
Appeal Decision

Inquiry held on 23 to 25 May 2017

Site visit made on 24 May 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 20 July 2017

Appeal Ref: APP/E2001/W/16/3157839

54 Elloughton Road, Brough, East Riding of Yorkshire HU15 1AE

- 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 Lifestyles Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 15/03662/PLF, dated 20 November 2015, was refused by notice dated 16 March 2016.
 - The development proposed is demolition of existing building and erection of retirement living house (category II accommodation), communal facilities, landscaping and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and erection of retirement living house (category II accommodation), communal facilities, landscaping and car parking at 54 Elloughton Road, Brough, East Riding of Yorkshire HU15 1AE in accordance with the terms of the application, Ref 15/03662/PLF, dated 20 November 2015, subject to the conditions set out in Appendix A of this decision.

Main Issue

2. Both main parties agree that the appeal building is a '*non-designated heritage asset*' (NDHA) within the context of the *National Planning Policy Framework* (the Framework). The main issue is the effect of the proposed development on the significance of the non-designated heritage asset.

Reasons

3. The appeal building, 54 Elloughton Road, is a large detached house dating from around the late 1860s. The site comprises the rear garden and a detached double garage with garden areas surrounding the buildings, and a short driveway onto Elloughton Road. No 54 is not a listed building, nor is it located within a conservation area. There is a conservation area within Elloughton-cum-Brough, but this is some distance away and neither main party considers that the proposal would result in any harm to its character or appearance, or its setting; I agree.
4. I have been provided with research from both the principal parties and also local residents describing both the history and architectural features of the appeal building; all of which I have considered.

5. Based upon the evidence before me, and taking into account the definition of significance (for heritage policy) contained within the glossary of the Framework, the significance of the NDHA appears to principally derive from both its historic and architectural interest. For example, historic interest derives from the fact that the building was most likely used as a boarding school for boys after it was built, opening in the August 1868 or thereabouts.
6. This boarding school closed in around 1872¹, before the buildings use as a private residence since approximately 1874² to the present day. There is, however, no obvious physical evidence that the building was used as a school either internally or externally. This only becomes apparent from the written material which itself relies upon some deductions being made. The point is that without the written information, most viewers of the building would not be aware of its limited occupation as a boarding school or that it probably was built for such a purpose. These various circumstances limit the value of the existing building in interpreting the settlement's educational heritage and understanding of the building itself.
7. There are associative historical links with figures such as Sir Alfred Gelder (known as maker of modern Hull³) which the evidence suggests attended the school during the three or four years it operated. A later resident was a Mr J Portas Richardson, who was treasurer to the committee that oversaw the royal visit to Hull in 1869. The building was also occupied by Joseph Atkinson JP and his son Sir Arthur Atkinson JP, the latter of whom was Sheriff of Hull⁴. However, there is little in the physical fabric of the building which provides information or a tangible link to these local historic figures. Indeed, similar to the boarding school use, the significance mainly lies within the written evidence rather than the physical presence of the building as it stands today. For example, when I undertook the site visit, there were no observable references either inside or outside the building as to former occupants or what actions of note, if any, took place in the building.
8. The building also has historic interest in terms of it being a large small country house type building which some of the historic maps⁵ show occupied an isolated location before the settlements of Elloughton and Brough effectively merged. It is clear that as these settlements grew in size, by the 1960s, the spacious grounds serving the building had been eroded through new housing developments and the granting permission for the adjoining land to be used as a village hall and recreation ground by Sir Arthur Atkinson⁶. Nevertheless, even with the loss of the open land surrounding it, the building serves as a reminder of a bygone era; albeit this is eroded by the changes to its immediate environment since it was first built. However, this factor is not unique in itself with many older buildings and structures providing links with the past.
9. In terms of architectural features contributing to its significance, these include the unusual absence of a secondary internal staircase meaning the building has no discernible master/servant layout which would be typical of residential buildings of this type and style from the late 1800s. I heard at the Inquiry that there was some uncertainty as to how the boarding school might have been

¹ Mr Devey's Proof of Evidence (POE), page 37, paragraph 8.4.1

² Ibid

³ IP4, Oral evidence of Mr Haldenby, page 2

⁴ Mr Devey's POE, page 38, para. 8.4.4

⁵ Ibid, Appendix SD1 and Mr Browns POE, Appendix ANB2

⁶ IP8, Oral submission by Mr Douglas, page 2

laid out, with suggestions that the school master's residence might have been at the southern end of the building. Without floor plans from the 1860s, and given that there have been alterations to the building in the intervening years, it is hard to do anything more than make educated guesses as to the early history of the building. The fact remains that it is not possible to see the former use of the building as a boarding school, either in terms of its internal layout or any internal features related specifically to educational use.

10. Externally, features include Italianate elements such as decorative chimney stacks, dentiled eaves, projecting cills on ornate corbels and bay windows. The building, as an example of the Italianate style, which was typically inspired by Queen Victoria's residence on the Isle of Wight at Osbourne House, built around the 1840-50s, is a rather late example of this style. This may be due to the fact that it can take time for architectural styles to spread across the country as suggested by Mr Devey (for the Council) in cross-examination. However, the styling is relatively unassertive, as found by Historic England (HE), who have considered the building three times for statutory listing, but declined to do so at the initial stage each time.
11. They concluded that *'the external detailing is modest and it does not compare favourably with other listed houses of this period'*⁷. In terms of interior quality HE states that *'interior features are of a good but standard quality and design'* and *'the building has incurred alteration and its origins as a private boarding school are not legible in the plan form or interior features'*⁸. This does not alter the fact that these features contribute to the significance of the NDHA. But they must be seen in the context of much better examples which HE, being the government statutory advisers on heritage matters, have listed. HE also point to the fact that these features, whilst of interest, are not especially significant on their own.
12. When the various factors are considered altogether, I find that the NDHA has a modest level of local value and interest. However, this significance is limited to a very local scale and is heavily dependent on the written record for understanding and interpretation, rather than the building itself revealing its earlier use as a school or any of its former occupants.
13. The proposal would see the loss of the NDHA through its demolition. Policy ENV3 of the *East Riding Local Plan Strategy Document 2016* (ERLP) at part C indicates that *'development likely to cause harm to the significance of a heritage asset will only be granted permission where the public benefits of the proposal outweigh the potential harm'*⁹. This is echoed at a national level by Paragraph 135 of the Framework, which requires that a *'balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*. The main parties agree that the proposal does not conflict with any other development plan policy, and I see no reason not to concur.
14. Put simply, to justify the loss of the NDHA in this case, there is a straightforward planning balance of setting the identified harm arising from the demolition against the public benefits arising from the scheme. As recognised

⁷ Core Document (CD)10, Historic England (Designation) Reject at Initial Assessment Report 23 May 2016

⁸ Ibid

⁹ CD1, East Riding Local Plan Strategy Document - Adopted April 2016, page 134

by the main parties, the building is not subject to any additional 'tilted' or 'weighted' balance.

15. In support of its case, the appellant points to economic¹⁰, social¹¹ and environmental¹² benefits arising from the scheme. In terms of the economic benefits, these would include, among others and as approximate figures, capital investment of £3.6 million, a new homes bonus of £343,000 and a potential resident's spend of £670,000 in the local economy per annum. The Council considers that these benefits should be seen against the context of an area *'whose economy is booming'*¹³ and therefore they should not be afforded significant weight in any planning balance.
16. However, economic growth is a key objective within the Council's ERLP objectives set out at Objective 11 which seeks to *'grow, strengthen, modernise and diversify the local economy'*¹⁴. This objective is reflected in the Framework at Paragraph 19 in that *'planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'*. In such circumstances, I find that significant weight should be afforded to the economic benefits directly arising from this proposal.
17. In terms of the social benefits arising, the proposal would provide for 35 retirement units. Both parties agree that there is a five year supply of deliverable housing sites within the local planning authority area. Policy S5 of the ERLP seeks the delivery of 23,800 dwellings between 2012 and 2029. Policy H1 indicates that *'new development should contribute to the overall mix of housing in the locality taking into account the current need, particularly for older people and first time buyers'*. However, it does not identify the specific numbers needed to meet any need for older people and first time buyers.
18. Nor does either policy identify the 'current need'. What this means in practice is that while 23,800 dwellings could be built, none of these would necessarily provide for older people. At the Inquiry, the Council was unable to provide any indication of the 'current need' for older people. This absence is more striking in this case given that Policy H1 specifically requires decision makers to take into account the 'current need'. If the current need is unknown it is unclear as to how the Council could apply this policy and only afford 'average weight' to helping meet the need in any balance, as Mr Cook suggested in his oral evidence¹⁵.
19. Nevertheless there is some evidence before me provided by the appellant, who has also pointed me to the 'critical' need outlined in the Planning Practice Guidance¹⁶. This is supported by various other reports and statistics¹⁷, which, in a nutshell, point towards a dire national need for older people housing. The appellant has also provided a site specific report¹⁸ which found that *'it would appear that levels of provision of specialised housing for older people are below national averages'* in East Riding of Yorkshire. When considering both the

¹⁰ Mr Butt's POE, pages 44 to 47, paragraphs 10.25 to 10.29

¹¹ Ibid, pages 36 to 44, paragraphs 10.3 to 10.24

¹² Ibid, pages 47 to 48, paragraphs 10.30 to 10.32

¹³ Mr Cook's POE, para 6.7

¹⁴ CD1, ERLP, page 31

¹⁵ Cross-examination of Mr Cook

¹⁶ Mr Butt's POE, pages 38 to 39, paragraphs 10.11 to 10.12

¹⁷ Mr Butt's POE, Appendices 7 to 10

¹⁸ Mr Butt's POE, Appendix 12

national and local context on the evidence in this case, it is emphatically clear that there is a pressing, urgent and very real need for the accommodation type being provided by the appellant in this case.

20. I acknowledge the Council's argument that the provision of 35 units would be akin to a drop in the ocean against a housing requirement of 23,800 for the plan period. However, there is little evidence from the Council on the 'current need' or indeed on how many units have been delivered to meet the needs of older people. The provision of even 35 units would make some contribution to the supply and therefore help provide the mix of housing sought by Policy H1 of the ERLP and to meet the only identified level of need in this instance.
21. In the absence of the Council having any idea of the 'current need' for older people housing attributing average weight in this case as suggested by the Council would be inappropriate. Indeed, in light of my considerations above on this matter and the evidence provided, I find that the social benefit of providing homes for older people should be afforded substantial weight in the overall balance given the degree and urgency of the need.
22. I also note that the proposal would secure the sum of £127,986 for affordable housing within East Riding of Yorkshire. Whilst I consider contributions to local infrastructure in greater detail below, this is nonetheless a public benefit which weighs modestly in favour of the proposal.
23. In terms of environmental benefits, the Council raises no issue with the design of the proposed building. I see no reason to disagree given the proposed building would broadly respect the existing street scene in terms of its height and appearance, for example. Whilst I acknowledge that the existing building has some aesthetic value within the street scene, this is not any greater than any other building or feature. Taking into account the acceptability of the replacement building in design terms and the limited contribution made by the existing building to the street scene, I find that any environmental benefits in terms of built form would be, at worse, neutral in any overall planning balance.
24. In terms of provision for infrastructure, the appellant submitted at the Inquiry a unilateral undertaking (S106) which is signed and dated. Put simply, the S106 would secure monies for affordable housing and contribute monies towards sport and recreation. These are sought within the context of Policy C1 (Providing infrastructure and facilities), Policy C3 (Providing public open space for leisure and recreation) and Policy H2 (Providing affordable housing) of the ERLP. What is more, the Council provided a planning obligations justification paper in support of these sums. At the Inquiry they also confirmed that the monies sought for sport and recreation would not be in excess of the five pooled contributions permitted.
25. Paragraph 204 of the Framework and CIL Regulation 122(2) set out three tests for seeking planning obligations: that they must be '*necessary to make the development acceptable in planning terms, directly relate to the development, and fairly and related in scale and kind to the development*'. All the obligations meet these tests, and should be taken into account in the decision.
26. The Council considers that the significance of the building as a NDHA is significant, and therefore its loss would weigh heavily in any planning balance. I disagree. Whilst I consider that there is a local value in terms of the building's significance, this is very limited and found within the written record

more than the physical presence of the building. Against this the proposal would provide significant economic benefits, substantial social benefits; including meeting a critical need for older people housing and, at worse, neutral environmental benefits.

27. In applying Policy ENV3 of the ERLP, I find that the public benefits would outweigh the harm to the significance of the NDHA. I also find, making a balanced judgement, that whilst the proposal would result in loss through the demolition of the building, its significance lies predominantly within the written record which would be retained and unaffected. It would therefore accord with Policy ENV3 of the ERLP, and with the Policies of the Framework, which is an important material consideration: the aims of both which I have aforesaid.
28. I have been directed to a previously proposed 'Article 4 Direction' which was considered but not implemented by the Council. This would have removed permitted development rights; including the ability to demolish the building. The reasons for not imposing the Article 4 Direction was subject to an initial hearing under the Judicial Review process where on the 27 July 2016 a High Court judge granted permission to challenge the Council's decision of 23 May 2016 to not impose an Article 4 direction¹⁹. Although permission was given to challenge the decision, this was not pursued with the application withdrawn by the Save No.54 Community Group. As such the building is not subject to an Article 4 Direction which removes permitted development rights.
29. Prior to this, the Council approved an application for demolition prior approval on 24 May 2016²⁰. In practice this means that the building could be demolished without any further notification or consent being required. However, under the Judicial Review Order referred to above, within the Schedule at point 6, the appellant in this appeal made an undertaking that they would not demolish the building unless and until it obtained planning permission. This is why the building, which the Council agreed remains the only substantive issue between the main parties, is still standing.
30. Much was made at the Inquiry over the weight that should be afforded to the fact that prior approval for demolition had been granted and the ability of anyone else to demolish the building existed. However, I have found that the proposal is acceptable in planning policy terms in respect of the main issue and have not therefore considered this suggested 'fall-back' position further.
31. My attention was drawn to a number of appeal decisions to support the cases of both main parties²¹. It is well established planning practice that each proposal is considered on its own planning merits – as I have done in this case. What is more, the circumstances in those other appeals are different to those before me. For example, not only do they relate to places as far removed from this appeal site as Kent and Essex, but also to different building types, such as an ecclesiastical building, or proposal that would result in harm to matters such as character and appearance. These are not factors at issue here. Accordingly, these other decisions do not weigh either for or against the proposal in any overall balance in this case.

¹⁹ Mr Cook's POE, Appendix SHC1

²⁰ CD17 Prior Notification of Demolition of dwelling and garage (16/01314/DEMNOT) consent, dated 24 May 2016, Under the *Town and Country Planning (General Permitted development)(England) Order 2015*

²¹ For example see Mr Davey's POE, pages 31 to 33, paragraphs 8.2.7 to 8.2.10, appeal references 2132628, 2168726, 2210609 and 3005240.

Other Matters

32. A number of other matters have been raised by interested parties. Before coming to an overall conclusion I consider these.
33. With regard to surface water flooding, there is little evidence that this is a specific problem within this locality. Such a matter could reasonably be dealt with by condition.
34. I note the comments made in terms of traffic and the potential parking impact. I saw during my site inspection that Elloughton Road is a reasonably well used road within the context of a small town, providing as it does an important link between the shops to the south of the site and the dwellings to the north of the settlement. This road is subject to a 30mph speed limit, with pavements on either side and no parking restrictions such as double yellow lines.
35. The appeal proposal would provide parking on site for occupiers and their visitors, albeit at a lower level than for a non-older person only development. However, there is no suggestion by the Council that this proposal would require any greater level of parking provision than that proposed by the appellant. What is more, the site is near to bus stops with access to some day-to-day services a short walk from the appeal site. In such circumstances, it is likely that future occupiers would park on site rather than on the public highway or would use alternative transport modes. I am reinforced in this view by the fact that there is no objection from the local highways authority.
36. In terms of pressures on local infrastructure such as medical and waste services, I have not been directed to any specific observations from any local health providers or sewerage companies who have identified that this provision would be adversely affected by the proposal. In the absence of such details, I can only conclude that there is sufficient existing capacity within the locality for the provision of these services.
37. Concerns have been raised by interested parties over the conduct of the appellant and their agents. However, this is predominantly a private matter between such parties. Notwithstanding this, and the fact that there are no applications for costs before me, there is very little in the evidence to suggest that any party to this appeal has acted in an inappropriate or unprofessional manner.
38. With regard to alternate schemes that could retain No 54, it is not for me to hypothesise as to the suitability or otherwise of these as they are not the proposal before me. In any case, I have found that the loss of the NDHA is, on balance, acceptable in this case.
39. In considering the other matters raised, I find that whether in combination or individually, these do not justify the refusal of planning permission in this case.

Conditions

40. Prior to the Inquiry a list of suggested conditions was submitted within the agreed Statement of Common Ground. I have considered those suggested in the context of Paragraph 206 of the Framework and the Planning Practice Guidance in terms of the use of planning conditions.

41. A condition requiring the proposal to be carried out in accordance with the submitted drawings and for details of external materials and hardstanding to be submitted is necessary to provide certainty.
42. The suggested condition restricting occupancy to persons over the age of 60, (and their spouse or partner being over the age of 55) and that the guest suite is not used for permanent occupation, is necessary to ensure that the accommodation is provided to meet the need for older people within and/or near to the East Riding of Yorkshire area.
43. Details of the parking, turning and access, including those during the construction phase and restitution of the northern access, are necessary to ensure that adequate provision is made in the interests of highway safety.
44. A condition requiring the submission of a written scheme of investigation for archaeological work is necessary and reasonable in order to ensure that any further research and/or finds can be added to the existing historical and archaeological record. However, in accordance with Paragraph 141 of the Framework and to be clear, the ability to record evidence of our past is not a factor in deciding whether the loss should be permitted in this case.
45. The implementation of the landscaping details and replacement plants for any that die within the first five years is necessary in the interest of the character and appearance of the street scene. For similar reasons, a condition relating to the retention and protection of 'retained' trees and those subject to tree preservation orders, including their root areas, is necessary and reasonable, and would also fulfil the duty set out in Section 197 of the TCPA.
46. A condition requiring surface water drainage details is necessary to help minimise surface water flows from the increased building footprint and associated areas of hardstanding.
47. Lastly, conditions requiring the carrying out of the ecological mitigation and enhancements, subject to a submitted plan or strategy for the latter, are reasonable in order to protect and promote biodiversity wherever possible. However, such a condition should also include the provision that if any unknown species are found during any phase of works, that work is stopped until any necessary surveys and mitigation strategies are in place.
48. I therefore impose the suggested conditions, albeit with some minor amendments in the interests of clarity, brevity and precision.

Overall Planning Balance and Conclusion

49. The proposal would result in the loss of a NDHA. The building has modest historical and architectural interest and value which contribute to its significance. However, this is focused to a very local level and predominantly within the written record rather than physical fabric. This loss needs to be set against the significant benefits arising from the provision of older people housing to meet a critical national need and an undefined but very present local need, the provision of monies towards affordable housing, and the economic benefits arising.
50. On balance, I find that these public benefits outweigh the harm arising from the total loss of the NDHA. Accordingly, I find that the proposal would accord with the development plan and there are no material considerations that

indicate that the proposal should not be approved. The proposal would also accord with the Policies of the Framework, which includes that planning should seek to conserve heritage assets in a manner appropriate to their significance.

51. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

She called	Miss Alison Ogley, Barrister instructed by Mr Matthew Buckley, Head of Legal and Democratic Services, East Riding Yorkshire Council
	Mr Stephen Bell Devey, DIPTP (Bristol), MRTPI (Heritage)
	Mr Stephen Cook, BA (Hons), MRTPI (Planning)

FOR THE APPELLANT:

He called	Mr Giles Cannock, Barrister instructed by Mr C Butt
	Mr Andrew N Brown, BA, BArch, MRTPI, IHBC (Heritage)
	Mr Christopher R Butt, BA(Hons), BPI, MRTPI (Planning)

INTERESTED PERSONS:

Ms C Gill	Chair of Elloughton cum Brough in Bloom and local resident
Mr D Haldenby	Member of SAVE54 group and local resident
Mrs E Douglas	Member of SAVE54 group and local resident
Mr C Douglas	Member of SAVE54 group and local resident
Dr D Neave, BA, MPhil, DUniv, Dip. Conservation Studies, FSA	Architectural Historian
Ms E Gabbay	Interest in architecture
Mr J Cridlan	Owner/Occupier of No 54 Elloughton Road

Documents submitted at the Inquiry:

	TITLE
LPA1	Statement of LPA of compliance with Regulation 122 of the Community Infrastructure Levy Regulations
LPA2	Supreme Court Judgement of <i>Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)</i> given on 10 May 2017 [2017] UKSC 37
LPA3	Opening Submissions on behalf of East Riding of Yorkshire Council by Alison Ogley, Kings Chambers
LPA4	List of appearances for the local planning authority
LPA5	Closing submissions on behalf of East Riding Yorkshire Council by Alison Ogley, Kings Chambers
APP1	Unilateral Undertaking under Section 106 of the TCPA dated 23 May 2017
APP2	Opening Submissions by Giles Cannock, King Chambers Manchester and Leeds
APP3	Historic England (Designation) Reject at Initial Assessment Report 2 June 2015. Address 54 Elloughton Road, Brough
APP4	Email dated 24 May 2017 re: four HER sites
APP5	Closing submissions Giles Cannock, King Chambers Manchester and Leeds
IP1	Email from Mr J Cridlan dated 18 May 2017
IP2	Statement by Dr D Neave, version 2
IP3	Statement by Dr D Neave, version 1
IP4	Oral submission by Mr D Haldenby
IP5	Oral submission of Chairperson of Elloughton cum Brough in Bloom
IP6	Oral submission of Mr J Cridlan
IP7	Oral submission of Mrs E Douglas
IP8	Oral submission of Mr C Douglas

Appendix A – List of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2147-01-01, 2147-01-02A, 2147-01-03, 2147-01-04, 2147-01-05, 2147-01-06, 2147-01-01-08A, 140415JC-01, 8822/01, NE-2147-03-LA-01 Rev C & NE-2147-03-LA-02 Rev C.
- 3) No apartment shall be permanently occupied by any person under the age of 60, other than a spouse or partner of such persons being over the age of 55, and the guest suite shown on drawing 2147-01-05 shall not be used for permanent residential occupation by any persons.
- 4) No development past the foundation stage shall take place until details of all external facing materials and hardstanding have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 5) The building shall not be occupied until the driveway, vehicular access and vehicle parking and manoeuvring areas have been provided in accordance with approved drawing 2147-01-02A. Thereafter such areas shall be retained for such purposes and not used for any other purpose.
- 6) No development shall take place on site until details have been submitted to and approved in writing by the local planning authority showing the provision of any temporary vehicle parking, loading, off-loading and manoeuvring facilities for all contractors carrying out building, construction and site clearance work on the site. All stages of the demolition, site clearance and construction phases, shall be carried out in accordance with such details.
- 7) Prior to occupation of the apartments the existing northern vehicular access as indicated on approved drawing 2147-01-02A shall be reinstated back to hedge/verge/footpath including where appropriate the replacement of road side kerbs in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
- 8) No development shall take place (including but not limited to any demolition works), until a written scheme of investigation for the implementation of a programme of archaeological work has been submitted to and agreed in writing by the local planning authority. Such scheme shall include:
 - a) recording of the existing building to at least level 2 of the *Historic England – Understanding Historic Buildings – A Guide to Good Recording Practices May 2016* (or any other similar or replacement guidance), and;
 - b) the identification and evaluation of the extent, character and significance of any archaeological remains within the appeal site area, and;
 - c) an assessment of any further impact on any archaeological remains, and;

- d) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and publishing of the findings (including the dates by when any findings will be published or provided to the local planning authority), and;
 - e) notification to the local planning authority of not less than 14 days before the start of any such archaeological fieldwork and details of the specific time provided for archaeological contractors nominated by the appellant to ensure that any and all archaeological fieldwork is completed prior to the commencement of any aspect of the approved development, and;
 - f) confirmation of the names and details of the appellant nominated archaeological contractors, whom should be suitably qualified for undertaking such works, and;
 - g) confirmation that access to the site, including within the appeal building, will be provided for the Curatorial Officer of the Humber Archaeology Partnership and/or any other persons nominated by the local planning authority in order to record, observe or monitor such works.
- 9) The landscape proposals shown on approved drawing NE-2147-03-LA-01 Rev C shall be carried out prior to occupation of any part of the development.
- 10) If within a period of five years from the date of the planting any tree or shrub shown on the landscape proposals drawing NE-2147-03-LA-01 is removed, uprooted, destroyed or dies, it shall be replaced in the next planting season with others of similar size and species.
- 11) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans, and paragraphs (a) and (b) of this condition shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans. Any topping or lopping shall be carried out in accordance with British Standard (3998 – 2010 Tree work) or any replacement standard.
 - b) If any retained is removed, uprooted, destroyed or dies, another tree shall be planted at the same place of the same species, size, and maturity in the next planting season.
- 12) No development or other building operations such as demolition, shall take place until a scheme (to be known as the Tree Protection Scheme) which provides for the retention and protection of trees and hedges growing on or adjacent to the site (including trees subject to a Tree Preservation Order) has been submitted to and approved in writing by the local planning authority. Such Tree Protection Scheme shall be in accordance with *British Standard BS5837 – 2012 Trees in relation to demolition and construction - Recommendations*, or other such equivalent or replacement standard. No development or other operations shall commence until any protection works, such as root protection areas, are installed as agreed within the Tree Protection Scheme. The approved works shall be retained throughout the development of the site and no

excavations, storage of materials, plant or machinery, parking of vehicles, deposit or excavations of soil or rubble, lighting of fires or disposal of waste or surplus liquids shall take place within any area protected (unless as part of the agreed details for the written scheme of investigation for the implementation of a programme of archaeological work).

- 13) No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works have been submitted to and approved in writing by the local planning authority. Furthermore, there shall be no piped discharge of surface water from the development prior to the completion of any approved surface water drainage works unless agreed in writing with the local planning authority. Thereafter the surface water drainage details shall be implemented and retained as approved.
- 14) The development shall be undertaken in strict accordance with all the recommended ecological avoidance and mitigation measures for protected species set out in Section 8.2 of the *Extended Phase 1 Habitat Survey* (Environmental Services, May 2015) in all respects. If it becomes apparent that previously unknown protected species are found or suspected to be on the appeal site, the appellant shall notify the local planning authority in writing and cease all works until an agreed mitigation strategy or other such scheme is in place.
- 15) No development or other works including but not limited to demolition, shall take place until an 'Ecological Enhancement Plan', based upon the enhancement measures detailed in section 8.3 of the *Extended Phase 1 Habitat Survey* (Environmental Services, May 2015) and section 7 of the *Bat/Presence/Absence Survey* (Environmental Services, Jul 2015) has been submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented as agreed.

****END OF CONDITIONS****