



Appeal Decision

Site visit made on 20 February 2024

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/N4720/W/23/3330360

Land East of Smiddy Hill, Walton, Wetherby

- 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 D A & S Rawlings Farms against the decision of Leeds City Council.
 - The application Ref 22/03015/FU, dated 26 April 2022, was refused by notice dated 28 April 2023.
 - The development proposed is erection of a farm shop and café with associated car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a farm shop and café with associated car parking and landscaping at Land East of Smiddy Hill, Walton, Wetherby in accordance with the terms of application Ref: 22/03015/FU, dated 26 April 2022, and subject to the conditions set out in the schedule attached to this Decision.

Procedural Matters

2. I have had regard to an amended site boundary (Ref: 2708 (PL) 00A) submitted by the appellant after the Council refused consent for the original application. The eastern boundary identified in that plan differs from that originally submitted and I have noted the points made in relation to this amendment. I also note the appellant's reference to another appeal decision which, it is argued, sets a precedent for red line boundaries to be amended during an appeal. Having considered the change made in this case, I have seen that the amended boundary extends the appeal site into land also in the appellant's ownership. This change incorporates land for a small portion of proposed car parking and landscaping already identified on plans submitted as part of the planning application which has already been available for public scrutiny. In any event, I find there to be no substantive adverse impact on the site or its surrounding area resulting from the revised boundary which now accommodates the entirety of the proposed scheme.
3. I have considered the revised National Planning Policy Framework (NPPF), published in December 2023. Having done so, I confirm that the proposed scheme is not materially affected by any updates or changes to the NPPF. Where relevant, and as I am required to do, I have referred to the latest NPPF in determining this appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the development site, the surrounding land and the setting of Walton village, with particular regard to the Walton Conservation Area and spatial distinction of the historic core of Walton; and
 - ii) existing on-site trees and the open and rural landscape.

Reasons

5. The appeal site is within an open arable agricultural field east of Smiddy Hill and north of Wighill Lane. It is a greenfield site, the boundaries of which comprise mature hedgerow along the southern and western edges with public highway beyond. Mature hedgerows and trees are present along the northern boundary of the site which abuts The Old Farmhouse, a residential property. The eastern boundary of the site is open with the land linking to the rest of the agricultural field beyond.
6. The site is within designated Rural Land as set out in saved policy RL1 of the Leeds Unitary Development Plan (UDP) and is outside the settlement boundary of Walton by virtue of this Rural Land designation. It is also adjacent to the Walton Conservation Area (WCA) to the north and west. Walton Old Hall, a Grade II listed building lies northwest of the site with its extensive curtilage extending down past the proposed access to the appeal site from Smiddy Hill.

Character and appearance

7. It is acknowledged that the supporting text of Policy RL1 states that this designated area of open countryside is to be protected for its own sake and as a recreational resource and that the openness of the countryside is to be safeguarded, ensuring that development is appropriate for the rural area. However, the policy itself clearly says that any development proposed in this designation will be assessed against the criteria within Planning Practice Guidance 7 (PPG7) *The Countryside and the Rural Economy* and relevant national and local policy guidance. As such, the economic and social benefits of the proposal to the rural economy and local area must also be considered alongside its environmental merits.
8. It is argued that the proposal would lead to the closing of a 'spatial gap' between the historic core of Walton and newer housing development to the southern side of the village. As with most proposals on a greenfield site, the scheme would introduce development to a site where currently there is none. However, this does not constitute a justification for preventing development outright. From what is before me, whilst the site is within designated rural land, I find there to be no specific policy support for the retention of a 'spatial gap'. In visual terms, the site provides some separation between the historic core of Walton village and the residential development at Grange Avenue to the south. However, this separation is not absolute due to the residential properties adjacent to the site to the west on Wighill Lane.
9. Furthermore, the single-storey nature of the proposal, the proposed landscaping scheme and the topography of the site, which forms a slight bowl in the landscape, combine to result in a scheme that would have limited substantive adverse impact on the openness and rural character of the surrounding land. The external materials proposed would be in keeping with those of existing buildings within the historic part of Walton, such as The Old Farmhouse to the north and Walton Old Hall to the northwest.
10. As the appeal site forms a slight bowl in relation to its topography, I find that the proposed single-storey building would be positioned lower in views from the wider landscape. Its visual impact in the surrounding area would therefore be lessened. This impact would be reduced further by the proposed landscaping identified which I consider would enhance the setting of the village of Walton and the WCA. Moreover, the proposed building would be set back from the principal western and southern hedgerow boundaries of the site, which I note are to be bolstered and enhanced by the proposal, thus reducing the visual impact of the proposal further in views from the south and southwest.
11. The low-density nature of the proposal would not be detrimental to the spatial distinction of the historic core of Walton, nor would it result in over-development of the site that would adversely impact it. The relatively small scale of the proposed building, the nature of the parking and access areas and the landscaping to be implemented would complement and

align with the spatial character and appearance of the existing locality in and around the village. As such, it would maintain the quality and intrinsic value of the prevailing character and appearance to an extent which I find to be acceptable.

12. Interested parties have supported the Council's point that the proposal would not be in keeping with the aims and policies of the NP, specifically policy HG5 relating to key views, and also the provision of local NP site allocations for development.
13. The Heritage Note produced by Pegasus Planning for the appellant indicates that the proposal would impact none of the key views identified in the NP. Having assessed this, I find this to be the case. From what is proposed, I find that no key views identified within the NP would be influenced or substantively adversely affected by the development and its siting would not prevent or materially harm views from any identified viewpoint.
14. In reaching this conclusion, I have considered views across the site from the area around a public right of way, identified as part of an Approach View from Wighill Lane on Map 3 in the NP. I note that the lane is a non-defined restricted byway route about 400 metres east of the appeal site. From my observations, it is clear to me that the lane is a considerable distance from the site both physically and visually. It also provides no connecting footpath links to the village, nor does it appear to lead anywhere. As such, it seems to me to be largely unused as a public right of way other than to perhaps provide field access for local farmers, in this case providing access to farmland indicated to be part of the appellant's farm holding and in their ownership.
15. The proposed landscaping would inevitably result in some changes to views of the site and its setting from this area. However, this is not considered to have any substantive adverse or negative impact on the intrinsic character or appearance of the site, its surrounding countryside or setting of the village and its CA. The views of the site are distant and notwithstanding the potential open nature of the eastern boundary of the proposed scheme, I find that the single-storey scale of the proposed building, the bowl-effect of the appeal site topography and the proposed landscaping would result in limiting any adverse physical or visual impact from this direction. Moreover, I find that the view of the Church of St Peter in Walton would not be substantively harmed.
16. In Key View 15 identified within the NP, looking northwards along Smiddy Hill towards the historic core of Walton, I find that the view would not be encroached by the proposal in any significant way. The extent of any visual impact on this view would be limited and principally result from the more formalised vehicle access to the site from Smiddy Hill. However, this would be acceptably mitigated by the enhanced hedgerow along the western boundary of the site which would largely screen the proposal from this key view. Moreover, this northward view along Smiddy Hill in the NP, as depicted by photograph, appears to begin at or just to the north of the proposed site access. As such, the proposal would comprise very little of the view towards the historic core of Walton apart from some enhanced hedgerow along the western boundary of the appeal site.
17. In the southward view (Key View 16 in the NP), the site and proposal would be largely screened from the viewpoint within the centre of Walton village by existing buildings situated north of the appeal site, including The Old Farmhouse. Indeed, the only element of the proposal visible in this key view would again be the enhanced hedgerow along the western boundary of the site and a partial, distant view of the site access from Smiddy Hill. As a result, I find that the proposed scheme would have no substantive adverse impact on the key views identified within the NP.
18. I have had regard to the impact of the proposal on the setting of the Grade II Listed Walton Old Hall. Having done so, I find that any potential views of the scheme from the listed building would be considerably filtered by the fact the proposed building would be set a substantial distance back from Smiddy Hill and the site boundary, would sit low on the site due to its topography and would be screened by the proposed landscaping and enhanced

boundary hedgerows. The proposed building and associated access and parking works would therefore not result in any substantive harm to the special character and setting of the listed building and as such it would preserve the special interest of the listed building.

19. The design of the proposal, in terms of its siting, scale and materials has, in my judgement, been carefully considered to ensure that the scheme is in keeping with nearby buildings in character and appearance and respects the special character and setting of the WCA. I find the proposal to be sympathetic to its surrounding context and respectful of the nearby heritage assets so as to ensure an appropriate development in this location. The landscape proposals would strengthen existing hedgerow boundaries of the appeal site and provide further vegetation to its western boundary to assist in providing a more verdant gateway into Walton at the southern extent of the Walton Old Hall plot boundary. Furthermore, the proposed landscaping and mitigation, through the use of sympathetic materials to blend the car parking and access facilities into the surrounding landscape, is considered to be appropriate and sufficient to limit the harm arising from the proposal.
20. It is acknowledged that the proposed car park has the potential to cause some harm through changes to the setting which contribute to the special character, specifically the change from agricultural land to car park. However, I have assessed that harm to be less than substantial and at the minimal end of the scale. Nonetheless, this minimal harm must be appropriately weighed against the public benefits of the proposal in the overall balance.
21. The change in character resulting from the proposed scheme is at the minimal end of the scale with regard to harm to the special character of the WCA in terms of removing an element of agricultural surroundings. This level of harm has been considered in the context of the impact on the WCA as a whole and relates to land which, in my view, makes a minimal contribution to the special character of the WCA. It is noted that surrounding land to the north of the village is identified as making a greater contribution to the special character of the WCA and its setting than the appeal site and this area would not be affected by the appeal scheme.
22. In conclusion, having had due regard to all the relevant matters raised, I find the proposed scheme would have no substantive adverse effect on the character and appearance of the site, its surrounding land and the setting of Walton village. Whilst the proposal would result in some minimal harm to the setting of the WCA, the harm would be less than substantial. Notwithstanding this, taking into account the relevant criteria of PPG7 and other national and local planning policies, as set out in Policy RL1 of the UDP in my assessment, I find that the benefits of the proposal in terms of sustainability, the local economy and the provision of local services and facilities clearly outweigh the limited harm identified.
23. Consequently, I conclude that the proposal respects the intrinsic value of the designated rural land and the character and appearance of its location. Moreover, it would not result in any substantive harm to the setting of the WCA. Therefore, it accords with the aims and intentions of policies P10, P11 and P12 of the Leeds Core Strategy, saved policies N19, RL1, N37A and GP5 of the Leeds Unitary Development Plan (Review) 2006, policy HG5 of the Walton Neighbourhood Plan and relevant guidance contained within the National Planning Policy Framework (December 2023).

On-site trees and landscape

24. The Council states that the proposal would result in unacceptable impacts on existing on-site trees. Furthermore, the point is made that no information has been provided regarding any level changes on-site resulting from the no-dig methodology proposed.
25. It is noted there is a single tree on-site at the northern boundary. The Arboricultural Impact Assessment (AIA) submitted by the appellant notes an incursion into the root protection area (RPA) of Tree T01 to a value of 16.1% and proposes a no-dig solution to this area with a porous surface finish. The canopy is also proposed to be pruned to achieve

- clearance of 3.5 metres from ground level. This would represent a harmful intervention with regard an existing on-site tree. As such, the Council refused consent in relation to this.
26. However, since the application was determined by the Council, and to address the Council's second reason for refusal, the appellant has provided an amended Proposed Site Layout (Ref: 2708 (PL) 01D) during the appeal. The proposed amendment moves the currently proposed no dig area out of the RPA of Tree TP01, amending the position of the staff parking and service yard to be outside of the RPA. As a result, the northern car park and the main building have been moved about 4 metres to the south and it is noted that this addresses the Council's concerns in relation to the impact to Tree T01.
27. Having regard to Wheatcroft, and having considered this amended layout, I find that the amendments proposed do not result in a fundamental change to the proposal application. In my judgement, the amended layout results in a small locational change to address addresses an objection raised by the Council in its reasons for refusal. I am satisfied that the Council has had the opportunity to respond to this during the appeal and has done so in its submissions. Therefore, I find this to be a fair, reasonable and appropriate resolution.
28. In terms of the proposed retaining wall and drainage run identified in the Proposed Site Plan and relevant supporting evidence, the AIA states that manual techniques are to be used under arboricultural supervision. Through discussions between the Council and the appellant during the application stage, it is noted that the drainage scheme identified is indicative at this stage. However, following approval of the proposal, I am satisfied that such detailed requirements would be secured through suitable and appropriate conditions, to ensure that there is no impact on root protection areas and on-site trees.
29. The appellant has also indicated that a cellular confinement system, or other approved no-dig engineering system, would be used to achieve hard surface treatments in proximity to trees in conjunction with arboricultural advice and site investigations. Again, it is noted that the surface finish will be porous and the canopy over the proposed surface would be pruned to give 3.5 metre clearance from ground level. Based on this evidence, I am satisfied that this is a reasonable and acceptable approach deliverable through conditions.
30. In response to the Council's point that no information has been provided regarding the level changes on site, it is noted that the existing level of the area is 29.98m and the finished level is indicated as being 30.39m, which would allow for a 400mm base in line with relevant guidelines. Consequently, having regard to all relevant matters in this regard, I find the approach proposed in the appellant's evidence reasonable and that compliance with it can be ensured through appropriate conditions.
31. A further concern of the Council in its refusal of planning consent was that the proposal fails to provide sufficient space for a landscape buffer along the eastern boundary of the site to allow for assimilation on the scheme into the open land beyond. In consideration of this, the parking layout of the proposed scheme was amended by the appellant to address comments and concerns raised regarding the eastern boundary of the site. The amendment has also allowed for a landscaping buffer along the eastern boundary. The appellant says that as a result of this amendment to the site layout and the eastern boundary, the Council's second reason for refusal has been addressed and the reason is no longer justified.
32. It is a generally accepted view that trees contribute significantly to the visual quality and character of a locality and in this case, of the setting of the proposal, softening the built edge of the village of Walton. In my assessment, the proposal seeks to adopt this principle and recognises that trees provide many environmental benefits including carbon capture and habitats for wildlife which would contribute significantly to the proposal's indicated 110% Biodiversity Net Gain (BNG) credentials.

33. The level of landscaping proposed is substantial. The appellant has been pro-active and positive in seeking to address these concerns. In my judgement of the proposed scheme, sufficient space has been provided for tree planting or landscaping along the eastern boundary of the site. Moreover, I am satisfied that it has been demonstrated that landscaping on-site would ensure the proposal respects historic significance in terms of nearby designated heritage assets with its landscaping to the western half of the site whilst the eastern part of the site and its eastern boundary would retain a more open and rural character, enabling an assimilation of the proposal into the open landscape beyond.
34. Therefore, having regard to all relevant matters on this main issue, I conclude that the proposal would be acceptable in terms of its impact on existing on-site trees. It would also allow, through its layout and the proposed landscape scheme, sufficient space for an appropriate visual landscape buffer along the eastern boundary of the site. This would enable the assimilation of the proposed development into the adjacent open countryside, subject to minor amendments and in accordance with the attached conditions.
35. Consequently, I conclude that the proposed development would comply with the aims and intentions of Policies P10 and P12 of the Leeds Core Strategy. Policy LAND2 of the NRWLP, saved policies N24, GP5 and LD1 of the Leeds UDP (Review) 2006. It would also be in accord with advice contained within the Council's Guideline Distances from Development to Trees, the Neighbourhoods for living SPG and the Framework. Moreover, it would align with the wider environmental aims of the Council regarding the declared Climate Emergency in terms of sustainability and Biodiversity Net Gain.

Other Matters

36. It is argued that the proposal would have a detrimental impact on the level of traffic generated within Walton village and the surrounding area. However, traffic issues and anticipated volumes in the local area have been considered and assessed by the highway authority and found to be acceptable, resulting in no substantive harm. I have no reason before me to conclude otherwise. Therefore, I am satisfied that whilst the proposal would likely result in an increase in traffic volumes in the area, this would have no substantive adverse impact on traffic flows and highway safety.
37. Concerns have been raised that Walton village is too small to support two similar businesses in the public house, which is currently closed, and the proposed farm shop and café. It has been asserted that allowing the appeal scheme would result in the public house never re-opening. In my assessment, the two facilities would not be in direct competition and could feasibly operate in a complementary way to serve the village and wider locality. A public house provides for the sale and consumption of alcoholic and non-alcoholic drinks with the option to also serve hot and cold meals. From the evidence regarding the proposal, it is clear to me that the farm shop would exist for the sale of local farm produce and goods with some convenience goods to serve the local residential community. This provision is something that is currently absent in the local area.
38. Whilst the cafe element of the proposal would have a more direct comparison with the sale of food at a public house, the potential offer between the two is, in my view, fundamentally different. The café would likely serve light lunches, snacks, tea, coffee and soft drinks during normal daytime business hours. The public house would, potentially, serve hot and cold food during opening hours though the day and into the evening. Furthermore, the experience and atmosphere of a public house and farm shop and café are very different. Considering this assessment and given a lack of evidence to support the point, I find the argument that the public house would be unlikely to reopen due to the approval of the proposed scheme to have limited weight in my overall determination of the appeal.
39. Concerns relating to the impact on landscape more generally and drainage have been raised and considered. From the evidence, I am satisfied that these issues and concerns

would be appropriately addressed through the measures identified and that this can be ensured through the conditions which I have attached to this Decision.

40. Other applications have been referenced in support of the appellant's case. Whilst it is acknowledged that this has been done to illustrate points of consistency, or otherwise, in the Council's decision-making, each case must be assessed and determined on its own merits, and I confirm that this is my approach in this case. Therefore, limited weight is given to these other references.
41. The appellant points to the level of support for the proposal in the village and notes that there has been a lack of any significant objection. As such, it is argued that this should be considered a positive aspect of the proposal in the overall balance. Notwithstanding this, the balance is not based solely on the numbers of objections or comments of support but rather the substance of the points raised for and against the scheme. Therefore, limited weight is given to the appellant's point in this regard.

Planning Balance

42. For clarity, I have assessed weight with reference to the following ascending scale: limited, moderate, significant and substantial.
43. The location of the proposal has the benefit of being closer to the resident population and is more accessible and sustainably connected than the site of the Syningthwaite Priory Farm, the 'parent' farm for the proposal which I travelled to during my site visit. Access to the farm complex was via a long and narrow lane and the farm facilities were some distance from primary highway routes and potential passing trade. It is also in a position that is largely concealed from sight in the local area. As such, I find that the proposal provides an element of sustainability and proximity to local residents and accessibility via more sustainable transport modes. This attracts significant weight in favour of the proposal in the overall balance.
44. The proposal would provide local job opportunities and a shop offering, in addition to farm produce, everyday convenience goods in an area with significant residential development where currently there is no such outlet or facility. The café would also offer potential opportunities for social and leisure activities in the local community. I therefore award moderate weight to these aspects in favour of the scheme.
45. The design of the proposed development in terms of its scale, materials, layout and landscaping has been carefully considered to respect its surrounding context and be assimilated into it. However, whilst these are all benefits of the proposal, they are policy requirements and as such have a neutral impact on the overall balance.
46. It is noted that the local community, through its neighbourhood plan, has considered it necessary to further promote development in the village and its surrounding area. The appeal proposal addresses some of the issues which have been identified within the NP in terms of providing new and improved and accessible community facilities, supporting employment and enterprise and sustainable development. As such, I attach significant weight to this.
47. The harm that I have identified resulting from the proposed scheme would be less than substantial harm in terms of the setting of heritage assets. Nonetheless, any harm in this respect must be given due significance. With all matters considered, in my assessment, the harm would be limited. Therefore, I attached limited weight to it.
48. In terms of the impact on landscape, the proposal would not result in any substantive harm to the open and rural countryside and landscape of the local area. Accordingly, I give limited weight to this in the overall balance.

49. Consequently, having assessed all aspects of the proposed scheme, I conclude that the many planning benefits of the development would clearly and demonstrably outweigh the limited harm identified.

Conditions

50. I have had regard to the conditions suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the conditions to better reflect the relevant guidance within the National Planning Practice Guidance (NPPG).
51. In addition to the standard conditions relating to time and the approved plans, conditions are attached relating to external materials, site investigation and remediation works, highways and parking, ecological mitigation, drainage and landscaping. These are necessary for reasons of character and appearance, ecology and biodiversity, sustainability and highway safety. Furthermore, I have attached a condition (Condition 26) specifying the hours of construction for the development hereby permitted and included a condition regarding the removal of permitted development (PD) rights (Condition 22), both necessary in the interests of residential amenity. The NPPG indicates that conditions removing PD rights should not normally be used. However, I find the circumstances in this case to be exceptional and therefore consider that PD rights should be removed to ensure a reasonable level of amenity for neighbouring residents and occupiers.
52. It is necessary that the requirements of Conditions 12, 15, 18, 19, 20, 23, 24 and 25 are agreed and, where applicable, undertaken prior to the commencement of the development hereby permitted to ensure an acceptable development in planning terms, for reasons of residential amenity, character and appearance and in the interests of sustainability, biodiversity and ecology, site drainage and archaeology. Moreover, it is necessary that the requirements of Conditions 8, 9, 10, 11 and 16 are agreed and carried out prior to the occupation of the development hereby permitted to ensure an acceptable development in planning terms.

Conclusion

53. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal is allowed. Therefore, planning permission is granted subject to the attached conditions.

Andrew McCormack

Inspector

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan Ref: 2708 (PL) 00A
 - Proposed Site Plan Ref: 2708 (PL) 01D
 - Proposed Elevations Ref: (PL) 04B
 - Proposed Elevations (PL) 05B
 - Proposed Floor Plan Ref: (PL) 02A
 - Landscape Scheme Ref: P22-0232.001 A
 - 7.5T Panel Truck Vehicle tracking DPL SK002
 - Large Refuse Vehicle tracking DPL SK003
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those set out in the Design and Access Statement submitted with the original application form (ref: 22/03015/FU) so approved.
- 4) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary and therefore development (excluding demolition) shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority.
- 5) Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development (excluding demolition) shall not commence until a Remediation Strategy demonstrating how the site will be made suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a programme for all works and for the provision of Verification Reports. All Reports are to be prepared and approved by a suitably qualified and competent person.
- 6) If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such. All Reports are to be prepared and approved by a suitably qualified and competent person.
- 7) Remediation work shall be carried out in accordance with the approved Remediation Strategy. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority. All Reports are to be prepared and approved by a suitably qualified and competent person.
- 8) The development hereby permitted shall not be occupied until all areas shown on the approved plans to be used by vehicles, including roads, footpaths, cycle tracks, loading and servicing areas and vehicle parking spaces have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge onto the highway. These areas shall not be used for any other purpose thereafter.
- 9) Notwithstanding the approved details, works above the ground floor slab level shall not commence until full details of cycle/motorcycle parking and facilities have been submitted to,

and approved in writing by, the Local Planning Authority. The approved cycle/motorcycle parking and facilities shall be provided prior to first occupation of the development hereby permitted and retained thereafter for the lifetime of the development.

- 10) The development hereby permitted shall not be occupied until Electric Vehicle Charging Points have been provided in accordance with a scheme that shall have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall thereafter be retained for the lifetime of the development.
- 11) Prior to occupation of the development hereby permitted, the off-site highway works as shown on approved plan '2708 (PL) 01D' comprising works to the existing pedestrian crossing to the west of the junction between Smiddy Hill and Wighill Lane shall be fully delivered.
- 12) Prior to commencement of development, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The Statement shall provide for:
 - (a) the parking of vehicles of site operatives and visitors;
 - (b) details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking);
 - (c) storage of plant and materials used in constructing the development;
 - (d) the erection and maintenance of security hoarding where appropriate;
 - (e) wheel washing facilities;
 - (f) measures to control the emission of dust and dirt during construction including those generated by vehicles. Immediate preventative action, including the suspension of operations shall be taken if dust generated by machinery on site becomes airborne and can be seen being carried by the wind beyond the site boundary;
 - (g) details of construction hours.
- 13) Notwithstanding the details shown on the approved plans, prior to the installation of any new window or door on the development hereby permitted, full details of all openings (doors, windows, roof lights) including details of materials and finish, sections, profile and depth of reveal shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.
- 14) Construction of external walls and roofs to any building subject of this permission shall not take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.
- 15) Prior to commencement of construction, a Planting Plan should be submitted and approved in writing by the Local Planning Authority. The Plan should include written specifications (including subsoil and topsoil depths, cultivation methods, seasonal operations associated with plant and grass establishment, plant handling and stock etc) and schedules of plants noting species, planting sizes and proposed densities and species totals. The Planting Plan shall demonstrate the means by which the scheme shall deliver Biodiversity Net Gain and achieve assimilation into the open landscape. Soft landscape planting works shall be completed in the first available planting season following the substantial completion of the development hereby permitted.
- 16) A Landscape Management Plan (LMP), including delivery of Biodiversity Net Gain, long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted. The LMP shall be carried out as approved. The LMP must be a standalone, self-contained document that is not reliant on cross referencing

additional information/site plans. The document must therefore include copies of all relevant specifications and landscape plans as appendices.

- 17) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.
- 18) Prior to commencement of construction, a Hard Landscaping Plan should be submitted to, and approved in writing by, the Local Planning Authority, including boundary details (types, dimensions and materials etc), materials to hard surfaced areas and any site furniture such as gates etc. All hard landscaping works shall be carried out in accordance with the approved details and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. Hard landscape works shall be completed prior to first occupation of any part of the development hereby permitted.
- 19) (a) No works shall commence (including any demolition, site clearance, ground works or drainage etc) until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans (as approved pursuant to (b) below) and the specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: safeguarding includes any ground areas intended for Structural Planting (clause 6.2 of BS5837) and only the BS5837 default barrier with the scaffold framework shall be employed. A fully dimensioned tree protection plan drawing shall be included in the submission. Such measures shall be retained for the full duration of any demolition and/or approved works.

(b) No works or development shall commence until a written Arboricultural Method Statement (AMS) in accordance with BS5837 for a tree care plan has been submitted to, and approved in writing by, the Local Planning Authority. Works shall then be carried out in accordance with the approved method statement. The AMS shall include a Site Supervision Schedule i.e. a list of site visits and the operational specifics related to trees for the full construction duration. The AMS shall include the above details (written and photographic) for reporting back to the Local Planning Authority immediately after each site supervision intervention.

NOTE: this item cannot be discharged until the last supervision visit report is submitted.

(c) Evidence shall be submitted, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out this Arboricultural monitoring/supervision.

(d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition/approved works commencing, to allow inspection and approval of the protection measures as implemented on site.

NOTE: this item cannot be discharged until post inspection approval is confirmed.

(e) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services/drainage, without the prior written approval of the Local Planning Authority.

- 20) Prior to the construction of the development hereby permitted, a Plan shall be submitted to, and approved in writing by, the Local Planning Authority of integral bat roosting and bird nesting features (for species such as House Sparrow and Swift) within buildings. The

agreed Plan shall show the number, specification of bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to occupation of the development hereby permitted on which they are located and retained thereafter.

- 21) No works to, or removal of, hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active bird nests immediately before (within 24 hours) the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority within 3 days of such works commencing.
- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Orders revoking or reenacting that Order with or without modification) planning permission shall be obtained before any development within Schedule 2, Part 2 Class A, is carried out.
- 23) Construction of the buildings or associated landscaping shall not commence until a feasibility study into the use of filtration drainage methods has been submitted to, and approved in writing by, the Local Planning Authority. The study shall contain the results of soakaway tests – carried out in accordance with BRE Digest 365 and an appraisal of various infiltration systems that could reasonably be employed on the site.
- 24) Notwithstanding the approved plans, construction of the buildings or associated landscaping shall not commence until a drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the foul and surface water drainage works as well as arrangements for its future maintenance (e.g. adoption by the Water Company) have been submitted to, and approved in writing by, the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use.
- 25) No development is to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological organisation or consultant, in accordance with a written scheme of investigation which has been submitted by the applicant, or their agent or successors in title and approved in writing by the Local Planning Authority.
- 26) Construction works shall take place only between 08:00 hours and 18:00 Monday to Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 27) Operational hours of the premises hereby approved shall be restricted to between 08:00 hours and 18:00 hours Monday to Saturday and between 09:00 hours and 16:00 hours on Sundays or on Bank or Public Holidays.
- 28) Deliveries to the development shall take place only within the operational hours of the development hereby permitted.

END OF SCHEDULE