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## Appeal Decision

Site visit made on 28 September 2021

**by Elaine Worthington BA (Hons) MTP MUED MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2021**

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### **Appeal Ref: APP/X4725/W/21/3276095**

#### **Land East of A650, Wakefield**

- 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 Mr Rob Buffham, Monte Blackburn Ltd, against the decision of Wakefield Council.
  - The application Ref 20/01403/FUL, dated 15 July 2020, was refused by notice dated 13 May 2021.
  - The development proposed is the erection of a builder's merchants (storage, distribution, trade counter, offices and ancillary retail sale), car parking, servicing and other associated works.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a builder's merchants (storage, distribution, trade counter, offices and ancillary retail sale), car parking, servicing and other associated works in accordance with the terms of the application Ref 20/01403/FUL, dated 15 July 2020 and subject to the conditions in Annex A.

### **Procedural Matter**

2. On the 20 July 2021 the government published its revised National Planning Policy Framework (the Framework). The main parties have provided their comments as to the bearing of the revised Framework on their respective cases to which I have had regard. I also confirm that all references to the Framework in this decision are to the updated 2021 version.

### **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### **Reasons**

4. The appeal site is an area of vacant land alongside the A650 which is the main dual carriageway from the M1 into Wakefield city centre. The surrounding area is mixed in character. There are commercial properties to the west at Snowhill Retail Park with recently constructed housing to the south of that. To the east, the site adjoins the rear gardens of residential properties which front Leeds Road. There is a petrol filling station and coffee shop immediately to the south and an area of open land to the north adjacent to Red Hall Lane which has planning permission for housing. There is an existing access to the site from the A650 which serves the petrol filling station and coffee shop.
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5. The proposal is for a builder's merchants incorporating a substantial flat roof building, external storage area, servicing area and car parking.
6. The site forms part of Special Policy Area. Policy SPA1 of the Wakefield Local Development Framework Site Specific Policies Local Plan (Local Plan) relates to Snowhill Wakefield and includes a number of requirements including that the area be developed in the main for residential use, with some limited B1 employment use and ancillary uses. The Council accepts that the proposal does not accord with these specific terms of Policy SPA1, but raises no objections on these grounds given that the majority of the land within the area covered by Policy SPA1 has been developed in accordance with the policy, and in light of the limited size of the appeal site in relation to the wider allocation.
7. As such, whilst I note the Council's view that the proximity of the site to existing/consented residential development lends itself towards being developed for that purpose, it remains that the Council raises no objections to the principle of the development in this case. Even so, Policy SPA1 states that proposals should not prejudice the comprehensive development of the site as a whole and seeks to ensure that development must be part of a cohesive and well-designed/landscaped neighbourhood which is fully integrated with its surroundings.
8. The Council raises no objections to the visual impact or design of the proposed building. I am also content that it would be generally in-keeping with the surrounding area. Its scale and massing would be similar to the units on the retail park opposite, and its contemporary design incorporating grey cladding, brickwork and glazing, would be commercial in appearance and would not appear at odds with the other buildings nearby.
9. The proposal follows the dismissal of a previous scheme for a builder's merchants at appeal<sup>1</sup>. In particular it seeks to address the concerns raised by the previous Inspector in relation to the effect of the proposed open storage areas on the character and appearance of the area. In contrast to that previous scheme, the appeal proposal sees the re-positioning of the proposed building and car park to the western side of the site such that it fronts on to the A650. As a result, it also sees the relocation of some of the open storage areas previously proposed along the A650 frontage, to the rear of the site.
10. The Council accepts that the relocation of the building means that externally stored materials would be less visible in the street scene in comparison with the previous scheme, but remains concerned about their visual impact and prominence on a key highway route into Wakefield city centre.
11. The submitted plans indicate the different areas of external storage within the site. A storage height of 3 metres is shown on the northern and eastern boundaries of the site and in the central section of the northern part of the site. Higher racking would be located immediately to the north of the building and behind it to the east. On the site's western boundary with the A650 a lower storage height of 2 metres is indicated. The appellant advises that this external storage area would take up some 54 metres of the site's frontage with the A650, with the building and car park taking up the remaining 75.5 metres. The Council does not dispute this, and these matters could be controlled via planning conditions.

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<sup>1</sup> APP/X4725/W/20/3257553

12. Additionally, a 2.3 metre high fence is proposed along the site's western boundary fronting the A650 along with the planting of a native hedgerow and a number of trees. These would be seen at the back edge of the existing highway verge. A 3 metre high acoustic fence and landscaping is also proposed to part of the site's northern boundary.
13. Taking all these factors into account, whilst there would be some external storage fronting the A650, this would be relatively modest in height and limited in extent to less than half of the site's overall main road frontage. Whilst I accept that there would be gaps between the proposed trees and reduced vegetation in the winter months, the external storage areas would nevertheless be screened to some extent by the proposed fencing and landscaping along the A650. Views of the storage areas from the north would be similarly softened by the proposed fence and landscaping on that boundary.
14. As such, I am content that the proposed external storage areas would relate well to the proposed building and would not dominate the site's important A650 frontage. Nor would they be prominent in views from that busy main road or from the well-used bridleway at Red Hall Lane to the north. On this basis, I am not convinced that the proposal would appear unduly industrial or out of place in its surroundings. As such, it would not detract from the already mixed character of the area or undermine the appearance of the key gateway route into and out of Wakefield.
15. Whilst I note the Council's view to the contrary, I consider the changes to the proposal in comparison to the previously dismissed scheme to be significant. They include the re-location of the building, the lowering in height of the external storage closest to the A650, the considerable reduction in its extent along the road frontage, and the provision of additional landscaping.
16. Although the Council refers to the unacceptable visual impact of other similar development on key gateways into the city such as at Doncaster Road, no further details of that existing development have been provided. As such, this does not provide grounds to resist the proposal before me.
17. For these reasons, I therefore conclude on the main issue that the proposal would cause no harm to the character and appearance of the surrounding area. Accordingly, whilst there would be some conflict with Local Plan Policy SPA1 in terms of the uses it stipulates (as considered below), there would be no conflict with Policy SPA1 in so far as it states that proposals should not prejudice the comprehensive development of the site as a whole, and that development must be part of a cohesive and well-designed/landscaped neighbourhood which is fully integrated with its surroundings.
18. Additionally, the proposal would comply with Policy CS10 of the Wakefield Local Development Framework Core Strategy (Core Strategy) which requires sustainable buildings, spaces and landscaping of high quality design (part a) that are (amongst other things), appropriate to their location in terms of scale and density (criterion i), and protect and enhance local character and distinctiveness taking local building traditions into account (criterion ii).
19. The proposal would also align with Policy D9 of the Wakefield Local Development Framework Development Policies (Development Policies) which requires new development to make a positive contribution to the environment and amenity of its locality by virtue high quality design, layout and

landscaping. In particular it states that proposals shall (amongst other things): respect and enhance the character of the locality in terms of design, scale, massing, height, density, layout, materials and colour (a), provide a quality setting within the development (b), respect and enhance existing natural and built features, skyline, landmarks or key views that contribute to the character and local distinctiveness of the area (d), and incorporate high quality landscaping and boundary treatment (e).

20. Furthermore the proposal would accord with paragraph 126 of the Framework which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and with paragraph 134 which states that whilst development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, significant weight should be given to development which reflects local design policies and government guidance on design (a).

### **Other Matters and Planning Balance**

21. Concerns have been raised by local residents regarding noise and disturbance arising from the proposal including from the operation of the site and the comings and goings of deliveries and customers. The rear gardens of the houses fronting Leeds Road adjoin the east of the site and there is an extant permission for residential development on the land to the north. The previous Inspector found that proposal would not have an adverse impact on the living conditions of either existing or future nearby residents. However, I am mindful that that scheme involved a different site layout to the one before me particularly with regard to the location of the yard area in relation to nearby properties. Nevertheless, the Council raises no objections to the proposal in terms of noise and disturbance and it is not a reason for refusal for the appeal proposal.
22. That said, I have considered the concerns of local residents and had regard to the comments of the Council's Environmental Health Team who indicate that the scheme remains unacceptable and do not support the proposal.
23. A Noise Assessment was submitted with the application and considers the noise impact of the development on existing and future sensitive receptors during the proposed periods of operation. The modelling includes the proposed 3 metre high acoustic barrier which would be provided on the eastern boundary and part of the northern boundary of the site adjacent to the residential properties and the approved residential development. It finds that the site is located in an area which is very busy at all times mainly due to traffic on the A650 but also on the A61 and concludes that the predicted noise climate will be aurally indistinguishable from it. Overall it concludes that the proposed development would have a low impact on existing and future receptors which is not significant.
24. The acoustic barrier can be secured via a planning condition and the height of the external storage on the boundaries can also be restricted in such a way. The proposed use would not operate in the evenings or at the weekend other than Saturday mornings and this could also be controlled via planning conditions relating to operating hours and deliveries. The use of external plant, vehicle reversing alarms, the use of electric forklift trucks, and sound

amplification systems can also be similarly controlled as suggested by the Council's Environmental Health Team.

25. Taking all these factors into account, whilst I agree with the recommendations of the Council's Environmental Health Team that activities at the site need to be carefully controlled, on balance I see no reason to come to a different overall view to the Council on this matter and am content that the proposal would be acceptable in terms of its effect on the living conditions of nearby occupiers in relation to noise and disturbance.
26. In terms of the concerns raised by local residents about dust, a condition is proposed requiring a scheme of measures relating to reducing dust emissions during construction. I am content that this should be capable of minimising any adverse effects of dust on air quality and/or the living conditions of nearby occupiers.
27. Whilst I note the concerns of nearby occupiers regarding a loss of light arising from the proposal, given the limited height of the external storage on the boundaries of the site and the location of the proposed building well away from nearby properties fronting the A650 (estimated by the Council to be some 21 metres) I am satisfied that no undue loss of light would occur to nearby occupiers.
28. Local residents are also concerned about highway safety, including traffic and congestion on the A650. The application was supported by a Transport Statement which considers access, parking, accident data, and junction capacity on the A650. This finds that the junction capacity of the A650 roundabout would operate well within capacity in all the assessment scenarios and concludes that the development is acceptable in highway, traffic and transportation terms. Subject to the imposition of conditions, there are no objections from Highways England or the Council's Highways Team. Based on the evidence before me I see no reason to come to a different view on this matter and am content that the proposal is acceptable in highway safety terms.
29. Matters of flooding and surface water drainage and the potential for this to be exacerbated by the appeal scheme are also raised by local residents. The proposal was accompanied by a Drainage Statement which deals with surface water drainage (amongst other matters). Yorkshire Water, the Environment Agency and the Council's Drainage Team have no objection to the proposal subject to the imposition of conditions which are considered below. On the basis of the evidence before me, I see no reason why the proposal would increase flood risk at the site or within the wider area, and have seen nothing to demonstrate that it could not be adequately drained.
30. Red Hall Farm to the west of the site is a Grade II listed building. Given that is some 150 metres from the appeal site, and in the context of the intervening built development, the Council does not regard the proposal to detract from the setting of that listed building. Based on the evidence before me, and in light of my own observations on site, I am also content that the proposal would cause no harm to the significance of that heritage asset.
31. As set out above, whilst no objections are raised by the Council in this regard, due to the nature of the proposed use, the proposal would nevertheless be in conflict with the strict terms of Local Plan Policy SPA1. However, the parties agree that the proposal would bring new jobs and investment (both in the

construction phase and the subsequent operation of the business) and assist in meeting the Council's wider objectives to regenerate areas and provide jobs and growth for the district. In the absence of any other harm arising from the proposal, I consider that these economic benefits of the proposal are sufficient to outweigh the limited conflict with the development plan in this instance.

### **Conclusion and Conditions**

32. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be allowed.
33. I have considered the Council's suggested conditions in the first instance, both in light of the advice in the Guidance and having regard to consultee responses, the appellant's comments on the suggested conditions and the appellant's own suggested conditions set out in the appeal statement.
34. I have attached conditions limiting the life of the planning permission in accordance with the requirements of the Act. It is necessary that the development shall be carried out in accordance with the approved plans and documents for the avoidance of doubt and in the interests of proper planning.
35. Conditions relating to the materials to be used in the construction of the sub-station and the builder's merchant building are required in order to safeguard the character and appearance of the area.
36. Since there is a known presence of contaminated land on the site, conditions relating to contaminated land including the submission of a risk assessment, investigation scheme, remediation measures, verification report, and measures to deal with unexpected contamination are necessary to ensure that risks from land contamination to the future users of the site and contamination of controlled waters and ecological systems are minimised, as well as to ensure that the development can be carried out safely.
37. A condition requiring the submission of details regarding foul and surface water drainage having regard to the principles of sustainable urban drainage is required to ensure the site can be satisfactorily drained via sustainable means. A condition is also needed to control the discharge of foul or contaminated drainage in order to prevent pollution of the water environment. A condition to ensure the treatment of surface water flows from parking areas and hardstandings is also needed in order to prevent pollution of the water environment. Additionally a condition concerning flow run off from the site and storage is necessary to ensure that adequate measures are put in place to mitigate additional flood impact.
38. The Council also suggests a condition relating specifically to temporary surface water drainage during the construction phase. However, in the absence of any particular justification for this condition from the Council or any of its consultees, and since a scheme of foul and surface water drainage covering the phasing of the development and phasing of drainage is required by condition 8, I am satisfied that that these matters can be adequately controlled by the Council and am not persuaded that such a condition is necessary.
39. Since there are known coal mining issues around the site which is close to two disused collieries and in line with the comments of the Coal Authority who advise that the site is likely to have been subject to unrecorded underground coal mining at shallow depth and a thick coal seam outcrop, a condition to

secure a scheme for remedial works is required to ensure the site is, or can be made safe and stable. I have amended the wording suggested by the Council to reflect the submitted Environmental Site Assessment Report and the wording provided by the Coal Authority.

40. Whilst not suggested by the Council, comments from West Yorkshire Ecology recommend a condition to secure the submission of a Biodiversity Enhancement and Management Plan. A biodiversity enhancement scheme is also recommended in the appellant's submitted Phase 1 Habitat Survey Report. Accordingly I have imposed such a condition in the interests of biodiversity.
41. A condition requiring a construction environmental management plan is necessary in the interests of highway safety and to safeguard the living conditions of nearby occupiers. This incorporates the specific requirement for a dust management scheme and I have amended the wording of the condition to include the details of what this shall include. On this basis, the additional stand-alone condition suggested by the Council in relation to a dust management scheme is superfluous.
42. A condition to secure details of the finished slab and floor levels of the building is necessary in the interests of the character and appearance of the area and the living conditions of nearby occupiers.
43. In light of the advice from the West Yorkshire Archaeology Advisory Service that the site lies within an area of known archaeological potential dating from the Iron Age to the Roman period, a condition requiring a programme of archaeological recording is required to ensure the development does not have a detrimental impact on identified archaeological remains and in order to safeguard heritage assets.
44. In line with the comments of the Police Architectural Liaison Officer a condition to secure a scheme of measures to minimise the risk of crime is necessary in the interests of reducing crime and the fear of crime, and creating safer more secure and sustainable environments. Whilst the appellant disputes the need for such a condition, I am satisfied that it is required to meet the aims of Development Policies Policy D15 in particular which requires all development to be designed to ensure a safe and secure environment that reduces the opportunities for crime. It also aligns with Paragraph 92 of the Framework which seeks to achieve safe places which are safe and accessible so that crime and disorder and the fear of crime do not undermine the quality of life or community cohesion.
45. A condition to secure a scheme detailing proposals for renewable energy generation and sustainable construction and efficient use of resources is also imposed. Development Policies Policy D27 relates to renewable energy generation technology and applies to developments of 0.5 ha in site area or 1000 square metres of floorspace for commercial development. The appeal site is 0.84 hectares in size and the gross internal floorspace of the development is indicated on the planning application form to be 1398.8 square metres. As such, I see no reason why the development should not incorporate on site renewable energy generation technology under the terms of Policy D27. Development Policies Policy D28 relates to sustainable construction and efficient use of resources and requires development to be energy and water efficient and incorporate built in conservation measures. There is no size threshold for the application of the policy and as such its requirements would

- apply to the appeal scheme where practical. Thus, whilst I note the appellant's view to the contrary, a condition requiring a scheme for renewable energy, sustainable construction and efficient use of resources, is necessary in the interest of mitigating and adapting to climate change in line with the adopted development plan policies and the aims of paragraph 157 the Framework.
46. Although not suggested by the Council, the Council's Highways Team seeks the imposition of conditions relating to visibility splays and to secure the details and provision of surfaced areas for vehicles and pedestrians prior to the development being brought in to use. These are relied upon in the officer's report and are necessary in the interests of highway and pedestrian safety.
47. I am aware that the appellant disputes the need for a travel plan due to the development's low numbers of staff (30 full time equivalents). Paragraph 113 of the Framework advises that all developments that will generate significant amounts of movement should be required to provide a travel plan. Development Policies Policy D14 requires proposals to be supported by travel plans which encourage the use of public transport, cycling and walking, where appropriate (criterion b). No size thresholds are given in the policy. Core Strategy Policy CS14 also seeks to secure local travel plans which are regarded as an essential measure to mitigate the impact of traffic generated by new development and should demonstrate a firm commitment by developers and occupiers to reduce the number of single occupancy car trips generated by, or attracted to, their site. Again, no size threshold is given. In these circumstances, and since I do not regard the number of employees associated with the development to be particularly low, I am content that such a condition is necessary to ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in line with the policies considered above and the aims of the Framework.
48. The appellant disputes that electrical vehicle charging points are required since the majority of customers will be trade commercial vehicles only, and those visiting the site are unlikely to be present for more than 20 minutes. However, paragraph 112 (e) of the Framework requires applications for development to be designed to enable charging of plug-in and other ultra-low emissions vehicles in safe, accessible and convenient locations. As I see it, the use of electric vehicles by customers and those delivering to the site, along with members of staff, cannot be ruled out and may be likely to increase in the future. Accordingly a condition to secure electrical vehicle charging points is required to promote sustainable modes of transport.
49. A condition regarding the details and provision of the proposed acoustic barriers is needed in the interests of the living conditions of nearby residents. Whilst I note the appellant's view that the boundary treatments can be secured via the general landscaping condition, as a key mitigation relied upon in the Noise Assessment I consider the barrier to go beyond landscaping and so regard a separate condition to be justified as suggested by the Council's Environmental Health Team.
50. A condition to secure appropriate bin storage arrangements and a waste and litter management strategy for the site, is required in the interests of highway safety and character and appearance. A condition restricting the use of the site as a builder's merchant is necessary in order to protect the vitality and viability of Wakefield town centre.

51. Conditions to control the operating hours and days of the use, including deliveries and other operations associated with the use, are needed to protect the living conditions of nearby occupiers.
52. A condition to limit the locations and heights of the external storage within the site is imposed in the interests of the character and appearance of the area and the living conditions of nearby occupiers. Though not suggested by the Council I have imposed a number of conditions suggested by the Environmental Health Team in relation to the control of external plant and machinery, vehicle reversing alarms, the use of electric forklift trucks, and to restrict sound amplification systems in the interests of the living conditions of nearby occupiers with regard to noise and disturbance. I note that a number of these were suggested in the appellant's appeal statement. I have also imposed a condition to limit the times and days of demolition and construction works in the interests of the living conditions of nearby occupiers.
53. A condition relating to external lighting is necessary in the interests of highway safety and the living conditions of nearby occupiers. Whilst I note the Council's proposed conditions suggest compliance with the plans contained in the Kingfisher Lighting Report January 2021 (drawings D39518/LC/B, 6CT76 Rev D, and 8CT89 Rev F), I have seen nothing in the officer's report or consultation responses to indicate that the proposed lighting scheme is satisfactory to the Council or its Environmental Health Team. I also note that despite the wording of the proposed plans condition, the Council suggests a further condition to seek the submission of the lighting details for approval. In these circumstances, whilst I appreciate the appellant's comments, I cannot be assured that the details have been assessed or found to be satisfactory. Accordingly, given the importance of this matter in relation to the living conditions of nearby occupiers in particular, I have removed reference to the lighting drawings from the plans condition, and retained the suggested condition requiring the submission of these details for the Council's consideration.
54. Finally, a condition requiring the implementation of the landscaping on the site in line with the approved drawing and its maintenance and replacement as necessary is required in the interests of the character and appearance of the area.

*Elaine Worthington*

INSPECTOR

## **Annex A**

- 1) The development hereby permitted shall begin not later than three years of the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1561-13c (Site Elevations), 4341.01 Rev K (Landscape Layout), 1561-14 (Existing Site Plan), 1561-12g (Building Elevations), 1561-11b (Building Plans), 1561-10p (Planning Wider Site), 1561-9s (Planning), and 1561- 1a (Site Location Plan).
- 3) The development shall be carried out in accordance with the recommendations of the following approved documents:
  - Planning Statement July 2020
  - Noise Impact Assessment 15 January 2021 Wardell Armstrong (GM10666-0006 V0.1)
  - Transport Statement September 2019 Capita (CS090816-01 Rev 02)
  - Phase 1 Habitat Survey Report JCA Limited (12596b/JoC)
  - Arboricultural Report and Impact Assessment JCA Ltd (12596c/AB/TT)
  - Air Quality Assessment October 2019 Monte Blackburn Ltd (GM10666-0001 V1.1).
- 4) Development shall not commence until details of the materials to be used in the construction of the external surfaces of the sub-station building shown on approved drawing 1561-9s have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Development shall not commence until a remediation strategy that includes the following components to mitigate the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:

(i) A preliminary risk assessment which has identified (a) all previous uses; (b) potential contaminants associated with those uses; (c) a conceptual model of the site indicating sources, pathways and receptors and (d) potentially unacceptable risks arising from contamination at the site;

(ii) A site investigation scheme, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and

(iii) The results of the site investigation and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

The approved remediation measures shall be carried out in accordance with the approved strategy prior to the commencement of any development other than that required to carry out the approved

remediation. The scheme shall be implemented as approved and retained as such thereafter.

- 6) The development shall not be brought into use until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 7) In the event that contamination is found at any time when carrying out the approved development, works must cease, and it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with best current guidance and practice, and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following the completion of the measures identified within the approved remediation scheme, a verification report must be prepared, submitted to, and approved in writing by the local planning authority in accordance with the timescales set out within the approved remediation scheme.
- 8) Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall detail the phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase have been completed.
- 9) There shall be no discharge of foul or contaminated drainage from the site to any part of the groundwater or surface water network, whether directly or via soakaway.
- 10) Development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstandings through an oil interceptor, reedbed or alternative treatment system, has been submitted to and approved in writing by the local planning authority. Use of the parking areas/hardstandings shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained and maintained to ensure efficient working and used throughout the lifetime of the development.
- 11) Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the local planning authority. The flowrate shall be restricted to the maximum flowrate of 3.5 litres per second. A 40% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for

the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

- 12) Development shall not commence until a detailed remediation scheme to protect the development from the effects of land instability has been submitted to and approved in writing by the local planning authority in consultation with the Coal Authority. The remedial works shall be carried out in accordance with the approved scheme and a verification report shall be submitted to and approved in writing by the local planning authority prior to the development being brought into use.
- 13) Development shall not commence until a Biodiversity Enhancement Action and Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved management plan.
- 14) Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP must include, as a minimum, details of the following:
  - (i) Parking provision for site operatives and visitor vehicles;
  - (ii) The location(s) for the loading and unloading of plant and materials;
  - (iii) Proposed access routes for construction traffic and how such traffic will be managed;
  - (iv) The location(s) for the storage of all construction plant, equipment and materials;
  - (v) Wheel washing facilities and any other measures to prevent the transfer of mud and debris being brought on to the public highway;
  - (vi) Contractors' compounds and storage arrangements for cranes and plant, equipment and related temporary infrastructure;
  - (vii) The enclosure of the parts of the site associated with each phase of development and the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
  - (viii) Signage (types and location) for directing construction traffic;
  - (ix) Access/egress by emergency vehicles;
  - (x) Measures to manage and minimise dust emissions including a construction dust management scheme which shall include; the location of nearest sensitive receptors; a site works summary which identifies the timescales for activities and potential sources of dust emissions; the operational measures employed to minimise escape of fugitive dust during normal activities; staff roles and responsibilities for dust management; a protocol for receiving, recording and investigating complaints relating to dust; and details of any corrective actions or extra measures taken to reduce dust which shall be available for inspection by the local planning authority;
  - (xi) Measures to manage and minimise noise emissions;
  - (xii) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - (xiii) Construction lighting (type and location).

All demolition, engineering and construction works must be undertaken in accordance with the approved CEMP(s) which must be fully implemented and adhered to throughout the construction phase(s) of the development.

- 15) Development shall not commence until a scheme detailing the finished slab and floor levels of the buildings hereby approved together with corresponding existing and finished ground levels and of surface and land drainage associated with any works, has been submitted to and approved in writing by the local planning authority. The construction of the buildings shall be carried out in accordance with the approved details and the occupation of the buildings hereby approved shall not take place until the works relating to the buildings have been completed. The approved levels shall be retained as such thereafter.
- 16) Development shall not commence until a programme of archaeological recording has been undertaken. This recording must be carried out by an appropriately qualified and experienced archaeological/building recording consultant or organisation, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the written scheme of investigation.
- 17) Development shall not commence until a scheme detailing all measures to minimise the risk of crime and meet the specific security needs of the site and the development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and retained as such thereafter.
- 18) Development shall not commence until a scheme detailing proposals for renewable energy generation and sustainable construction and efficient use of resources, has been submitted to and approved in writing by the local planning authority. The scheme shall include proposals for the inclusion of on-site renewable energy generation technology or alternative decentralised renewable or low carbon energy services, energy and water conservation, and the use of sustainable construction methods and materials. The scheme shall identify the overall reduction in carbon emissions per annum which it is estimated will be achieved by the proposed measures. The approved scheme shall be implemented before the development is brought into use and retained as such thereafter.
- 19) The development shall not be brought in to use until a visibility splay measuring 2.4 metres by 59 metres has been provided to each side of the access where it meets the highway and such visibility splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres in height.
- 20) The development shall not be brought into used until the areas to be used by vehicles and pedestrians have been surfaced, sealed and drained in accordance with details that have been submitted to and approved in writing by the local planning authority.
- 21) The development shall not be brought into use until a travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall include targets and measures to improve

and encourage the use of sustainable transport and be based upon the principles contained within the West Yorkshire Air Quality and Emissions Technical Planning guidance. The travel plan shall include; (i) the provision of a travel plan Coordinator; (ii) agreed targets and timetable to reduce single occupancy car travel; (iii) agreed soft measures to be implemented; (iv) tabulated emission reduction measures and initiative, including timeframes and responsibilities and (v) monitoring and review process and further measures should targets not be met or the provision of compensation funds. The development shall not be brought into use until the measures within the approved travel plan have been implemented. The approved measures shall be retained as such thereafter.

- 22) The development shall not be brought into use 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 be retained as such thereafter.
- 23) The development shall not be brought into use until a scheme detailing the specification and materials of construction of the acoustic barriers shown on approved drawing 1561-9s has been submitted to and approved in writing by the local planning authority. The development shall not be brought into use until the works detailed in the approved scheme have been completed. The acoustic barriers shall be retained as such thereafter.
- 24) The development hereby approved shall not be brought into use until a scheme detailing:
  - (i) the location, design and materials of all bin storage areas/enclosures and recycling storage areas; and
  - (ii) a waste and litter management strategy for the site, has been submitted to and approved in writing by the local planning authority.

The development shall not be brought into use until the works required by part (i) of this condition have been completed and the approved areas/enclosures shall be retained as such thereafter.

The strategy approved under part (ii) of this condition shall be operated throughout the life of the development.

- 25) The site shall be used for no purpose other than as a builder's merchant.
- 26) The use hereby permitted shall only take place between the following hours: 07:00 - 18:00 Mondays to Fridays, 07:00 - 13:00 Saturdays, and not at any time on Sundays or Bank or Public Holidays.
- 27) The operations associated with the use hereby permitted including vehicular movements, loading and unloading, deliveries, movement of any materials stored at the site, and the use of any associated machinery and equipment, shall only take place between the following hours: 07:00 - 18:00 Mondays to Fridays, 07:00 - 13:00 Saturdays, and not at any time on Sundays or Bank or Public Holidays.
- 28) No external storage shall take place other than in the locations and up to the heights specified on approved drawing 1561-9s.

- 29) No externally sited fixed plant, machinery and equipment (including ventilation and extraction equipment) or internally fixed plant machinery and equipment (including ventilation and extraction equipment) which communicates directly to the exterior of the building, shall be used in connection with the approved development until a scheme for the details of this equipment and the control of noise associated with it has been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details and scheme which shall be retained as such thereafter.
- 30) All vehicles operated by the occupier of the site undertaking reversing manoeuvres within the site shall use white noise reversing alarms or multi-frequency directional type alarms only.
- 31) All forklift trucks in use at the site shall be electrically powered.
- 32) No sound amplification system shall be located externally to the building and no part of any internally located sound amplification system shall be positioned such that sound is externally audible.
- 33) The external surfaces of the permitted builder's merchant building shown on approved drawing 1561-9s shall be constructed using the materials shown on approved drawing 1561-12g.
- 34) Demolition or construction works shall take place only between the following hours: 07:30 - 18:00 Mondays to Fridays, 08:00 - 13:00 Saturdays, and not at any time on Sundays or Bank or Public Holidays.
- 35) No external artificial lighting shall be erected until details of the size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details and retained as such thereafter.
- 36) The development hereby permitted shall be undertaken in accordance with the approved landscaping scheme shown on drawing 4341-01 Rev K. The development shall not be brought into use until the landscaping works have been implemented in accordance with the approved scheme. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the local planning authority gives its written consent to any variation. All areas of soft landscaping shall be retained and maintained as such thereafter.