



Appeal Decision

Inquiry held on 19, 20 and 21 August 2008

Site visit made on 21 August 2008

by **JP Roberts** BSc(Hons) LLB(Hons) MRTPI

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

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Decision date:
7 January 2009

Appeal Ref: APP/P0119/A/08/2069226

67-73 Bath Road, Longwell Green, Bristol BS30 9DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by McCarthy and Stone (Developments) Ltd. against the decision of South Gloucestershire Council.
- The application Ref, PK07/2616/F dated 31 July 2007, was refused by notice dated 9 November 2007.
- The development proposed is redevelopment to form 29 sheltered apartments for the elderly including associated communal facilities and car parking.

Please note:

This decision is issued in accordance with section 56(2) of the Planning and Compulsory Purchase Act 2004 and supersedes that issued on 26 November 2008.

Decision

1. I allow the appeal, and grant planning permission for redevelopment to form 29 sheltered apartments for the elderly including associated communal facilities and car parking at 67-73 Bath Road, Longwell Green, Bristol BS30 9DF in accordance with the terms of the application, Ref PK07/2616/F dated 31 July 2007, and the plans submitted with it, subject to the conditions listed in the Annex to this Decision.

Procedural matters

2. The reasons for refusal included the failure of the proposal to make contributions towards library services, public art, and public transport infrastructure, and also alleged that the level of amenity space proposed was inadequate. The Council subsequently decided not to pursue their objections about public art or the level of amenity space.
3. A unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 was submitted for the appellants at the inquiry, which offered financial contributions towards affordable housing, library services and public transport infrastructure. The Council agreed that the undertaking overcame the reasons for refusal relating to library services and public transport matters.

4. Additional plans were submitted by the appellants at the Inquiry, but these illustrated particular features and did not change the nature of the proposal.

Main issues

5. The main issues are:
 - i) whether the proposal would harm the character and appearance of the surrounding area or the setting of the adjacent listed building at 65 Bath Road, and,
 - ii) whether the proposal would make suitable provision for affordable housing.

Reasons

Character and appearance

6. The site does not lie in a conservation area and nor is it subject to any other designation in respect of its character. It is currently occupied by three buildings, two of which appear as dwellings and the third is a former dwelling last used for conservatory sales. Their design is unexceptional and the Council has no objection to their removal. The site fronts Bath Road, the main street in Longwell Green, a significant feature of which is a row of roadside plane trees, which would be unaffected by the proposal.
7. The density would be about 88 dwellings per hectare, which exceeds what the Council's Supplementary Planning Document (SPD) *South Gloucestershire Design Checklist* says may be appropriate for such a location. However, the SPD concerns about density relate mainly to implications for travel and accessibility, which the Council accepts is not of concern in this case, rather than design.
8. The proposed development would comprise a single block with single storey, two storey, two and a half storey and three storey elements. It would sit forward of the existing buildings on the site. The Council argues that this siting would appear out of character with the building line on this part of Bath Road. However, from what I saw on my visit, I cannot agree that there is any obvious building line. Forward visibility along the road is interrupted by the substantial plane trees on the roadside verge and by other planting. Buildings to the south and north of the appeal site would be further forward than the appeal building, and in such a context, I consider that the proposed block would not appear obviously incongruent and I find no harm arising in this respect.
9. I see some force in the appellants' argument that the wider building on the road frontage would reinforce a sense of enclosure. Although the roadside plane trees create some enclosure, it is mainly from the road and would have less impact in winter. The public footway runs between the trees and the properties along Bath Road, and the building would provide a stronger sense of continuity and enclosure.
10. I acknowledge that the building would be large and extend deep into the site. The Memorial Hall on Shellards Road is bigger than the proposed building, and whilst it is relevant to the overall character of the area, its importance to this proposal is limited because it is not seen in the same vistas as the appeal site.

However, the height of the proposed building would be similar to nearby buildings. There are also large buildings in the area which are clearly non-domestic in scale and character, such as the flats at Longwell House on the opposite side of the road, All Saints Church and the petrol filling station to the south-west.

11. The block would fit reasonably with the mix of building heights in the area, and the space on either side of the building would assist in ensuring that the scale, massing and bulk would not be out of place. Amongst such a mix, I consider that there is no clear grain to the pattern of buildings in the vicinity of the appeal which it is important to respect.
12. All Saints Church to the south-east is a large building, but I do not regard it as a landmark because of its screening, and its limited height and set back position from Bath Road. The proposed block would not project forward of the existing building line to any great extent, and would not materially affect important views of the church. Whilst the church is a valuable part of the character of the area, I consider that there would be sufficient space between it and the proposed block to ensure that its role in the street scene would not be unduly diminished.
13. In an area lacking any clear unifying character, I consider that the important objective is to ensure that any building has its own distinct identity. The bulk of the building would be broken up into clearly identifiable elements which would possess a domestic scale. The massing of the building would reflect its purpose, and would be readily distinguishable from its neighbours, but again, in an area with a mixed character, I consider that it would fit in satisfactorily in the street scene. There is generally simplicity in the design of buildings in the locality, and I consider that the repetition of hips and gables reflects that simplicity of approach, whilst imbuing it with an identity of its own.
14. Turning to the Council's criticisms of the design of the building the southern corner and the south-east elevation of the building would be the most prominent in views because of the openness of the church car park next to it, and the gap in the street trees adjacent this part of the site. Owing to its visibility, this part of the building would play a key role in giving an overall impression of the building.
15. Whilst there would be no eye-catching architecture on either the south-eastern corner or the south-east facing elevation, I consider that there would be sufficient articulation and visual interest to avoid the building seeming bland. Whilst the Council criticises the mix of roof and window forms as lacking rhythm or coherence, I consider that the mix of hips and gables provides an element of consistency and the variety would avoid monotony and would present a lively frontage.
16. The elevations facing Bath Road and the church car park would be fringed by a path and landscaping, clearly signalling the private nature of these parts of the building, whilst the vehicular access to the site, and the main entrance would be highlighted by a taller element with an entrance porch. In my view, the layout and elevations would provide clear legibility.
17. The building would use a mix of materials all of which are found in the surrounding area, including stone panels, stone window surrounds, two colours

of render and white weatherboarding. The Council argued that such a mix would be fussy and complex; in its context of buildings with a more restrained use of materials I agree that the use of two colours of render, along with other materials, would be uncharacteristic, and would draw attention to the diverse components of the building.

18. However, I see no reason why the arrangement of materials could not be the subject of a condition. The relationship of the site to surrounding buildings is not so complex or sensitive that it is essential that an acceptable palette of materials has to be determined before planning permission is granted. I have no doubt that this is a matter which could readily be left for the Council to agree subsequently, and this would be consistent with the advice in paragraph 47 of Circular 11/95 *The Use of Conditions in Planning Permissions*.
19. Although I have considered the proposal on its own merits, my views are reinforced by the Council's view that an as yet undetermined proposal for a 28 unit scheme, which in my opinion, is not significantly different from this proposal, provides the basis for addressing the Council's concerns.
20. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area or conflict with South Gloucestershire Local Plan (LP) Policies D1 and H2 which are concerned with good design and residential development respectively.

Effect on the listed building

21. 65 Bath Road is a Grade II listed building located close to the junction of Bath Road with Watsons Road. It comprises a render and stone built two-storey dwelling in a reasonably large garden. The curtilage of the dwelling is well defined by a stone wall along the road boundaries and by planting on the boundary with the appeal site. The neighbouring properties are of a more modern era and do not form part of the historical context of the listed building. Nevertheless, the listed building is part of a predominantly residential street, and the street scene forms part of its setting.
22. The proposed block would be located further away from the listed building than the nearest existing house at 67 Bath Road. However, the much greater depth of the block and its higher elements would ensure that it was visible from public viewpoints around the listed building.
23. At the inquiry the Council conceded that the photographic impressions submitted in evidence were inaccurate, and that the amended versions prepared by the appellants were correct. There is a considerable difference between the two impressions, and the inaccuracy of the Council's version makes me question whether the Council's appreciation of the effect on the listed building was well-founded.
24. In my view, the setting of the listed building is predominantly made up of a backdrop of more modern houses and their gardens. From Watsons Road, the listed building can be seen over the garden wall of the property, and there is a degree of openness between the house and the outbuilding fronting Watsons Road. The roof and upper part of 67 Bath Road can be seen in this vista, and the proposal would result in a longer building being seen, but further away. In my view, this would not materially alter the setting.

25. From Bath Road, there would be a change in the relationship between the listed building and its neighbours. However, I consider that the proposal would not overwhelm the listed building. The property has strong planting on the boundary with appeal site, and there would be a significant planted area in the northwestern corner of the appeal site. I consider that the contribution that greenery makes to the setting of the building from this viewpoint would largely be retained.
26. Despite the larger scale and bulk of the proposal, I find that the garden of the listed building and the gap between its southern boundary and the nearest part of the proposed building would be sufficient to prevent an overwhelming impact. Whilst the materials of the proposed building would include different ones from those used on the listed building, the existing dwellings adjacent to it are dissimilar in both form and materials.
27. In comparison with the existing houses, the larger size of the proposed building and the use of some dissimilar materials would be offset by the greater distance between it and the listed building, and by what I consider to be an improvement in the setting by the creation of a gap between the curtilage of No 65 and the nearest part of the proposed block.
28. The proposed building would impinge on views of the hills to the east, but in my judgement, these views are already limited to a narrow viewpoint near the corner of Watsons Road and Bath Road and are not an important part of the building's setting.
29. I therefore find that the proposal would preserve the setting of the listed building and would not conflict with LP Policy L13 which encompasses that aim.

Affordable housing

30. The most relevant policy is LP Policy H6, which sets out detailed expectations in respect of affordable housing. The Council's *Affordable Housing Supplementary Planning Document (SPD)* is currently in draft form, but I was told at the Inquiry that it is to be adopted in September this year. In view of the advanced stage it has reached, I afford it significant weight.
31. The policy seeks a target of 33.3% of housing to be affordable. It is common ground between the parties that, if it is economically viable to do so, a full contribution towards affordable housing should be made. The Council accepts that the normal requirement for on-site provision is not appropriate in this case, because it recognises that there is no need for sheltered affordable housing, and that general needs affordable housing on the site would give rise to unacceptable highway dangers arising from the increased traffic generation. I agree that in these circumstances, a commuted sum to finance off-site provision would be appropriate.
32. The main parties agree that a full off-site contribution would, in the absence of viability considerations, fall within the range of £414,471 to £683,858. Whilst there is no agreement on the precise figure, it is unnecessary for me to delve into this further, because the Council has agreed that a contribution of £414,471 would be acceptable, based on the methodology adopted in other

- recent appeals¹ relating to the pro-rata cost of providing affordable housing units. This was not based on any assessment of viability, because viability was not in dispute in those appeals.
33. The appellants' stance at the Inquiry was that the viability of the proposal would only allow a contribution of £115,000 to be offered. This would fund only 1 or 2 affordable housing units, and is well below the target of 33.3% sought in the Council's policy.
 34. The difference between the parties turns on likely costs and market conditions, factors to which Policy H6 says the Council will have regard. In looking at economic viability, the SPD (at 10.4) says that applicants should provide "open-book" evidence. No such evidence has been submitted by the appellants, and the Council has not sought it.
 35. Instead, the main parties have both approached the question of economic viability on a generic basis, using site specific circumstances, but applying generic inputs to the appraisal. The Council's SPD endorses the principle of this approach by not taking into account what the applicant has paid for the land. I consider that this is a sensible method of assessment, as any planning permission runs with the land and the viability assessment would be of equal applicability to any developer. I also recognise that to do otherwise, and to require a developer to reveal commercially-sensitive information could be highly damaging in a competitive market.
 36. Thus, it is irrelevant when looking at economic viability whether the particular appellants in this case could afford the Council's target contribution figure. Thus, I attach little weight to the appellants' initial offer in March 2008 of £414,471 as an affordable housing payment. It is clear from what I was told at the Inquiry that the offer was not made on the basis of a viability assessment.
 37. The appellants' first economic viability assessment was carried out in June 2008, when a revised offer of £378,050 was made. Subsequently the offer of £414,471 was reinstated verbally over the telephone. I agree with the Council that there have not been any significant changes in circumstances between then and the date of the inquiry which would affect viability. The precise circumstances surrounding the initial offer are opaque, but I consider that it would be bizarre to conclude that the offer was made by professional agents with close relationship with the appellants without their authority. Even so, there may have been commercial considerations which motivated the offer and I cannot assume that the offer necessarily reflected generic economic viability.
 38. I was told for the appellants that the June assessment was undertaken by someone who is not a valuer and was unfamiliar with carrying out viability assessments, and that the appellants' subsequent assessment was carried out by a specialist with expertise in the field. It seems to me that I should attach greater weight to that latter evidence, even though by that time a greater gross development value for the site was forecast.
 39. The appellants and the Council have both based viability assessments on the Housing Corporation Economic Appraisal Toolkit (HCEAT). This toolkit provides a generic means of arriving at the residual land value (RLV) of the site after the

¹ APP/P0119/A/07/2050865 & APP/P0119/A/07/2062186

cost of the development, including the developer's reasonable profit, has been taken into account. The difference between the RLV and the existing site value provides a basis for ascertaining the viability of contributing towards affordable housing. The Council's assessment arrived at a RLV of £1,564,523, which would enable the full affordable housing contribution of £414,471 to be paid.

40. A significant difference between the parties concerns the appropriate method of calculating the costs of constructing the development. The Council argues that using the BCIS² mean cost for three-storey sheltered housing schemes (£929/sq.m) is the most appropriate way of doing so. However, that figure disguises the fact that there is a significant variation around the mean (varying from between £597/sq.m and £1798/sq.m).
41. The BCIS data reveals that there is a clear difference between the building costs for public and private sheltered housing schemes, with the mean private sector schemes being 13% more costly than the equivalent public sector projects. This suggests to me that the private sheltered housing schemes would cost more than the three-storey sheltered housing mean. The HCEAT user manual indicates that BCIS information is extremely useful for estimating and checking build cost information for a given scheme. However, it does not say that the mean figure should be adopted, and thus it seems to me to be reasonable not to adopt such a figure which because of the inclusion of lower cost public sector schemes, would not be representative of private schemes.
42. The appellants' most recent assessment adopts a build cost figure of £1160/sq.m., which includes a 10% contingency, 5% above the HCEAT toolkit recommended percentage. The HCEAT toolkit was produced in October 2007, at which time the property market was buoyant. Since then there has been a marked downturn in the economy and the housing market in particular, and against a background of rising material and fuel prices, I consider that a 10% contingency would be prudent.
43. The appellants' figures also build in costs relating to energy efficient measures compliant with Code Level 3 of the Code for Sustainable Homes. Whilst such measures are not mandatory as yet, they are nevertheless encouraged in both local and national policies, and they will be required by April 2009, within a relatively short time after this decision. I therefore find it realistic, desirable and appropriate to include such costs.
44. I was told that the figure was tested against actual costs of three other schemes, but all of these relate to unspecified projects in London and the south-east of England. No specific details of these sites were provided, and I attach little weight to this means of validating the appellants' costs figures.
45. Other inputs to the toolkit methodology I have less concern about. I consider that the HCEAT toolkit guide figure for a development profit of 15%, adopted well before the current decline in market conditions should not be rigidly adhered to. The appellants have adopted a figure of 17%. Although there is a shortage of sheltered accommodation in the area, it seems that the appellants are not immune from the effects of the current economic climate. I was told at the inquiry that work has been suspended on 2 sites and that some 200 people

² Building Cost Information Service 2 August 2008

- in the company have been made redundant. Not only might construction costs rise, but sales might take longer to achieve, increasing interest paid on finance, and sales prices might also go down. In such circumstances, and with no recovery in the market in sight, it seems to me that there are significant risks in developing such a site, which can be appropriately reflected in a higher development profit. Bearing in mind that the 15% figure is only a guideline, I do not think that a 17% figure is unreasonable.
46. The appellants' appraisal incorporates interest payable using LIBOR³ rates, which I was told were now generally used in the development industry. Thus whilst the HCEAT toolkit suggests that interest should be based on bank rates, I do not find it unreasonable to adopt a generally used interest rate, especially having regard to the changes in the market since the publication of the HCEAT toolkit.
47. The Council also criticised other aspects of the appellants' assessment, relating to the time taken to start the development, the likely build period and the likely pattern of sales. There are also inconsistencies in some of the various costings so that it is not possible to compare like with like. I recognise that many of these factors can be arguable; but from what I have read and heard, there is nothing that indicates to me that the appellants' estimations are unreasonable, or substantively inflate the building costs in an unjustified manner.
48. The HCEAT user manual warns of the draw-backs of the model, and says that inaccurate estimates of any of the key variables can have a disproportionate effect on the residual answer. The Council argues that the appellants have loaded or inflated their model inputs to come up with a low residual value, but taken in the round, I am not convinced that this is the case.
49. The Council sought to test its RLV assessment with reference to another site subject of the one of the appeals mentioned in paragraph 31. However, there is some force in the appellants' argument that the viability of that scheme cannot be assumed because the development has not gone ahead, and whilst I do not attach undue weight to the appellants' suggestion that the developer wishes to dispose of the site, it adds to my reasons for not wishing to use that as a yardstick indicating clear viability.
50. I therefore conclude on this issue that the proposal would make suitable provision for affordable housing and would not conflict with the objectives of LP Policy H6.

Other matters

51. Any reservations that I may have about the balance of viability arguments are outweighed by what I consider are clear benefits of the proposal. Whilst there would be some highway safety benefits and a wider planning benefit in making a more efficient use of previously developed land in a sustainable location, these do not carry much force. The proposal would provide some affordable housing benefits which the fallback position of resuming the existing uses would not. But to my mind, the more compelling benefit is the provision of a kind of housing which is in particular need.

³ London Inter-Bank Offered Rate

52. The Council accepts that there is a shortage of open market sheltered accommodation, but argues that the need is for accommodation which would meet the longer-term needs of the elderly. This is specifically identified in the South Gloucestershire / NHS Primary Care Trust *Joint Accommodation and Care Strategy for Older People in South Gloucestershire* which identifies a particular need for "Extra Care" accommodation, which would not be provided by the proposal. Such accommodation would cater for people's long term needs and provide facilities like meals and 24 hour care.
53. Whilst I have no doubt that there is a need for such accommodation, this does not mean that there is not also a need, as well as a demand, for accommodation of the type proposed. I consider that it is likely that many prospective occupiers would never need, want or possibly be able to afford the kind of facilities offered in private market Extra Care accommodation. Bearing in mind that there are no vacancies in private sheltered accommodation in the district, I consider that the proposal would contribute towards meeting some of the requirements of older people, consistent with an objective of Planning Policy Statement 3 (PPS3): *Housing*.
54. Car parking, a buggy and cycle store and electricity sub-station would be located near to the northern boundary of the site, adjacent gardens of 65 Bath Road and dwellings on Watson Road. Whilst there might be some noise from cars using the parking spaces, I would not envisage that there would be large numbers of traffic movements, and consider that any disturbance from such parking or the use of the cycle and buggy stores would be acceptable within a residential area. I see no reason why the electricity sub-station should result in noise sufficient to disturb neighbours.
55. Whilst the proposed building would have windows to habitable rooms at first floor level facing the bungalows on Watsons Road, I am satisfied that there would be sufficient distance between them to ensure that there would be no material harm through overlooking.
56. The Highway Authority has no objection to the amount of car parking proposed, and given the particular characteristics of the likely occupiers of the building I have no reason to think that the level of provision would not be sufficient.
57. I have had regard to the terms of the unilateral undertaking offered by the appellants and on the basis of the evidence before me, I see no reason to doubt the appropriateness of the contributions offered for transport and library services.

Conditions

58. A number of conditions were agreed as part of the main parties' statement of common ground, which I have considered in the light of national advice and the discussion at the Inquiry. A condition requiring drainage details to be provided is necessary to promote sustainable drainage. I have amended the wording of the condition agreed by the main parties to deal with the possibility that ground conditions might preclude sustainable drainage systems.
59. The provision of parking is required for highway safety reasons, and cycle parking and refuse storage details are needed for sustainable travel, environmental and amenity reasons. Hard and soft landscaping details are

- required in the interests of appearance and means of protecting the highway plane trees are needed for the same reason.
60. Details of external lighting are needed to protect the living conditions of local residents and in the interests of appearance. Details of external materials and specifications of stonework are also needed for reasons of appearance.
61. The appellants wished a condition to be imposed to require that the development meets Code 3 of the Code for Sustainable Homes. One of the Council's concerns about such a condition relates to the Council's resources to approve any details, but I consider that the most straightforward means of ensuring compliance is for the development to be certified. Whilst the code is voluntary, the appellants are willing to comply, and as it is part of the justification for the level of affordable housing contribution offered, I consider that there are sound planning reasons to impose such a condition.
62. The Council wished a number of conditions to be imposed which required details to be submitted within 6 months of the date of the decision. Whilst I recognise that this would have advantages in terms of the Council's monitoring of conditions, it could be unduly onerous should any developer wish to implement towards the end of the life of the planning permission, or indeed, not wish to implement it at all, and I see no compelling reason to impose it.
63. Advice in Circular 06/05 *Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System* indicates that developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development, and if there is, it should be undertaken before planning permission is granted. There is insufficient evidence in this case to justify a survey.
64. For the reasons given above I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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Instructed by Ms Juliet Gill, South
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She called
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DOCUMENTS

Document 1 List of persons present at the inquiry
Document 2 Planning obligation submitted by Mr Manley
Document 3 Letter from C Gosling dated 10 July 2008 submitted by Mr Manley

- Document 4 Rebuttal proof of Mr Mitchell
- Document 5 Financial analysis & BCIS figures submitted by Miss Ornsby
- Document 6 Correspondence between Mr Mitchell & Mr Cox
- Document 7 Rebuttal proof and appendices of Miss Ross
- Document 8 Affordable Housing Supplementary Planning Document
- Document 9 Extracts from South Gloucestershire *Joint Accommodation and Care Strategy for Older People in South Gloucestershire*
- Document 10 e-mail from Mr Mitchell dated 4 August 2008

PLANS

Plans A Bundle of plans Refs: 1464/SUP/01, 04 and 07

Plans B Bundle of plans Refs: PA1464/2/20, 21 & 22

PHOTOGRAPHS

A Photo montage Refs 1464/SUP/05 and 06

ANNEX

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Development shall not begin until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage (SuDS) scheme, in accordance with the principles of sustainable drainage systems set out in Planning Policy Guidance Note 25: Development and Flood Risk (PPG25) and the results of that assessment have been provided to the local planning authority. The assessment shall take into account the design storm period and intensity; methods to delay and control the surface water discharged from the site; and, measures to prevent pollution of the receiving groundwater and/or surface waters.
- 3) Surface water drainage works shall be carried out in accordance with details that have been submitted to and approved in writing by the local planning authority before the development commences. Those details shall include a programme for implementing the works. Where, in the light of the assessment required by condition 2, the local planning authority concludes that a SuDS scheme should be implemented, details of the works shall specify:
 - a) a management and maintenance plan, for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime; and
 - b) the responsibilities of each party for implementation of the SuDS scheme, together with a timetable for that implementation.
- 4) The off-street parking facilities shown in the approved plans shall be provided before the building hereby approved is occupied and thereafter shall be retained for that purpose.
- 5) Prior to the commencement of development, detailed plans showing the provision of cycle parking and refuse storage facilities shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the building hereby approved.
- 6) Prior to the commencement of development, a scheme of landscaping which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development, proposed planting and times of planting, boundary treatments and areas of hardsurfacing and other hard landscaping shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) Prior to the commencement of development a method statement specifying a "no dig" construction method in the vicinity of the plane

trees on the public highway shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 8) Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the approved details.
- 9) Notwithstanding the approved plans, details of the roofing and external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
- 10) Sample panels of stonework, demonstrating the colour, texture and pointing shall be erected on site and approved in writing by the local planning authority before any stonework is constructed. The approved samples shall be kept on site for reference until the stonework is complete. The development shall be carried out in accordance with the approved details.
- 11) The apartments shall achieve Level 3 of the Code for Sustainable Homes. No apartment shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 12) The sheltered apartments hereby permitted shall only be occupied by persons aged 60 years or over or, in the case of occupation by couples, one occupant is aged 60 years or over and the other 55 years or over.