



Appeal Decision

Hearing held on 20 February 2024

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 12 March 2024

APP/M0655/W/23/3327682

181 Warrington Road, Penketh, Warrington, WA5 2EN

- 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 Ltd against Warrington Borough Council.
 - The application, Reference 2022/42736, is dated 24 November 2022.
 - The development proposed is the demolition of the existing buildings and redevelopment to form 56 retirement living apartments for older persons with associated communal facilities, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and redevelopment to form 56 retirement living apartments for older persons with associated communal facilities, parking and landscaping at 181 Warrington Road, Penketh, Warrington, WA5 2EN in accordance with the terms of the application, Ref 2022/42736, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council did not give notice of its decision on the application within the appropriate period. As a result, there are no formal reasons for refusal. However, the Council has provided its suggested reasons for the refusal of permission had it determined the application at the point when the appeal was submitted.
3. The description of development set out above is taken from the appeal form, and differs from the wording used in the application form. Written confirmation that a revised description of development was agreed has been provided. Accordingly, I have used the new description.
4. Policies from the previous development plan have been superseded by policies from the Warrington Local Plan 2023 (the LP) since the appeal was submitted. I must base my decision on the development plan prevailing at the time of my determination. The main parties have had the opportunity to provide submissions in writing on the relevance of the new LP to the case.
5. A revised National Planning Policy Framework came into force on 19 December 2023 (the Framework). The parties were invited to submit comments on whether the revised Framework has relevance to the case.

6. The Council no longer has a concern about its suggested second and fourth reasons for refusal of permission, which concerned the proposal's effect on highway safety and the living conditions of nearby residents, and its effect on bats, a European protected species. I see no reason to disagree and consequently these matters do not fall for consideration in this decision.
7. Alternative plans were submitted during the course of the appeal. These seek to demonstrate the effect on the proposal of providing a proportion of the housing to wheelchair adaptable standard. As a result, they show a reduction in the number of apartments to be provided, in that scenario, to 54.
8. In considering whether to accept the alternative plans I have had regard to the tests in the judgment in *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin). If planning permission were to be granted based on the new plans, the change in apartment numbers and types would be likely to be a fundamental change which may cause procedural unfairness to parties involved in the appeal. It would consequently be necessary to consider whether such unfairness could be cured, for example by re-consultation. However, for the reasons given below, the development would not be carried out in accordance with the new plans, and hence would be unchanged. Thus, procedural unfairness does not arise and so it has not been necessary to consider whether to consult on the new plans. Accordingly, I have formally considered them in my decision.
9. Other documents were additionally submitted by the appellant in response to the adoption of the LP, and its new policy expectations regarding the optional national technical standards. These were a Hearing Statement produced in response to the Bedford Borough Council Local Plan 2040 Examination in Public, an appeal decision¹ of June 2021 concerning proposed apartments for older people and a copy of Approved Document M of the Building Regulations 2010. These documents had potential relevance to the appeal issues and, in the circumstances, were accepted for consideration.
10. A government consultation document, "Strengthening planning policy for brownfield development", was referred to by the appellant at the hearing. Due to the timescale of the consultation it would not have been possible to submit it within the prescribed time limits of the appeal, and the document has potential relevance to the issues under consideration. As a result, and in the absence of any objection from the local planning authority on the matter, I accepted the document for consideration.

Main Issues

11. The main issues are:

- The effect of the proposed development on the character and appearance of the area; and
- Whether it is viable and technically feasible for a proportion of the proposed dwellings to meet the requirements of Standard M4(3) of the optional national technical standards with regard to wheelchair user dwellings.

¹ APP/B1740/W/20/3265937

Reasons

Character and appearance

12. The appeal site comprises a former public house building and associated land. The surrounding pattern of development is a combination of commercial or community sites and residential properties. Whilst the majority of buildings in the vicinity have entrances which face Warrington Road, there are a number of examples of other entrance arrangements, so that main entrances at the front of buildings are not a primary characteristic of the area's appearance.
13. The proposed building would have an inverted "T" shape, with its main entrance lying towards the rear of the site. This would be accessed via a footway which would also provide access to a smaller side "shopper's entrance" nearer to the road. Whilst the building would have a substantial front elevation facing the road, this would consequently contain no accesses other than fire doors. However, given the character of the area in this regard as set out above, the development would not cause harm due to visual incongruity within its surroundings.
14. Nevertheless, the development would fail to provide an "active frontage" with a main entrance facing onto the street, as envisaged within the National Model Design Code Part 2. This would give rise to less activity and hence less visual interest within the street scene than a development with a main entrance to the front, with some resulting harm to the character and appearance of the area.
15. The building's refuse store would be sited within its south-west corner and adjacent to the sole vehicular and pedestrian entrance to the site. The store would have two floor-to-ceiling windows, which would be obscure glazed to seek to limit views of the substantial bins within. Doors to the store would have a grey colour.
16. The south-west corner of the building would be prominent within views of the development due to its location at the front of the site and adjacent to the sole vehicular access and footway. Whilst obscure glazing would reduce views of the refuse store by some degree, glimpses of the outlines of bins would still be likely to be possible, depending on their siting within the store. Although there is some precedent for the visibility of refuse bins to frontages in the vicinity, in this case the functional and transient use of the bin space would result in a lack of activity and interest at one of the most prominent parts of the development, and hence would fail to present an active frontage of the type referred to in the National Model Design Code. The grey colour of the doors against the red brick material of the wall is likely to appear muted and is unlikely to give rise to any undue prominence of the feature.
17. The building's western elevation would be prominent within views from both the public realm and from adjacent dwellings due to the location of the front entrance within it and car parking and access footway in front of it. Whilst the elevation would have a partially asymmetrical design, the use of brick, roofing materials and fenestration to match the remainder of the development would provide visual coherence. Although there would be some limited variation in roof ridge lines this would be consistent with most of the rest of the building, so that it would not appear incongruous. Any variation in roof pitch would be sufficiently minimal that it would not result in visual harm. It could be

suggested that the elevation's asymmetry would avoid any visual monotony which may arise where largely symmetrical elevations in matching materials are present to all sides of a large building. As a result, the western elevation's design would not cause unacceptable visual harm when taken in the context of the remainder of the building.

18. Nevertheless, for the reasons given above, the development as a whole would result in limited harm to the character and appearance of the area. It consequently conflicts with Policy DC6 of the LP, which states that good design should be at the core of all development proposals and should make a positive contribution to local character and distinctiveness. Further conflict exists with the design provisions of the Framework, which state that the creation of high quality and beautiful buildings is fundamental to what the planning and development process should achieve.

Wheelchair user dwellings

19. Policy DEV2 of the LP sets out that the Council will seek that, as a minimum, all homes should be provided to Building Regulation Standard M4(2) 'Accessible and Adaptable dwellings'. The Council will seek 10% of new housing to meet Building Regulation requirement M4(3) 'Wheelchair user dwellings', i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, on sites of over 0.5 of a hectare or of 10 dwellings or more. In cases where the above requirements are genuinely not viable or technically feasible, the Council will expect to see evidence of this before any lower level of provision is permitted. These policy expectations were not present in the previous local plan, which was in force during the proposal's design. Thus, the proposal did not make any provision for M4(3)-compliant dwellings at the time of the appeal.
20. Optional Requirement M4(3) of Approved Document M of the Building Regulations 2010 concerns wheelchair user dwellings. The standard sets out different requirements for wheelchair adaptable dwellings and wheelchair accessible dwellings. The LP indicates that M4(3) dwellings should be provided, in this case, to the wheelchair adaptable standard.
21. The Building Regulations document states that in order to demonstrate that a dwelling is capable of meeting the functional and spatial provisions for wheelchair adaptable dwellings, furnished plan layouts that show the access zones and other provisions should be provided.
22. Whilst the Building Regulations do not set an overall minimum floor area requirement for M4(3) adaptable dwellings, they state that M4(3) compliance will be shown where a new dwelling makes reasonable provision for a wheelchair user to live in the dwelling and to use any associated facilities. A number of matters must be demonstrated in order to make reasonable provision, including that there is sufficient internal space to make accommodation within the dwelling suitable for a wheelchair user. Minimum sizes including for clear hallway widths, wheelchair and other storage space, combined floor areas of living, dining and kitchen space, manoeuvring space and access zones are subsequently provided, and it is necessary to show how rooms could be easily adapted to meet wheelchair access provisions. Together, these requirements indicate that sufficient space within dwellings is a primary consideration if they are to be considered to be M4(3) wheelchair adaptable.

23. As the development seeks to provide 56 apartments the provision of 10% of these (rounded) to M4(3) standard would amount to six apartments. The appellant has provided new plans which seek to demonstrate the effect of providing six M4(3) apartments at the development, which they consider would reduce the total number of apartments provided to 54 due to the suggested 30% increase in floor area needed for such apartments.
24. The appellant confirmed at the hearing that the designs of the six apartments are drawn from plans for a different scheme in Bedford. At first glance, the new plans immediately suggest that provision of the M4(3) apartments would require a larger surface area than the apartments shown in the original plans for the appeal proposal. However, the submitted Bedford scheme plans blend elements of the wheelchair adaptable requirements with those of the wheelchair accessible requirements, complying with the requirements for longer kitchen worktops in accessible dwellings and, in some cases, apparently providing more storage space than the regulations require, for example.
25. As a result, whilst the new plans indicate that some elements (for example hall, bathroom and kitchen areas) of the current apartments would need to be larger to comply with M4(3) adaptable requirements, they do not fully demonstrate the effect of providing adaptable rather than accessible apartments.
26. No plan is provided to support the Council's contention that the proposed apartments would be capable of M4(3) compliance without any amendments to their size.
27. The Council places reliance on the Nationally Described Space Standard (NDSS), as well as a costing of £155 per square metre, used for dwellings to demonstrate M4(3) compliance within a viability appraisal produced to inform a local plan elsewhere. Reference is made to the view of a firm of architects that the appeal scheme's two bedroomed apartments could comply with M4(3) requirements but that this would be more difficult in the case of one bedroomed apartments where initial designs have been finalised.
28. Nevertheless, these submissions are brief in extent and do not form substantive evidence such as the plan layouts which should inform an assessment of compliance or otherwise with M4(3). Furthermore, it is unclear whether the potential apartments elsewhere are comparable to those currently proposed, so that an assessment of their relevance is not possible. Moreover, the NDSS and M4(3) standards are separate matters, and it is unclear whether their conflation in this way results in evidence which should attract weight. These submissions consequently attract only very limited weight.
29. In view of these considerations and the new plans, which I consider to suggest that a greater floor area would be needed in both one and two-bedroomed apartments (even if not to the extent shown), the evidence does not assure me that the planned development would make reasonable provision for a wheelchair user to live in any of the proposed dwellings without amendments to their size. As a result, I consider that it is most likely to be necessary to increase the floor area of six of the proposed apartments in order to meet M4(3) requirements.
30. Thus, even though it is likely to be technically feasible to provide a proportion of larger apartments at the development (pending potential re-consultation on

such amendments), it is necessary to consider any effect which any resulting reduction in apartment numbers may have on the scheme's viability.

31. The Council accepts that the provision of six apartments to M4(3) standard would increase the cost of the development and considers that this would be by no more than £30,000, based primarily on the cost of ensuring that walls and ceilings are adequate to provide support for any necessary future fittings, and without allowing for any increase in apartment size. It does not provide evidence to show how this figure has been calculated, but considers that such an additional cost would reduce the "headroom" figure which has been agreed by the parties to be available as a contribution to the provision of affordable housing.
32. The appellant considers that the cost of the requested M4(3) provision would be greater, at £291,705. This figure is based on calculations supplied with the appellant's local plan policy representations to the Bedford Local Plan. These calculate that a one-bedroomed apartment with a floor area of 50 square metres would need to increase to 65 square metres to be M4(3) compliant, at a total cost increase of £42,179. They suggest that a two-bedroomed apartment would need to increase from 75 square metres to 97.5 square metres for compliance, at a total cost increase of £55,056.
33. The size of the apartments currently proposed, without confirmed M4(3) compliance, is 51 square metres for a one-bedroomed apartment and 76 square metres for two bedrooms. They are consequently comparable in size to those considered in the Bedford plan representation. The provision of fixtures and fittings for M4(3) compliance is calculated to cost approximately £16,000 per apartment. Whether this is wholly necessary is disputed, so that the total cost of M4(3) compliance may be less than the appellant submits.
34. The application was submitted with a viability assessment which was assessed by an independent assessor on behalf of the Council. It was agreed that the proposal could viably provide a financial contribution of £121,530 towards affordable housing, without providing M4(3) apartments.
35. There is an identified need in the borough, as set out in its Local Housing Needs Assessment Update, for affordable housing of all tenures. In response to this, LP Policy DEV2 expects 30% of the proposal's dwellings to be provided as affordable housing. LP Policy IN5 sets out the circumstances when planning obligations will be sought. The policies allow for the provision of a commuted sum in lieu of on-site provision in some circumstances, which are considered by the parties to apply in this case. The submitted completed planning obligation provides for a contribution of £121,530 towards affordable housing. The obligation provides for the payment of the Council's reasonable legal fees by the applicant and I see nothing to suggest that this provision is not justified. In these circumstances I consider that the obligation would be fairly and reasonably related to the development proposed and that it passes the statutory tests within Regulation 122 of the Community Infrastructure Levy Regulations 2010.
36. It is undisputed that the M4(3) provision sought by Policy DEV2 would increase the cost of the development. The Council's assessment of this at £30,000 is unevidenced and consequently attracts only minimal weight. The appellant considers that the cost increases for M4(3) provision would remove the

contribution to affordable housing provision and would make the development unviable.

37. As I consider that it would be most likely to be necessary to increase the size of the six apartments to enable M4(3) compliance, it follows that the cost of such provision may well be greater than the Council's assessment of £30,000, which did not allow for increases in apartment size. This is because an increase in the size of a number of apartments at the development would reduce the total number of apartments provided and hence may affect the development's overall value.
38. Thus, for the reasons given above, I consider that the cost of the requested M4(3) compliance is most likely to be somewhere between the Council's assessment of £30,000 and the appellant's of £291,705. Any additional cost would reduce the amount available as an affordable housing contribution. As a result, whilst it is likely to be technically feasible for a proportion of the proposed dwellings to meet the requirements of Standard M4(3), it is also likely that the proposal before me could not viably make this provision.
39. It is consequently not viable for a proportion of the proposed dwellings to meet the requirements of Standard M4(3) of the optional national technical standards with regard to wheelchair user dwellings. The proposal therefore complies with Policy DEV2 of the LP, the provisions of which are set out above. As a result, in this case it is unnecessary for any of the proposed housing to be provided to M4(3) standard.

Other Matters

40. I note concerns raised regarding the proposal's effect on the historic environment, energy efficiency and highway congestion. However, I do not identify any unacceptable harm to arise from these matters, in the absence of substantive contradictory evidence.
41. The Framework states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if their adopted plan is less than five years old, and that plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
42. The LP was adopted in December 2023 and there is no dispute that the above criteria are met. Thus, the authority is not currently required to identify and update annually a five-year housing supply.

Planning Balance

43. The development would result in limited harm to the character and appearance of the area, with resulting conflict with the development plan and the Framework.
44. In terms of benefits, it is undisputed that part of the site (comprising the building, former parking area and former beer garden) forms previously developed land (PDL), and I see no reason to disagree with this assessment. Whilst I note the proposal to strengthen support for brownfield development, as this is currently under consultation it may be subject to amendments before implementation, or it may not be implemented. The document consequently

attracts only minimal weight in support of the appeal proposal. Nevertheless, in accordance with the Framework, I give substantial weight to the value of the proposal's partial use of PDL within a settlement for homes.

45. There is no dispute amongst the parties that over the last 23 years there has been an annual delivery rate of seven units of private sector retirement living housing in Warrington compared to an identified annual need for the plan period for 106 units, as set out in the Local Housing Needs Assessment of 2021. Furthermore, the Planning Practice Guidance indicates that, nationally, the need to provide housing for older people is "critical". In light of these considerations, the scheme's delivery of this type of housing, in a location with good access to facilities and public transport, attracts significant weight.
46. The contribution in respect of affordable housing is a benefit which attracts moderate weight as it would address an identified and outstanding need in a group with specific housing requirements.
47. Occupiers of the proposed development would be likely to use local services and facilities, and evidence is provided which suggests that a higher use would be made of these than by the occupants of other types of housing. The development is consequently likely to provide a small local economic boost, which is a consideration which attracts limited weight in support.
48. Economic benefits would also arise from the construction phase of the development, and from the creation of a small number of permanent jobs. Due to the temporary nature or small number of these, these benefits would be limited.
49. Evidence is provided to suggest that this type of development results in social and health benefits for occupiers. Evidence is additionally provided to suggest that the provision of specialist housing such as that proposed increases the availability of larger properties to the market, as they are vacated when their occupiers move into the new housing. These considerations attract limited weight as the levels of benefit are unquantifiable.
50. Overall, the considerable benefits of the scheme outweigh the limited harm arising from the conflict with the development plan and Framework. Material considerations consequently indicate that the application should be determined otherwise than in accordance with the development plan.

Conditions

51. I have made minor amendments to the wording of some of the suggested conditions for clarity.
52. The plans condition is imposed to create certainty for all parties and to allow for applications for minor material amendments.
53. Condition 3 concerning the protection of bats is imposed to ensure the adequate protection of the protected species and to comply with LP Policies DC3 and DC4.
54. Condition 4 concerning the optional national technical standards is imposed in the interests of maximising the accessibility of the site in accordance with LP Policy DEV2.

55. Conditions 5 and 6 concerning potential contaminated land are imposed to mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion, as required by LP Policy ENV8.
56. Condition 7 concerning a construction method statement is imposed to ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce any effects on the living conditions of surrounding occupiers, in accordance with LP Policies DC6 and ENV8.
57. Conditions 8 and 9 concerning drainage are imposed to promote sustainable development, to secure proper drainage and to manage the risk of flooding and pollution, in accordance with LP Policy ENV2.
58. Condition 10 concerning trees is imposed to secure the satisfactory landscaping of the site in the interests of visual amenity and to ensure that ecological habitat can be maintained on the site, in accordance with LP Policy DC6.
59. Condition 11 concerning cycle spaces and buggy storage is imposed in order to promote sustainable transport options, in accordance with LP Policy INF1.
60. Condition 12 concerning landscaping is imposed to secure the satisfactory landscaping of the site in the interests of visual amenity and to ensure that ecological habitat can be maintained on the site in accordance with LP Policies DC4 and DC6.
61. Conditions 13 and 14 concerning noise are imposed to ensure a satisfactory standard of living environment for occupiers of the development, in accordance with LP Policy ENV8.
62. Condition 15 concerning boundary treatments is imposed to secure the satisfactory landscaping of the site in the interests of visual amenity and highway safety, in accordance with LP Policies INF1 and DC6.
63. Condition 16 concerning access is imposed in the interests of the safe operation of the neighbouring highway, in accordance with LP Policy INF1.
64. Condition 17 concerning access and parking is imposed in the interests of the safe operation of the neighbouring highway and to ensure that parking provision is maintained for the lifetime of the development in accordance with LP Policy INF1.
65. Condition 18 concerning high-speed internet is imposed to ensure that the service is provided at the development in accordance with LP Policy INF3.
66. Condition 19 concerning bat boxes is imposed to ensure the adequate protection of the protected species and to comply with LP Policies DC3 and DC4.
67. Condition 20 concerning noise is imposed to protect the living conditions of nearby occupiers, in accordance with LP Policy ENV8.
68. Condition 21 concerning lighting is imposed to ensure that there is no overspill of lighting beyond the site boundary that could cause harm to the living standards of neighbouring occupiers or adversely affect the amenity of the wider area, in accordance with LP Policy ENV8.

69. Condition 22 concerning occupancy is imposed in order that an age restriction for the occupiers of the scheme is in place, which is necessary and reasonable because it is promoted as specialist housing for older persons.

Conclusion

70. For the reasons given above, I conclude that the appeal should be allowed.

C Beeby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Heather Sargent
Matthew Shellum
Nick Wood

Counsel for the appellant
Planning Director, Planning Issues
Chartered Architect, Planning Issues

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Carney	Major Applications Team Leader, Warrington Borough Council
Philip Forster	Development Management Officer, Warrington Borough Council
Phil Peak	Principal Officer, Highway Development Control Team
Mark Stancombe	Registered Architect and Urban Design Officer, Warrington Borough Council

INTERESTED PARTIES:

Geoff Ross
Mary Ross

DOCUMENTS

Consultation document: Strengthening planning policy for brownfield development (Department for Levelling Up, Housing and Communities, published 13 February 2024)

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: Site Location Plan (50012PK/PL01), Site Plan (50012PK/PL02 Rev E), Ground Floor Plan (50012PK/PL03 Rev C), First Floor Plan (50012PK/PL04 Rev C), Second Floor Plan (50012PK/PL05 Rev C), Roof Plan (50012PK/PL06 Rev B), South and West Elevations (50012PK/PL07 Rev C) and North and East Elevations (50012PK/PL08 Rev C), Bat Survey Report of Tyler Grange (TG Report No. 15234_R03_DP dated 16.10.2023), 15234/P03 Bat Box Plan.
- 3) The development shall be carried out in accordance with the recommendations set out in Section 4 of the approved Bat Survey Report of Tyler Grange "TG Report No. 15234_R03_DP" dated 16.10.2023.
- 4) The development shall be carried out so that it achieves Building Regulation Standard M4(2) 'Accessible and Adaptable dwellings'.
- 5) No development (except demolition and site clearance) shall take place until the works in Sections A and B below are undertaken and completed:

A: CHARACTERISATION: With consideration to human health, controlled waters, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems and archaeological sites and ancient monuments, the following documents must be completed (as required) to characterise the potential risk of contamination to sensitive receptors and submitted to the LPA for approval: 1) Preliminary Risk Assessment of the risks posed by contamination (PRA or Desk Study); 2) Generic Quantitative Risk Assessment (GQRA) informed by Intrusive Investigation; 3) Detailed Quantitative Risk Assessment (DQRA); 4) Remedial Options Appraisal. Submission of a PRA is the minimum requirement. The DQRA shall only be submitted if the GQRA findings require this.

B: REMEDIATION & VALIDATION STRATEGY: As determined by the findings of Section A above, a Remediation (if required) and Validation Strategy shall be submitted in writing to and agreed with the LPA. The strategy must detail the proposed remediation measures and how works will be verified.

The actions required in Sections A and B above shall be completed in accordance with the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011) or in an equivalent British Standard if replaced; C665 (CIRIA, 2007).
- 6) The development shall not be occupied until the works in Section A and B below have been undertaken and completed:

A: REMEDIATION AND VALIDATION: Remediation (if required) and validation shall be carried out in accordance with an approved strategy. Following completion of all remediation and validation measures, a Validation Report

shall be submitted to the local planning authority for approval. The Validation Report shall include information verifying any remedial measures; details of imported fill materials (source/quantity/suitability); details of exported fill materials; and details of any unexpected contamination, as described in Section B below.

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

The actions required in Sections A and B above shall be completed in accordance with the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011) or in an equivalent British Standard if replaced; C665 (CIRIA, 2007).

7) No development shall take place, including any works of demolition, until a Construction, Highways and Environmental Management Plan (CHEMP) has been submitted to, and approved in writing by the local planning authority. The CHEMP shall review all demolition and construction operations proposed on site, including logistics. The CHEMP shall provide for the following areas of work on a phase-by-phase basis, identifying appropriate mitigation measures as necessary:

Highways and Traffic:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials. For the avoidance of doubt, all construction vehicles shall load/unload within the site and not on the highway;
- Street sweeping, street cleansing and wheel washing facilities.

Site Layout and Storage:

- Proposed locations of site compound areas;
- Storage of plant and materials used in constructing the development.

Environmental Controls:

- Phasing of works including start and finish dates;
- Delivery, demolition and construction working hours;
- Details of activity on site outside the stated construction hours, e.g. workers/security on site, movement, setting up or dismantling of equipment, lighting, installation of services;
- Measures to control the emission of noise, vibration, dust and dirt during construction, including consideration of the use of low emission non-road mobile machinery.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved CHEMP shall be adhered to throughout the construction period for the development.

8) No development shall take place until details of the implementation, adoption, maintenance and management of a sustainable surface water drainage scheme and a foul water drainage scheme shall have been

submitted to and approved in writing by the local planning authority. Those details shall include:

- (i) An investigation of the hierarchy of drainage options in the Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365 (or any subsequent version);
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 5 litres per second;
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) The incorporation of mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) The drainage of foul and surface water on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage (or any subsequent version).

9) No building hereby permitted shall be occupied until the sustainable drainage system for the site shall have been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance scheme.

10) Notwithstanding Condition 2, no site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees, shrubs and vegetation both within and adjoining the site (the tree protection plan); the appropriate working methods for development within root protection areas in accordance with BS 5837:2012 (or in an equivalent British Standard if replaced); proposed materials; excavation depths; and finished levels shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

11) Any above-ground construction works shall not take place until details of the six covered and secured cycle spaces and buggy storage shall have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details. The cycle spaces and buggy storage shall thereafter be retained.

12) Any above-ground works shall not take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. The soft landscaping works shall be carried out in the first planting and seeding season following the occupation of the buildings. Any trees or plants which within a period of five 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.

13) Construction work shall not take place above ground floor slab level until a scheme for protecting the development from noise both within and outside the building shall have been submitted to and approved in writing by the local planning authority. This scheme must achieve the internal noise levels set out below and include any transportation, industrial, commercial and entertainment noise and shall be based on findings from an appropriate noise assessment.

The following noise levels will need to be achieved in habitable rooms and outdoor areas as set out in BS8233:2014 (or in an equivalent British Standard if replaced) and/or World Health Organisation Guidelines:

- Daytime Noise (07:00-23:00) Living Rooms & Bedrooms: 35 dB LAeq,16hr
- Daytime Noise (07:00-23:00) Dining Areas: 40 dB LAeq,16hr
- Daytime Noise (07:00-23:00) Outdoor Amenity Areas: in accordance with Paragraph 7.7.3.2 of BS8233:2014 (or in an equivalent British Standard if replaced)
- Night-time Noise (23:00 – 07:00) Bedrooms: 30 dB LAeq,8hr
- Night-time noise (23.00 – 07.00) Bedrooms: 45dB L_{max} no more than 10-15 times per night (WHO guidelines).

The internal noise levels shall be capable of being achieved with windows open. For the purposes of calculation and unless specific window attenuation calculations are provided, noise reduction through a partially open window should be assumed to be 15dBA. If the above levels cannot be achieved with open windows, then the scheme shall also include provisions for acoustically treated mechanical ventilation that will not compromise the acoustic performance of any proposals.

All works which form part of the noise scheme shall be completed before any part of the development is occupied, and shall be retained thereafter.

14) Prior to the first occupation of the approved use or any individual phase of development, the developer shall submit a validation report, in writing, to the local planning authority, demonstrating the inclusion of all noise mitigation measures as agreed, along with a report to show evidence of the installation of mitigation measures within the building to validate the submitted proposal scheme.

15) No dwelling hereby permitted shall be occupied until details of all means of enclosure to the site boundaries (including security measures as appropriate) shall have been submitted to and approved in writing by the local planning authority. The agreed details shall be implemented before the development hereby permitted is brought into use and shall be retained thereafter.

16) No dwelling hereby permitted shall be occupied until the existing vehicular access onto Warrington Road has been closed in accordance with the approved Site Plan 50012PK/PL02 Rev E.

17) No dwelling hereby permitted shall be occupied until the access onto the highway shall have been constructed and the areas indicated to be set aside for parking and servicing shall have been surfaced, drained and permanently marked out or demarcated in accordance with the approved plans. The parking and servicing areas as constructed shall be retained thereafter.

18) No dwelling hereby permitted shall be occupied until a scheme for ensuring the supply of high-speed internet to all residents shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use and shall be retained thereafter.

19) No dwelling hereby permitted shall be occupied until three Schwegler 1FF bat boxes shall have been installed in accordance with the recommendations of Section 4 of the approved Bat Survey Report of Tyler Grange "TG Report No. 15234_R03_DP" dated 16.10.2023.

20) Any externally-located plant or equipment shall not cause an increase in the ambient background sound level at the boundary of the nearest dwelling to the plant or equipment. Any equipment which is not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted.

Any externally-mounted plant or equipment at the boundary of the nearest dwelling to the plant or equipment should not exceed the existing background sound level in accordance with the results of a BS4142:2014 (or an equivalent British Standard if replaced) noise assessment.

21) Prior to the erection of any external lighting at the development, details of its position, height and specification shall have been submitted to and approved in writing by the local planning authority. The scheme shall be based on an assessment of its illumination of the site using isolux drawings and shall show any overspill lighting beyond the site boundary. Where necessary, mitigation measures or installation requirements shall be clearly identified within the scheme to minimise the overspill of light beyond the site boundary. Once approved, the agreed scheme shall be implemented in full prior to the commencement of use of that lighting and shall be retained as approved thereafter.

22) Each unit of the development hereby permitted shall be occupied only by:

- (1) Persons aged 60 years or older;
- (2) Persons aged 55 years or older living as part of a single household with such a person or persons; or
- (3) Persons aged 55 years or older who were living as part of a single household with such a person or persons who have since died.

*****End of Schedule of Conditions*****