



Appeal Decision

Site visit made on 4 September 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 17 October 2019

Appeal Ref: APP/B4215/W/19/3230640

land off Cringle Road, Levenshulme, Manchester

E: 388393 N: 393118

- 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 Towerhouse Systems Ltd against Manchester City Council.
 - The application Ref 122042/00/2018, is dated 30 November 2018.
 - The development proposed is outline planning application for the construction of up to 57 dwellings, provision of a vehicular access off Cringle Road, car parking, ancillary green space, landscaping and other associated works including surface water drainage attenuation.
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of up to 57 dwellings, provision of a vehicular access off Cringle Road, car parking, ancillary green space, landscaping and other associated works including surface water drainage attenuation at land off Cringle Road, Levenshulme, Manchester in accordance with the terms of the application, Ref 122042/00/2018, dated 30 November 2018, subject to the conditions set out in the attached Schedule of Conditions.

Procedural Matters

2. The appeal is made against the Council's failure to give notice within the prescribed period of a decision on an application for planning permission. However, had the Council been in a position to determine the application, it has confirmed that it would have been minded to approve the application subject to a legal agreement to secure financial contributions to mitigate and improve access to Highfield Country Park and to secure a proportion of houses as affordable housing.
3. In reaching this conclusion, it is clear that the Council rely heavily on a recent appeal decision¹ in respect of an application for outline permission for 57 dwellings with all matters reserved except for access². So too does the appellant in their evidence.
4. In that case, the Inspector concluded that a financial contribution towards improvements to the Highfield Country Park would satisfy the relevant tests in the Community Infrastructure Regulations 2010 (as amended) and the National Planning Policy Framework (the Framework) because the proposal would result in additional use of that greenspace. However, there was an

¹ APP/B4215/W/18/3196113

² LPA Ref No: 116474/OO/2017

absence of a signed agreement or undertaking to make the financial contribution required to offset the adverse impacts arising from greater use of, and pressure upon, the Country Park.

5. The Inspector concluded that the absence of any firm means of securing the necessary planning obligation would result in significant harm to the Country Park. Although other limited harm was identified, the Inspector concluded that it was the significant harm to the Country Park which meant that the adverse benefits of the proposal would neither outweigh the harm that would arise nor justify a decision other than in accordance with the development plans, and the appeal was dismissed.
6. The proposal now before me is a resubmission of that previous scheme. The appellant has submitted a completed Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended) (the Act) which commits the payment of a financial contribution of £150,000 and that 20% of the residential units shall be affordable housing units. The UU has, I am advised, been prepared in consultation between the appellant and the Council. The Council have confirmed that the content of the UU has been agreed and has no further comment to make on the matter of the UU and I will return to this matter later.
7. The application is made in outline form with all matters other than access reserved for subsequent approval. Access to the site is proposed to be taken from Cringle Road. I have considered the appeal on this basis and, other than details relating to access, I have treated the site layout drawing as being indicative only.

Main Issue

8. Despite the Council's resolution that, had it been in a position to do so, it would have approved the proposal, the application was not determined within the prescribed period, hence the appeal now before me. It is clear therefore that there are no matters of dispute between the Council and the appellant. It is also clear that a broad range of matters were recently and fully considered through the appeal process in respect of a broadly identical scheme.
9. I have carefully considered the submissions of both main parties, and the comments of interested parties with regard to a broad range of matters. Having regard to those matters, and the evidence before me, I consider the main issue to be whether the proposal would make appropriate provision for the maintenance and enhancement of existing green infrastructure and open space, with particular regard to Highfield Country Park.

Reasons

10. Policy EN9 of the Core Strategy Development Plan Document (DPD) states that new development will be expected to maintain existing green infrastructure in terms of its quantity, quality and multiple function. It goes on to state that where the opportunity arises, the Council will encourage developers to address such matters and enhance green infrastructure. DPD policy EN10 states that the Council will seek to retain and improve existing open spaces and sport and recreation facilities, with proposals that improve the quantity and quality of accessible open space will be supported.

Proposals on existing open space and sport and recreational facilities will, however, only be permitted in certain circumstances.

11. The previous appeal Inspector noted that the site comprised two main elements; a larger portion of land used for stabling, grazing and exercising of horses and a smaller portion described as being a 'small community farm'. The Inspector concluded that the larger portion, that used as equestrian grazing land, had no use or value as open space or recreational land as it was not accessible to the public. In respect of the latter, this was considered to have some limited opportunities for informal recreation as a community farm and associated activities. However, the land within the site could not, the Inspector concluded, be regarded as a recreational facility for the purposes of DPD policy EN10. Nor does the appeal site constitute formal or designated open space.
12. I am advised that since then the community farm has closed and the majority of the animals re-homed. The Council do not dispute this, nor that neither of the two identified portions of the site support public access. The appeal site does, however, closely adjoin the Highfield Country Park (the Country Park) to which access is taken directly from Cringle Road to the west of the site, and from the lane that runs to the east of the site. It is clear that throughout the current appeal scheme, and also the previous scheme, the condition and state of the Country Park has been an identified area of concern. It is also reasonable to conclude that, given the appeal site's proximity to the Country Park, the residents of the appeal scheme would seek to access the Country Park. This would be over and above the access to what is already clearly a valued community facility but one which has identified areas of concern. I concur with the conclusions of the previous Inspector that the development and construction of up to 57 dwellings would place an additional burden in terms of numbers seeking to access the Country park.
13. It has been established that the proposal would not result in the loss of a recreation facility in DPD policy EN10 terms. Although neighbours and interested parties do not agree with the conclusions reached by the previous Inspector, I have not been presented with any compelling evidence that would lead me to a different conclusion to that reached by my colleague, or to that reached by the Council and argued by the appellant. Nonetheless, a financial contribution to secure improvements and enhancements to the quantity and quality of the existing facilities with the Country Park would not be unreasonable given the likely additional draw on the Country Park and would align with the aims of DPD policies EN9 and EN10. The appellant's willingness to secure just such a contribution was previously noted, but the absence of a mechanism to secure such matters was a key factor in the dismissal of the previous appeal. In this instance, the matter of contributions, and a mechanism to secure those contributions, has been central to the scheme.
14. The tests in relation to the use of planning obligations are set out at paragraph 56 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010 (as amended). Obligations should meet all three of the tests set out therein. The amount of the contribution proposed for enhancements within the Country Park was revised upwards during the course of the Council's consideration of the application. This accompanied

further details of the range of enhancement proposals that the contribution could support, including proposals to enhance access to and within the country park.

15. Whilst the Council's Planning and Highways Committee (the Committee) initially considered the lower contribution to be insufficient make the development acceptable in planning terms, their subsequent resolution³ following the lodging of this appeal indicates that they considered the improved package of measures sufficient to render the contribution necessary and sufficient to make the proposal acceptable in planning terms. to reflect the full range of improvements and enhancements sought in respect of the Country Park and it is clear from the resolution of the Council's Committee that the sum of £150,000 would be necessary to make the proposal acceptable in planning terms.
16. I have little doubt that the proposal for up to 57 dwellings would be likely to result in increased usage of, and place additional demands upon, the Country Park. It is accepted that the Country Park is in need of improvement and enhancement, and the factors that lead to those conclusions would not be improved by the unmitigated impacts of up to 57 additional dwellings in such close proximity to the Country Park. However, it has been demonstrated and accepted, and with which I agree, that the appellant proposes a mechanism to secure those improvements.
17. Thus, I am satisfied that the proposal would make the adequate provision necessary to offset the adverse impacts of greater usage of the Country Park likely to arise from the proposed development. In reaching this conclusion I am also satisfied that the mechanism and contributions set out by the appellant would align with the guidance set out in the Framework, Planning Practice Guidance (the Guidance) and the CIL Regulations. As such, and taking the UU into account, I am satisfied that significant harm as identified by the previous Inspector, would be avoided. There would be no conflict with DPD policies EN9 or EN10. Indeed, the enhancement to facilities would accord with the aims of those policies and the proposal would therefore align with, and draw support from, those policies.

Other Matters

18. At the time of the previous application and appeal it was agreed that the Council were unable to demonstrate a five year supply of deliverable housing sites. The Council have noted in respect of the current appeal scheme that the land supply position has improved and that a five year housing land supply can now be demonstrated. However, as the appellant has pointed out, no evidence has been submitted to support the Council's position. The previous appeal decision is a material consideration to which I give significant weight, not least due to its relatively recent nature. I am not therefore persuaded of the extent to which the housing supply position has changed but, even if it were to be the case that a deliverable five year supply of housing land now exists, the existence of such does not represent a moratorium on further housing, particularly having regard to the Government's stated objective of significantly boosting the supply of

³ Planning and Highways Committee – 27 June 2019

housing⁴. Noting that this is not a significant disputed matter, I give it limited weight.

19. It is clear that the Council have given the application clear, careful and detailed assessment. It is also clear that it has been subject to significant scrutiny, the appeal scheme being put before the Committee on no less than three occasions. Whilst I have carefully noted the content and volume of objections to, and representations in respect of, the appeal scheme it is clear that had the Council been in a position to determine the appeal, all other planning matters⁵ had been adequately and satisfactorily resolved.
20. Local residents object to the proposal on a number of grounds. Some of those grounds are not matters before me within the scope of an application for outline planning permission with only matters of access subject to consideration at this stage. Concerns relating to matters reserved for future consideration do not fall before me at this stage but would need to be appropriately considered by the Council at the reserved matters stage.
21. On other matters, such the impact of the proposal on biodiversity and ecology, ground conditions or surface water and drainage, I have not been presented with any substantive or compelling evidence to support the points or anecdotal comments put forward by interested parties or to challenge the evidence submitted by the appellant. As there is no dispute between the appellant and the Council in these respects, and such matters as remain outstanding could be addressed by suitably worded condition, the Council have not produced any evidence in challenge to the appellant's points.

Conditions

22. I have considered the Council's suggested conditions in light of the advice set out in the Framework and Planning Practice Guidance (the Guidance). I have also considered the list of conditions set out by the appellant in the appellant's Grounds of Appeal. Where necessary and in the interests of precision and clarity I have made minor amendments to the wording of conditions. I deal with the conditions in turn, below. References to condition numbers refer to those employed by the Council in their list of suggested conditions.
23. As the application has been made in outline, I agree that the standard outline planning permission conditions ((1) and (2)) are necessary, albeit that I have amended the scope of the matters reserved for future consideration, as matters of access have been submitted, and considered, at this stage of the process. A plans condition (3), insofar as it relates to matters that are not indicative, is necessary in order to provide certainty with the additional drawings referred to by the appellant. I do not consider it necessary to include reference to all other application documents.
24. With regard to development parameters, suggested condition 4 does not seem unreasonable, albeit that the Council have not provided compelling justification for limiting height of dwellings to 2 storeys. The appellant suggests that there may be house types where living accommodation is provided on a third floor within the roofspace. I have adopted the appellant's suggested wording in this respect.

⁴ Paragraph 59 – National Planning Policy Framework

⁵ Report to Planning and Highways Committee – 27 June 2019

25. Conditions relating to appropriate archaeological works (5), construction details ((6) and (9)), drainage details ((7) and (11)), ground conditions (8) and materials (10) are necessary in order to properly consider potential for archaeology (5), minimise risk of flooding ((7) and (11)), in the interests of residential amenity (8) and character and appearance (10). Conditions relating to the timing of works, precautionary emergence surveys and alternative provision are necessary in the interests of securing appropriate biodiversity provision and ecological protection ((12), (13) and (30)).
26. Landscaping and boundary treatment details can be appropriately secured by way of condition in the interests of character and appearance ((14), (15) and (30)). So too conditions regarding details of waste storage (17), lighting (18) and (19)) and crime prevention (20). Cycle storage details (22), car parking provision and layout (23), electric car charging points (24) and a travel plan (21) are necessary in the interests of suitably providing for vehicles whilst encouraging alternative means of travel, and propulsion for those means of travel.
27. I agree that the condition restricting installation of openings (28) beyond those shown on approved plans appears somewhat premature at this stage, particularly as the layout of the properties would be a reserved matter. Conditions restricted permitted developments should only be imposed in exceptional circumstances and I am not persuaded that suggested conditions 25 or 26 are reasonable or necessary in this instance. I have not imposed either.
28. The appellant has queried the Council's suggested condition 31 and put forward wording for its replacement within their suggested condition 29. I have not imposed either. I accept the appellant's concern regarding the Council's version but, equally, I cannot be certain that the Council have had the opportunity to fully consider the details on the revised drawing stated by the appellant. I have therefore reverted to an alternative revised version of this condition as suggested by the appellant as I am advised that this had previously been a matter of agreement between Council officers and the appellant.

Conclusions

29. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

Schedule of Conditions

- 1) Applications for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.
- 2) Approval of the details of the layout, scale, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. Plans and particulars of the reserved matters shall be submitted in writing to the local planning authority and shall be carried out as approved.
- 3) The development hereby approved shall be carried out in accordance with the following drawings insofar as they relate to access: site location plan L(--)001; site plan as existing L(--)010 and indicative proposed site layouts L(--)011 and L(--)012.
- 4) Any application for reserved matters relating to scale and layout shall follow the principles and parameters set out in the approved plans, in particular drawings L(--)012 stamped as received by the City Council, as Local Planning Authority, on the 5 March 2019 and shall include:
 - A maximum height of the residential dwellings 2 / 3 storeys;
 - No more than 57 dwellings
 - No more than 31 x 4 / 5 bedroom houses, of which no more than 11 shall be 3 storey height and the 3rd storey shall be roofspace accommodation (between 107 and 124 sqm)
 - No more than 26 x 3 bedroom houses (between 96-102 sqm)
- 5) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:
 - (a). A phased programme and methodology of investigation and recording to include: - an archaeological watching brief
 - (b). A programme for post investigation assessment to include: - production of a final report on the significance of the below-ground archaeological interest.
 - (c). Deposition of the final report with the Greater Manchester Historic Environment Record.
 - (d). Dissemination of the results of the archaeological investigations commensurate with their significance.

(e). Provision for archive deposition of the report and records of the site investigation.

(f). Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

- 6) a) Prior to the commencement of the development, details of a Local Benefit Proposal, in order to demonstrate commitment to recruit local labour for the duration of the construction of the development, shall be submitted to and approved in writing by the local planning authority. The approved document shall be implemented as part of the construction of the development.

In this condition a Local Benefit Proposal means a document which includes:

- i) the measures proposed to recruit local people including apprenticeships
- ii) mechanisms for the implementation and delivery of the Local Benefit Proposal
- iii) measures to monitor and review the effectiveness of the Local Benefit Proposal in achieving the objective of recruiting and supporting local labour objectives

(b) Within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) above shall be submitted to and approved in writing by the local planning authority.

- 7) a) The development shall not commence until a scheme for the drainage of surface water for the development has been submitted to and approved in writing by the local planning authority. This shall include:

- Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area;

- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for climate change in any part of a building;

- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.

- Hydraulic calculation of the proposed drainage system;
- Construction details of flow control and SuDS elements.

(b) The development shall then be constructed in accordance with the approved details, within an agreed timescale.

- 8) Notwithstanding the Geo-Environmental site assessment report (ref. 102978P1R1) stamped as received by the City Council, as Local Planning Authority, on the 4 December 2018, a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

- 9) Prior to the commencement of the development a detailed construction management plan outlining working practices during that phase of development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;
- o Display of an emergency contact number;
 - o Details of Wheel Washing;
 - o Dust suppression measures;
 - o Compound locations where relevant;
 - o Location, removal and recycling of waste;

- o Routing strategy and swept path analysis;
- o Parking of construction vehicles and staff; and
- o Sheeting over of construction vehicles.

The development thereafter shall be carried out in accordance with the approved construction management plan.

- 10) (a) Prior to any above ground works associated with the development, a programme for the issue of samples and specifications of all material to be used on all external elevations of the development shall be submitted for approval in writing by the Local Planning Authority, the programme shall include timings for the submission of samples and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, details of the drips to be used to prevent staining in and a strategy for quality control management.

(b) All samples and specifications shall be submitted to and approved in writing in accordance with the programme as agreed under part (a). The approved materials shall then be implemented as part phase one of the development.

- 11) Prior to the first occupation of the development hereby approved, details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted for approval in writing by the local planning authority.

For the avoidance of doubt the scheme shall include the following:

- Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The approved scheme for phase one shall then be implemented in accordance with the details and thereafter managed and maintained for as long as the development remains in use.

- 12) No demolition works or vegetation clearance shall take place during the optimum period for bird nesting (March - September inclusive) unless nesting birds have been shown to be absent, or, a method statement for the demolition including for the protection of any nesting birds is agreed in writing by the Local Planning Authority. Any method statement shall then be implemented for the duration of the demolition works.
- 13) No demolition of existing buildings at the application site shall be undertaken until a precautionary bat emergence survey has been undertaken and submitted for approval in writing by the Local Planning Authority. Should and mitigation be necessary as a result of this survey, timescales shall be agreed in writing by the Local Planning Authority, for the implementation of any measures. The mitigation measures shall be implemented in accordance with the previously agreed timescales and retained and maintained at all times.

- 14) Prior to the first use of the development details of a hard and soft landscaping treatment (including tree planting and street trees) shall be submitted to and approved in writing by the local planning authority.

The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

- 15) Prior to the first occupation of the development, details of the siting, scale and appearance of the boundary treatment shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall then be implemented and be in place prior to the first occupation of the development. The boundary treatment shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

- 16) The development shall be carried out in accordance with the Environmental Standards report stamped as received by the City Council, as Local Planning Authority, on the 4 December 2018. A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority for each phase.

- 17) (a) Prior to the first occupation of development, details of the siting, scale and appearance of the waste storage area together with a waste management strategy shall be submitted for approval in writing by the Local Planning Authority.

(b) The approved waste storage and strategy shall be implemented in accordance with the approved details and be put in place prior to the occupation of the residential development within phase two and thereafter retained and maintained in situ for as long as the development remains in use.

- 18) The development hereby approved shall include a building and site lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn. Full details of such a scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

The approved scheme shall be implemented in full prior to the first occupation of the development and shall remain in operation for so long as the development is occupied.

- 19) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to and approved in writing by local planning authority and once approved shall thereafter be retained in accordance with the agreed details.
- 20) The development shall be carried out in accordance with the Crime Impact Statement prepared by Design for Security at Greater Manchester Police stamped as received by the City Council, as Local Planning Authority, on the 4 December 2018. The development shall only be carried out in accordance with these approved details.

The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

- 21) (a) The development hereby approved shall be carried out in accordance with the travel plan framework stamped as received by the City Council, as Local Planning Authority, on the 4 December 2018

In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those living at the development;
- ii) a commitment to surveying the travel patterns of residents/staff during the first three months of the first use of the building and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

(b) Within six months of the first occupation of the development, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

- 22) Prior to the first occupation of the development, details of a secure cycle store (including capacity) for each property shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented prior to the first occupation of the development and thereafter retained and maintained in situ for as long as the development remains in use.

- 23) Prior to the first occupation of the development, the car parking layout shall be laid out, demarcated and made available. The car parking layout shall be retained and maintained for as long as the development remains in use.
- 24) Prior to the first occupation of the development, details of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall then be implemented as part the development and be in place prior to the first occupation of the development.

- 25) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
- 26) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".
- 27) Prior to the first occupation of the development hereby approved, details of the number, siting and appearance of bat and bird boxes at the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and be in place prior to the first occupation of the development hereby approved and shall thereafter be retained and maintained in situ.
- 28) Prior to the first occupation of the development hereby approved, a scheme of highway works in relation to the development shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- traffic calming measures along Cringle Road as indicated on drawing SCP/17029/SK01 stamped as received by the City Council as Local Planning Authority, on the 5 March 2019;
- Traffic calming within the proposed development;
- Amendments to highway along Cringle Road to form new access and driveway(s) as indicated on drawing L(--)-012 stamped as received by the City Council, as Local Planning Authority. On the 5 March 2019
- Junction protection measures to new junction and Cringle Road in association with the new access in the interest of visibility and associated highway works
- 20 mph speed limit for the new access road including associated amendments to the highway in order to facilitate this.

The approved scheme shall be implemented and be in place prior to the first occupation of the residential element of the development hereby approved and thereafter retained and maintained in situ.

****end of schedule****