



Appeal Decision

Site visit made on 9 July 2024

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2024

Appeal Ref: APP/X4725/W/24/3336674

**Retail Consolidation Services, Whitwood Common Lane, Castleford
WF10 5QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Delin Property against the decision of Wakefield Metropolitan District Council.
- The application Ref is 20/00321/S7302.
- The application sought planning permission for demolition of the existing building and erection of a new commercial/warehousing unit (Use Class B8) with associated noise mitigation measures, access, parking, landscaping and works without complying with conditions attached to planning permission Ref 20/00321/FUL dated 15th October 2020.
- The conditions in dispute are Nos: 2, 19, 20, 27, 28, 29, 38, 39 and 41. These state as follows:

2) The development hereby approved shall be carried out strictly in accordance with the following approved plans and documents, but only in respect of those matters not reserved for later approval, as listed below and at the end of this decision notice unless required otherwise by this decision or its attached conditions:

Plans -

02302PLrev2, M3203-PA-01-V1, M3203-TVA-01.20, P19-01611-003rev01, P19-01611-004rev01, P19-01611-002rev01, P19-01611-001rev01, 94001 PLrev3, 93100 PLrev2, 93000 PLrev5, 92003 PLrev2, 07001 PLrev2, 03101 PLrev3, 03100 PLrev2, 02301 PLrev4, 02300 PLrev4, 01102 PLrev2, 01103 PLrev2, 01101 PLrev2, 00052 PLrev1, 00050 PLrev1, 01100 PLrev2, 01150 PLrev3, 00053, C0104revP1, 00054revPL1, 00051revPL7 and 94000PL2.

Documents -

Application form (received 10th February 2020), letter dated 6th February 2020, Planning & Heritage Statement (received 10th February 2020), Flood Risk Assessment (ref:- 1620007571), Noise Impact Assessment (ref:- 1620007571), Transport Statement (ref:- Version 1.0 received 4th June 2020), Framework Travel Plan (ref:- Version 1.1), Design and Access Statement (ref:- PL1), Sustainability Statement (received 10th February 2020), Tree Survey (received 10th February 2020), Arboricultural Impact Assessment (received 10th February 2020), Air Quality Assessment (ref:- R1620007571_AQ_02), Daylight Impact Assessment (received 10th February 2020), Ecological Assessment (ref:- R1620007571_02 PEA), Arboricultural Method Statement (received 10th February 2020), Community Involvement Statement (received 10th February 2020), phase 1 Environmental Review (ref:- 1620007571Issue02), energy and Sustainability Statement (dated:- 01.02.2020), Phase II Environmental Site Investigation (ref:- 1620007571).

19) Development shall not commence until tree protective fencing in accordance with

either the default specification or secondary specification in the location outlined in red detailed upon submitted drawing TPP01 (Arbtech dated Jan 2020) has been erected. The fencing shall be retained and maintained for the entirety of the construction phase.

20) All trees identified as Category 'B' Trees, Category 'B' groups, Category 'C' groups and Category 'C' trees highlighted in green and blue upon submitted drawing TPP01 (Arbtech dated Jan 2020) shall be retained for the lifetime of the development. Should any of the Category 'B' Trees, Category 'B' groups, Category 'C' groups and Category 'C' trees highlighted in green and blue upon submitted drawing TPP01 (Arbtech dated Jan 2020) die or become diseased and subsequently be removed, they shall be replaced with a tree of a similar species in the same location.

27) The development shall not be brought into use until turning facilities have been provided in accordance with the details shown on the submitted drawing 00051PL7. The turning facilities shall be available for use by vehicles and kept free from obstruction throughout the lifetime of the development.

28) The development shall not be brought into use until car parking spaces indicated on submitted drawings 00051PL7 and 94000 PLrev2 have been marked out and provided. The car parking shall be thereafter retained and maintained for car parking for the lifetime of the development and used for no other purpose.

29) The development shall not be brought into use until detailed plans of parking spaces designed for the use of disabled people to be provided within the car parking indicated on submitted drawings 00051PL7 and 94000 PLrev2 have been provided. The parking spaces shall be constructed, surfaced and marked out in accordance with the aforementioned plan prior to the development being brought into use and shall be thereafter retained and maintained.

38) Except for, and in the event of, emergencies no vehicle shall manoeuvre, enter and/or egress the part of the site shaded orange upon submitted drawing 00054PL1 between the hours of 23:00 and 07:00.

39) Except for, and in the event of, emergencies no vehicle shall manoeuvre, enter and/or egress the part of the site shaded pink upon submitted drawing 00054PL1.

41) All heavy goods vehicles (HGVs) undertaking reversing manoeuvres within any part of the site outlined in red upon submitted drawing 00054PL1 shall use white noise reversing alarms only.

- The reasons given for these conditions are:

2) For the avoidance of doubt as to what is authorised by this permission and in accordance with the National Planning Practice Guidance (Use of Planning Conditions, paragraph 022).

19) This detail is required prior to development commencing on site in the interest of protecting the trees and the character of the area, and to accord with policy D9 of the Council's Local Development Framework Development Policies Document.

20) In the interest of protecting the trees and the character of the area, and to accord with policy D9 of the Council's Local Development Framework Development Policies Document and the NPPF.

27) In the interests of access and highway safety to accord with policy D14 of the Council's adopted Local Development Framework Development Policies

Document, policy CS4 of the Council's adopted Local Development Framework Core Strategy and the National Planning Policy Framework.

28) To ensure adequate space within the site for vehicle movements and parking to accord with Policy D14 of the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.

29) To ensure adequate disabled parking is provided to accord with Policy D14 of the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.

38) In the interests of the amenity of neighbouring occupiers to accord with policy D9 of the Council's Local Development Framework Development Policies Document and the National Planning Policy Framework.

39) In the interests of the amenity of neighbouring occupiers to accord with policy D9 of the Council's Local Development Framework Development Policies Document and the National Planning Policy Framework.

41) In the interests of the amenity of neighbouring occupiers to accord with policy D9 of the Council's Local Development Framework Development Policies Document and the National Planning Policy Framework.

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing building and erection of a new commercial/warehousing unit (Use Class B8) with associated noise mitigation measures, access, parking, landscaping and works at Retail Consolidation services, Whitwood Common Lane, Castleford, WF10 5QL in accordance with the application Ref 20/00321/S7302, without compliance with condition 2 (Approved plans), condition 19 (Tree Protection Fencing), condition 20 (Tree Retention and Replenishment), condition 27 (Turning Facilities), condition 28 (Car Parking), condition 29 (Disabled Car Parking), condition 41 (Reversing Alarms), condition 38 (Hours of Operation - restricted area) and condition 39 (Emergency Vehicles Zone - restricted area) previously imposed on planning permission Ref 20/00321/FUL dated 15th October 2020 and subject to the schedule of conditions at the end of this decision.

Preliminary Matters

2. Since the determination of this application, the Government has published a revised National Planning Policy Framework (the Framework)(published December 2024). Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by this.
3. The development plan has changed since the Council issued its decision. Policies D9 and D20 of the Wakefield Local Development Framework Development Plan Document have been superseded by Policies LP56 and LP67 of the Wakefield Local Plan (LP) (2024). My assessment relates to the development plan as it exists at the date of my decision.

4. The original planning permission was implemented in Autumn 2023 and the former unit on the site has now been demolished. The principle of a new warehouse/commercial unit on the site has previously been established and is therefore not for consideration as part of this appeal.
5. In October 2022, an application (20/00321/S7301) pursuant to S73 of the Town and Country Planning Act 1990 was submitted for design changes and other variations to conditions attached to the original planning permission. This application was approved in April 2023.

Background and Main Issues

6. In November 2022, a further application (20/00321/S7302) for the variation of conditions attached to the original permission (20/00321/FUL) was submitted for design alterations to the building permitted under the original permission and the proposed removal of conditions 38 and 39. Officers recommended the application for approval. However, members of the Planning and Highways Committee resolved to refuse planning permission on the grounds that noise would adversely affect the living conditions and health and wellbeing of residential occupiers to the east of the site. The application was refused on the 14th July 2023. This application is the subject of this appeal.
7. The Council has confirmed that the majority of the changes to the site layout have already been approved under 20/00321/S7301 (decision date April 2023), subject to conditions requiring materials of construction and further landscaping details to be submitted to the Council for written approval. Therefore, it is principally the variation of condition 41 relating to the site layout and reversing alarms, and removal of conditions 38 and 39 relating to the use of the site 24 hours a day for any vehicle, that are under consideration in this appeal.
8. It is the appellant's case that the disputed conditions limit the competitiveness of the site in the market. As such, the variation and removal of the disputed conditions is proposed to better meet the operational requirements of future tenants of the warehouse/commercial unit. The appeal proposal would allow 24- hour access to the entire site and vehicle manoeuvring around the site, which under the current permission is not possible, thereby making the site more attractive to potential operators.
9. The main issue is whether the disputed conditions are necessary and reasonable having regard to the effect of the proposed development on the living conditions and health and wellbeing of neighbouring residents with particular regard to noise and disturbance.

Reasons

10. The appeal relates to a planning approval for the redevelopment of an existing industrial site, comprising erection of a new storage and distribution warehouse, following demolition of an existing building. The appeal site is located to the south of junction 31 of the M62 motorway. Bound on two sides by employment sites, comprising a mix of industrial, storage and distribution uses, it is bordered to the east by residential development.
11. The proposal would allow vehicular access to the whole site 24 hours a day. Under the current permission, access by vehicles to one area is prohibited

between 23:00 and 07:00, and access to the eastern part of the site is restricted to cases of emergency. The proposed alteration of manoeuvring paths for HGVs and other vehicles around the site, would be in closer proximity to the residential properties to the east of the appeal site.

12. The evidence before me demonstrates that the dominant source of noise for neighbouring residents is road traffic arising from the proximity of the M62, which is immediately adjacent to Whitwood Common Lane. This road traffic noise produced by the M62 is constant, occurring 24 hours a day.
13. Notwithstanding this dominant noise source beyond the appeal site boundary, existing conditions required noise attenuation measures to mitigate noise and disturbance arising from onsite manoeuvring of HGVs, reversing alarms and the loading/unloading and forklift truck movements. Such mitigation measures included boundary treatments and the requirement to erect an acoustic barrier prior to the development being brought into use and maintained for the lifetime of the development.
14. The Noise Impact Assessment Addendum (the Addendum) modelled the 'very worst case' and assessed an increased number of vehicles per hour at any time of night. The analysis demonstrates that with an acoustic barrier in place, noise levels would be below the background noise levels and lead to 'no observed adverse effect'. Furthermore, noise from idling and the loading/unloading of vehicles was predicted to be significantly below existing maximum noise events and as such are not considered 'significant'.
15. In my opinion the acoustic modelling and associated technical evidence is robust. I am mindful of the need to safeguard the living conditions of the neighbouring occupiers. I acknowledge that the proposed manoeuvring paths for HGVs and other vehicles around the site would be in closer proximity to these residential properties to the east. However, given the locational characteristics and context of the appeal site, specifically its proximity to the M62, which is in constant use, existing noise sources related to the Employment Zone, and the noise attenuation measures, I am satisfied that the proposed operation of the warehouse, without the restrictions imposed by conditions 38 and 39, would not cause significant harmful noise impact to surrounding uses.
16. Condition 41 stipulates that heavy goods vehicles undertaking reversing manoeuvres within the red lined site boundary should use white noise reversing alarms. The Addendum concludes that this requirement is still necessary. The proposed alteration simply aligns the condition wording to the revised plan numbers.
17. I concur with the Addendum and with the Council's EHO, that existing conditions relating to boundary treatments and an acoustic barrier, restricting fixed plant or machinery and requiring white noise reversing alarms, if re-imposed, would control noise and disturbance to ensure that the impact on residential amenity is acceptable. I am satisfied therefore, that the evidence before me demonstrates that varying condition 41 would not result in significant harmful noise impact to surrounding uses.
18. Representations have been made regarding the effect that the proposed removal of conditions 38 and 39 would have on the living conditions of the residents occupying properties that border the appeal site in Bellamy Street,

Arnall Street and Voysey Avenue. I note these concerns with particular regards to noise and disturbance during the night, use of their gardens, and the effect on the health of occupiers. The appeal site forms part of an established Employment Zone that predates the adjacent residential development. Whilst there is a reasonable expectation of some noise and disturbance associated with noise generating uses in the Employment Zone, it is accepted that the homeowners will have purchased the houses adjacent to the appeal site on the understanding that vehicle movements were restricted.

19. The Health and Wellbeing Assessment prepared by Arup found that there would be minor effects to health and wellbeing arising from the appeal proposal, but these minor effects were determined as 'not significant'. The Council has had an opportunity to comment on this additional evidence but has not challenged this assessment or the technical noise analysis. I observed that residential properties to the east are situated in close proximity to the site boundary and have habitable room windows facing the appeal site. However, based on the robust technical evidence before me and the context of the site, and in light of the noise attenuation measures being proposed, I am satisfied that there would be no adverse impact on the living conditions of the occupiers of neighbouring properties as a result of the proposed variation and removal of the disputed conditions.
20. For these reasons, I cannot find harm in varying condition 41 and removing conditions 38 and 39. As such, I am satisfied that the disputed conditions can be removed without detriment to the living conditions of occupiers of neighbouring properties.
21. I therefore conclude that the disputed conditions are not reasonable or necessary in the interests of protecting the living conditions of the occupants of neighbouring dwellings to the east of the appeal site. The development without the disputed conditions would comply with LP policies LP56, which seeks to ensure, amongst other things, that development would have no significant detrimental impact on the amenity of neighbouring users or residents and existing or prospective users; and LP67 relating to pollution control. This policy states that in determining proposals, particular consideration will be given to a number of factors including the likelihood of emissions which may have an unacceptable effect on the amenity of the local area and where there is an identified risk that public health may be affected.
22. The proposal is also in accordance with the following paragraphs of the National Planning Policy Framework (the Framework): paragraph 135(f) which states that development should create a high standard of amenity for existing and future users; paragraph 191 of the Framework which states that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development- and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Other Matters

23. Interested parties raise a range of issues including: devaluation of property; noise, light and air pollution; traffic generation; implications for health. Whilst I've taken these matters into account, my decision on this appeal focusses on whether the conditions in dispute are reasonable and necessary to ensure that the development creates a safe, inclusive and accessible place, which

promotes health and wellbeing, with a high standard of amenity for existing and future uses.

24. Previously, the Health and Safety Executive (HSE) issued an 'Advise Against' letter in response to consultation on the application that is the subject of this appeal. However, this letter was generated owing to the Hazardous Substance (HS) Consent relating to the previous use of the land. The site was vacated in 2019. The buildings to which the consent related, were subsequently demolished and the site cleared. I note that an application to revoke the HS Consent is being processed. Following revocation, the HSE have confirmed that the 'Advise Against' letter will be withdrawn. On this basis, I do not consider that this is a determining matter in this appeal.

Conditions

25. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
26. The appellant suggested a condition which prevents the implementation of the planning permission until such time as the HS Consent is revoked and the HSE 'Advise Against' letter is withdrawn. Given that the buildings to which the HS Consent related have been demolished and the HS Consent cannot, therefore, be implemented, such a condition is considered unnecessary.

Conclusion

27. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed conditions and restating those undisputed conditions that are still subsisting and capable of taking effect.

N Kempton

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall be carried out strictly in accordance with the following approved plans as listed below and at the end of this decision notice unless required otherwise by this decision or its attached conditions:

Approved under 20/00321/FUL:
Phase II Environmental Site Investigation (ref: 1620007571)
Phase 1 Environmental Review (ref:1620007571Issue02)
Energy and Sustainability Statement (dated 01.02.2020)
Community Involvement Statement (received 10th February 2020)
Ecological Assessment (ref: R1620007571_02 PEA)

Daylight Impact Assessment (received 10th February 2020)
Air Quality Assessment (ref: R1620007571_AQ_02)
Tree Survey (received 10th February 2020)
Design and Access Statement (ref: PL1)
Sustainability Statement (received 10th February 2020)
Planning & Heritage Statement (received 10th February 2020)
Flood Risk Assessment (ref:1620007571)
Location plan (ref 00050 PLrev 1)
Existing topographical survey (ref 00052)
Noise Impact Assessment (dated March 2020)

Approved under 20/00321/S7302:

Existing Site Plan ref S2 P01
Site Location Plan ref S2 P01
Contextual Elevations ref S2 P01
Proposed GA sections ref S2 P01
Proposed Site Plan ref S2 P03
Proposed External Surfaces ref S2 P03
Proposed GA elevations ref S2 P02
Proposed GA Office elevations ref S2 P02
Proposed Gatehouse ref S2P01
Landscape Layout ref 01-V4
Proposed GA Ground Floor Plan ref S2 P01
Proposed GA Roof Plan ref S2 P01
Proposed GA Office Plan ref S2 P01
Proposed Transport Office ref S2 P01
General Arrangement ref SK 001
Engineering layout ref SK 002
Swept Path Analysis ref SK 003

Documents:

Noise Impact Assessment Addendum (dated November 2022)
Framework Travel Plan v.2 (dated 28 October 2022)
Transport Assessment v.2 (dated 28 October 2022)
Arboricultural Impact Assessment (Arbtech AIA 01)
Arboricultural Method Statement (dated 25th January 2023)
Tree Protection Plan (Arbtech TPP01)

- 2) Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) and with the exception of any ancillary and associated offices, the uses of the building/site shall be restricted to those falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Any office element within any building hereby approved falling within Use Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended), shall only be used in association with and as an ancillary component of the Class B8 use permitted at the site. At no time shall any offices be separated and used independently.
- 3) The development hereby approved shall be carried out in accordance with the cover letter and social value plan detailing the promotion of employment and

skills development opportunities for local residents submitted and approved by 20/00321/SUB05 (Employment) dated 14th November 2022. The plan shall be implemented and operated in accordance with the approved scheme and thereafter operated for the entirety of the construction phase of the development.

- 4) The development shall not be brought into use until a scheme detailing arrangements to promote employment and skills development opportunities for local residents throughout the operational phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and operated in accordance with the approved scheme. The approved scheme shall be thereafter operated throughout the lifetime of the development.
- 5) The development hereby approved shall be carried out in accordance with the cover letter, remediation strategy and details of a quantitative risk assessment as approved by 20/00321/SUB04 (remediation) on 31st October 2022 pursuant to condition 6 of 20/00321/FUL. The scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the development.
- 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) The development hereby approved shall be carried out in accordance with the Framework travel plan version 1.1 received on 8th February 2023, proposed site plan DR-A-503S2 P04, cycle shelter details submitted on 23.12.2022 and car park management plan as approved by 20/00321/SUB07 on 16th February 2023 pursuant to condition 9 of 20/00321/FUL. The scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the development.
- 9) The development shall not be occupied until a scheme for the provision of electric vehicle charging point infrastructure has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The approved scheme shall thereafter be retained and maintained for the lifetime of the development.

- 10) The development hereby approved shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) ref: P22-146 and the cover letter received on 28th October 2022 as approved under application SUB/00321/SUB06 dated 23.01.2023 pursuant to condition 11 of 20/00321/FUL. The approved CEMP shall be implemented as approved and thereafter retained and maintained for the lifetime of the construction phase.
- 11) Demolition, engineering and/or construction works shall not take place except between 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 12) Throughout the demolition, ground engineering and/or construction phase(s) of the development deliveries shall not be taken at and/or despatched from the site (including the loading and/or unloading of delivery vehicles) except between 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturdays, and not at any time on Sundays or on Bank or Public Holidays.
- 13) Notwithstanding the submitted drawings, construction of the buildings hereby approved shall not commence until details of all external materials to be used have been submitted to and approved in writing by the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.
- 14) The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the surfacing for all areas to be hard landscaped. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. 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. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.
- 15) The development hereby approved shall be carried out in accordance with the submitted and approved 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 as submitted on Site drainage and levels plan 2022 -191 SK200 received on 20th February 2023 as approved by the application to discharge condition 16 of 20/00321/SUB03 on 9th March 2023 pursuant to condition 16 of 20/00321/FUL. The approved scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the development.

- 16) Notwithstanding the submitted plans, the development hereby approved shall not be brought into use until a scheme detailing the installation of all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of a perimeter acoustic barrier including details of its height, location and construction specification. All acoustic barriers shall have no gaps. The boundary treatments, including associated acoustic barrier(s), shall be installed prior to the development being brought into use and shall thereafter be retained, maintained and operated for the lifetime of the development.
- 17) No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and maintained whilst ever it remains in situ.
- 18) Development shall not commence until tree protective fencing in accordance with either the default specification or secondary specification in the location outlined in red detailed upon submitted drawing TPP01 (Arbtech dated Feb 2023) has been erected. The fencing shall be retained and maintained for the entirety of the construction phase.
- 19) All trees identified as Category 'B' Trees, Category 'B' groups, Category 'C' groups and Category 'C' trees highlighted in green and blue upon submitted drawing TPP01 (Arbtech dated Feb 2023) shall be retained for the lifetime of the development. Should any of the Category 'B' Trees, Category 'B' groups, Category 'C' groups and Category 'C' trees highlighted in green and blue upon submitted drawing TPP01 (Arbtech dated Feb 2023) die or become diseased and subsequently be removed, they shall be replaced with a tree of a similar species in the same location.
- 20) The development hereby approved shall be carried out in accordance with the location, design and materials of all bin storage areas/enclosures as detailed in the drawing DRA 00060-PL1 approved under 20/00321/SUB 01 on 11th August 2022. The development shall not be brought into use until the works required have been completed/provided and shall thereafter be retained and maintained for the lifetime of the development, unless a subsequent variation to the scheme is approved in writing by the Local Planning Authority.
- 21) The development shall not be brought into use until a scheme of measures relating to the provision of habitat for wildlife and biodiversity enhancement has been submitted to the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The approved scheme shall be thereafter retained and maintained for the lifetime of the development.
- 22) The development hereby approved shall be carried out in accordance with the submitted and approved scheme for measures to minimise the risk of crime as approved on the drawing number 00057 rev PL1 received on 27.04.2022 and approved under 20/00321/SUB01 dated 11th August 2022 pursuant to condition 23 of 20/00321/FUL. The approved scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the development.

- 23) The development hereby approved shall be carried out in accordance with the submitted and approved scheme for renewable energy as approved on the covering letter received on 24th May 2022 and energy statement revision 2 received on 22nd July 2022 from approved application 20/00321/SUB02 approved on 27th July 2022 pursuant to condition 24 of 20/00321/FUL. The approved scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the development.
- 24) The development hereby approved shall be carried out in accordance with the submitted and approved Car Park Management Plan received on 22nd December 2022 approved under application 20/00321/SUB07 on 16th February 2023 pursuant to condition 25 of 20/00321/FUL. The approved scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the development.
- 25) There shall, at no time, be any structure or planting, erected or installed that obstruct sightlines for the new access point onto California Drive, which exceeds a height of 1m.
- 26) The development shall not be brought into use until turning facilities have been provided in accordance with the details shown on the submitted drawing 0503-S2-P03 (received 17th February 2023). The turning facilities shall be available for use by vehicles and kept free from obstruction throughout the lifetime of the development.
- 27) The development shall not be brought into use until car parking spaces indicated on submitted drawings 0503-S2-P03 (received 17th February 2023) have been marked out and provided. The car parking shall be thereafter retained and maintained for car parking for the lifetime of the development and used for no other purpose.
- 28) The development shall not be brought into use until detailed plans of parking spaces designed for the use of disabled people to be provided within the car parking indicated on submitted drawings 0503-S2-P03 (received 17th February 2023) have been provided. The parking spaces shall be constructed, surfaced and marked out in accordance with the aforementioned plan prior to the development being brought into use and shall be thereafter retained and maintained.
- 29) The development hereby approved shall be carried out in accordance with the submitted and approved scheme for cycle shelter details as shown on drawing DR-A- 6101-S2-PO1 received on 23rd December 2022 from approved application to discharge condition 30 on 20/00321/SUB07 approved on 16th February 2023 pursuant to condition 30 of 20/00321/FUL. The approved scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the development.
- 30) Dust generated by vehicles on roads, haul routes and circulation areas within the site in dry weather conditions shall be suppressed by the use of equipment able to deliver sufficient volumes of water and provided on site for this purpose. 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.

- 31) Equipment to enable mud and grit to be removed from the wheels, tyres and underside of vehicles prior to their entering the public highway shall be provided and utilised in the position shown on the approved plan and maintained in working order at all times when traffic is leaving the site. The site access road shall be maintained in a clean condition at all times when traffic is leaving the site.
- 32) The development hereby approved shall be carried out in accordance with the submitted and approved scheme for foul and surface water drainage as submitted on drawing number 2022-191-SK200, AW/DR2/2022-191 Rev 01 received on 22nd February 2023 and drawing AW/DR 2022 -191- REV 01 received 13th January 2023 from approved application to discharge condition 33 of 20/00321/SUB03 approved on 9th March 2023. The approved scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the development.
- 33) The development hereby approved shall be carried out in accordance with the submitted and approved scheme for the treatment of all surface water flows from parking areas and hardstanding through an oil interceptor, reedbed or alternative treatment system as submitted on drawing number 2022-191-SK200, AW/DR2/2022- 191 Rev 01 received on 22nd February 2023 and drawing AW/DR 2022 -191- REV 01 received 13th January 2023 from approved application to discharge condition 34 of 20/00321/SUB03 approved on 9th March 2023. The approved scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the development.
- 34) The development hereby approved shall be carried out in accordance with the submitted and approved scheme for restricting the rate of development flow runoff from the site as submitted on 2022-191-SK200, AW/DR2/2022-191 Rev 01 22nd February 2023 and drawing AW/DR 2022 -191- REV 01 received 13th January 2023 from approved application to discharge condition 35 of 20/00321/SUB03 approved on 9th March 2023. The approved scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the development.
- 35) 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.
- 36) The development hereby approved shall be carried out in accordance with the submitted and approved scheme for detailing temporary surface water drainage generated during the construction of the site as submitted on AW/DR2/2022-191 Rev 01 received on 22nd February 2023, drawing AW/DR 2022 -191- REV 01 received 13th January 2023, Earth Works Enviro Protection Phasing 2022-191-21-P1 from approved application to discharge condition 37 of 20/00321/SUB03 approved on 9th March 2023. The approved scheme shall be implemented as approved and thereafter retained and maintained for the lifetime of the construction phase.
- 37) No externally sited fixed plant, machinery and equipment (including ventilation and extraction equipment) or internally sited fixed plant, machinery and equipment (including ventilation and extraction equipment) which communicates directly to the exterior of a building, shall be used in connection with the development until a scheme for the control of noise

arising from the said plant, machinery and equipment has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained, maintained and operated to throughout the life of the development. There shall be no change to the approved scheme other than with the prior written approval of the Local Planning Authority.

- 38) All heavy goods vehicles (HGVs) undertaking reversing manoeuvres within any part of the site outlined in red upon submitted drawing site plan ref 0503-S2-P03 shall use white noise reversing alarms only.
- 39) The development shall not be brought into use until a scheme detailing a waste management strategy for the site, has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be operated throughout the life of the development unless a subsequent variation to the scheme is approved in writing by the Local Planning Authority.

END OF SCHEDULE OF CONDITIONS Appeal Ref: APP/X4725/W/24/3336674