



Appeal Decisions

Site visit made on 28 July 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2020

Appeal A Ref: APP/X4725/W/19/3243395

Land at St Faith's Manor, Off Bevan Grove, Stanley Royd, Wakefield WF1 3RY

- 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 Linfit Investments Limited against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref: 19/00451/FUL, dated 21 February 2019, was refused by notice dated 23 July 2019.
 - The development proposed is described as: Change of use from 5no. townhouses to 10no. townhouses.
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Appeal B Ref: APP/X4725/W/20/3250966

Land at St Faith's Manor, Off Bevan Grove, Stanley Royd, Wakefield WF1 3RY

- 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 Linfit Investments Limited against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref: 19/02154/FUL, dated 25 September 2019, was refused by notice dated 9 April 2020.
 - The development proposed is described as: Change of Use from 5No. Townhouses to 10No. Townhouses.
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Appeal C Ref: APP/X4725/W/20/3250969

Land at St Faith's Manor, Off Bevan Grove, Stanley Royd, Wakefield WF1 3RY

- 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 Linfit Investments Limited against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref: 19/02183/FUL, dated 25 September 2019, was refused by notice dated 9 April 2020.
 - The development proposed is described as: Change of use from 5No. townhouses to 12No. apartments.
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Decisions

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is allowed, and planning permission is granted for Change of Use from 5No. Townhouses to 10No. Townhouses at Land at St Faith's Manor, Off Bevan Grove, Stanley Royd, Wakefield WF1 3RY in accordance with the terms of the application, Ref: 19/02154/FUL, dated 25 September 2019, subject to the conditions in the attached schedule.

Appeal C

3. The appeal is allowed, and planning permission is granted for Change of use from 5No. townhouses to 12No. apartments. at Land at St Faith's Manor, Off Bevan Grove, Stanley Royd, Wakefield WF1 3RY in accordance with the terms of the application, Ref: 19/02183/FUL, dated 25 September 2019, subject to the conditions in the attached schedule.

Application for costs

4. An application for costs in respect of each appeal was made by Linfit Investments Limited against City of Wakefield Metropolitan District Council. These applications will be the subject of a separate Decision.

Procedural matter

5. As set out above, there are three appeals in respect of this site. All three schemes relate to the same building shell. They primarily differ in so far as the proposal that forms the subject of Appeal C is for the conversion of the building to twelve flats rather than the ten townhouses sought by the proposals that form the subject of Appeals A and B. Appeal C also differs slightly in terms of the proposed alterations to the elevations of the building to facilitate the conversion. Appeals A and B differ from one another in respect of the quantum of private amenity space that would be provided for the proposed dwellings. The Council's reasons for refusal are essentially similar for the applications that form the subject of Appeals A and B. The application that forms the subject of Appeal C was refused for a reason relating to the character and appearance of the area and to the potential effect on trees that are covered by a Tree Preservation Order. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the schemes together, except where otherwise indicated.

Main Issues

6. The main issues in respect of Appeals A and B are:
 - Whether the proposed development would provide suitable living conditions for the future occupiers, with particular regard to outdoor private amenity space; and
 - The effect of the proposed development on highway and pedestrian safety in the vicinity of the appeal site.
7. The main issues in respect of Appeal C are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on nearby protected trees.

Reasons

Living conditions for the future occupiers

8. All three appeals relate to an existing building shell that has been erected pursuant to an earlier planning permission for five townhouses in a single terrace of five dwellings. When I visited the site, I was not able to access the interior of the building. However, from the evidence, the interior has not yet been completed. To the rear of the terrace there is an open area which was originally intended to be divided into five rear gardens for the proposed townhouses.
9. It is common ground between the parties that all three proposals would provide adequate and suitable internal space for the future occupiers. It is also not in dispute that the proposed dwellings and flats would receive sufficient levels of natural light and ventilation and would have an acceptable outlook. The main area in dispute is whether the proposals that are the subject of Appeals A and B would provide sufficient outdoor amenity space for the future occupiers. In respect of Appeal C, the Council argue that the proposal would increase pressure on existing open space provision in the area but the reason for refusal in this case does not cite insufficient private outdoor amenity space as a specific deficiency of that scheme.
10. The proposal in Appeal A would not provide any private outdoor amenity space directly associated with the individual properties proposed. The scheme in Appeal B proposes a small external amenity area to the front of each new resulting dwelling. Policy D9 of the Wakefield Local Development Framework Development Policies Document 2009 (the WDPD) expects, among other matters, that new development should have no significant detrimental impact on the amenity of prospective users. This is broadly consistent with the requirements of the National Planning Policy Framework (the Framework), which expects new development to provide a high standard of amenity for existing and future users.
11. Neither Policy D9 nor the Framework set out a quantum of private amenity space that is required in connection with new dwellings. However, the Wakefield Residential Design Guide Supplementary, Part 1, Supplementary Planning Document 2018 (the SPD), which is to be read alongside the WDPD, states that garden sizes for new dwellings should be a minimum of 75m², which may be reduced where narrow plots are proposed. This requirement is qualified by a statement that strict adherence to the standards is likely to limit design variety, unnecessarily restrict density and may not lead to a scheme reflecting local character.
12. Whilst I have noted that the appellant states that the proposed dwellings in Appeals A and B are not intended as family homes, there is nothing that would prevent them from being occupied by a small family who might wish to have an enclosed and overlooked external area. Equally, there is little that would support the assertion that the future occupiers of the proposed dwellings would not want a garden area. The appeal proposals are functionally different from a block of flats accessed from a common entrance and stairway; in that they are individual dwellings each served by a separate entrance giving direct access to the outside.

13. When I visited the site I did see that there are areas of amenity open space in proximity to the appeal site and that there is an area of public open space located to the north west of the site that is accessed by a lit and surfaced footpath to the north of the site. I also saw that within the immediate vicinity, on the recent developments adjacent to the site to the south and to the north, dwelling houses were provided with private gardens, although flats were not.
14. Whilst there is open landscaped space in the vicinity of the appeal site, within the broader gated area that includes the appeal site and the adjoining development, much of the identified area is either under tree cover, encroached upon by car parking spaces or adjacent to busy roads. The public park is located approximately 300m from the appeal site and whilst relatively convenient to access, like the landscaped areas around the appeal site, is only suitable for certain types of recreational uses and none of these areas could be used for the full range of activities that might normally be associated with a private garden area of a dwelling house.
15. The proposal that forms the subject of Appeal A would be inconsistent with the approach taken to new dwellings in the vicinity of the site, which have private external amenity space. I am also mindful of, and would agree with, the Council's position that it is possible to design a scheme, that makes provision for private gardens associated with the proposed dwellings, albeit smaller than the size suggested by the SPD, and which also meets other technical requirements in respect of car parking and the storage of refuse bins.
16. My attention has been drawn to a number of other schemes within the Council's administrative area. I have noted that the scheme at Greenhill Road provides gardens for the proposed dwellings, albeit these appear to be smaller than the 75m² suggested by the SPD. I have also noted that the scheme at Aberford Road is for the development of flats and that this does not make provision for private amenity space for each flat. However, this is not an uncommon situation with flatted developments.
17. In respect of the scheme at Balne Lane, I accept that this is for a development that proposes a similar type of small, back to back, dwelling as proposed by Appeals A and B and, that these are not provided with any private external amenity space. There is less information in respect of this scheme and the circumstances that led to it being accepted, nonetheless, it is clear from the decision notice that the proposal was permitted prior to the adoption of the SPD.
18. Consequently, I do not consider that any of the examples cited are directly analogous to the cases that are before me in these appeals and I have decided these cases on their own merits.
19. The dwellings proposed are narrow, single aspect houses and within the above context I find that the lack of any provision for private outdoor amenity space would provide a poor standard of accommodation, inconsistent with the surrounding area and which would not provide suitable living conditions for the future occupiers. For this reason, Appeal A must fail on this ground and it would not comply with the relevant requirements of Policy D9 of the WDPD, the Framework, or the SPD.
20. In respect of Appeal B, the proposal would provide some level of private amenity space for the proposed dwellings, which, although small, would be

commensurate to the size of the dwellings. The approach proposed by Appeal B would be consistent with the design approach taken on developments in the near vicinity of the appeal site, in so far as the new dwellings would be provided with an area of private amenity space. Whilst the quantum of amenity space would fall short of the level suggested by the SPD, the SPD recognises that rigid application of the standards set out within it could stifle design innovation. The amenity space may be proposed in a different configuration, however, this is due to the proposal adapting an existing building shell and the Council have not raised any objection to the principle of back to back dwellings of the type proposed. In this context, although the proposal would not fully comply with the level of private space generally sought by the SPD, in isolation, this is not sufficient to warrant refusing planning permission.

21. I therefore conclude that the development proposed by Appeal B would provide suitable living conditions for the future occupiers and would not conflict with the relevant requirements of WDPD Policy D9 and the Framework.

Highway safety

22. The appeal site would be accessed from an existing access road that forms an extension to Bevan Grove and currently serves an existing development of houses and flats to the south of the appeal site. Access to this road is controlled by an electronically operated gate, which closes automatically. Whilst there are footways on Bevan Grove from close to the access to the development that includes the appeal site, there are no dedicated footways within the gated area and pedestrians are required to share the carriageway with vehicles. This situation would not be altered by the appeal proposals.
23. The appeal proposals were accompanied by a Highways Statement which concluded that the appeal proposals would not have a significant impact on the operation of the highways network in the vicinity of the appeal site. This is not disputed by the Council.
24. The appeal proposals would increase the number of vehicle movements within the site and in the vicinity of the proposed new dwellings in order to access the parking spaces. Nonetheless, the access to the overall site is controlled by a gate and the access to the appeal site is located approximately 20 metres from this gate, where incoming vehicles would have stopped to allow the gates to open. As a result, vehicles would not attain high speeds before entering the appeal site. Within the appeal site itself, the configuration of the internal roadway would be such that vehicle speeds would also be low, and drivers would also be aware that they were within an area where there are likely to be pedestrian movements or other vehicles manoeuvring.
25. Whilst there would not be a separate footway around the access road in either scheme, there would be a footway around the entire perimeter of the building. Consequently, it would not be necessary for pedestrians to walk on the carriageway of the internal road to gain access to what is presently the rear of the building. There is no evidence before me that the previous approval for 5 town houses made provision for segregated pedestrian movements within the site.
26. I have also noted that the Highway Authority have not raised any objections to the proposals on highway safety grounds.

27. The Framework states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety. Whilst the increase in the overall number of dwellings that would result from the proposals would lead to a small increase in the number of vehicle movements, amounting to an extra 2-3 additional vehicle movements during the peak periods, there is nothing before me that would indicate that this would result in conditions that would be materially different from the earlier approval for five dwellings, or that this would result in a situation that would be inherently unsafe.
28. Whilst the broader definition of good design would include ensuring that a proposed development would be safe for the future users and would not result in conditions that prejudice the safety of other users in the vicinity, there is nothing in WDPD Policy D9 that refers directly to highway safety. The sections of the policy referred to by the Council in respect of providing a quality setting for the development and protecting the amenity of existing and future users are, at best, tangential to the matter of highway safety.
29. The Wakefield Council Street Design Guide 2012 (the Design Guide), among other matters, sets out general requirements in respect of the design of footways and shared surface streets. Although the Council suggest the proposal does not meet these requirements, it is not stated which of these are contravened by the appeal proposals. The Design Guide does not require that within a shared surface street, such as that which serves the appeal site, there should be a separate or segregated pedestrian route and there is no meaningful elaboration in the evidence with regard to how the transition between the carriageway and dwellings would be unsafe. Although in the proposal in Appeal A, car parking spaces would be located to the front of some of the dwellings, these would be separated from the front doors by a footway. I also saw that the recently built dwellings to the south of the appeal site also have parking spaces adjacent to the front door of the dwellings. In this context, I do not find any conflict with the Design Guide.
30. I conclude that the development proposed by both Appeal A and Appeal B would not cause harm to highway and pedestrian safety in the vicinity of the appeal site. The proposals would not conflict with WDPD Policy D9, the Framework and the Design Guide.

Character and appearance

31. The proposal that forms the subject of Appeal C is to adapt the existing building shell to form 12 flats. This would entail modifications to the ground floor level of the building to remove all but one of the current external doors and porches and to replace these with windows, and to alter the larger ground floor openings, originally intended to contain garage doors and patio doors, to windows. The existing stone plinth to the building would be extended to continue below the altered openings.
32. WDPD Policy D9 and the Framework expect new development to be of a high standard of design that has regard to, and relates, well to its context.
33. The proposed modifications would change the external appearance of the building but, nonetheless, the essential design theme would remain consistent with the development to the south of the appeal site within the gated area. The overall size and massing of the building would be largely unchanged.

34. The most obvious change would be in respect of the parking arrangements and the increased number of car parking spaces around the perimeter of the building. I saw that at the development to the south, which consists of an L-shaped block containing both houses and flats, off-street parking is provided to the front of the building. Whilst the parking for the houses is separated by narrow strips of planting, the off-street parking for the flats is not demarcated in this manner. The proposed parking arrangements would also not be dissimilar to the arrangements for communal car parking at the development to the north of the appeal site in the grounds of the former hospital.
35. The additional area of parking to the rear of the building would not be readily apparent from the carriageway of St Faith's Manor and although it would be visible from outside the wider site, from the footpath to the north and the playing fields to the west, it would be partially screened by the perimeter landscaping.
36. Overall, I find that the visual effect of the proposed scheme would be a neutral one and that the resulting development would be consistent with the existing built form of the area.
37. It is not asserted that the proposed level of car parking provision either does not meet, or is in excess of, the requirements set out in the SPD and the Design Guide. Nor is it argued that the vehicle movements associated with the proposed flats would prejudice highway safety in the area. Although the reason for refusal refers to non-compliance with these documents, the Council's evidence does not elaborate on the manner in which the proposal does not meet any particular requirements.
38. The increased number of units would lead to a greater number of vehicle movements in the area. The Highways Statement submitted with the proposal indicates that, typically, for a development of the size proposed this would be approximately 36-48 vehicle movements per day or approximately 4 trips during the morning and evening peak hours.
39. I accept that the existing development at St Faith's Manor will not generate significant numbers of vehicle movements due to the present number of units. However, few vehicles accessing and egressing the proposed new development would pass the existing dwellings to the south, and to the north of the site these vehicles would use an existing road network that serves the much larger area of residential development on the former hospital site. Within this context, the increased number of vehicle movements would not be significant in visual terms and would have little effect on the character of the area.
40. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would not conflict with the relevant requirements of WDPD Policy D9, the Framework, the SPD and the Design Guide.

The effect on protected trees

41. Within the appeal site and the wider area there are a large number of trees that are subject to a Tree Preservation Order. WDPD Policy D7 seeks to ensure that new development does not result in damage to or the loss of trees and Policy D9 expects new development to retain important ecological features and incorporate high quality landscaping.

42. The proposal that forms the subject of Appeal C was not supported by a specific Arboricultural Report. However, the alterations to the site layout to create the internal vehicle circulation space and parking areas are essentially similar in all three appeals and the proposal in Appeal A was accompanied by an Arboricultural Implication Assessment that considered the effect on the protected trees. This Arboricultural Assessment concluded that the works will encroach marginally into the root protection areas of 6 of these trees. It also concludes that the construction of a conventional road surface should not unreasonably compromise the health of these trees and that retained trees can be expected to achieve their overall dimensions subject to routine pruning operations. These conclusions are not challenged by the Council and I note that no objections have been raised to any of the proposals by the Council's Arboricultural Officer.
43. The Council are concerned that the increase in the number of residents that would result from the development of the building shell as 12 flats would increase the demand and usage of the existing amenity open space. The proposals in Appeal C do not include any private outdoor amenity space for the future residents. This is not unusual with flatted developments and I observed that the substantial number of flats which have been developed on the adjacent site, to the north of the appeal site, do not have private outdoor space for each individual flat. Whilst I accept that an increase in the overall number of future residents would result in a greater use of the existing amenity open space for informal recreation, there is no substantive evidence that would support the council's contention that use of the communal amenity space would result in pressure to remove existing protected trees, either within the appeal site or in the wider area.
44. As the trees are subject to a Tree Preservation Order, any requests to remove these would, in any event, require permission from the Council and would require appropriate justification. There is no evidence that the appeal proposal would directly result in the loss of any of the protected trees and a generalised concern about potential future requests to remove trees is not sufficient grounds to refuse planning permission in this case.
45. I therefore find that the development proposed by Appeal C would not cause harm to nearby protected trees. It would comply with the relevant requirements of WDPD Policies D7 and D9.

Other matters

46. I have had regard to the points that have been raised by third parties both in respect of the original planning applications and to the appeals. Most of the matters raised have been covered under the main issues above.
47. There is no substantive evidence before me in respect of problems in respect of drainage at the site or which indicates that the proposed arrangements for the storage and collection of refuse are not practicable.
48. Whilst I have noted the comments in respect of the design of back to back housing, I have not been made aware of any planning policy that precludes housing of this type.
49. I do not have any definitive information in respect of the use or status of the existing parking spaces that are situated adjacent to the open space opposite

the buildings within the site. The only evidence I have in respect of these is from the Council Officer's report in respect of the scheme proposed by Appeal B, which sets out that the original scheme for the current development to the south of the appeal site was approved with 3 visitor parking spaces. The officer's report also indicates that the existing dwellings to the south were permitted on the basis of each house only having 1 parking space and a garage. The submitted layout plan for this proposal indicates 14 visitor parking spaces remaining to serve the development as a whole, in addition to 6 of the spaces opposite the building being allocated to individual new dwellings. There is no evidence before me that would demonstrate that the overall level of parking provision would not meet the requirements of the whole development in any of the variations proposed by the Appeal schemes.

50. None of the matters raised, either individually or collectively, would lead me to a different conclusion on the main issues.

Conditions

51. I have had regard to the lists of suggested conditions that have been provided by the Council. In order to provide certainty in respect of what has been granted planning permission I have attached conditions specifying the approved drawings in each case.
52. As the appeal site is located within an existing built up area and is constrained by the presence of the existing building shell and a number of protected trees, in order to ensure that the site is developed in such a manner that the construction works do not inconvenience existing residents or create a hazard to public safety, it is necessary to include a condition on both permissions requiring the submission and approval of a Construction Method Statement. The Council have suggested separate conditions in respect of wheel cleaning facilities. As these relate to construction activities and highway safety, I have incorporated this requirement within the condition relating to the provision of a construction method statement.
53. A number of trees within and adjacent to the appeal site are covered by a tree preservation order. In order to ensure that these trees are not damaged during the construction works for the parking and circulation areas, it is necessary to ensure that appropriate protection is put in place. I have not been provided with a copy of the Arboricultural Assessment that is referred to in either of the conditions suggested by the Council and the version that I have does not detail any tree protection measures. Consequently, I cannot verify that the measures referred to would be appropriate. I have therefore imposed a more generally worded condition that requires tree protection measures to be submitted for approval and implemented before the works for the parking and circulation areas are undertaken.
54. In order to ensure that the proposed dwellings in both schemes are served by properly surfaced access, parking and circulation areas for both vehicles and pedestrians, it is necessary to impose a condition requiring this. The Council have suggested two conditions that would achieve this, suggested conditions 8 and 9 for Appeal B and suggested conditions 6 and 7 in the case of Appeal C. Whilst worded slightly differently, both suggested conditions seek to achieve the same objective. In the interests of brevity, I have therefore combined these into one condition.

55. In the interests of maintaining the appearance of the existing building shell and the wider surrounding area, it is necessary to impose a condition requiring that the adaptations to the building shell proposed by each scheme are carried out using materials that match those of the existing building.
56. WDPD Policies CS4, CS14 and D14 and the Framework require that new development should be designed to enable charging of plug-in and ultra-low emission vehicles. It is therefore necessary to include a condition requiring that provision is made for this on each scheme.
57. In order to maintain the appearance of the area, it is necessary to attach a condition to each scheme that requires that the fencing proposed in the applications is erected. In respect of Appeal B, a condition is also necessary to ensure that the proposed garden areas are appropriately enclosed.
58. There is little information in either proposal regarding the storage of refuse bins in connection with the proposed developments. In the interests of the appearance of the area, it is necessary to attach a condition in respect of the design of the bin storage area.
59. The proposals in both schemes would result in additional vehicle movements within the appeal site. The submitted evidence and drawings indicate the provision of speed restriction measures within the site. In order to ensure that a safe driver and pedestrian environment is achieved within the site, it is necessary to attach a condition requiring the precise details of these to be agreed and subsequently implemented.
60. The Council have suggested that verification reports are required in respect of gas protection measures and the suitability of imported soils. I have not been provided with copies of the initial reports referred to by the Council, however, I have had sight of the comments of the Council's Environmental Health Officer which explains that these requirements are linked to the previous planning permission for the construction of the original building shell that is now the subject of these appeals. The matters that are the subject of these conditions are important to ensure that the health of future residents is protected, and I am satisfied that these conditions are reasonable and necessary.
61. In respect of Appeal B only, the Council have suggested that it is necessary to remove the permitted development rights in respect of creating new windows in the side elevation of the building facing the existing dwelling to the south of the appeal site. Due to the proximity and relationship between the buildings I am satisfied that this condition is necessary,
62. In respect of Appeal C only, it is suggested that a condition in respect of cycle parking is required. Due to the nature of the dwellings proposed and in order to encourage the use of alternative modes of transport, this condition is necessary.

Conclusions

63. I have found that the proposals that form the subject of Appeal A would not provide suitable living conditions for the future occupiers with regard to outdoor amenity space. Whilst the Framework seeks to boost the supply of housing, this is not an objective to be pursued at any cost and does not justify the provision of homes that would not provide a suitable living environment for the future occupiers. For this reason, the appeal must fail.

64. In respect of Appeal B, whilst the private outdoor space proposed does not meet the recommendations of the SPD, it is commensurate in size to the dwellings proposed and would result in a development that is consistent with other new dwellings in the area. I have not found any harm in respect of highway safety.
65. With regard to Appeal C I have found that the development proposed would not cause harm to the character and appearance of the area or to protected trees in the vicinity of the appeal site.
66. For the above reasons, I conclude that Appeal A should be dismissed, and that Appeals B and C should be allowed.

John Dowsett

INSPECTOR

Appeal B: APP/X4725/W/20/3250966 - Schedule of conditions

- 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: Location Plan; Site Plan LI/SFM/PL REV G; Amenity space plan LI/SFM/PL/AS; Second floor plan LI/SFM/SF Rev B; First floor plan LI/SFM/FF Rev C; Ground floor plan LI/SFM/GF Rev B; Elevation drawings LI/SFM/ELE Rev B; and Existing elevation drawings LI/SFM/ELE REV A.
- 3) Development of the new parking and circulation areas and access shall not commence until a Tree Protection Plan indicating the location and a specification of Tree Protective Fencing has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the tree protection scheme shall be implemented as approved prior to any works to these areas being started and shall be retained and maintained for the duration of the construction period and no excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the construction phase of the development without written consent by the Local Planning Authority.
- 4) Development of the new access and car parking areas shall not commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall include scaled drawings illustrating the provision for:
 - 1) The parking of site operatives and visitors' vehicles.
 - 2) Loading and unloading of plant and materials.
 - 3) Management of construction traffic and access routes.
 - 4) Storage of plant and materials used in constructing the development.
 - 5) Arrangements for the installation and operation of wheel washing equipment and/or street cleaning equipment to prevent the transfer of mud or debris from the site to the carriageway.The approved CMS shall be operated and adhered to throughout the construction phase.
- 5) No dwelling approved by this permission shall be first occupied until a scheme for the provision of electric vehicle charging point infrastructure has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The approved scheme shall thereafter be retained and maintained for the lifetime of the development.
- 6) No dwelling approved by this permission shall be first occupied until the boundary treatment to the gardens have been installed, the details of which shall have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected in

- accordance with the agreed detail and retained for the lifetime of the development.
- 7) No dwelling approved by this permission shall be first occupied until Fence Type A as detailed in the supporting information has been erected around the boundary as shown on drawing LI/SFM/PL/ Rev G. The boundary treatment shall thereafter be retained for the lifetime of the development.
 - 8) No dwelling approved by this permission shall be first occupied until all areas indicated to be used for vehicles and pedestrians and the car parking area on approved plan LI/SFM/PL REV G have been laid out with a hardened and drained surface and marked out. Provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained and not used for any other purpose for the lifetime of the development.
 - 9) No dwelling approved by this permission shall be first occupied until a verification report demonstrating completion of the gas protection measures specified within the ARP stage 1-2 Geo Environmental Report dated 2nd of March 2018 has been submitted to and approved in writing by the Local Planning Authority. The installation and verification of the gas protection measures shall be in accordance with Verification Requirements for Gas Protection System, YALPAG, Version 10.3 April 2019.
 - 10) No dwelling approved by this permission shall be first occupied until a Verification Report demonstrating the suitability of soils in respect to contamination has been submitted to and approved in writing by the Local Planning Authority. The report shall:
 - a) Include details of the chemical testing for all material undertaken before placement onto the site which must show the material is suitable for use on the development;
 - b) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation and reuse placement;
 - c) Include details of any site investigations undertaken as part of the development.
 - 11) The external walling materials to be used as part of the external alterations to the existing building hereby approved shall in all respects match those used in the construction of the existing building.
 - 12) No dwelling approved by this permission shall be first occupied until the enclosed bin storage area has been fully installed/provided in the position shown on drawing LI/SFM/PL Rev G and shall consist of 1.8 metre high tanalised boards as illustrated on the bin store details. The bin store shall thereafter be retained for the lifetime of the development.
 - 13) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or as amended, or any Order revoking or re-enacting that Order) no windows or any other openings shall be created in the southern elevation of the building hereby approved.

- 14) No dwelling approved by this permission shall be first occupied until three speed bumps shown on drawing LI/SFM/PL Rev G have been installed in accordance with a scheme which has first been submitted to, and approved in writing by, the Local Planning Authority. The speed bumps shall thereafter be retained for the lifetime of the development.

Appeal C: APP/X4725/W/20/3250969 - Schedule of conditions

- 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: Site Plan LI/SFM/PL REV D; Floor Plans LI/SFMF/FP REV A; Proposed Elevations LI/SFMF/ELE Rev A; Existing elevations LI/SFM/ELE REV A; and Location Plan.
- 3) Development of the new access and car parking areas shall not commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall include scaled drawings illustrating the provision for:
 - 1) The parking of site operatives and visitors' vehicles.
 - 2) Loading and unloading of plant and materials.
 - 3) Management of construction traffic and access routes.
 - 4) Storage of plant and materials used in constructing the development.
 - 5) Arrangements for the installation and operation of wheel washing equipment and/or street cleaning equipment to prevent the transfer of mud or debris from the site to the carriageway.

The approved CMS shall be operated and adhered to throughout the construction phase.

- 4) Development of the new parking and circulation areas and access shall not commence until a Tree Protection Plan indicating the location and a specification of Tree Protective Fencing has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the tree protection scheme shall be implemented as approved prior to any works to these areas being started and shall be retained and maintained for the duration of the construction period and no excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the construction phase of the development without written consent by the Local Planning Authority.
- 5) No dwelling approved by this permission shall be first occupied until all areas indicated to be used for vehicles and pedestrians and the car parking area on approved plan LI/SFM/PL REV D have been laid out with a hardened and drained surface and marked out. Provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained and not used for any other purpose for the lifetime of the development.
- 6) The external walling materials to be used as part of the external alterations to the existing building hereby approved shall in all respects match those used in the construction of the existing building.
- 7) No dwelling approved by this permission shall be first occupied until a scheme for the provision of two (2) electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the

approved scheme has been implemented. The approved scheme shall thereafter be retained and maintained for the lifetime of the development.

- 8) No dwelling approved by this permission shall be first occupied until a scheme for the parking of 12 No. cycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and provided before the development is first occupied and shall thereafter be retained for this purpose for the lifetime of the development.
- 9) No dwelling approved by this permission shall be first occupied until three speed bumps shown on drawing LI/SFM/PL Rev D have been installed in accordance with a scheme which has first been submitted to, and approved in writing by, the Local Planning Authority. The speed bumps shall thereafter be retained for the lifetime of the development.
- 10) No dwelling approved by this permission shall be first occupied until Fence Type A as detailed in the supporting information has been installed around the boundary as shown on drawing LI/SFM/PL/ Rev D. The boundary treatment shall thereafter be retained for the lifetime of the development.
- 11) No dwelling approved by this permission shall be first occupied until the enclosed bin storage area has been fully installed/provided in the position shown on drawing LI/SFM/PL Rev D and shall consist of 1.8 metre high tanalised boards as illustrated on the bin store details. The bin storage area shall thereafter be retained for the lifetime of the development.
- 12) No dwelling approved by this permission shall be first occupied until a verification report demonstrating completion of the gas protection measures specified within the ARP stage 1-2 Geo Environmental Report dated 2nd of March 2018 has been submitted to and approved in writing by the Local Planning Authority. The installation and verification of the gas protection measures shall be in accordance with Verification Requirements for Gas Protection System, YALPAG, Version 10.3 April 2019.
- 13) No dwelling approved by this permission shall be first occupied until a Verification Report demonstrating the suitability of soils in respect to contamination has been submitted to and approved in writing by the Local Planning Authority. The report shall:
 - a) Include details of the chemical testing for all material undertaken before placement onto the site which must show the material is suitable for use on the development;
 - b) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation and reuse placement;
 - c) Include details of any site investigations undertaken as part of the development.