



---

## Appeal Decision

Hearing Held on 21 March 2018

Unaccompanied site visits made on 20 & 21 March 2018

**by Zoe Raygen Dip URP MRTPI**

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

**Decision date: Monday 30<sup>th</sup> April 2018.**

---

**Appeal Ref: APP/R0660/W/17/3180593**

**Land to the north of Little Heath Barns, Audlem Road, Audlem CW3 0HE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by McCarthy & Stone Retirement Lifestyles Ltd against Cheshire East Council.
  - The application Ref 17/0339/N, is dated 20 January 2017.
  - The development proposed is the erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking at Land to the north of Little Heath Barns, Audlem Road, Audlem CW3 0HE in accordance with the terms of the application, Ref 17/0339/N, is dated 20 January 2017 subject to the conditions set out in the schedule to this decision notice.

### Application for costs

2. An application for costs was made by McCarthy & Stone Retirement Lifestyles Ltd against Cheshire East Council. This application is the subject of a separate Decision.

### Procedural matters

3. With agreement, subsequent to the hearing the appellants submitted a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended), in the form of a Unilateral Undertaking (UU). In addition, prior to the hearing the Council submitted a Planning Obligations and Community Infrastructure Levy (CIL) Compliance Statement. Both documents are material considerations and I have had regard to them in my consideration of the appeal.
4. Two signed and dated Statements of Common Ground were submitted. One identified that the conflict between the main parties related to the amount of contribution available from the proposal to be made towards off-site affordable housing and infrastructure based on the submitted viability appraisal (SOCG). The other Statement of Common Ground specifically relates to agreed matters in relation to the viability of the scheme (SOCGV).

## **Background and Main Issue**

5. Policy SC5 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030 adopted 2017 (CELP) and Policy H6 of the Audlem Neighbourhood Plan 2015-2030 adopted 2016 (ANP) requires that at least 30% of new housing be delivered as affordable on site unless a Financial Viability Assessment indicates a lower percentage is appropriate.
6. The appellant submits that the specialist nature of the communal living environment provided by the proposed accommodation, together with the relatively small size of the site would create physical and management difficulties in providing the required affordable housing on the appeal site. Therefore, a financial contribution is the most appropriate method of securing affordable homes in this instance. I have seen or heard no substantive evidence which would lead me to disagree with this view. As the proposal is for 25 units of accommodation, the Council require the provision of eight affordable units. Such provision equates to a financial contribution of £665, 900.
7. The application the subject of this appeal was original submitted to the Council for consideration with a Planning Obligations and Affordable Housing Statement dated January 2017, which stated that there would be a deficit of £186,149 on the scheme and therefore no money would be available to contribute towards off site infrastructure and affordable housing.
8. The Council commissioned its own Financial Viability Report (April 2017), which concluded that there would be a residual surplus of £586,727 for contributions. Following discussion between the parties, the appellant submitted a Supplemental Financial Viability Assessment November 2017 (SFVA) which concluded that there would be a total of £87,563 available for contributions. Based on this submission, the Council's assessment was amended to suggest that £556,699 would be available.
9. This was reported to the Planning Committee following the appellant's submission of this appeal. In addition a late request for a contribution to the medical centre in Audlem of £17,352 was supported by officers. Members resolved that, had they been in a position to determine the application they would have refused it as it was considered that, notwithstanding the findings of the SFVA, the Council's independent report concluded that the scheme could provide a higher contribution towards affordable housing than that being proposed. As a result, the Council consider it has not been justified as part of the application process why the proposal is unable to provide the required contribution towards affordable housing. Accordingly, the proposal would be contrary to Policies SC5, SD1 & SD2 of the CELP. As well as requiring the provision of 30% affordable housing these require that proposals achieve sustainable development which contributes to identified infrastructure, services or facilities
10. The Council advised at the hearing that it was unable to provide evidence that the proposed scheme could support a contribution of £556,699. At the hearing it based its case on the updated report within the Keppie Massie Statement 2018 (KMS) which concludes that the proposed scheme could provide a contribution of £305,000.

11. The appellant remains of the opinion based on the SFVA that a contribution of only £87, 543 is available. This would enable a full contribution to be made to the provision of an extension to Audlem medical centre of £17,352, and a contribution of £70,211 towards affordable housing. There is no dispute therefore that the proposal makes acceptable provision towards medical infrastructure.
12. Within that context the main issue is whether or not the proposal makes acceptable provision for affordable housing.

### **Reasons**

13. Paragraph 173 of the National Planning Policy Framework (the Framework) advises that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. The Planning Practice Guidance (PPG) says that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development.
14. The PPG does not provide a single approach for assessing viability but points in the direction of sector led guidance on viability methodologies and says that one of the principles for understanding viability is "evidence based judgement" which is informed by relevant available facts. It requires a realistic understanding of the costs and the value of the development in the local area and an understanding of the operation of the market. It says that for older people's housing, the specific scheme format may be a factor in assessing viability.
15. In assessing the viability of the appeal scheme, the SOGCV confirms that the principal areas of disagreement between the main parties are the benchmark site value and construction costs.

### *Benchmark site value*

16. The Council in its KMS, outlines land values based on a discounted sales price for four of the market houses based on their constrained plots, and a site value based on comparable land sales. Both of these methods produce figures lower than the residual value. Nevertheless, the Council have agreed within the SOCGV that, while at the higher end of the range of site values in its evidence, its considered benchmark site value is £623,161.
17. The appellant considers the benchmark site value to be £660,000, based on valuations supplied by GVA dated April 2017 and January 2018. The Council point out that the GVA April 2017 summary appraisal did not include any finance costs despite these being included on the January 2017 valuation, and the later January 2018 summary appraisals. The Council state that with the finance costs added at 6%, the residual land value would be £615,564. The appellant offers no explanation for this exclusion.
18. The appellant's GVA summary appraisal January 2018 gives a benchmark site value of £712,083. This takes into account the latest approved reserved matters scheme for the site of eleven dwellings and relevant sales values taken from the wider site. These figures represent a more realistic current position than previous appraisal summaries based on the assumed ten dwellings. The

Council disagree with the percentage finance costs, professional fees and profit used by GVA in this summary and using its preferred figures reach its site value of £623,161.

19. The Council considers that it would be reasonable to assume that given the size of the site, and the provision of only eleven houses, then the development is likely to be carried out by a small builder who would not be able to secure development finance at the same rate as larger regional and national housebuilders. The KMS therefore applies an 8% rate rather than the 6% applied by GVA. The appellant though considers that as the site has planning permission, and is part of a wider development site that is currently being built by a large housing construction company then it is unlikely that the site would be sold to a local builder.
20. The publication Financial Viability in Planning – RICS guidance note 1st Edition dated August 2012 (FVP) states that “decision makers should disregard who is the applicant, except in exceptional circumstances...as planning permission runs with the land”. It follows that in formulating information and inputs into viability appraisals these should disregard either benefits or dis-benefits that are unique to the applicant. However, the PPG states that viability assessments should be informed by the particular circumstances of the site and proposed development in question.
21. While the site in isolation would be relatively small, I have seen no substantive evidence to suggest that it could be assumed that it would only be developed by a small housebuilder who would then only be in receipt of high interest rates. In the absence of such evidence, then I am satisfied that the appellant’s applied finance rate is reasonable. The specific local circumstances of the appeal site adds weight to this approach, as the situation would exist whoever was developing the land and would not be unique to the appellants.
22. At the time of its initial valuation of the site in January 2017 GVA, and subsequently within the April 2017 appraisal it stated that as there was no specific scheme in place a number of assumptions had been made about the number and types of dwellings that could be constructed. They applied a figure of 10% for professional fees. In its latest report in January 2018 this has been reduced to 8% as a reserved matters scheme has been agreed for the site, thereby reducing the requirement for professional input.
23. Nevertheless, in its January 2017 and April 2017 reports GVA assumed that detailed planning permission had been granted for ten dwellings and still applied a figure of 10% for professional fees. While the site now has reserved matters approval for 11 dwellings I have been provided with no convincing explanation for the reduction in the figure by the appellant.
24. The other significant area of conflict is in relation to the developer’s profit, with the Council adopting a rate of 18% and the appellant 16.67% on Gross Development Value. The Council considers that the higher rate more realistically reflects the risk profile of the site but offers little substantive evidence to demonstrate this, and effectively dispute the appellant’s figure.
25. Drawing all of the above together, while I have agreed with the appellant’s percentage finance costs and level of profit, I cannot agree with the appellants reduction in the level of professional fees applied to the appraisal. Nevertheless

the appellant has put forward a lower figure of £660,000 based on concerns raised by the Council.

26. However, I have seen no detailed appraisal of the scheme, based on the most up to date approved reserved matters layout and sales figures which support the appellant's figure of £660,000. The April 2017 GVA valuation was based on older data. Furthermore, it did not contain finance costs. As a result I am not in a position to agree a figure of £660,000. In this instance therefore I conclude that the Council's benchmark site value is more convincing than the appellants based on the evidence before me and the discussion at the hearing.

### *Construction Costs*

27. The appellant's construction costs are based on a detailed cost analysis of the proposed scheme undertaken by Poole Dick, construction management consultants, in September 2017 (PDCA). The figures are based on the building as proposed incorporating a complex roof design together with a good standard of external works and a high internal specification for the apartments. The Council do not dispute that this is an acceptable approach, and is one that complies with the advice in the PPG that viability appraisals should be informed by the particular circumstances of the site and proposed development in question.
28. This approach has resulted in a build cost of £1621.25/m<sup>2</sup>. The Council has undertaken a similar exercise which has resulted in a build cost of £1405/m<sup>2</sup> at April 2016. This figure has been updated to current day costs by the Council using figures to the first quarter of 2018 from the Building Cost Information Service of the Royal Institute of Chartered Surveyors (BCIS) resulting in a figure of £1504/m<sup>2</sup>. The Council has then applied a lump sum to each item of improved specification and a deficit to the costs of electric heating instead of a gas heating system. This has resulted in a final figure of £1545/m<sup>2</sup> despite the figure of £1550/m<sup>2</sup> being agreed in the SOCGV.
29. I have seen no justification for the lump sum, rounded figures used for the pricing of the items such as carpets, balconies, kitchens and wardrobes. In my opinion therefore, the more precise individualised figures provided by the appellant within the PDCA provide a more accurate cost of the development.
30. In addition the Council provided evidence of the build costs of four other schemes completed by the appellants at Cop Lane in Penwortham, Mill Road in Ainsdale, Moor Lane in Crosby and Holly Road in Wilmslow. The build costs had been updated to reflect current build costs and location. Three of the schemes have a cost/m<sup>2</sup> lower than the current proposal, and one at Holly Lane is higher. The average cost which the Council had used as a comparator was £1540.68/m<sup>2</sup>.
31. The appellant was only able to access data relating to the Penwortham scheme and stated that the submitted build cost was actually higher than that shown by the Council, which would have a knock on effect on the average figure calculated by the Council. Furthermore, all the schemes referred to have three storeys.
32. My attention was drawn to BCIS figures within the SFVA which demonstrate that, on average three storey accommodation has a lower build cost per m<sup>2</sup> than two and four storey and above. As the proposed building on the appeal

site is two storey then I am not persuaded that the sites put forward by the Council are directly comparable to the appeal site.

33. Finally, the Council provide a set of independent figures priced by its consultant for the Holly Road site demonstrating a lower build cost than that put forward by the appellant for that scheme. However, the Council submitted two sets of evidence for the Holly Road scheme the figures on which do not tally. Therefore, I am not convinced that I can realistically take the evidence into account with any degree of confidence.
34. The appellant has included in its construction costs a 10% profit for the contractor. The Council consider that this is unnecessary as such profit should come out of the overall developers profit of 20% on the GDV contained within the appraisal. While I have seen no obvious justification for the figure of 10%, it seems reasonable to me that, whoever constructs the development, whether relating to affordable or market housing, would expect to realise a level of profit.
35. The National Planning Policy Framework states that viability should consider "competitive returns to a willing landowner and willing developer to enable the development to be deliverable." Furthermore The FVP publication states that the definition of developers profit is The amount by which, on completion or partial completion of a development, the estimated value or the price realised on sale of a developer's interest exceeds (or is less than) the total outlay, including such figure for the land as is considered appropriate in the circumstances. It seems to me therefore that the total outlay should include payment of the construction company.
36. I note that the construction costs within the PDCA minus the contingency and professional fees would be £1434.73/m<sup>2</sup>. The BCIS index at that time was £1322/m<sup>2</sup>. Adding the 9% allowance for external works allowed for by the PDCA this would equate to £1440.98/m<sup>2</sup>, creating a very similar amount to the PDCA figure. Furthermore, my attention was also drawn to the relevant BCIS figures forecast for the third quarter of 2018 where it is anticipated there would be a 15.6% increase in build costs when it is anticipated work would commence on site should the appeal be allowed.
37. Therefore, while appreciating the limitations of BCIS figures as drawn to my attention by the Council, I also note that the PPG specifically refers to the use of BCIS as appropriate data in relation to build costs. As a result, in this instance the data has not been determinative, but nevertheless reinforces my view that the appellants figures contain a reasonable assumption of build costs.
38. These matters are not a precise science and involve an element of judgement. However, for the reasons above I conclude that while the figures in the appellant's viability report in relation to construction costs are acceptable, I have found that the benchmark site value put forward by the Council is more convincing. Therefore, neither the sum put forward by the Council, nor that by the appellant, would ensure that the proposal makes acceptable provision for affordable housing taking into account viability.
39. The UU secures a contribution towards affordable housing of £70,211 in accordance with the appellant's evidence. However, it also includes the potential for the payment of an enhanced affordable housing contribution (EAHC) of £39,326. The EAHC represents the difference between the

benchmark site value and associated land purchase costs advanced by the appellant compared to those put forward by the Council at the hearing. As I have found that the figures put forward by the Council in relation to the benchmark site value are more convincing then I am satisfied that the EAHC as well as the affordable housing contribution would be necessary to make the development acceptable in planning terms. Furthermore, as there is a Policy requirement for the delivery of affordable housing then they would be directly related to the development. Moreover, the contributions would be fairly and reasonably related in scale and kind to the development.

40. The appellant has twice offered a sum far in excess of this figure to the Council towards the provision of affordable housing in support of the proposals. I am satisfied though that from the appellant's internal emails dated 23 February 2018 that the latter sum was offered on the basis of commercial expediency only. I have no reason to believe that the earlier enhanced offer was not made on the same basis.
41. For the reasons above, I conclude that proposed scheme would make acceptable provision for affordable housing and therefore there would be no conflict with Policies CS5 SD1 & SD2 of the CELP.

### **Other matters**

42. The appeal site is located on the edge of Audlem and is part of a wider development site where houses are currently under construction. Opposite the site is open countryside. To the south within the settlement there is a mix of traditional and modern housing, mostly two storeys in height. Adjacent to the site is a terrace of two storey dwellings set back from the road known as Lower Heath Barns. Boundary treatment is mostly formed from hedgerow and this contributes to the semi-rural character and appearance of the area on the edge of Audlem.
43. The proposed building would be a large structure which would be of a size and mass unlike any other building in the locality. Nevertheless the building would be split into smaller blocks, which would be of a similar if not smaller size than Lower Heath Barns. Each would be linked by a lower structure so that the overall mass of the building would be reduced. Furthermore, the building would be set back in the site along a similar line to existing properties to the south, which would limit its prominence in the streetscene. Moreover, the building would be constructed of red brick to match the predominant building material in the area.
44. Although the building would have two storeys, the submitted plans show that some of the blocks would be marginally higher than existing buildings. The roof form would therefore have a stepped appearance, the height of which would reduce to the south nearest to Little Heath Barns to reflect the height of those buildings. The interruption to the roof form, together with the limited height differential would mean that the building would not be materially prominent or obtrusive within the streetscene, especially when seen within the context of the new development to the north and west. As a result, it would effectively blend into the village environment and would not be visually intrusive. Although the front hedge has been removed, the submitted landscaping plan details a number of trees to be planted along the front boundary, and therefore the verdant quality of the road would be maintained. I

am satisfied therefore that the proposal would not be harmful to the character and appearance of the area.

45. I saw that the range of services and facilities available in Audlem would likely meet the day to day needs of the proposed occupiers. They are located fairly centrally within the village. As a result, the location of the appeal site means that residents would have to walk about 800-900 metres to the services based on the figures provided by the Parish Council, which are not disputed by the appellant. Various timings for the walk have been put forward ranging from 8.5 to 18 minutes. Even if I were to take the longest time, I have seen nothing to suggest that this would be unacceptable, particularly given the availability of footways from the appeal site into the village. While at some point residents would need to cross the road, at both times of my time visits, one about 1730 and the other about 1630 I was able to cross the road without a lengthy wait.
46. The Parish Council point to the reduction in the local bus service, and from the evidence submitted it seems that the service would be restricted. Nevertheless I am satisfied that the appeal site is not in an isolated countryside location and there is at least some prospect that residents would have the choice not to use the car. I note that other retirement homes provided by the appellant raised by the Parish Council may be nearer to local services, but this would not in itself make this proposal unacceptable.
47. The proposal is specifically for older persons, some of whom may have limited mobility. I have therefore had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Age and disability are relevant protected characteristics to which the PSED applies. Nevertheless, if future occupiers have limited mobility, this would affect their ability to walk to services wherever their location. In terms of access to and from the site, the scheme would be served by the existing footway to the facilities which would not be affected by the proposals. Furthermore, I am mindful that the site already has planning permission for housing with no restriction on the age of residents, and therefore older residents could live on the site.
48. The proposal would provide 25 parking spaces for 25 units which would be less than the two spaces per unit required by Policy D11 of the ANP. The Council's Head of Strategic Infrastructure comments that car ownership data and data from comparable sites demonstrate that this will be enough to accommodate the parking demand of this proposal and therefore raises no objections to the proposal. I have seen no substantive evidence to lead me to reach a different conclusion.
49. The nearest existing residential property to the proposed building would be 1 Little Heath Barns. This is a two storey end terrace enclosed by a mix of fencing and hedge planting. It has a small round window within the first floor of its end elevation facing the appeal site. The side elevation of the proposed building would be about eleven metres from that of No 1. The new house at plot 24 of the neighbouring development would be close to the north west end elevation of the proposed building. Boundary treatment would prevent any overlooking between ground floor windows of the homes.

50. At first floor, units 16,24 and 25 of the proposed building would have secondary living room windows which would allow overlooking into the front and rear garden of No 1, and the rear garden of plot 24. As the windows are secondary only, this could be mitigated by the provision of obscure glazing secured through the imposition of a condition should the appeal be allowed.
51. The proposed building would extend a little way to the front and rear of No 1 and plot 24. However, given it would be only two storeys in height, and the intervening distance between the properties, I am satisfied that the proposal would not be unacceptably overbearing.
52. Based on the information before me regarding the approved layout for the wider site (AH066/01) I am satisfied that the proposed building would be a sufficient distance from the houses on plots 1, 11 and 12 to prevent any material harm to be caused by loss of privacy or outlook.
53. The proposal would result in the loss of eleven houses on the site which have planning permission, three of which would be affordable homes. Nevertheless, the Council in its application report advises that the wider development would still deliver 33 affordable homes and therefore would remain policy compliant.
54. The PPG states that the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households. The Parish Council questions the critical need for the retirement houses as the village already has a high number of smaller bungalows. Furthermore, a nearby property Cedar Court applied for planning permission to convert independent living apartments to nursing beds as there was no demand for the apartments in the locality (12/3740N).
55. However, I saw that Cedar Court is sited further out of the village than the appeal premises. As a result, the two sites are not directly comparable. Furthermore, while there may be a high number of bungalows in Audlem, I am unaware of the number that would be readily available to address the need both locally and nationally for housing for older people.

### **Unilateral Undertaking**

56. The UU makes provision for contributions of £17,352 towards the cost of an extension to Audlem medical centre, £70,211 towards affordable housing and £39,326 as an EAHC. From the evidence within the Council's CIL compliance statement, and my conclusions on the main issue, I am satisfied all three contributions would comply with Regulations 122(2) and 123 of the CIL and paragraph 204 of the Framework.

### **Conclusion**

57. Therefore, for the reasons above and having regard to all other matters raised, I conclude, on balance, that the appeal should be allowed.

### **Conditions**

58. I have had regard to the various planning conditions that have been suggested within the SOCG and considered them against the tests in the Framework and the advice in the PPG and have made such amendments as necessary to comply with those documents. In the interests of certainty it is appropriate

that there is a condition requiring that the development is carried out in accordance with the approved plans.

59. Conditions regarding materials, levels and landscaping are necessary to protect the character and appearance of the area. Conditions regarding details of lighting, the provision of obscure glazing and the reporting of any unexpected contamination are required to protect residents' living conditions.
60. Condition No 5 is imposed to prevent surface water flooding. To encourage sustainable modes of transport conditions are imposed regarding the provision of charging infrastructure for electric vehicles, and a residents travel information pack. A condition requiring details of the access and right turn lane is necessary in the interests of highway safety.
61. A condition is necessary that restricts the age of the occupiers of the proposed residential accommodation to ensure that the development meets the needs of an ageing population and also as the proposed development would not be acceptable on other planning grounds, including parking provision and the need for affordable housing.

## **APPEARANCES**

### **FOR THE APPELLANT:**

John Barrett of Counsel Instructed by:

|                  |                     |
|------------------|---------------------|
| Chris Butt       | The Planning Bureau |
| Jonathan Purcell | Poole Dick          |
| Andrew Cullen    | Alder King          |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                  |                                                 |
|------------------|-------------------------------------------------|
| Gareth Taylorson | Planning Officer Cheshire East District Council |
| Vicki Jeffrey    | Housing Officer, Cheshire East District Council |
| Jenny Adie       | Keppie Massie                                   |
| Ged Massie       | Keppie Massie                                   |
| Roger Prescott   | Keppie Massie                                   |

### **INTERESTED PARTIES**

|               |                       |
|---------------|-----------------------|
| Paul Cawood   | Resident              |
| Heather Jones | Audlem Parish Council |
| Geoff Seddon  | Audlem Parish Council |

### **DOCUMENTS SUBMITTED AT THE HEARING**

1 – Extract plan – S.278 works overlay on Audlem site plan

2 – Keppie Massie Statement March 2018

3 – Audlem Parish Council statement

4 – Appeal decision APP/R0660/W/17/3166469

5 – Appeal decision APP/R0660/W/17/3168917

6 – Appeal decision App/R0660/W/17/3185440

7 – Appendix one and sheet of costings regarding Holly Road North and Heath Barns

8- Plan NW-2215-03-01-AC-005C

#### DOCUMENTS SUBMITTED AFTER THE HEARING

A – Unilateral Undertaking dated 3 April 2018

B – Letter from the Planning Bureau dated 10 April 2018

#### 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: NW-2215-03-01-AC-001, NW-2215-03-01-AC-002B, NW-2215-03-01-AC-003B, NW-2215-03-01-AC-004B, NW-2215-03-01-AC-005C, NW-2215-03-01-AC-006C, NW-2215-03-01-AC-007A, NW-2215-03-01-AC-008A, NW-2215-03-01-LA-002, NW-2215-03-01-LA-003, NW-2215-SE-03-004A.
- 3) No development involving the use of any facing and roofing materials shall take place until details or samples of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then only be completed in accordance with the approved details
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and,
  - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.
- 7) A single Fast (7kV) Electric Vehicle Charging Point shall be provided prior to the first occupation of the development in accordance with details to be submitted to and approved in writing by the local planning authority. The Charging Point shall be maintained and operational in perpetuity.
- 8) Prior to the first occupation of the development a Resident's Travel Information Pack shall be submitted to and approved in writing by the local planning authority. The agreed pack shall be issued to the occupants on the initial sale of the properties and kept within any property information pack as applicable.
- 9) Prior to its installation, details of the location, height, design and luminance of any external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed and operated in accordance with the approved details.
- 10) The approved landscaping shown on drawing NW-2215-03-01-LA-002 shall be completed in accordance with the following:
  - i) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved.
  - ii) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
  - iii) any trees or plants which within a period of 5 years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 11) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwellings until full details of the access and right turn lane from Audlem Road into the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the nits hereby approved and retained in full hereafter.
- 12) Before the first occupation of flats 16, 24 and 25 the secondary living room windows shall be fitted with obscured glass, shall be un-openable below 1.7m from finished floor level, and shall be permanently retained in that condition.
- 13) No flat shall be permanently occupied by any person under the age of 60, other than a spouse or partner of such persons being over the age of 55.

END OF CONDITIONS SCHEDULE