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## Appeal Decision

Inquiry Held on 4 – 7 October 2022

Site visits made on 6, 7 and 18 October

**by John Wilde CEng MICE**

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

**Decision date: 21<sup>st</sup> October 2021**

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**Appeal Ref: APP/Y1110/W/22/3300322**

**Former Exeter Royal Academy for Deaf Education, Topsham Road, Exeter EX2 4NF**

- 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 Churchill Retirement Living against Exeter City Council.
  - The application Ref 21/1864/FUL, is dated 1 December 2021.
  - The development proposed is redevelopment for retirement living accommodation for older people (sixty years of age and/or partner over fifty five years of age) comprising 84 retirement apartments including communal facilities, access, car parking and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for redevelopment for retirement living accommodation for older people (sixty years of age and/or partner over fifty five years of age) comprising 84 retirement apartments including communal facilities, access, car parking and landscaping at former Exeter Royal Academy for Deaf Education, Topsham Road, Exeter N2 4NF in accordance with the terms of the application, Ref 21/1864/FUL, dated 1 December 2021, subject to the conditions contained within the attached schedule.

### Main Issue

2. The main issue is whether or not the proposed development should make a contribution, secured by legal agreement, to the delivery of affordable housing in accordance with policy CP7 of the Exeter Core Strategy and the provisions of the off-site affordable housing contributions set out in the affordable housing SPD.

### Preliminary matters

3. Given the nature of the main issue it was agreed with the main parties that an accompanied site visit was unnecessary. I therefore conducted an unaccompanied site visit on the late afternoon of 6 October. At this time and also on the 7 October I visited various other retirement living developments within Exeter and Ottery St Mary that were mentioned in the evidence of the various parties. On 18 October I made an unaccompanied visit to a Churchill Retirement Living scheme in Taunton.

4. There is an extant planning permission on the site for 61 Extra Care Assisted Living units. This is a material consideration that I will return to later in this decision.
5. During the Inquiry it became apparent that there was confusion between the parties regarding a financial contribution towards the NHS Devon Clinical Commissioning Group. This contribution was required by the Council for mitigation of the impact of the proposed development on three local GP practices, namely Barnfield Hill surgery, Southernhay House Surgery and St Leonards Practice. I have been provided with a compliance statement in respect of this contribution and am satisfied that it complies with the three tests of being necessary to make the proposed development acceptable in planning terms, of being directly related to the proposed development and of being fairly and reasonably related in scale and kind to the development.
6. At the end of the Inquiry I allowed the appellant two weeks to provide a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 that would satisfy this requirement. I duly received a signed and dated copy of a UU on 13 October 2022. This would ensure the provision of a contribution of £27,955 should the appeal be allowed and development proceed.

## **Reasons**

7. The appeal site lies to the south-west of Topsham Road, a short distance from Exeter City Centre. The site is currently unused following the demolition of the former Exeter Royal Academy for Deaf Education. The proposed development would result in the erection of 84 apartments for retirement living.
8. Policy CP7 of the Exeter Core Strategy requires that on sites providing 3<sup>1</sup> or more additional dwellings 35% of the total housing provision should be made available as affordable housing. The policy goes on to say that the overall percentage of affordable housing will be subject to considerations of viability and feasibility. Paragraph 6.30 of the justification for the policy makes clear that off-site provision or contributions of affordable housing will only be agreed in exceptional circumstances, where the Council is satisfied that the affordable housing cannot be managed effectively on the site, and where providing the affordable housing elsewhere in the city will significantly widen housing choice.
9. The Council have agreed that there are exceptional circumstances regarding the type of accommodation proposed on the appeal site, and that therefore, a contribution can be made towards off-site affordable housing provision. The appellant contests this on the grounds that any contribution would make the proposed scheme unviable. There are three particular aspects of viability that the parties cannot agree on. These are firstly, the Gross Development Value (GDV) secondly, the build costs and thirdly, the Benchmark Land Value. I will deal with each in turn.

### *Gross Development Value*

10. GDV is an assessment of the value of the completed development. In the case of the application the subject of this appeal, that means the total final sales income. The PPG makes clear that for viability assessment of a particular site or development, market evidence from existing developments can be used.

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<sup>1</sup> This has increased to 10 by virtue of paragraph 64 of the National Planning Policy Framework

Such evidence should be adjusted to take into account, amongst other things, variations in use, form, scale and location.

11. The difference between the parties in terms of GDV is £1,970,500. The appellant arrives at an average sales value of £471.50 per square foot whilst the Council arrives at a figure of £505 per square foot. The Council cite a development at St Margaret's in Exeter as a chief comparator.
12. This is an open market C3 conversion of a Grade II listed building with further added dwellings. The Council's evidence shows that these were sold for an average of £505 per square foot. The appellant points to the fact that the St Margaret's development is within the heart of the St Leonards Conservation Area and not along the busy Topsham Road, meaning that, in their view, the properties would have attracted a premium.
13. However, I note that the £505 per square foot was a 2019 pricing regime and that since then prices have risen, with sellers looking, according to the Council's property sales expert, for an average of £530 per square foot. I have no reason to dispute this latter figure, although I am aware that the St Margaret's development is for open market C3 use and that it is not directly comparable with the appeal scheme, which is for retirement living. However, the appellant's own viability witness asserts in his proof of evidence, when referring to retirement developments at Ottery St Mary and Pinnoc Mews in Exeter, that the prices obtained at these developments *demonstrate a premium when compared to typical open market apartments*. It seems to me therefore that the figures quoted for St Margaret's are not wide of the mark as to what could be achieved at the appeal scheme.
14. Millbrook Village is the appellant's chief comparator. It is a purpose built retirement village further from the centre of Exeter along Topsham Road. It is a somewhat different development from that proposed in that it is a relatively large, gated retirement village comprising up to three bed apartments and a pool, gym, restaurant, library and cinema. Furthermore, the average size of the dwellings at Millbrook is greater than those proposed in the appeal scheme. All of these factors point to a development that would command higher prices than the proposed development.
15. However, the appeal scheme would be nearer to the centre of Exeter and within the prime area of St Leonards. The Council contend that St Leonards commands a premium of between 20% to 25% over other areas of Exeter, and the appellant, whilst not putting a figure on the premium, accepts that St Leonards is a higher value area. The 20% figure would increase the average sales value put forward by the appellant to over £565 per square foot at a minimum. Even a 10% increase would take the figure to well beyond that of the Council's figure of £505 per square foot.
16. Furthermore, even if the figure derived from Millbrook Village was reduced to £450 per square foot in light of that development being of a higher specification and targeted at the higher end of the market, an additional 20% for the prized St Leonard's location would result in an average sales figure of £540, considerably more than even the Council's value. An increase of only 10% would still take the figure to only just below the Council's figure.
17. In light of the foregoing I conclude that the Council's average of £505 per square foot is a more likely outcome than the appellant's figure.

### *Build costs*

18. In respect of build costs, the main parties agree on the costs of external works and abnormal costs. It is the core build costs where the parties differ, mainly because there is no agreed specification for the proposed development. The appellants estimate that the build costs would be just over £14m, whereas the Council arrive at a cost of £12,342,650.
19. The PPG<sup>2</sup> explains that build costs should be based on appropriate data and gives an example of using BCIS<sup>3</sup> data. This is the approach taken by the Council, who have used the BCIS lower quartile rate for supported housing, adjusted for several factors, including the results of a visit to one of the appellant's schemes in Taunton. They then checked this against a local comparator.
20. The Council's use of the lower quartile was contested by the appellant. However, the data held by BCIS is not generally populated by national housebuilders, and it would be reasonable to assume that such builders (which would include the appellant) would be able to achieve some economies of scale. It therefore seems to me to be reasonable to use the lower quartile in this instance, although I do acknowledge that the local comparator scheme was open market C3 housing.
21. The appellants' also contest the use of the Taunton scheme as a benchmark, remarking that this scheme should not be taken as a typical specification. However, I have little evidence to show why it should not be taken as a typical specification, or indeed why the proposed development would be of a higher build standard. The Taunton scheme is a very similar development to that proposed and is built by the appellant. It therefore seems reasonable to assume that the proposed scheme would be of a similar standard.
22. The appellant's build costs were based on an average of a number of recently tendered schemes of a similar construction. The rate that was generated by this exercise corresponded to the BCIS median quartile. I have not however been supplied with the sources of these rates.
23. Overall, I am inclined to favour the value of build costs generated by the Council. Although I accept that these may be somewhat lower than the eventual actual build costs, I conclude that, on balance, significant cost savings could be made in relation to the figure put forward by the appellant. In arriving at this conclusion I have also taken into account that the scheme has been pre-registered in respect of building regulations, and can therefore be built to Part L of the building regulations 2013, a factor which in itself could generate significant savings.

### *Benchmark Land Value*

24. The Planning Practice Guidance (PPG) makes clear that a BLV should be based on an existing use value, plus an allowance for a premium to be paid to the landowner<sup>4</sup>. In the case of this appeal however, as the buildings on the site have been demolished, there is no sensible existing use value. Notwithstanding this, the PPG also explains that an Alternative Use Value (AUV) can be utilised,

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<sup>2</sup> ID: 10-012-20180724

<sup>3</sup> Building Cost Information Service

<sup>4</sup> PPG ID 10-013-20190509

and this is the approach taken by both main parties. The difference between them is that the appellant uses the extant permission as their alternative use (i.e. the C2 use) whilst the Council use the open market value of a C3 development. The appellant has arrived at a figure of £1.74m and the Council at a figure of £820,000, although I note that the original figure arrived at by the appellant was the same as the Council.

25. The use of an AUV is caveated with a number of considerations. The first of these is that it can be demonstrated that the alternative use could be implemented on the site in question, the second is that it can be demonstrated that there is a market demand for the use and the third that there is an explanation as to why the alternative use has not been pursued.
26. In respect of the extant permission I have been provided with a letter from the Chairman and Chief Executive Officer of Churchill Retirement Living which confirms that, should the appeal be dismissed, then the extant permission would be brought to fruition. In terms of the first question raised in the previous paragraph therefore, I have no evidence before me to show that, in practical terms, the extant permission could not be implemented on the site.
27. In terms of market demand I have been given evidence to show that there is a C2 scheme being built by McCarthy and Stone in Topsham, a relatively short distance away. Conversely, I have been given little evidence to show that there is not a market demand for such a development.
28. The reason why the alternative use has not been pursued is somewhat more complicated. It could be argued that if the appellant was serious about the C2 permission then the application the subject of this appeal was unnecessary. I also note that the appellants have no other C2 developments either in the process of being constructed or actually completed. It was also made clear at the Inquiry that the previous owners of the site became insolvent, which seems to further indicate that the C2 scheme is unviable. Furthermore, the appellant paid over £4m for the site and their own estimated BLV for the proposed scheme (£1.74m) is significantly less than this.
29. I further note that the PPG informs that *any data used should reasonably identify any adjustments necessary to reflect the cost of policy compliance (including for affordable housing)*. The C2 scheme would be exempt from affordable housing contributions and CIL contributions, which would therefore seem to mean that, with all other things being equal, the BLV for a C3 scheme for which policy requires affordable housing would have a lower BLV than for the C2 scheme.
30. All of these factors indicate to me that the appellant's BLV is somewhat wide of the mark.
31. The Council's derivation of a BLV of £820,000 is based on values obtained for other residential sites around the city, and the PPG confirms that land transactions can be used, but only as a cross check to other evidence. I have no doubt that an open market scheme would receive planning permission and that there would be a demand for such a scheme. However, I have been provided with little actual evidence as to the values obtained in other schemes, or to whether or not they were fully policy compliant.

32. In conclusion on this issue, in light of the letter received from the Chairman and Chief Executive Officer of Churchill Retirement Living I give weight to the possibility of the alternative use of the site as a C2 development. However, any weight is tempered by the large anomaly between the price paid for the site and the BLV derived within the appellant's evidence, and the other evidence outlined above which indicates that such a scheme would be unviable. Equally, while the figure put forward by the Council may well be nearer the mark, that figure is largely unsupported by significant evidence.
33. It follows that I am unable to conclude that either of the parties figure's is the correct one, and it would seem reasonable therefore to assume that the correct figure lies somewhere between the two.

*Conclusion on viability*

34. I have found that, on the evidence before me, the figure for BLV would be somewhere between the figures given by the parties. I have also found that the appellant's GDV is on the low side and their build costs are on the high side. Overall, this indicates that some finance would be available towards a contribution for off-site affordable housing. It follows that conflict with policy CP7 of the Core Strategy occurs.

*Other matters*

35. The highway access to the site would be via Weirfield Road and local residents have made their concerns known regarding the safety of this proposal. Weirfield Road is relatively narrow and steep and is a route from Topsham Road to Exeter's historic Quayside. There is a narrow pavement on one side of the road and residents' parking on both sides, meaning that the road is effectively a single carriageway. I note that there are also electricity cables underneath the road, and when these are being worked on access to the proposed development could be compromised due to the narrow width of the available carriageway. The proposed development would inevitably increase the use of the road by motor vehicles. I am also aware of the parking concerns expressed by local residents.
36. However, whilst these are serious concerns, I am conscious that two planning permissions already exist for either 61 or 63 assisted living units on the site, with exactly the same access arrangements. Furthermore, I have been supplied with a Transport Note that identifies that there would be fewer vehicle movements arising from the proposed retirement living scheme compared to the extant permissions, and the Highway Authority have made no objection to the access arrangement. I also note that the proposed level of parking provision complies with saved policy T10 of the Exeter Local Plan First Review 2005.
37. Comments have also been received regarding the matter of overlooking and loss of privacy to residents of Weirfield Road. However, the extant scheme(s) are positioned on the same footprint as the proposed scheme and the overall height of those schemes is, if anything, slightly less.
38. In light of these factors the issues of highway access, parking and loss of privacy cannot be determinative in my decision.
39. One interested person requested that a Covenant be put in place to guarantee that Weirfield Road residents would always be able to park in the four spaces



allocated to them within the proposed development. However, this would be beyond the remit of an Inspector in a planning appeal.

### **Planning Balance**

40. Both parties agree that the Council cannot demonstrate a five year supply of housing land. In such circumstances the National Planning Policy Framework (the Framework) advises that the 'tilted' balance applies. This means that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Framework makes clear in paragraph 60 that one of the objectives of the Government is to significantly boost the supply of housing.
41. The benefits of the proposed scheme would be the provision of 84 units of specialised accommodation for older people. The site is previously developed land in a sustainable location and the proposed development would be making an efficient use of the land. There would be economic benefits to the local community in terms of jobs created in the construction of the development and spending in the local community by future residents, and social benefits in the provision of retirement living units. There would also be a freeing up of existing housing stock as the older people relocated to the proposed development. The benefits of the scheme are therefore, cumulatively, substantial, and this has to be balanced against the adverse impacts.
42. There would be a conflict with policy C7 of the Core Strategy, although it was pointed out at the Inquiry that whilst there is conflict with this one policy, there is compliance with at least 22 others. The conflict with policy C7 results in the loss of affordable housing units, for which there is a great demand (2727 people on the affordable housing register) and negligible supply.
43. I am also acutely conscious of the fallback scheme. Whilst I have concluded that its viability is not assured it has to be given some weight in my balance and if it were to go ahead it would produce no affordable housing or any CIL contributions, of which the proposed scheme would produce £862,253. This, albeit limited, weight, has to be added to the already substantial benefits highlighted above.
44. Overall, given the substantial benefits of the scheme, and notwithstanding the acute need for affordable housing, I conclude that the adverse impacts do not significantly and demonstrably outweigh the benefits and that the proposed scheme complies with the development plan taken as a whole.

### **Conditions**

45. Conditions necessary in the event of me allowing the appeal were agreed by the main parties and included within the Statement of Common Ground. I have therefore imposed these conditions with a few minor changes as agreed at the Inquiry.

### **Conclusion**

46. For the above reasons the appeal is allowed, subject to the conditions as set out in the attached schedule.

*John Wilde* INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Tim Leader of Counsel  
He called

Instructed by Mr Simon Curran LLB  
Mr Andrew Burrows  
Mr Robin Thorn  
Ms Louise Glanville  
Mr Howard Smith

### FOR THE APPELLANT:

Mr Sacha White KC supported  
by Ms Anjoli Foster of Counsel  
He called

Instructed by Planning Issues  
Mr James Mackay  
Mr Mathew Shellum

### INTERESTED PERSONS:

Mrs Helen Powell  
Councillor Tess Read  
Mr Roger Shenton

### DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Summary of appeal proposal drawings and images
- 2 Opening by the appellant
- 3 Opening by the Council
- 4 Statement by Mrs Helen Powell
- 5 Photographs presented by Mrs Helen Powell
- 6 Statement by Councillor Tess Read
- 7 Notifications regarding the Inquiry
- 8 First day attendance sheets
- 9 Addendum to proof of evidence of Ms Louise Glanville
- 10 Agenda for round table discussion on costs
- 11 Scott Schedule
- 12 Table of other developments referred to at the Inquiry
- 13 Second day attendance sheets
- 14 Email from Katherine Smith to Howard Smith detailing the Council's homes shortfall
- 15 Updated Scott Schedule
- 16 Third day attendance sheets
- 17 Letter dated 4 October from NHS Devon Clinical Commissioning Group
- 18 Statement from Mr Roger Shenton
- 19 Closing submissions on behalf of the Council
- 20 Closing submissions on behalf of the appellant
- 21 Fourth day attendance sheet



### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PA01 B Site plan, PA02 A Lower ground floor plan, PA03 B Ground floor plan, PA04 A, First floor plan, PA05 A Second floor plan, PA06 A, Third floor plan, PA07 A, Roof plan, PA08 A North elevation, PA09 A West elevation, PA10 A East elevation, PA11 A South elevation, PA12 A Internal elevations.

Reason: In the interests of certainty and to ensure compliance with the approved drawings..

- 3) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: To protect the health of future residents.

- 4) No development shall take place until a Waste Audit Statement, that includes the below points, has been submitted to and approved in writing by the Local Planning Authority.
  - a) The amount of construction waste in tonnes;
  - b) The type of material the waste will arise from during construction;
  - c) The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs;
  - d) The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
  - e) Identify the main types of waste generated when development is occupied (If possible);
  - f) Identify measures taken to avoid waste occurring; and
  - g) Provide detail of the waste disposal method including the name and location of the waste disposal site.

Reason: To protect the environment.

- 5) No development shall take place until a Construction Environmental Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The CEMP should be adhered to during the construction period. It should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction including:
  - a) The site access point(s) of all vehicles to the site during the construction phase.
  - b) The parking of vehicles of site operatives and visitors.

- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA. The CEMP should contain a procedure for handling and investigating complaints.

Reason: In the interest of the environment of the site and amenity of nearby residents.

- 6) No materials shall be brought onto the site or any development commenced until the developer has erected tree protective fencing around all trees or shrubs to be retained in accordance with the Tree Protection Plan and Method Statement received 3 December 2021. The developer shall maintain the fences and tree protection measures to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the protected area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of existing trees.

- 7) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing, by the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To avoid flood risk.

- 8) Any contamination not previously identified which is found whilst implementing the development hereby permitted must be immediately reported in writing 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 then be carried out before the development, or the relevant part of it, is resumed or continued.

Reason: To protect the health of future residents.

- 9) Before commencement of construction of the superstructure of the development hereby permitted a SAP calculation shall be submitted which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations for the relevant parcel of the site can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on the relevant parcel of the site and within 3 months of practical completion of any dwelling/building a report shall be submitted to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

Reason: In the interest of sustainable development.

- 10) Before commencement of construction of the superstructure of the development hereby permitted a Biodiversity Mitigation and Enhancement Plan for the site incorporating the recommendations set out in the submitted Ecological Survey dated 30th November 2021 and the Ecological and Further Bat Survey report by Clarkson and Woods dated October 2017 shall be submitted to and approved by the Local Planning Authority. The Plan shall incorporate the provision of integral bat and bird bricks in line with the advice set out in the Council's adopted Residential Design SPD. The Biodiversity Mitigation and Enhancement Plan should also incorporate a Habitat Management Plan. Thereafter the development shall be implemented and maintained in accordance with the approved details.

Reason: In the interest of biodiversity.

- 11) Before commencement of construction of the superstructure of the development hereby permitted the following information shall have been submitted to and approved in writing by the Local Planning Authority:
- a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
  - b) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - c) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (c) above.

Reason: To prevent flood risk.

- 12) Prior to the occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following details:
- a) a description and evaluation of features to be managed;

- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) a work schedule (including an annual work plan capable of being rolled forward over a five year period);
- g) identification of the body or organization responsible for implementation of the LEMP;
- h) ongoing monitoring and remedial measures; and
- i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

Reason: In the interest of ecology and biodiversity.

- 13) Samples/details of all the materials it is intended to use externally in the construction of the building shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples/details in all respects.

Reason: In the interest of the character and appearance of the scheme.

- 14) No part of the development hereby approved shall be occupied until the access point to Weirfield Road for the development as indicated by Site Plan PA 01 rev A received 10 February 2022, with a facility to prevent uncontrolled discharge of water over the highway, has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter it shall be retained for that purpose at all times.

Reason: To provide a safe and suitable access.

- 15) Prior to occupation of the development hereby approved, the sound insulation and ventilation requirements set out in Clarke Saunders' ProPG Acoustic Assessment (ref.: AS12497.220314.S2 Rev B, date: 04 April 2022) shall be implemented in full and maintained thereafter, unless alternative noise mitigation measures are implemented and maintained in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupiers.

- 16) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no building within the site shall be occupied until the Local Planning Authority have

approved such a scheme; which shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme and no planting included within the scheme shall be subsequently felled, lopped or removed without the prior written consent of the Local Planning Authority.

Reason: In the interest of the character and appearance of the scheme.

- 17) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: In the interest of the character and appearance of the scheme.

- 18) Prior to occupation of the buildings comprised in this development details of cycle parking (which shall be secure and covered for residents cycle parking) shall have been submitted to the Local Planning Authority, have been agreed in writing by the Local Planning Authority, and shall have been provided in accordance with the submitted details.

Reason: In the interest of sustainability.

- 19) No part of the development hereby approved shall be brought into its intended use until the vehicular parking and turning facilities have been provided in accordance with the approved plans. Thereafter they shall be retained for that purpose at all times.

Reason: To provide a safe and suitable access.

- 20) Prior to the occupation of any dwelling in the development hereby approved 4 car parking spaces to serve the residents of Weirfield Road shall be provided within the part of the application site served from the Weirfield Road access in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the said spaces shall be permanently retained and made available to serve residents of Weirfield Road unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate the loss of on-street parking spaces due to the proposed access.

- 21) Prior to its construction details of the proposed pedestrian and cycle connection of a minimum 3 metre width between the site and the residential development site to the east shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be constructed in accordance with the approved details.

Reason: In the interests of permeability and sustainability.

- 22) No part of the development hereby approved shall be brought into its intended use until the Travel Plan measures as outlined in the submitted documents has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning

Authority. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

Reason: In the interest of sustainability.

- 23) Prior to the occupation of the development hereby permitted, each residential car parking space shall incorporate an Electric Vehicle ready (active) domestic charging point which shall thereafter be provided and permanently retained.

Reason: In the interest of sustainability.

- 24) The level of noise emitted from the on-site permanent plant shall not exceed the levels in the table below (measured as a rating noise level using the methodology in BS4142:2014). The developer shall demonstrate by measurement compliance with the levels prior to occupation of the development and as requested by the Local Planning Authority thereafter. Plant rating noise levels at nearest sensitive receptors:

Daytime (07:00-23:00) 37 dB

Night (23:00-07:00) 30 dB

Reason: In the interest of the amenity of future occupiers.

- 25) Prior to the installation of any external lighting on the site, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the amenity of nearby residents.

- 26) Each dwelling hereby permitted shall be occupied only by;
- (i) A person aged 60 years or over;
  - (ii) A person aged 55 years or older living as part of a single household with the above person in (i); or
  - (iii) A person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.

Reason: The scheme is designed for a specific age group and is not suitable for unrestricted occupation.