



Appeal Decision

Inquiry held on 12 June 2012

Site visit made on 12 June 2012

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

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

Decision date: 9 October 2012

Appeal Ref: APP/D0121/A/12/2168918

Former Portishead Primary School Site, Slade Road, Portishead, BS20 6BD

- 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 The Church of Jesus Christ of Latter Day Saints (GB) and Gladman Care Homes Ltd. against the decision of North Somerset Council.
 - The application Ref 11/P/0267/F, dated 31 January 2011, was refused by notice dated 12 December 2011.
 - The development proposed is Development of Use Class C2 Residential Accommodation with Care (Supported Independent Living with Care) Comprising 51 Apartments for People Aged 55 and Over.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3/4 storey (including basement level) residential institution (Use Class C2) comprising 51 apartments for supported independent living for those over age 65 with associated facilities including parking, landscaping, refuse compound and electricity sub-station at the former Portishead Primary School Site, Slade Road, Portishead, BS20 6BD in accordance with the terms of the application, Ref 11/P/0267/F, dated 31 January 2011, subject to the conditions listed in the Annex to this Decision.

Procedural matters

2. The application was amended after its submission and I shall take the amended plans into account. The main parties agreed an amended description of the proposal which appears on the decision notice, viz.

Erection of 3/4 storey (including basement level) residential institution (Use Class C2) comprising 51 apartments for supported independent living for those over age 55 with associated facilities including parking, landscaping, refuse compound and electricity sub-station.

3. The parties have agreed that occupation should be limited to those aged over 65 years and subject to that caveat I shall adopt the description as it appears on the decision notice.
4. The appellants submitted a unilateral undertaking at the Inquiry, which deals with occupancy of the development as well as financial contributions towards footpath improvements, library facilities and the upgrading of Somerset Hall. I shall refer to these in more detail below.

5. I adjourned the Inquiry on 12 June 2012 and subsequently visited Arlington House, Rhos-on-Sea. Both of the main parties made further written representations about what I saw at the visit, which I have taken into account, and the Inquiry was closed in writing.

Main Issue

6. Whether or not the development needs to provide affordable housing.

Reasons

7. The sole issue between the main parties is whether or not the proposed use falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Put simply, if it does, the agreed position between the parties is that no affordable housing is required, on the basis that a C2 use meets an important social need, as provided for in the Council's Affordable Housing Supplementary Planning Documents, adopted in 2008.
8. If the proposal does not fall within Class C2, then in accordance with the provisions of Policy CS16 of the recently adopted North Somerset Core Strategy, the development should make provision for affordable housing, either on site, or in lieu of such provision, in the form of a financial contribution of about £1,255,617. The parties further agree that if I find that the proposal falls outside Class C2, then the appeal should be dismissed.
9. The Core Strategy was adopted after the publication of the National Planning Policy Framework (the Framework). On the basis of the evidence before me, there is nothing which leads me to conclude that Policy CS16 is in conflict with policies in the Framework.
10. It is an agreed position that there is a considerable unmet demand for affordable housing in the district, including that for older people, and that the planning system is failing to address this need, in that the call for such accommodation is increasing year by year. The provision of affordable housing is therefore a matter of considerable importance. The Framework makes it clear that planning authorities should seek to address identified need for all housing, including affordable housing.
11. It is also agreed that there is considerable demand for extra care accommodation of the type proposed here, and that the proposal would contribute to meeting that demand. However, it is not part of the appellants' case that this benefit would outweigh the need to provide affordable housing if I find that such provision is necessary. Nevertheless, the contribution that the proposal would make to meeting this need is also an important material consideration.
12. The appellants say that what is proposed is not a care home, but is termed "Housing with Care" (HwC), providing residents with independence but with care provided, the extent of which would vary depending on individual needs, although a minimum amount of care would be paid for and provided for all residents.
13. Use Class C2 is defined in the Order as:

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

14. Only the first use type is relevant here. Elsewhere in the Order, "care" is defined as meaning "*personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment*". The Council accepts that, through the operation of the pre-admission assessment mechanism undertaken by the care providers and the terms of the unilateral undertaking, the proposed occupiers of the development would be "people in need of care" as defined in the Order, and that the level of care facilities available would be suitable to provide care for such occupiers.
15. Both parties agree that the starting point to assess the relevant use of the proposal is to establish what is the planning unit involved in this case. The proposed development would comprise a single building containing 51 apartments, with a mix of one, two and three bedrooms. Also within the building would be a bistro/kitchen/dining room, a communal lounge, a community room to include IT and library facilities, a quiet lounge, a hairdressing salon and an assisted bathroom, all of which would be available for use by residents. There would also be a reception area/shop, an office and a staff room.
16. Each of the apartments would have its own living room, bathroom and toilet and fully equipped kitchen, and one, two and three bedroom apartments are proposed; in other schemes residents often use the third bedroom as a dining room or for some other purpose. The developers aim to provide high quality accommodation, and on the basis of what I saw in what I am told is a broadly comparable scheme at Arlington House, Rhos-on-Sea, I would agree that each of the apartments would provide well-designed and high quality accommodation.
17. The leading case of *Burdle v Secretary of State for the Environment* [1972] 3 All ER 240 sets out three broad categories for assessing the appropriate planning unit. Firstly, where it is possible to recognise a single main purpose of the occupier's use of his land to which other activities are incidental, the whole unit of occupation should be considered. The entire unit of occupation may also be considered where a number of activities are carried on, and where it is not possible to say that one is incidental or ancillary to the other. A third situation is that where within a single unit of occupation, two or more physically different and distinct areas are occupied for substantially different and unrelated purposes. In such a case, each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit.
18. The Council argues that the third Burdle category applies here, and that each of the apartments is a self-contained unit of accommodation, occupied independently of other parts of the building, and falls within Use Class C3, which the Order defines as:

*Use as a dwellinghouse (whether or not as a sole or main residence) by -
(a) a single person or by people to be regarded as forming a single household;*

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

19. The Council suggests that the communal facilities and staff accommodation falls within separate planning units. Each of the flats would provide all the facilities necessary for independent living. They would be leased by the occupiers, who would have possession of their own property, and would have a lockable front door. However, the care provider, Methodist Housing for the Aged (MHA) would have a key, and would enter the apartment in an emergency or by arrangement with the resident. I am told that residents in private care homes have a similar arrangement. It would be a condition of the lease that occupiers could not provide their own locks. Whilst most landlords would not enter into such a benevolent arrangement, this would not significantly interfere with the occupiers' independence of living.
20. On their own, and looked at in isolation, I have no doubt that each of the apartments is capable of being seen as falling squarely within Use Class C3, because they would provide all the necessary attributes of a separate dwelling. However, it is necessary to look at the interrelationship between the apartments and the rest of the building, and this goes beyond the physical arrangement, and involves an examination of the use of the separate parts and the building as a whole.
21. It seems to me that the provision of care pervades the whole of the development, and this is demonstrated in a number of ways. Occupiers pay for between 2 and 4 hours of personal care per week, whether they need or want it, although the assessment undertaken by MHA prior to occupation is designed to establish that prospective residents are in need of the kind of care offered in a HwC scheme of this type. That charge is significant, typically amounting to £3380 per annum, on top of a service charge of up to £2340 per annum, which I am told is significantly more than would be expected in sheltered retirement accommodation. The evidence from Ms Britton of MHA is that in her experience, other than for the spouse of a person in need of care, no-one would take up accommodation in a HwC scheme who did not need that care, and in my view, the cost of the care charge would be likely to deter anyone from seeking to live there who did not need care.
22. The compulsory charges pay for a minimum amount of care, but I was told that most occupiers receive more than the minimum level. The amount of care varies depending on the age of the particular HwC scheme, as newer premises with recently arrived residents tend to require less extra care initially, but care needs increase with length of stay. I was told that a typical HwC scheme would have about a third receiving the minimum amount of care, a third receiving a greater amount, and a third requiring quite extensive care.
23. Of 7 HwC schemes operated by MHA identified in Ms Britton's evidence (11.1.2), the average number of hours of extra care per apartment varies between establishments, with Rhos on Sea (a recent development) providing an average of 1.76 hours of extra care per apartment and Wolverhampton providing an average of 9.9 hours per apartment. Extra care hours are charged at £15.45 per hour, and thus it is clear that the provision of additional care is both an important part of the business model, but also an important requirement for occupiers.

24. By arrangement, residents in such premises receive a daily "care call" from a care assistant, and in the event of no reply being received from the occupier, staff may enter the accommodation using the staff key, which also distinguishes the operation of a HwC from sheltered accommodation.
25. The care provision is reflected in the staffing of the premises. It is anticipated that up to 23 staff (15 full time equivalents) would be employed at the premises, and would include a manager, kitchen staff and care assistants. Care would be provided to residents in a similar manner to a residential care home, including palliative care. There would be a member of staff on duty throughout the night, with access to a senior manager if necessary.
26. MHA also operate a "stay put" fire evacuation policy, where in the event of a fire, staff would take responsibility for the evacuation of residents, wherever they happened to be in the premises. Thus occupiers would potentially put their safety or even their lives in the hands of MHA, an onerous responsibility, and something that would be most unlikely to be found in sheltered accommodation.
27. There would be daily events provided for residents in and outside of the premises, who are free to take part or not as they wish. These include outings, exercise classes, games, crafts and religious services. On my site visit to Rhos-on Sea, a development of 51 apartments, I saw that 10 residents were eating in the bistro and was told that a further 10 had meals prepared in the kitchen which were taken to residents' rooms, although I do not know whether others had eaten in the bistro earlier, or whether what I saw was typical. Even so, I have no doubt that the provision of these facilities would not be viable if they were not reasonably well used.
28. In *Church Commissioners for England v Secretary of State for the Environment* (1996) 71 P&CR, the Court accepted that in the case of a large shopping centre, there could be two units of occupation, the centre as a whole, occupied by the landlords, and the individual shops, occupied by tenants. Whilst the Court accepted that the individual shop unit was the appropriate planning unit in that case, it was held to be a matter of fact and degree for the decision maker to decide what is the appropriate planning unit for the purpose in that particular case.
29. Here, I find that the primary purpose of the building as a whole is to provide residential accommodation and care to people in need of care, as the care element is the reason people choose to live there, and is an integral part of everyday life. The facilities provided for residents are not only significant in terms of their extent, but it is also clear from Ms Britton told me and from what I saw on my visit to the Rhos-on-Sea premises, that they are well used by residents, and are an integral part of many residents' lives. I consider that it would be wholly artificial to regard the apartments as being so independent of the rest of the facilities as to amount to one building in separate planning units – the whole of the building is used for residential accommodation with care to people in need of care, and thus falls within Class C2.
30. The Council raised the potential of an apartment being occupied by a husband and wife, only one of whom might be in need of care. Should the spouse in need of care die, it could leave a position where the apartment would be occupied by someone with no care needs. Ms Britton felt that such a scenario would be unlikely as, bearing in mind that any occupier would already be

elderly on first occupation, a bereavement would be likely to leave the surviving spouse in need of emotional support if nothing else. Even if the surviving spouse were to have no care needs, this would be likely to be a short-term and rare event which would not materially alter the overall character of the use.

31. I was referred to the Leelamb Homes case¹ which deals with a mixed development including extra care bungalows. The original appeal decision found that the proposal was a mixed C2/C3 use, but that was overturned in the High Court. Subsequently, as recorded in the remitted appeal decision, the Council conceded in that case that the bungalows would fall within Class C2 because of the care package provisions of a unilateral undertaking. Therefore, ultimately, the Inspector was not called on to decide the issue.
32. The decision does not deal with the question of the relevant planning unit, so it is of limited assistance on this issue. However, it is notable that the Council accepted in that case that bungalows could fall within Class C2, where in comparison with the apartments in this case, there would be a greater degree of physical separation from the rest of the care facilities, and this adds in a small way to my findings.
33. I also note that there are numerous other examples of where similar developments have been found to fall within Class C2. Much will turn on the particular facts of each case, and whilst these decisions are not decisive, they reinforce my conclusions.
34. Earlier this year, the Council resolved to approve an application for a care village at Barrow Gurney². In doing so it treated the "extra care" element of the development, similar to that proposed here, as being within Class C2, despite the officer's recommendation to take a similar stance as in this case. For the Council it was conceded that the Barrow Gurney decision is, on the face of it, inconsistent with the case being argued here. Whilst this was a Committee decision, planning authorities should determine like applications in a like manner, and this inconsistency reinforces my view that the development falls within a C2 use.
35. I therefore conclude on the main issue that the proposed development does not need to make provision for affordable housing, and that there is no conflict with Core Strategy Policy CS16.

Other matters

36. Although the Council had no other objections to the proposal, neighbours and the Town Council raised various concerns. It is suggested on behalf of the Town Council and others that there is no need in Portishead for the proposed use. However, this is not borne out by the evidence of increasing demand for extra care facilities of the type proposed, which is common ground between the appellants and the Council. I therefore attach weight to the need to provide such accommodation.
37. The proposed building would be a bulkier and more imposing structure in comparison to the dwellings to the south and east of the site. However, the proposal responds to the wider context; the site is a sloping one, and the split

¹ Leelamb Homes Ltd v SSCLG [2009] EWHC 1926 (Admin)

² Application Ref: 11/P/018/O

level design reflects this. Whilst the block would be much higher than the dwellings on Slade Road, there would be adequate separation between them for this contrast not to appear jarring. The bulk of the development would relate satisfactorily to the terrace of tall buildings stretching across the hillside on Briary Road to the rear of the site.

38. The combination of distance between the proposed building and the nearest dwellings in Slade Road, and the extensive existing boundary planting, which is to be reinforced by additional landscaping and intervening planting, would ensure that there would be a satisfactory relationship between them in terms of both character and appearance and overlooking between windows and balconies.
39. The proposal would provide 28 car parking spaces to serve the occupiers of 51 apartments and the staff. The appellants initially proposed 25 car parking spaces, a figure arrived at by looking at the requirements for sheltered housing and nursing homes, reflecting both the residential and care elements of the proposal. Officers were satisfied with that level of provision. However, in response to local concerns, the proposal was amended by providing three additional parking spaces. The site is reasonably well-located for staff to be able to walk or travel by bus to the site. Bearing in mind that occupiers of the apartments would mainly be aged 65 or over, and in need of care, I anticipate that car ownership levels would be low. In the absence of substantive evidence of likely harm, I find no reason to conclude that the level of car parking provision would be inadequate.
40. For similar reasons, and having regard to the site's history of an educational use, I find that the access arrangements and the level of traffic likely to be generated would not result in material harm to highway safety.

Planning Obligation

41. The legal obligation makes provision for a number of things. Firstly, it ensures that the proposed building would only be occupied and managed in accordance with the submitted information provided with the application. Although planning conditions can deal with some of these matters, the obligation provides a greater degree of control over the leases to be assigned to occupiers, which would not be appropriate to be the subject of a condition.
42. As the particular proposed occupancy and management arrangements are key to my findings, I consider that this part of the obligation is both reasonable and necessary.
43. The obligation also seeks funding for library facilities to be provided within the development, including reading material to serve those with impaired vision. This would provide a facility solely for the benefit of occupiers of the development, many of whom could be expected to have limited mobility which may limit their ability to access public libraries. The Council's undisputed contention is that there is evidence of need in Portishead, which the proposal would otherwise add to. The Council's standard formula would require a higher level of contribution, and under all these circumstances, I consider that the library contribution meets the tests of the Community Infrastructure Levy Regulations 2010 and the advice in the NPPF.
44. A further contribution of £5000 is also offered to improve access to and facilities for Somerset Hall, a community hall in High Street, within walking

distance of the appeal site. It offers facilities for the elderly, including an OAP Friday Club, and the Council anticipates, reasonably in my view, that some occupiers of the appeal site may add to the existing pressure on facilities at the hall which it is reasonable to mitigate by way of contributions.

45. The obligation also contributes towards upgrading a footpath which runs along the boundary of the site near where access is to be obtained. The footpath is well surfaced immediately adjacent the site, but further to the north, the path is unmetalled. It could reasonably be expected that those occupiers who are able would wish to take a stroll along the path, and that the surface should be suitable to accommodate the likely users. I therefore find that the contribution is both reasonable and necessary.

Conditions

46. A list of conditions agreed by the main parties was provided at the Inquiry, and I have assessed them in the light of national advice and the discussion which took place at the Inquiry. Further details of material samples, retaining structures, finished floor levels, tree protection measures, additional hard and soft landscaping along with measures for their implementation and retention and replacement where necessary, are required in the interests of appearance. I have amended some of the suggested conditions to improve enforceability.
47. Further details of access for the disabled, a travel plan, the provision of car parking and cycle stands and measures for controls on mud and spoil on the highway are necessary either to promote sustainable access and travel or in the interests of highway safety.
48. Further details of drainage measures, energy efficiency and conservation measures, fume extraction systems, bird and bat boxes and a reptile survey are needed respectively to ensure that the site is adequately drained, to promote sustainable development, to protect occupiers' and neighbours' living conditions and to protect natural heritage interests. Controls on external lighting are needed to protect appearance and neighbours' living conditions.
49. Conditions to restrict the occupancy and management of the premises are necessary because of the specific justifications for allowing the development, without which it would not be acceptable. A condition to require the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of good planning.
50. The Council also suggested a condition requiring a contaminated land survey to be carried out. There is no evidence of the site being used for any industrial or other purposes which would make it reasonably likely that contamination would be present. The prospect of a heating oil tank used in connection with the former school having polluted the ground is too remote to justify an onerous condition of this nature, and it is appropriate to leave such matters to be dealt with under the Building Regulations.

Conclusion

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

JP Roberts

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Reuben Taylor, of Counsel	Instructed by the Council Solicitor
He called	
Lee Bowering	North Somerset Council
Phillippa Yeates,	North Somerset Council
BA(Hons)	

FOR THE APPELLANT:

Paul Tucker, of Queen's Counsel	Instructed by Christopher Still of Gladman Care Homes Ltd.
He called	
Christopher Philip Still,	Gladman Care Homes Ltd
BSc(Hons), MRICS	
Carol Britton	Methodist Homes for the Aged

DOCUMENTS

- 1 Letter of notification
- 2 Amended list of Core Documents
- 3 Additional Core Documents CD18, 19 and 20
- 4 Information about Rose Hill development, Portishead
- 5 Amended list of agreed conditions
- 6 Additional Council appendices 60, 61 & 61a
- 7 Summary of Mr Bowering's proof
- 8 Opening statement for the Council
- 9 Bundle of legal submissions
- 10 Outline submissions for the Appellants
- 11 Signed Statement of Common Ground
- 12 Unilateral undertaking submitted by the appellants
- 13 Draft Travel Plan condition
- 14 Consolidated list of amended conditions
- 15 Closing submissions for the Council
- 16 Fee information regarding Arlington House
- 17 E-mail from Mr R Worgan, North Somerset Council dated 15 June 2012
- 18 E-mail from Mr C Still dated 15 June 2012

ANNEX

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Details of measures to be taken to prevent spoil/mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and be approved, in writing, by the local planning authority before development commences. The measures agreed, which shall include vehicles cleaning the highway on a regular basis during construction of ground works, shall be retained and fully used for the duration of the construction period.
- 3) No works shall be commenced until sample panels of the materials, including colour of render, surface materials to be used in the construction of the access road, driveways and parking areas, have been submitted to and approved, in writing, by the local planning authority. Construction shall be only in accordance with the approved sample panel in terms of colour of stone, mortar mix, jointing and means of laying. The development shall be carried out in the approved materials unless otherwise agreed in writing by the local planning authority.
- 4) No development shall take place on site until full details of the proposed retaining structures and their respective locations, including works at the site entrance and around the protected oak tree, and boundary fence details within the site, have been submitted to and approved in writing by the local planning authority. These measures shall be implemented in accordance with the approved details prior to the first occupation of any of the apartments hereby approved.
- 5) No development shall take place until an Arboricultural Method Statement with Tree Protection Plan has been submitted and approved in writing by the local planning authority. The statement shall include details relating to the method of demolition and changes in levels. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery. The Arboricultural Method Statement shall incorporate a provisional program of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The Tree Protection Plan should include the proposed location of underground and above ground services. The agreed measures shall be implemented in accordance with the approved details prior to any other works on the site and shall be complied with for the duration of construction works on the site.
- 6) Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the development shall be 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.

- 7) Notwithstanding the submitted landscape planting details, no development shall take place until additional landscape details have been submitted to and approved, in writing, by the local planning authority.
- 8) No development shall commence until foul and surface water drainage details have been submitted and approved by the local planning authority. The development shall be drained in accordance with approved details.
- 9) No development shall, unless otherwise agreed with the local planning authority in writing, take place until details are submitted to and approved by the local planning authority which achieve energy conservation measures and energy savings through the use and application of renewable and/or low-carbon technologies and/or sustainable building techniques have been implemented and are fully operational in accordance with the those details. Thereafter, the approved measures shall be permanently retained and remain operational unless otherwise first agreed in writing by the local planning authority.
- 10) No development shall commence until details providing for 3 stands for 6 cycles on the site, has been submitted to and agreed in writing by the local planning authority. The agreed cycle parking provision shall, unless otherwise agreed in writing by the local planning authority, be made available for use on or prior to first occupation of any of the approved apartments.
- 11) The development hereby approved shall not commence until plans/details showing the position, height and means of fixing and details of noise emission of/from the extraction flue(s) and any other plant have been submitted to and approved in writing by the local planning authority. The extraction flues and any other plant shall be installed in accordance with the approved details, and thereafter shall be maintained in accordance with the manufacturer's recommendations.
- 12) No development shall commence until a reptile survey using artificial refugia has been undertaken and if reptiles are found on the site, details of a scheme designed to avoid killing or injuring reptiles shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the local planning authority.
- 13) No development shall commence until hard landscaping details for the site shall be submitted and approved by the local planning authority. The hard landscaping shall be implemented in accordance with the approved details.
- 14) Details of all external lighting on the site, which shall be designed to minimise night sky pollution and energy consumption, shall be submitted to and approved by the local planning authority prior to installation and thereafter the installation shall be maintained as such unless subsequently approved in writing by the local planning authority.
- 15) No development shall commence until a scheme of bird and bat boxes for the site has been submitted and approved by the local planning authority. The boxes shall be erected in accordance with the approved details prior to occupation and retained thereafter.

- 16) The building shall not be occupied until a Travel Plan including details of implementation, monitoring and review, which seeks to reduce the number of vehicle trips to and from the site by employees, has been submitted to and approved by the local planning authority. The approved Travel Plan shall be implemented in accordance with the approved details.
- 17) The use of the apartments within the building hereby approved shall, at all times and unless otherwise agreed by the local planning authority in writing, be used for the designed purpose of providing self contained independent living units of accommodation for person or persons who, for the purpose of acquiring purchase or lease of any of the approved apartments, are contracted into a care package and who have a minimum age of not less than 65 years of age as required by condition 18 of this permission. Furthermore the supporting staff and resources associated with the management of the site and the delivery and implementation of the individual care package(s) associated with the terms of purchase and occupancy of each apartment, together with the occupants' permitted use of the facilities provided within the approved building, shall be in accordance with the submitted application details, unless otherwise agreed by the local planning authority in writing.
- 18) The occupation of the apartments hereby approved shall at all times, and unless otherwise agreed by the local planning authority in writing, be limited to a person aged 65 or over and any resident dependants who satisfy the requirements referred to in condition 17 of this permission. No other person shall occupy any of the approved apartments.
- 19) The finished floor, ground and ridge height levels shall not exceed those shown on the approved plans.
- 20) The approved car parking area shall, within a period of 5 days following the commencement of work on site and unless otherwise agreed with the local planning authority in writing, be constructed to base course finish and thereafter, and for the duration of the construction phase, the parking area shall be made available for the parking of contractors vehicles. Once all major construction and second fix works associated with the approved development have been completed, then the approved parking spaces, shall be provided and surfaced ready for use, prior to the first occupation. The parking spaces shall at all times be used for the designed purpose of providing off street parking for staff, visitors and residents of the development and for no other purpose whatsoever.
- 21) All planting works comprised in the approved details of landscaping should be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.
- 22) Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the local planning authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

- 23) The development hereby permitted shall be carried out in accordance with the following approved plans Refs:

04010-P1-01 Location Plan
04010-P1-02 Rev A Context Plan
04010-P1-03 Rev A Site Plan
04010-P1-04 Rev A Context Elevations
04010-P1-05 Rev A Context Elevations
04010-P1-06 Rev A Context Sections
04010-P1-07 Rev A Works Around T6
04010-P1-08 Context Sections (2)
04010-P1-09 Rev B Vehicle Turning
04010-P1-10 Rev A Tree Mitigation
04010-P1-11 Floor Plans 1
04010-P1-12 Floor Plans 2
04010-P1-13 Rev A 1:100 Floor Plans
04010-P1-14 Rev A 1:100 Floor Plans
04010-P1-15 Rev A 1:100 Floor Plans
04010-P1-16 Rev A 1:100 Floor Plans
04010-P1-17 Rev A 1:100 Floor Plans
04010-P1-21 Rev A Building Elevations
04010-P1-22 Rev A Building Elevations
04010-P1-SK01 Elevation Modification
04010-P1-SK02 Site Plan Modification
04010-P1-SK03 Site Plan and Tree RPA