintenance details until such times as a private management and maintenance company has been established. For the avoidance of doubt details shall include all areas that are not to be adopted and detail how lighting, drainage, hard and soft landscaping is to be maintained and works funded.

- 25) Prior to first occupation of any of the units hereby approved the means of pedestrian and vehicular access and parking provision shall be constructed and provided in accordance with the approved plans. The parking provision shall be kept available for the parking of vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking or re-enacting that order), no building works, which would reduce this provision, shall take place except following the express grant of planning permission by the Local Planning Authority.
- 26) The footpath to the south of the building hereby approved between the internal access road and the adjacent site to the east, as shown on the approved drawings, shall be provided and made available for use prior to first occupation of any of the units hereby approved. The footpath shall be managed and maintained in accordance with the details approved under condition 24 of this permission and shall be retained for the lifetime of the development.
- 27) All visibility splays within the site shall be kept clear of obstructions at or above a height of 0.6 metres above footway/verge level to footway/verge level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.
- 28) The collection of refuse from the site shall be limited to the hours of 07.00 to 23.00hrs on Mondays to Fridays, 08.00 to 17.00hrs on Saturdays, and at no time on Sundays and Bank or Public Holidays.
- 29) Prior to the first occupation of any of the units hereby approved, electric vehicle (EV) charging points shall be installed in accordance with a scheme which has been approved in writing by the local planning authority. The EV charging points shall be retained and maintained thereafter.
- 30) The development shall not be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall set out:
 - Objectives for promoting sustainable travel;
 - Contact details of a travel plan coordinator responsible for implementing the actions from the travel plan statement;
 - An action plan; and
 - An implementation timetable, including the responsible body for each action. The approved travel plan shall be implemented prior to occupation of any part of the development and shall be continued thereafter in accordance with the details therein.

- 31) The development shall not be occupied unless and until a Car Parking Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. For the avoidance of doubt the Car Parking Management Plan shall address, but not be restricted to, the following:

- signage, level of parking;
- charges;
- issue of permits as appropriate;
- allocation of spaces;
- identification of access controls and removal of unauthorised vehicles.

The efficacy of the Car Parking Management Plan shall be reviewed 12 months after first occupation with a written report submitted for approval to the Local Planning Authority detailing any problems encountered, remedial measures and proposed amendments to the strategy. The Plan shall subsequently be implemented in accordance with the latest agreed details.

- 32) There shall be no plant, machinery or equipment installed on the roof of the building hereby approved other than that shown on the Proposed Roof Plan – NO-2954-03-AC1060 Rev B.
- 33) As shown on the approved floorplans, four of the units hereby approved shall achieve Building Regulation Standard M4(3) 'Wheelchair user dwellings' and the remainder of the units shall achieve Building Regulation Standard M4(2) 'Accessible and Adaptable dwellings'.
- 34) Prior to first occupation of any of the units hereby approved, photovoltaic panels shall be installed on the roof of the building in accordance with the principles set out in the Energy Statement dated 15.05.2024 by Focus Consultants 2010 LLP.

End of Schedule

3P reps

Richborough