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# Appeal Decision

Site visit made on 26 March 2024

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 May 2024

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**Appeal Ref: APP/U2750/W/23/3331533**

**65 Wetherby Road, Knaresborough, North Yorkshire HG5 8LH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Gladman Retirement Living against the decision of North Yorkshire Council.
  - The application Ref is ZC23/02201/DVCMAJ.
  - The application sought planning permission for development of retirement apartments with care (Use Class C2) including the demolition of existing buildings, formation of new vehicular access, parking, retaining structures, hardstanding, sewer diversion, erection of substation, refuse and maintenance stores, with associated works to trees, landscaping, formation of communal facilities and amenity space without complying with a condition attached to planning permission Ref 21/02251/FULMAJ, dated 19 December 2022.
  - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in strict accordance with the following drawings as modified by the further conditions of this permission: Location Plan 09999-P2-201, Site Plan 09999-P2-203 Rev B, Building Appearance 09999-P2-232 Rev A, Building Elevations 09999-P2-231 Rev A, Floor Plans 1 09999-P2-221 Rev A, Floor Plans 2 09999-P2-222 Rev A, Site Sections 09999-P2-214 Rev A, Site Sections 09999-P2-212 Rev A, Landscape Strategy 09999-P2-241 Rev B, Materials Statement 09999-P2 December 2021 Rev A.*
  - The reason given for the condition is: *In order to ensure compliance with the approved drawings.*
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## Decision

1. The appeal is allowed and planning permission is granted for development of retirement apartments with care (Use Class C2) including the demolition of existing buildings, formation of new vehicular access, parking, retaining structures, hardstanding, sewer diversion, erection of substation, refuse and maintenance stores, with associated works to trees, landscaping, formation of communal facilities and amenity space at 65 Wetherby Road, Knaresborough, North Yorkshire HG5 8LH in accordance with the application Ref ZC23/02201/DVCMAJ, without compliance with condition numbers 2, 5, 6, 7, 14, 15, 16, 21, 22, 28 previously imposed on planning permission Ref 21/02251/FULMAJ dated 19 December 2022 and subject to the conditions in the attached schedule.

## Preliminary Matters and Background

2. Following the submission of the appeal, the Government published a revised National Planning Policy Framework (the Framework). The policies relevant to this appeal did not change significantly and thus it was not necessary to consult

the parties. Where necessary, I have had regard to the new Framework in my decision.

3. The approved permission sought to deliver 61 apartments. This application was subsequently amended under section 96(a) of the Town and Country Planning Act 1990 to reduce the number of units to 55. From what I understand, this did not alter the overall design of the building, which remained no higher than 3-storeys.
4. The proposal seeks to increase the number of apartments back to 61 through amendments to the approved drawings. The proposal would introduce a fourth storey on one part of the building. The Council refused permission for this on the basis that the changes to the approved scheme would be harmful to local distinctiveness and character.

### **Main Issues**

5. The main issue is the effect of the proposed development on the character and appearance of the area.

### **Reasons**

6. The principle of development has already been established and construction is already underway. There is clearly more than a theoretical likelihood that the extant permission would be implemented in full if this appeal were dismissed. This 'fallback' position is a very significant material consideration. The outcome of this appeal does not affect the extant permission. As such, it is not necessary for me to consider the principle of development or whether the approved elements remain acceptable. I have therefore limited my consideration to the difference in effect between the approved plans and the proposed revisions.
7. The revised plans would result in the creation of one 4-storey element on the northern part of the building. The remainder of the building, including its broad design, height, footprint and materials used would not change. The scale and massing of the majority would therefore remain as approved. What is permitted already constitutes a building that would be highly prominent in the street scene. This would particularly be the case when travelling along Wetherby Road. The addition of a fourth storey would increase this prominence to an extent, although it would make up only a relatively small part of the building overall. From some viewpoints, the change would not be perceived at all. However, even from where it would be more obvious on Wetherby Road, the additional storey would have a relatively small effect on the building's overall visual impact on the area.
8. The site is set at a substantially lower level than surrounding buildings. As such, although the fourth storey element would appear taller than 63 Wetherby Road, this would not be by a significant amount. There would also be a reasonable space between No 63 and the four-storey part of the building such that it would not appear as an unduly intensive or imposing structure. While four storey buildings may not be prevalent in the area, the topography of the area means that the development would not appear untoward, nor would it compete with buildings farther afield, such as the listed Church. This is some distance away and would not be affected by the development. I am therefore

satisfied that the alterations sought would complement what has been permitted and not stand out as an unduly incongruous or discordant feature.

9. Moreover, the plans do not suggest that the outward appearance of the building would change dramatically from what has been permitted. Part of the building would be taller, but the additional storey would match the detailing of the rest of the building. As such, it would complement what has already been considered acceptable. There would also be a high degree of articulation across the building, both in terms of height and footprint, which would break up the mass of the building, such that it would not appear as a monolithic structure. The variation in materials would also provide a degree of visual interest that would also help break up the structure's mass. While some trees may have already been removed, there are conditions requiring the implementation of a landscaping scheme. While this may not completely screen the development, particularly the upper storeys, it would still help to soften the overall impact of the building.
10. Overall, I do not consider the increase in height of part of the building would result in a materially more harmful impact than what has already been permitted. The additional storey would increase the prominence of the building to a degree, but this would be subsumed within the overall impact of what would be a large building in any event. Given what has been approved, the additional storey would not appear out of place. The changes in levels would ensure the development would not appear excessively tall or intrusive. As the revised designs do not differ in terms of materials or general appearance, I also do not consider they would be harmful to local distinctiveness.
11. I am therefore content that the revisions to the plans would not result in unacceptable harm to the character and appearance of the area. As such, there would be no conflict with Harrogate and District Local Plan 2014-2035 (2022) Policy HP3 which seeks, amongst other things, to ensure development protects, enhances or reinforces local characteristics. There would also be no conflict with paragraph 135 of the Framework, which includes provision for development to add to the overall quality of the area, be visually attractive, and sympathetic to local character.

### **Other Matters**

12. The site lies within the setting of the Grade II listed Gimbald Bridge. It is also within the Knaresborough Conservation Area. The principle of development has already been established and the effect of development considered acceptable. The increase in height of part of the building would have no additional impact on the setting of the bridge or the significance of the conservation area. The revised plans would therefore have a neutral effect on the heritage assets. This does not weigh against the proposal.
13. The distances between buildings would ensure that any increase in height would not have an undue impact on the outlook or privacy of existing dwellings. While the development may be more prominent in views from nearby dwellings, including those on Fountains View, it would not have an overbearing impact on existing properties. There should also be no greater impact in terms of noise or disturbance. The proposed development would not therefore have a materially greater effect on the living conditions of any occupants than the permitted scheme. There should also be no greater impact

on highways or highway safety, especially as 61 dwellings were initially permitted.

14. Any issues relating to the works currently underway, including concerns about health and safety or removal of trees, are outside the scope of the appeal. Similarly, criticism of the appellant's use of this procedure or their motives for changing the design have not had any bearing on my decision. Whether or not there is a need to change the design is also not a matter for me to consider. From the evidence before me, the previously refused application for a 4-storey development differs to what is before me and thus does not weigh against this proposal, which I have considered on its own merits. I am also content that the appellant's evidence, including drawings and photomontages, are robust. None of these matters alter my decision.

### **Conditions**

15. By allowing this appeal a new planning permission is created. The Planning Practice Guidance advises that, for clarity, decision notices for the grant of planning permission under S73 should restate the conditions imposed on earlier permissions that continue to have effect, unless they have already been discharged. The Council and appellant have suggested new conditions that seek to reflect those which have already been discharged. It is permissible under S73 to impose new conditions provided they do not materially alter the development. It is therefore logical for these to replace discharged conditions where they meet the relevant tests.
16. Where I have no information about the status of other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event these have since been discharged, that will be a matter which can be addressed by the parties.
17. I have imposed a condition stipulating the timescales for which development must start. I have amended the suggested condition such that it reflects the date of the original permission. A decision made under S73 cannot extend the time period within which a development must start (1). For certainty, I have imposed a condition establishing the approved plans. Here I have used the list provided by the Council (2). In the interests of highway safety and accessibility, I have reimposed conditions requiring the delivery of the site access, off-site mitigation measures and footpath improvements (3,4,5,6). I have also included new conditions in these respects which reflect the matters already discharged.
18. In the interests of the living conditions of nearby residents and safety, I have imposed a condition requiring adherence to the previously agreed Construction Method and Management Statement (7). For the same reason, I have reimposed a condition requiring the approval and implementation of a Parking Management Strategy (31). In the interests of tree protection, I have reimposed conditions relating to tree protection (8,9). In the interests of flooding, drainage and water management, I have reimposed the conditions relating to finished floor levels, flood mitigation, avoiding the existing sewer, foul and surface water mitigation measures, the approved drainage strategy and the Flood Evacuation and Management Plan (10, 11, 12, 13, 22, 29, 30).
19. To ensure issues relating to ground conditions and potential mitigation are addressed I have imposed conditions requiring adherence to the previously

- agreed Geo-Environmental Report and Remediation Strategy (14, 15, 16). I have reimposed the condition relating to the completion of any measures in the Remediation Strategy (17).
20. In the interests of the living conditions of nearby residents I have reimposed the conditions relating to odour control (18). The appellant has indicated that a discharge of condition application had been made at the time of the appeal. However, I have had no confirmation of the outcome of this and so the original condition is imposed. For the same reasons, I have reimposed the conditions relating to light and noise (19, 20).
21. In the interests of biodiversity, I have imposed a condition ensuring adherence to the previously agreed Construction Environmental Management Plan (21). In the interests of character, appearance and biodiversity, I have reimposed the conditions relating to the approval and implementation of a landscaping scheme (23, 24). Again, I have no information as to whether a pending discharge of condition application has been approved and thus have used the original wording for condition 23.
22. To support the Council's climate change objectives, I have reimposed conditions relating to electric vehicle charging points and solar panels (25, 26). The latter condition reflects changes previously approved by the Council as a non-material amendment. In the interests of character and appearance, I have reimposed conditions relating to window design (27). For the same reason, I have imposed a condition requiring adherence to previously agreed details relating to materials (28).
23. Where the suggested conditions from the Council and appellant differ, I have preferred the Council's suggested wording. This is because I do not have any detailed information as to what has been approved or not as part of any discharge of condition. I am content, however, that all of the conditions are necessary and meet the relevant tests.

### **Conclusion**

24. The proposal accords with the development plan as a whole and thus, for the reasons given above, I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but substituting others and restating those undisputed conditions that are still subsisting and capable of taking effect.

*S J Lee*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 19 December 2025.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following drawings:
  - Location Plan 09999-P2-201
  - Site Plan 09999-P2-203 Rev B
  - Building Elevations 09999-P3-331
  - Floor Plans 1 09999-P3-321
  - Floor Plans 2 09999-P3-322
  - Site Sections 09999-P2-214 Rev A
  - Site Sections 09999-P3-312
  - Landscape Strategy 09999-P2-241 Rev B
- 3) The development must not be brought into use until the access to the site has been set out and constructed in accordance with the Specification for "Housing and Industrial Estate Roads and Private Street Works" published by the local highway authority and the following requirements unless otherwise approved in writing by the local Highway Authority. The crossing of the highway verge and footway must be constructed in accordance with the approved details to Standard Detail number E7, be a minimum of 5.5 metres in width, and provide the footway link to the existing footpath as shown on the approved drawing P18017- 001E.
  - i Any gates or barriers must be erected a minimum distance of 4.8 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
  - ii Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on drawing Standard Detail E7 and maintained thereafter to prevent such discharges.
  - iii The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
  - iv The existing footway crossing point on Wetherby Road must be upgraded to include tactile crossing guidance, and where the new proposed footpath link joins the existing footpath network, the footway width must be widened to 2 metres.
  - v Measures to enable vehicles to enter and leave the site in a forward gear.All works must accord with the approved details.
- 4) There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 2.4 metres x 56 metres measured along both channel lines of Wetherby Road from a point measured down the centre line of the access road. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

- 5) No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the following plans approved under application 23/00197/DISCON unless alternative details have been submitted to and approved in writing by the local planning authority:

- Vehicular, Cycle and Pedestrian Access and Parking 09999-XX-C-PL-610-003 Rev P02;
- Highways S278 New Entrance GA 09999-XX-C-PL-620- 002 Rev P02;
- Swept Path Refuse Vehicle 09999-XX-C-PL-610-004 Rev P01;
- Swept Path Delivery Vehicle 09999-XX-C-PL-610-005 Rev P03;
- Swept Path Fire Tender 09999-XX-C-PL-610-007 Rev P01.

Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

- 6) The following schemes of off-site highway mitigation measures must be completed as indicated below:
1. Uncontrolled crossing northwest of proposed access. Uncontrolled crossing improvements to include:
    - Widening of dropped kerbs;
    - Removal of existing tactile paving to the back of footway;
    - Tactile paving to be provided for extent of dropped kerbs;
    - Northern footway to be widened and cleared of debris;
    - Existing 'Reduce Speed now' signage to be relocated outside of proposed footway; Existing road markings to be replenished;
    - Additional 'SLOW' road markings to be provided on approach to existing road hump.
  2. Vegetation/ debris within Wetherby Road southern footway:
    - Clear vegetation/debris and tidy up the general appearance of the footpath.
  3. Substandard tactile paving, poor road surface and worn road markings at Wetherby Road/ Abbey Road junction. Junction improvements to include:
    - Wider dropped kerbs either side of junction;
    - Tactile paving to be provided for extent of dropped kerbs and laid to a depth of 1200mm - Road to be resurfaced where necessary;
    - Road markings to be replenished.
  4. Substandard crossing facilities at turning head east of Grimbald Bridge. Crossing facilities to include:
    - Dropped kerbs on either side of the turning head to be located along the desire line;
    - Tactile paving to be provided for extent of dropped kerbs and laid to a depth of 1200mm;
    - Amendments to the footway on the eastern side of the crossing to improve pedestrian desire line to either northern/ southern KR1.
  5. Misleading tactile/ substandard tactile paving arrangements at various uncontrolled crossing points east of Grimbald Bridge. Existing tactile paving layout to be removed as this is misleading for the visually impaired, and replaced with suitable tactile paving/corduoy hazard

warning surface arrangements appropriate for shared cycle track/footway crossings.

6. Construction of the approved footpath link and associated infrastructure improvements as shown on plan P21094-006A dated 3 May 2022.

The above highway improvement works must be carried out using an approved NYCC contractor and be completed prior to the proposed development's first occupation.

An independent Stage 2 Road Safety Audit must be carried out in accordance with GG119. Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the local planning authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the following engineering details and programme approved under application 23/00589/DISCON unless alternative details have been submitted to and approved in writing by the local planning authority:

- Highways 278 Extent of Works - 09999-XX-C-PL-620-001 Rev P02
  - Highways 278 Adoption Plan - 09999-XX-C-PL-620-000 Rev P01
  - Highways 278 New Entrance GA - 09999-XX-C-PL-620-002 Rev P03
  - Highways 278 Existing Services - 09999-XX-C-PL-620-003 Rev P07
  - Highways 278 Crossing Upgrades Sheet 1 of 2 - 09999-XX-C-PL-620-004 Rev P02
  - Highways 278 Crossing Upgrades Sheet 2 of 2 - 09999-XX-C-PL-620-005 Rev P02
  - Highways 278 Road Markings, Signs & Sight Lines - 09999-XX-C-PL-620-006 Rev P02
  - Highways 278 Construction Details - 09999-XX-C-PL-620-010 Rev P02
  - Services Diversions Report, Adlington, January 2023
  - Stage 2 Road Safety Audit - 610/2022/155/01 Rev 1, 12 November 2022
  - Stage 2 Road Safety Audit Designers Response, Adlington, December 2022.
- 7) Unless alternative details have been first submitted to and approved in writing by the local planning authority construction of the permitted development must be undertaken in strict accordance with the approved Construction Management Plan – Construction Method and Management Statement by Gladman Homes LLP, March 2023.

- 8) Prior to any operations commencing on the site in connection with the development hereby approved (including any demolition work, soil moving, bringing materials onto site, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery), the developer shall implement the agreed specification for root protection area (RPA) and detail (as per FPCR Arboricultural Assessment dated April 2021) fencing in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction - Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences until all development the subject of this permission is completed.
- 9) The applicant is to retain, throughout the development process, including the proposed tree planting (as per the approved plans), the arboricultural consultant who is to forward a monthly progress report to the LPA. The progress report is required to demonstrate that the trees are being protected in accordance with the submitted detail, and any approved Method Statement or other documentation, during the course of the development. The retention of the arboricultural consultant will aid in the development process where it applies to trees in all forms eg no dig road, Root Protection Area enforcement and tree planting.
- 10) The development shall be carried out in accordance with the submitted flood risk assessment (ref SHF.1255.004.HY.R.002.G dated December 2021) and the following mitigation measures it details within section 5:
- Finished floor levels shall be set no lower than 36.55metres above Ordnance Datum (AOD);
  - There is to be no built development within flood zone 3b and no raising of ground levels within flood zone 3. All excess spoil is to be removed from the floodplain and disposed of appropriately;
  - The development shall be constructed with a floodable basement, the sole purpose of which shall be for the storage of flood flows. The basement is to be built in accordance with drawing Nos 09999-P2-215 & 09999-P2-232, should be designed and built to drain by gravity, and, is to have a soffit of 35.85mAOD. The basement is also to have a floodable volume of at least 600m<sup>3</sup>. The basement is to be managed and maintained as per Table 5.4 of document SHF.1255.004.HY.R.005.B so that the full flood storage volume remains available for the lifetime of the development. A detailed management and maintenance plan should be agreed with the LPA prior to occupation of the development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 11) No building or other obstruction including landscape features shall be located over or within: a) 3.5 (three point five) metres either side of the centre line of the public 675 mm diameter sewer i.e. a protected strip width of 7 (seven) metres, that crosses the site; and b) 3 (three) metres either side of the centre line of the public 225 mm diameter sewer i.e. a

- protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the local planning authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
- 12) The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
  - 13) There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the local planning authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
    - i) Evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
    - ii) The means of discharging to the public sewer network at a rate to be agreed by the local planning authority in consultation with the statutory sewerage undertaker.
  - 14) Unless alternative details have first been submitted to and approved in writing by the local planning authority the development hereby permitted shall be carried out in strict accordance with the approved Phase II Geo-Environmental Report SHF.1255.012.GE.R.001.A dated November 2022 by Enzygo Geo Environmental.
  - 15) Unless alternative details have first been submitted to and approved in writing by the local planning authority site remediation shall take place in strict accordance with the land contamination remediation strategy contained in the approved Phase II Geo-Environmental Report SHF.1255.012.GE.R.001.A dated November 2022 by Enzygo Geo Environmental.
  - 16) Land contamination remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 15. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered or identified in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
  - 17) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a land contamination Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of

the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the local planning authority.

- 18) Prior to the commencement of the external construction of the walls of the development hereby approved a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from commercial cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority.
- 19) Prior to the first occupation of the development a scheme for the minimisation of the effect of light glare on nearby properties shall be submitted to the local planning authority for written approval. The submitted scheme shall include an isolux diagram showing the predicted luminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The approved works shall be completed before any lighting equipment to which this approval relates to is operated and shall be maintained during such operation for the life of the development.
- 20) Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Report, dated April 2021, reference GM10886, Version 004 V1 Final and produced by Wardell Armstrong :
  - a) Shall be completed; and
  - b) Written evidence to demonstrate that the specified noise levels (including the noise design criteria for all mechanical plant and extraction systems) have been achieved shall be submitted to and approved in writing by the local planning authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the local planning authority before the development is first brought into use.
- 21) Unless alternative details have first been submitted to and approved in writing by the local planning authority the development hereby permitted must be carried out in strict accordance with the approved Construction Ecological Management Plan Rev A by FPCR dated 23.02.23 and approved under application 23/00089/DISCON. All subsequent works on site must be undertaken in accordance with the approved CEMP, which must be

incorporated as a biodiversity chapter of the wider site Construction Environmental Management Plan. Species-specific enhancements such as the provision of faunal boxes must be in place prior to the first occupation of the new building. A copy of the Construction Ecological Management Plan must be available on site and accessible to site operatives at all times during construction.

- 22) Unless alternative details have first been submitted to and approved in writing by the local planning authority the development hereby permitted must be carried out in strict accordance with the approved Drainage Strategy and Calculations by Adlington Retirement Living dated December 2022 and the Sustainable Drainage Management and Maintenance Plan by Adlington Retirement Living dated December 2022. The flowrate from the site shall be restricted to a maximum flowrate of 3.5 litres per second to public sewer for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
- 23) A detailed scheme for landscaping, including the planting of trees (in broad accordance with the submitted Tree Mitigation Plan drawing no. 8603-L-01 Rev G & 8603-L-02 Rev G dated 8 May 2021) and or shrubs and the use of surface materials shall be submitted to the local planning authority prior to the commencement of any external construction of the walls of the development hereby approved. The scheme shall specify materials, species, tree and plant sizes, number and planting densities and the timing of the implementation of the scheme, including any earthworks required. The landscape scheme is to be implemented the planting season (October to March) after completion of the permitted development.
- 24) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the local planning authority, to survive for a period of five years from the date of completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the local planning authority.
- 25) Unless alternative details have first been submitted to and approved in writing by the local planning authority the development hereby permitted must be carried out in strict accordance with the electric vehicle infrastructure strategy and implementation plan as set out in the Electric Vehicle Charge Points Document v2 and the External Works Plan 00000-XX-C-PL-610-000 Rev P07 approved under application 23/00090/DISCON. The development shall be carried out as approved with charging points installed prior to occupation.
- 26) Prior to occupation of the development hereby approved, a scheme for the installation of the solar panels shall be submitted in writing for the

written approval of the local planning authority. The scheme shall include: (a) Details of design and specification of the solar panels; (b) Timing of installation; and (c) Submission of MCS Certificates upon completion. The development shall be carried out in strict accordance with the approved details.

- 27) The windows on the permitted development, unless alternative details are submitted to and approved in writing by the local planning authority, shall have 75mm window reveals.
- 28) Unless alternative details have first been submitted to and approved in writing by the local planning authority the development shall be constructed in strict accordance with the materials approved under application ZC23/01543/DISCON.
- 29) Prior to first occupation of the development a Flood Evacuation and Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.
- 30) Notwithstanding details as approved by Condition 2, should any further alterations be considered necessary to levels on site, full details of existing and proposed site levels, finished floor levels and any changes to the surrounding landform must be submitted in writing to the local planning authority and approved prior to any such changes taking place.
- 31) Prior to first occupation of the development a Parking Management Strategy shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

Schedule ends.