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## Appeal Decisions

Site visit made on 23 June 2020

**by Matthew Birkinshaw BA(Hons) MSc MRTPI**

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

**Decision date: 18<sup>th</sup> August 2020**

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### **Appeal A Ref: APP/E2001/W/20/3251480**

#### **Land adjacent to the A1079/A1174/A1035 Killingwoldgraves Roundabout, Beverley, HU17 8QF**

- 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 BP Oil Ltd against the decision of East Riding of Yorkshire Council.
  - The application Ref 19/01217/PLF, dated 22 March 2019, was refused by notice dated 27 November 2019.
  - The development proposed is the erection of roadside services to include petrol filling station with ancillary retail floor space.
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### **Appeal B Ref: APP/E2001/H/20/3245367**

#### **Land adjacent to the A1079/A1174/A1035 Killingwoldgraves Roundabout, Beverley, HU17 8QF**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by BP Oil Ltd against the decision of East Riding of Yorkshire Council.
  - The application Ref 19/01218/PAD, dated 22 March 2019, was refused by notice dated 27 November 2019.
  - The advertisement proposed is the display of 1 double sided internally illuminated ID totem sign, 4 internally illuminated fascia signs (retail store) and 4 internally illuminated fascia signs (petrol filling station).
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## **Decisions**

1. Appeal A is allowed and planning permission is granted for the erection of roadside services to include petrol filling station with ancillary retail floor space on land adjacent to the A1079/A1174/A1035 Killingwoldgraves Roundabout, Beverley, HU17 8QF in accordance with the terms of the application, Ref 19/01217/PLF, dated 22 March 2019, subject to the conditions in the schedule at the end of this decision.
  2. Appeal B is allowed and express consent is granted for the display of 1 double sided internally illuminated ID totem sign, 4 internally illuminated fascia signs (retail store) and 4 internally illuminated fascia signs (petrol filling station) as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions in the schedule at the end of this decision.
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## **Procedural Matters**

3. As set out above, there are two appeals relating to the same site. Whilst dealing with each appeal on its own merits, to avoid any duplication I have addressed both in the same decision letter, except where otherwise indicated.
4. At the appeal stage the appellant submitted a revised plan; Ref 180786-03 Revision G. The change relates to the inclusion of an electric vehicle charging point in one of the proposed customer parking bays on the garage forecourt. As a very minor variation the inclusion of a charging point would not materially alter the nature of the scheme or prejudice any interested parties. I have therefore determined the appeal based on drawing Ref 180786-03 Revision G.
5. At the appeal stage the appellant also submitted additional information in respect of trees. The *JCA Limited Peer Review Assessment* has reappraised the original proposal and concludes that the ash tree adjacent to the A1174 ('T3') has reached full maturity, is showing signs of decline and falls into the lower 'C2' category. For these reasons, and the damage that may be caused by pruning and earthworks necessary to create the site access, it is suggested that the tree should be considered for removal. It also suggests that much (or all) of the foliage on the southern side of the boundary hedgerow is replaced.
6. The cutting back and replacement of a length of hedgerow to create the site access forms part of the original submission. However, removal of the ash tree would represent a notable change to the planning application, and in my opinion, would be materially different to the development that was considered by the Council and interested parties. I have therefore determined the appeal based on the scheme that was applied for, which includes the retention of T3.
7. Finally, during the determination of the appeal the Council granted planning permission for a petrol filling station and retail store nearby<sup>1</sup> (the 'Teckno site'). The main parties have been provided with an opportunity to comment on this scheme, which I have taken into account in reaching my decision.

## **Application for Costs**

8. An application for a full award of costs has been made by BP Oil Ltd against East Riding of Yorkshire Council. This application is the subject of a separate decision.

## **Main Issues**

9. The main issues are:

- The effect of the proposals on the landscape character of the area; and
- The effect of the proposal in Appeal A on the vitality and viability of local village shops in Bishop Burton, Cherry Burton and Walkington.

## **Reasons**

### *Character and Appearance*

10. The proposed development would be located in the corner of an existing field adjacent to the Killingwoldgraves roundabout. The petrol filling station would be sited to the north-east of the roundabout, accessed directly off the A1174.

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<sup>1</sup> Planning Permission Ref 20/00541/OUT

11. The *East Riding of Yorkshire Landscape Character Assessment* ('LCA') identifies the site within Character Area 16C: Beverley Westwood. It encompasses a historic area to the west of the town which includes Beverley Racecourse and the Beverley Westwood Park and Garden. The LCA describes the area as containing mature trees dotted across a grazed landscape "...giving a parkland feel to the place." The mature trees, hedgerows and rolling agricultural land make a positive contribution to the character and appearance of the area and are part of the distinctive rural landscape to the west of Beverley.
12. Building a modern petrol filling station with associated access and signage would inevitably change the appearance of the site and the immediate surrounding area. However, the footprint of built development would be confined to the corner of the field where the land drops down to the roundabout. Information provided by the appellant shows that the scheme would result in the loss of less than 5% of the existing field.
13. In support of the development is a *Landscape and Visual Impact Assessment* ('LVIA'). The detailed assessment considers the impact of the scheme from different viewpoints. It demonstrates that when approaching the site from the west, travelling towards Beverley, the development would be highly obscured by a belt of mature trees that flank the western side of the A1035. This screening would also be complemented by the additional landscaping proposed. Due to the tree belt, the slightly lower level of the site and the position of the development in the corner of the field adjacent to the existing roundabout, it would not be viewed in the same context as Beverley Westwood, and would not obstruct any key views to, or from the town. Similarly, when approaching from the north, a combination of site levels, existing and proposed planting and the height of the building would limit views from the A1035 Dog Kennel Lane.
14. The most notable visual impacts would be from the southern and eastern approaches to the site from the A1079 and the A1174. But in both cases, the development would only really become visible upon entering the roundabout due to the presence of existing planting, the siting of the scheme and the topography of the area. The visual influence of the proposal would therefore be very localised. As a result, there would be a very limited impact on the wider agricultural landscape, which would continue to dominate the western approaches into Beverley. For the same reasons the historic and special character of The Yorkshire Wolds Important Landscape Area, which is situated beyond the appeal site to the south, would also be maintained.
15. In addition to concerns regarding wider landscape character, it has also been suggested that the scheme would be a modern, bland development that would represent an 'alien' feature in a countryside setting. However, in the location proposed the single storey building, garage forecourt and associated signage would be viewed alongside the existing roundabout, which is a large junction serving key arterial routes. Despite its verdant appearance, the approaches to the roundabout are dominated by road markings, signage, crossing points and lighting columns. When viewed in this context the functional appearance of the petrol station, shop and signage, which are all common roadside features, would not appear as an incongruous addition that would be harmfully out of place.
16. For the same reasons the development would not cause any material harm to the character and appearance of the area at night. Although the scheme would

- introduce additional lighting and illuminated signage, it would be viewed against the backdrop of the existing roundabout. As demonstrated by the appellant's *External Lighting Environmental Impact Assessment and Lighting Appraisal*, the roundabout is already a well-lit junction with tall lighting stanchions on the approaches and illuminated road signs. The appeal site would also be set down below the level of the roundabout behind vegetation, and the most brightly lit areas would be under the canopy which would limit upwards light spill. Subject to restricting the level of illumination, which could be adequately controlled and enforced through the use of a planning condition, the petrol filling station and associated signage would not give rise to harmful visual impacts or significant levels of light spillage after-dark.
17. In order to achieve the proposed access a section of the existing hedgerow along the A1174 would need to be removed, with a further section cut back or removed for the required visibility splays. Removing a large section of the hedge would partially erode the rural character of the area. However, subject to the replanting and realignment of the hedgerow, the *Arboricultural Impact Assessment* ('AIA') concludes that the impact of the scheme on the local landscape would be low. The Council's Trees and Landscapes Officer also confirms that the loss of hedgerow could be adequately mitigated by new planting, which could be controlled through the use of a planning condition.
18. To the east of the proposed site entrance is an Ash tree (identified as 'T3' in the AIA). Following dialogue with the Council's Trees and Landscapes Officer, the AIA demonstrates how T3 (and T10) could be retained. Although the access works would impact on the root protection area of the trees, the authors of the report and the Council's tree officer both conclude that this could be mitigated by pruning. As a result, subject to necessary measures to protect the trees, there would be no detrimental impact on the distinctive parkland appearance which is synonymous with the Beverley Westwood landscape character area.
19. I therefore conclude that by reason of the proposals' localised visual impact, and when viewed in the context of the existing roundabout, they would respect the intrinsic landscape character of the area. As a result, there is no conflict with Policy S4(c) of the *East Riding Local Plan Strategy Document* which, amongst other things, supports proposals in the countryside where they respect the intrinsic character of their surroundings. For the same reasons there is no conflict with Policies ENV1 or ENV2 which seek to respect the diverse character and appearance of the area, achieve high quality design and protect and enhance existing landscape character as described in the LCA, paying particular attention to important landscape areas. The proposal also accords with paragraphs 127 and 170 of the National Planning Policy Framework ('the Framework') which requires developments to function well and add to the overall quality of an area, are visually attractive, protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.
20. In terms of Appeal B, there is no conflict with the Regulations which require decisions for advertisement consent to be made in the interest of visual amenity (and/or highway safety). For the same reasons there is also no conflict with Policies ENV1 or ENV2 of the Local Plan Strategy Document, or the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

### *Vitality and Viability*

21. The applicant, BP Oil UK Limited, works in partnership with Marks & Spencer. As part of the proposal around 100 square metres of retail floorspace would be dedicated to 'M&S Simply Food', selling products such as confectionary and snacks, ready meals, fresh produce, groceries, beer, wine, spirits and flowers. The remainder of the store would sell vehicle-related products and include a self-service drinks machine.
22. Some of the goods available at the proposed petrol filling station would be similar to those on offer at the local shops in nearby Bishop Burton, Cherry Burton and Walkington. I therefore fully appreciate the significant number of concerns that have been raised regarding the potential impact of the scheme on the vitality of existing village shops, which are important to the local communities that they serve.
23. However, the appeal site is roughly 1.1 miles away from the Bishop Burton shop, approximately 2.1 miles from the Cherry Burton store and almost 1.9 miles from the shop in Walkington. All three shops are focused on meeting the essential day-to-day needs of local residents and include Post Office services. They are aimed at providing convenience top-up shopping and everyday services for a small, localised catchment.
24. In contrast, the proposed retail store would be ancillary to the primary function of the appeal site as a petrol filling station, with vehicle-related products for sale, a customer toilet and self-service drinks machine. Based on the size and format of the retail store, combined with its distance from the surrounding villages, it would be aimed at serving motorists who are either making passing trips, or, who are already on the road network stopping as part of longer journeys. This is evidenced by information provided by the appellant, which confirms that fuel-related purchases account for around 70% of the overall trade from similar sites, with approximately 30% non-fuel sales. Although some residents may make journeys to the proposed site for essentials, especially when the existing village shops were closed, it is therefore unlikely to become a destination in its own right. The local village shops with Post Office services would still represent a far more convenient and accessible location for residents meeting their day-to-day needs.
25. The shop in Bishop Burton is the nearest to the appeal site, and also the smallest. Of particular concern to the Bishop Burton Parish Council is the 'significant' amount of lunchtime trade that the village shop receives from students at Bishop Burton College. Whilst the description of the proposed development includes the 'Wild Bean Café', this is essentially a self-service coffee machine within a petrol filling station. Thus, although some students may visit the site during breaks, and to and from their way to college, given the distance involved and the type of food and drink on offer, I am not persuaded that it would become a destination in its own right that would fundamentally undermine the vitality and viability of the local shop.
26. Reference has also been made to a similar scheme in Crondall, Hampshire, where it is suggested that the local shop closed less than a year after a 'M&S Simply Food' outlet opened nearby. But there is nothing to suggest that the circumstances are similar to situation before me. As such, I cannot attribute these comments any significant weight in reaching my decision.

27. Based on the evidence provided, which includes a sequential and impact assessment provided by the appellant, I therefore conclude that the proposal in Appeal A would not undermine the vitality and viability of the local village shops in Bishop Burton, Cherry Burton and Walkington. Consequently, there is no conflict with Policy EC3 of the Local Plan Strategy Document which states that outside the Town and District Centres, small groupings or individual shops in the Service Centres, Primary Village and Villages will be protected where they are important to the day-to-day needs of local communities. There is also no conflict with paragraph 92 of the Framework, which states that planning decisions should ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

### **Other Matters**

28. In refusing planning permission, the Council did not raise any concerns regarding the principle of a new petrol filling station in the location proposed, which is outside a defined settlement within an area of open countryside. Policy S8 of the Local Plan Strategy Document states that roadside facilities essential to support the safety and welfare of motorists will be supported, where they are of an appropriate scale and meet an identified need.
29. In support of the proposals the appellant provided an assessment of need, which has been updated at appeal. It considers traffic flows, commuting patterns and existing provision to demonstrate that there is a need for a new petrol filling station in this location. The Planning Officer's Report summarises the position and confirms that there is no existing provision to the north and west of Beverley, with the nearest petrol station to the west around 8 miles away from the appeal site at Market Weighton. It therefore concludes that there is a need for a new petrol filling station to the west of the town, in accordance with Policy S8. Based on the evidence provided, which includes a comprehensive assessment of travel patterns and existing provision, I find no reasons to disagree.
30. In reaching this conclusion I have taken into account comments that fewer people are now travelling to and from places of work due to the Coronavirus ('COVID-19') pandemic, and that the motor industry is moving away from petrol and diesel vehicles. But no evidence has been provided to suggest that temporary changes in working practices are going to result in significantly fewer vehicle journeys on this part of the highway network in the longer term. The assessment of need also takes into account the requirement for alternative fuel technologies, and the revised site layout includes an electric vehicle charging point.
31. Outline planning permission has now been granted for a new petrol filling station and shop to the south-west of the Killingwoldgraves roundabout. The owners of the site state that they are pursuing a reserved matters application, have operator interest and that the granting of planning permission meets the undisputed need for a petrol filling station in this location. However, at this stage, only outline planning permission has been granted and no operator for the site has been confirmed in the written submissions. As the Council points out, *"...there is no guarantee that it will be followed up with a reserved matters application or that it will be implemented."* As a result, the recently approved scheme does not justify dismissing the appeal proposals.

32. Access to the site would be taken from the A1174 and speed surveys have been carried out to determine the necessary visibility splays required from the proposed junction. A dedicated right-turn lane would also be provided to allow vehicles to safely stop and give-way to oncoming traffic before entering the site. Whilst the proposals would alter vehicle movements, subject to road improvements, which also include widening part of the A1174, Highway Officers conclude that the proposal would not prejudice the safe and efficient operation of the highway network. Based on the evidence provided I find no reasons to disagree. There is also nothing to suggest that signage associated with the appeal scheme, which is a typical form of development adjacent to the highway network, would distract motorists leading to public safety concerns.
33. The nearest residential property to the appeal site is roughly 150m away to the south-west, located on the opposite side of the roundabout with intervening trees and shrubs. Information has been provided to demonstrate how the level of illumination will be limited from external lighting, along with measures to restrict noise from external plant. Combined with restrictions on delivery hours, there would be no significant adverse impacts on the living conditions of neighbouring residents arising from the operation of the site.
34. Neighbouring Killingwoldgraves House is a Grade II listed building. I have therefore had special regard to the desirability of preserving its setting. The heritage assessment provided by the appellant identifies that the significance of the house is drawn from its built form, structure and notable interior features such as its staircase. It concludes that the setting of the building includes the driveway and gardens and that there is no historic, functional or visual link between the property and the appeal site, which is around 150m away separated by the roundabout and mature landscaping. For these reasons, the proposed development would preserve the setting of the Grade II listed building. The heritage assessment also demonstrates that there would be no harm to the setting of the Beverley Sanctuary Stone at Bishop Burton, known as 'Stump Cross'. The heritage significance of the stone, which is derived from its historic use and proximity to the roadside, would be maintained.
35. Also submitted in support of the scheme is a *Preliminary Ecological Appraisal* which has been reviewed by the Council's Nature Conservation Officer and Natural England. In summary, the documentation shows that the core area of the site (an agricultural field) is of limited ecological value and that the potential impact of the proposal on habitats and species can be appropriately mitigated. Updated information provided at the appeal stage also confirms how net gains in biodiversity can be achieved, as required by paragraph 170 of the Framework. As identified above, the proposal would only reduce the size of the existing field by around 5% and would therefore not result in the significant loss of best and most versatile agricultural land.
36. Several concerns have been raised that the approval of planning permission could lead to future development and the intensification of the site. But any potential future planning applications would be considered by the Council on their own merits, having regard to relevant national and local planning policies in place at the time. I am therefore satisfied that allowing the appeal would not set a precedent for further commercial development in this location.

37. Finally, no information has been provided to substantiate comments that the proposed development would devalue local properties. As such, I have not given these comments any significant weight in reaching my decision.

### **Conclusions and Conditions**

38. For the reasons given above, and having had regard to all other matters raised, I conclude that both appeals should be allowed.
39. For Appeal A, aside from the standard time limit condition it is necessary to list the approved plans, in the interest of clarity and precision.
40. As set out above, the mature trees along the site boundary make a positive contribution to the character and appearance of the area and are a defining feature of the Beverley Westwood landscape character area. Conditions requiring the protection of T3 and T10, and to monitor their health during construction (as recommended by the AIA and the Council's written statement) are therefore necessary. Because the tree protection measures relate to the construction phase of development, they should be approved prior to any works starting on site. For precision I have included reference to the AIA and relevant tree protection plan, as suggested by the appellant.
41. In the interests of the character and appearance of the area all new landscaped areas should also be approved by the Council, along with information relating to their future management. Unlike tree protection, the measures do not need to be approved prior to development starting.
42. To safeguard protected species during construction, a condition is necessary to require development to be carried out in accordance with the Preliminary Ecological Appraisal. The interests of nature conservation also necessitate a condition requiring biodiversity enhancements, which should be approved once development is underway.
43. In the interests of highway safety, details relating to the access, parking and manoeuvring of construction and delivery vehicles and wheel washing facilities need to be approved before development commences. For the same reasons, conditions are required to ensure that the site access is provided in accordance with the approved plans, and that the petrol filling station is not opened unless the right turn lane from the A1174 and the necessary on-site parking, loading and manoeuvring areas have been provided.
44. To ensure that a satisfactory means of drainage is provided, conditions are required in relation to foul and surface water management. To prevent contamination of the water environment and in the interests of potential sites of archaeological interest, details relating to the underground fuel tanks and a scheme of archaeological investigation are also necessary. Because these details are concerned with the construction of the proposed development, their approval is required before development commences.
45. In the interests of the living conditions of local residents and the character and appearance of the area conditions are required to prevent the installation of external plant and machinery and external lighting without prior approval from the Council, in addition to details concerning waste management. The living conditions of local residents also necessitate a condition restricting the delivery of fuel and supplies to the retail store.

46. The Council has suggested a condition limiting deliveries and collections to between 07:00 and 22:00 hours each day. However, the nearest residential property is approximately 150m away from the appeal site. Because of this degree of separation, and the intervening roundabout and landscaping, the appellant's suggested delivery times of between 06:00 and 23:00 hours are appropriate.
47. For clarity, and in the interests of the character and appearance of the site and surrounding area, further conditions are required which specify the finished floor and ground levels of the site. Where the Council's suggested conditions include reference to the proposed site plan, I have referred to drawing Ref 180786-3 Revision G, as set out in the procedural matters above. For the same reasons it is also necessary to confirm that the materials used in the construction of the development should be in accordance with the approved plans.
48. For Appeal B, aside from the five standard conditions set out in the Regulations, it is necessary to list the approved plans and limit the brightness of the advertisements as illustrated on the approved plans. This is for clarity and in the interests of the character and appearance of the area.

*Matthew Birkinshaw*

INSPECTOR

### **Conditions Schedule – Appeal A**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 180786-03 Rev G, 180786-04 Rev A, 180786-05 Rev A, 180786-06 Rev A and SHF.368.001.TR.D.026 Rev A.
- 3) No development shall take place on site (including site clearance works and any other preparatory works on site) until the tree protection measures recommended in the Tree Protection Plan (Drawing No. SHF.368.001. Ar.D.002.D) provided within the Arboricultural Survey, Impact Assessment and Method Statement (SHF.368.Ar.R001.E) (hereinafter called the "Approved Tree Protection Scheme") have been implemented. The above measures should be carefully monitored by the developer's Arboricultural Consultants. Any prescribed tree management shall be discussed and be fully agreed on site with the Council's Tree Officer and the appointed tree contractor before being carried out. Measures installed pursuant to the Approved Tree Protection Scheme shall be retained intact throughout the period referred to above and shall not be breached, removed or repositioned without the prior written approved of the Local Planning Authority.

No excavations for services, storage of materials, plant or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of waste or surplus construction materials or liquids, shall take place within any area designated as being fenced off or otherwise protected pursuant to the Approved Tree Protection Scheme.

- 4) Notwithstanding the submitted details, no development shall take place above damp course level until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. A successful landscaping scheme shall include:

- Written specifications (including cultivation and other operations associated with plant and grass establishment;
- Schedule of plants noting species, plant sizes and proposed numbers/densities;
- Provisions for the achievement on-site of a minimum 10% Biodiversity Net Gain;
- Means of enclosure;
- Hard surfacing materials; and
- Minor artefacts and structures (e.g. refuse or other storage units, lighting, etc.)

These works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme of implementation. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

- 5) No development shall take place on site (including site clearance works and any other preparatory works) until a methodology for the annual monitoring of T3 and T10 for a minimum period of 5 years post-completion of the development has been submitted to and approved in writing by the Local Planning Authority. T3 and T10 will thereafter be inspected on an annual basis for a minimum period of 5 years from the date the development is completed.
- 6) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.
- 7) No development shall take place unless in strict accordance with all of the recommendations for mitigation to safeguard protected species, and Habitats and Species of Principle Importance, as set out in in section 5 of the Preliminary Ecological Appraisal (Enzygo Environmental Consultants, January 2019).
- 8) No development shall take place above damp proof course until a Wildlife Enhancement Plan (WEP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include, but not be restricted to, the habitat improvements and species-specific enhancements set out in section 5.4 of the Preliminary Ecological Appraisal (Enzygo Environmental Consultants, January 2019). The WEP shall provide full details of the biodiversity enhancement measures, a detailed plan that shows specific locations of the features, and a timetable for implementation. The scheme shall be implemented in accordance with the approved details.
- 9) No development shall take place until details showing the provision of the temporary vehicle access to the site, the temporary vehicle parking, loading, off-loading and manoeuvring facilities for the contractors carrying out building and construction works on the development have been submitted to and approved in writing by the Planning Authority. No other building or construction works shall be commenced until the temporary vehicle parking, loading, off-loading and manoeuvring facilities have been provided and used by contractors in accordance with the approved details. The approved vehicle parking, loading, off-loading and manoeuvring facilities shall be retained and used by contractors during the construction of the development.
- 10) No development shall take place until wheel cleaning facilities have been provided within the curtilage of the site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority and this facility shall be retained and used by vehicles leaving the site for the duration of the works.
- 11) Visibility splays of 4.5m by 120m shall be provided and retained at the access in accordance with the approved details, including Drawing No. SHF.368.001.TR.D.026 Rev A (ERYC Highways Design Requirements) and the Tree Protection Plan (Drawing No. SHF.368.001. Ar.D.002.D) provided within the "Arboricultural Survey, Impact Assessment and Method Statement (SHF.368.Ar.R.001.E).

- 12) No part of the development shall be first brought into use until the access to the site off the A1174, including the Right Turn Holding Lane and other associated works, has been constructed as shown on the approved Drawing SHF. 368.001.TR.026 Rev A.
- 13) No part of the development shall be brought into use until the means of vehicular access for motor cars and delivery vehicles, pedestrian access and the vehicle parking, loading, off-loading and manoeuvring facilities serving it have all been constructed in accordance with the submitted details. The vehicle parking, loading, off-loading and manoeuvring facilities shall thereafter be so retained.
- 14) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 15) No development shall take place until a scheme for the discharge of surface water from the site, incorporating a sustainable drainage system and associated management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme, and shall be managed and maintained in accordance with the approved plan.
- 16) No development shall take place on site until details of the works for the disposal of foul sewerage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied/brought into use until the approved sewerage details have been fully implemented in accordance with the approved plans.
- 17) No development in relation to the underground fuel tanks shall take place until a scheme detailing their installation has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation; the tanks; tank surround; associated pipework; and monitoring system. The scheme shall then be fully implemented and subsequently maintained, in accordance with the approved details.
- 18) No external fixed mechanical heating, cooling, air-conditioning, ventilation, refrigeration and extraction systems shall be installed until full and precise details which shall include a noise management scheme containing a day and night time noise assessment and the effects of proposed mitigation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be constructed, installed and thereafter maintained in accordance with the approved scheme.

- 19) No external lighting shall be installed on site until details have been submitted to and agreed in writing by the Local Planning Authority. Any approved lighting equipment shall then be installed and operated in accordance with the approved details and thereafter retained.
- 20) A scheme for the storage and disposal of all trade waste generated from the proposed site shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing, and thereafter implemented in accordance with the approved details.
- 21) Deliveries of fuel and supplies to the filling station and retail store, as well as collections (e.g. waste/recycling) shall only take place between 06:00 hours and 23:00 hours on any day.
- 22) The development hereby permitted shall be constructed with the finished floor and ground levels as indicated on the approved drawing no. 180786-03 Rev G.
- 23) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those indicated on the approved plans.

**Conditions Schedule – Appeal B**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 180786-ADV1c, 180786-ADV2a, 180786-ADV3b and 180786-ADV4b.
- 2) The luminance levels in candelas per square metre for each of the advertisements hereby granted consent shall be no greater than those figures shown on the approved plans.