



Appeal Decision

Hearing (Virtual) held on 10 December 2024

Site visit made on 11 December 2024

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2024

Appeal Ref: APP/F4410/W/24/3349238

Cherry Lane Tickhill Garden Centre, Bawtry Road, Tickhill, Doncaster, DN11 9EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by QD Commercial Holdings Group against the decision of City of Doncaster Council.
 - The application Ref:23/01707/FUL dated 16 August 2023, was refused by notice dated 6 February 2024.
 - The development proposed is described as provision of concrete yard for goods provisions (retrospective) and alteration of the existing access.
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Decision

1. The appeal is allowed and planning permission is granted for provision of concrete yard for goods provisions and alteration of the existing access at Cherry Lane Tickhill Garden Centre, Bawtry Road, Tickhill, Doncaster DN11 9EX in accordance with the terms of the application Ref: 23/01707/FUL, dated 16 August 2023 and the plans submitted with it, subject to conditions set out in the schedule in attached Annex A.

Applications for costs

2. An application for an award of costs, made by QD Commercial Holdings Group against City of Doncaster Council, is the subject of a separate decision.

Preliminary Matters

3. The yard for which planning permission is applied, as part of the appeal scheme, has been constructed. This yard includes an area of concrete apron towards its southern end which extends beyond that illustrated in the approved plans for the scheme that was granted planning permission in 2019, under application Ref: 18/02169/FUL (the 2019 scheme).

Main Issues

4. The main issues in this case are:
 - Whether appeal scheme would provide suitable access, with particular regard to highway safety; and
 - The effect of the appeal scheme on the character and appearance, and biodiversity of the area, with particular regard to local tree cover.

Reasons

Whether suitable access, with particular regard to highway safety

5. The appeal site is a goods yard with access off the A631 Bawtry Road. It is part of the garden centre that is located near the eastern edge of the town of Tickhill. Coming out of Tickhill towards the garden centre's car park entrance, the A631 passes under a nearby road bridge which carries an elevated section of the A1. To the east of the appeal goods yard is The Limes residence, and to the south is a field. To the west of the goods yard is the garden centre, and its customer car park, which is also accessed off the A631.
6. The existing highways and traffic context in the vicinity of the appeal site includes the following. The Cherry Lane Tickhill Garden Centre has reportedly got busier over time with thousands of customer visits per week, mainly visiting by car. Its range of stock includes gardening, pet, food, gift and clothing goods. Judging by this and what I saw of the rapidly filling up nature of the customer car park and on-site cafe, and queuing at the tills, leading up to a weekday lunchtime, the garden centre is a busy retail business, which is mainly accessed by car-borne customers who use the on-site car park.
7. East of the A1 bridge, the host stretch of A631 which the garden centre's goods yard and customer car park accesses lead onto, is relatively straight with associated clarity of sight lines. With a 40mph speed limit and no streetlighting, this stretch of road is part of a well-used route between Tickhill and the town of Bawtry. Also, it is used by people driving in and out of various accesses in the vicinity of the goods yard. These include accesses to other retailers, residences in the locality, the goods yard itself and the garden centre's customer car park. As I observed during the course of my morning visit, regular flows of traffic pass these accesses, travelling both away from Tickhill on the eastbound carriageway, and on the westbound carriageway towards the A1 bridge and, beyond that, Tickhill with its 30mph zone.
8. The existing goods yard access is approximately 5m wide and slopes down from the A631 into the appeal site, with gates around 6.5m from the carriageway edge. I saw on my visit that the stretches of A631 highway verge in front of the garden centre and nearby country store car parks appear to be subject to maintenance in the form of pruning of lower branches and/or basal shoots of roadside trees, and mown grass between them.
9. Somewhat contrastingly, the stretch of southern verge between the eastern end of the garden centre car park and Great Black Lane, within which the goods yard access is situated, has a more naturalistic, less manicured character due to a mixture of unpruned basal and lower branch growth on the avenue trees, lower canopies of some younger trees, and some shrubs in and overhanging the verge. This additional vegetation on the stretch of verge in the vicinity of goods yard access limits the visibility of, to and from this access, viewed from various points along Bawtry Road. Given the above combination of factors, there is limited advance visual notice of the existing goods yard access, for drivers of vehicles travelling along the host stretch of the A631.
10. Regarding existing delivery vehicle access to the goods yard, condition No.2 of the planning permission for the 2019 scheme stipulates the following. The weight of delivery vehicles using the approved goods yard is limited to an unladen maximum of 7.5 tonnes, unless otherwise agreed by the local planning

authority. This condition was attached to limit access to the goods yard to vehicles no larger than light goods vehicles (LGVs), and to avoid articulated lorry heavy good vehicles (HGVs) using the goods yard and its access, unless otherwise agreed by the Council. From discussion at the hearing, it appears that while some access to the goods yard site by vehicles larger than 7.5 tonnes has reportedly previously occurred, this has ceased.

11. The planning permission for the 2019 scheme does not limit the number of vehicle movements in and out of the goods yard. That said, and while no actual survey data of the number of vehicles accessing the goods yard is presented, according to the appellant¹ all delivery and collection servicing, by both LGVs and HGVs 'currently' takes place in the garden centre customer car park, and not in the goods yard. Judging by the appellant's Highways Appeal Statement, this typically entails around 10 to 15 servicing vehicles per week delivering and/or collecting in the garden centre's customer car park, on weekdays at various times of the day.
12. As exemplified during my visit, delivery vehicle visits to the garden centre involve parts of its customer car park being barriered off for HGV and LGV parking, and coned off for pallet space during unloading and loading. Also, I saw that this delivery arrangement entails lorry manoeuvring within the car park, and forklift movements across the car park between the delivery lorries and the goods storage area. This takes place within the garden centre's customer car park, which has around 160 parking spaces. I saw on my visit that the garden centre's car park can rapidly fill up with customers' cars by around lunchtime on a weekday.
13. Thus, the existing situation is that movement of delivery vehicles including HGVs and LGVs, and forklift operation, takes place on various times and days of the week in a car park that is shared with circulation of up to several hundred customers and their cars at a time, with associated risk of collision. This has resulted in several 'near misses' in the car park with customers. In the light of this reported site-specific experience, and associated health and safety management and insurance advice, the appellant is seeking to remove this risk from the operation of the garden centre's customer car park.
14. Crashmap data indicates that during around the last quarter century, there have been some road accidents on the A631, in the locality of the appeal site. The Crashmap information in the Council's Appeal Statement indicates the following. In this period, during which there has been delivery vehicle access, including by some vehicles larger than 7.5 tonnes, to and from the appeal site and garden centre car park, there has been one serious incident at the site, in 2009. The locations of the minority of incidents that were more than slight have been spread out along the stretch of the A631 from east of the A1 bridge to east of the Great Black Lane junction. With slight incidents also factored in, the main clustering of incidents appears to have been more towards the eastern side of the A1 bridge, with a smaller cluster of slight incidents also recorded around the junction of Great Black Lane and Bawtry Road.
15. Together the above indicates that, while motorists and other users of this stretch of Bawtry Road are likely to have awareness of the flow of traffic along this road, and the possibility of vehicles turning onto and off it, via various

¹ As per paragraph 2.10 of the Appeal Statement (Highways)(July 2024), Revision A by Bancroft Consulting (the appellant's Highways Appeal Statement).

accesses, there is some existing risk of traffic accident on this busy stretch of 'A' road near the eastern edge of Tickhill. And while there is not a concentration of more serious past incidents focussed on the appeal site access or any other single point, it is apparent that a careful approach to vehicular movement in the vicinity of accesses onto and off this stretch of the A631 is necessary.

16. With the existing, approved goods yard access LGV delivery vehicles that approached it from the east and exit to the west would likely over-run into the oncoming eastbound traffic lane of the A631, as illustrated on the vehicle tracking drawing². Within this context, the proposed appeal scheme would widen the mouth of the access to the goods yard off the A631, through use of a taper tying into Bawtry Road and increasing the kerb radius, with removal of a mature lime tree on each side on the entrance.
17. The appellant envisages that, after these alterations, there would be the following maximum number of delivery vehicle visits to the goods yard per week. These would be up to six HGV visits per week, with no more than two on any weekday. And up to nine LGV visits per week, again with no more than two on any weekday. Also, outside the garden centre's peak trading period of March to June, the appellant estimates that delivery vehicle visit numbers would typically be lower.
18. While, judging by the above combination of information, existing and envisaged servicing vehicle activity is contained to weekdays, the goods yard's 2019 scheme planning permission includes a delivery timing limits condition which also allows for daytime deliveries on Saturdays and Sundays. The Council and appellant suggest that this planning condition be replicated, should the appeal scheme be permitted. As such, while deliveries apparently do not normally occur at weekends, given that this weekend flexibility already exists and the Council has not questioned the enforceability of this planning condition, I accept that this weekend flexibility be accommodated within such a condition.
19. The goods yard's access slopes moderately down from the road into the site. Neither the highways consultees nor the appellant's highways and transport consultant have identified its gradient as a safety concern for the envisaged future HGV use of the appeal scheme access. Also, as established earlier above, there is not a concentration of more serious past incidents focussed on the appeal site's sloping access, even with reported previous use of the site by some vehicles larger than 7.5 tonnes. In the light of the above, I do not anticipate that the sloping nature of the appeal scheme access would adversely impact highway safety.
20. Regarding whether HGVs could turn round on the appeal site, and thus be able to exit the site in forward gear, I find as follows. Judging by the disagreement on the matter between the Local Highway Authority and the appellant's highways and transportation consultant, the clarity and practicability of the 'tricky to represent' HGV turning manoeuvre in the northernmost part of the goods yard, near its entrance, as illustrated in the HGV manoeuvre drawing³, is open to question.

² Drawing No. P17_009_03/SK160 Vehicle tracking via existing access to loading area - Appendix CBD to the appellant's Highways Appeal Statement.

³ Internal Swept Path Assessment (16.5m articulated lorry) drawing F23078/08 Rev.A, by Bancroft Consulting.

21. That said, it is common ground between the Local Highway Authority and the appellant that the southernmost turning area, illustrated in the HGV manoeuvre drawing, would enable vehicles delivering to the goods yard, including HGVs, to enter from and exit onto the A631 in forward gear. I see no reason to disagree with this experts' view on this point.
22. Thus, even if the aforementioned northernmost HGV manoeuvre were not doable, the southernmost HGV manoeuvre in the goods yard would be. Either way, it would be necessary to keep delivery vehicle turning space free from storage, which, as suggested at the hearing could be included in a Servicing Management Plan (SMP), that as set out below, can be secured by planning condition. The extent of turning space within the goods yard to be kept free of obstruction by stored goods and materials can be finalised for approval as part of the SMP. Thus, I anticipate that HGVs would be able to turn round on the appeal site, and be able to exit the site in forward gear.
23. Regarding whether the appeal scheme would provide for safe access and egress of delivery vehicles to and from the goods yard, I find as follows. Even with the proposed widening of the mouth of the access to the goods yard, given the width of the access at its narrowest point, it would remain the case that only one delivery vehicle at a time would be able to pass through it to access or egress the site.
24. Given this, there is a potential for a delivery vehicle to arrive at the goods yard access with the intention of entering it, and find their access off the A631 obstructed by another HGV or LGV that is accessing or egressing the goods yard. Should such obstruction occur, there would be a risk of evasive action by the delivery vehicle on the A631, for example by aborting the early part of their turn into the goods yard or moving from the widened mouth of the goods access back onto the road. This could for example result in additional braking and/or temptation to overtake by other approaching traffic on the A631.
25. Under the currently approved 2019 scheme for LGV vehicles of no more than 7.5 tonnes in weight, there exists a risk of a LGV delivery vehicle seeking to access the goods yard being obstructed by a LGV already in the vicinity of the goods yard access, with associated risk of evasive action by other approaching traffic on the A631. However, compared to the LGV access currently allowed for under the approved 2019 scheme, the appeal development would add regular HGV visits to the goods yard. This would involve longer and larger vehicles of bigger mass and weight, which would likely be slower-moving and less easily manoeuvrable than LGVs. In the event of two delivery vehicles attempting to use the goods yard access at the same time, this would increase potential for evasive action by other traffic in the vicinity, including vehicles using the opposite entrance to the country store car park.
26. On the question of whether a SMP planning condition 'detailing the delivery schedule for the site', as suggested by the appellant and contested by the Council⁴, would mitigate the risk relating to the possibility of more than one vehicle attempting to deliver to the goods yard around the same time, I find as follows.

⁴ As per suggested Condition No.6 in the Statement of Common Ground.

27. Judging by the description of delivery types to the garden centre⁵, deliveries to the goods yard would likely come from a variety of suppliers. Also, weather and traffic conditions can be unpredictable. As such, it would not be possible to guarantee that every delivery vehicle would arrive and depart at the appeal site on time.
28. However, that said, given the combination of a) the garden centre's commercial imperative to provide and coordinate staff and forklift resources to help enable efficient loading and unloading of HGVs and LGVs, and b) health and safety management requirements, I find as follows. These factors together provide strong business incentives for the operator of the goods yard to manage deliveries to the appeal scheme's goods yard in an organised, adequately resourced, efficient and safe way. Moreover, given that use of the goods yard appeal development would be restricted, by planning condition, to only storage and deliveries to and from the main use of the garden centre as a retail store, I expect that these strong business incentives to operate the goods yard in such a way would endure in the future. Thus, I anticipate that effective operation of the SMP would be the norm, and reasonable to expect.
29. Within this context, and informed by discussion at the hearing of potential content of a SMP, I anticipate that the SMP planning condition set out below in Schedule A) would secure a comprehensive system for coordination, control and recording of deliveries to the appeal site. The SMP would, among other things, require the garden centre's good yard to be operated with a system to safely coordinate movement of delivery vehicles visiting the site and using its access, including through contingency arrangements for safe vehicle coordination, in the event of vehicles running ahead of, or behind, the scheduled arrival period for their delivery slot. In this way, provision would be made to safely accommodate departures from the delivery schedule that may arise from unusual weather, traffic or other logistical circumstances.
30. I anticipate that the required details set out in the below SMP planning condition would provide a clear and robust basis upon which to monitor and enforce it. Moreover, the requirements for the SMP to include a) provision and identification by the site operator of personnel responsible for managing the SMP systems, and b) a system for recording the deliveries, would help facilitate implementation and monitoring of it. As such, I do not expect that it would be unreasonably onerous or impracticable for the Council to monitor the SMP. Also, representations from local residents, the Town Council and a Ward Councillor regarding the development proposal in this appeal case indicate strong local awareness of this site. Given the above, I anticipate that, in the event of a breach of this condition, it would be possible for the planning authority to detect it, and enforce the SMP planning condition. Thus, the SMP can be secured by planning condition.
31. Furthermore, were an abnormal event of failure to coordinate arrival and departure times of delivery vehicles to occur, due for example to unexpectedly extreme traffic, weather and/or logistical factors, such that a second delivery HGV was unable to access the goods yard, I anticipate that the following factors would apply. I expect that professional vehicle drivers employed to service the garden centre, and other users of the host stretch of the A631

⁵ In paragraph 2.10 of the appellant's Highways Appeal Statement.

- would exercise reasonable standards of vigilance and care in responding to such a scenario.
32. Also, should such an abnormal scenario occur, the context, as established elsewhere in this decision, would include the following. The evidence is of no concentration of more serious past traffic incidents focussed on the appeal site access, even with a) reported past use of the goods yard by vehicles larger than 7.5 tonnes, and b) use of the country store's car park opposite by a variety of vehicles. Also, as detailed elsewhere in this decision, visibility splays and customer car park aspects of the appeal scheme would likely provide enhancements to highway safety in the vicinity of the goods yard. And the number of HGV visits, envisaged to be limited to no more than two on any weekday and six per week, would be among details to be specified in, and controlled by the SMP. Together, these factors make it unlikely that such a scenario would significantly increase potential for conflict between road users that could result in crashes or injuries.
33. In the light of the above, I expect that the SMP would be capable of mitigating the access and egress-related safety risks of obstruction of the goods yard access, and associated vehicle manoeuvring on the A631. Thus, the appeal scheme would provide for acceptably safe access and egress of delivery vehicles to and from the goods yard.
34. Viewports 2 and 3 of the proposed access layout drawing illustrate that the appeal scheme with the wider mouth to its access would help enable delivery vehicles, including HGVs, to turn left to enter and exit the goods yard without over-running into the opposing eastbound lane of the A631. This would provide a reduction in highway safety risk to one of the aspects of the goods yard's access, compared to the existing arrangement approved under the 2019 scheme. As such, this element of the appeal scheme would have a positive impact on highway safety.
35. The visibility splays proposed for the modified access would meet the Local Highway Authority's required visibility standards. To help achieve and maintain these visibility splays, the following additional maintenance to the host stretch of highway verge would likely need to be undertaken. I saw on my visit that this verge maintenance work would likely need to include some pruning of lower branches and/or basal shoots of roadside trees, pruning of and some shrubs in and overhanging the verge, on the stretch of A631's southern verge between the eastern end of the garden centre car park and Great Black Lane. That said, such maintenance work to roadside trees appears to already take place in the locality, on both sides of the A631. Also, the visibility splays maintenance planning condition suggested by the appellant⁶ is not necessary as the Local Highway Authority have the power to achieve this under the wider provision of the Highways Act 1980.
36. With such vegetation maintenance, I anticipate that the visibility splays for the appeal scheme would provide better advance visual notice of the presence of the goods yard's access and vehicles using it for drivers of vehicles approaching it on the A631, compared to the existing situation. Thus, the visibility splays element of the appeal scheme would have a positive impact on highway safety.

⁶ Suggested Condition No.5 in the Statement of Common Ground.

37. Also, in enabling the garden centre to focus deliveries, including by HGV, on the goods yard instead of its customer car park, the appeal scheme would substantially reduce the risk of a) collision between lorries and forklifts, and the garden centre's many customers and their cars, and b) associated injury to customers, and garden centre and delivery driver staff. Also, it would reduce the risk of congestion involving delivery vehicles and customers' vehicles at and in the vicinity of the garden centre's car park entrance, and associated injury risk. In these ways, the appeal proposal would have positive impact on the safety of vehicle and pedestrian traffic movement at and in the vicinity of the well-used garden centre car park.
38. Thus, I find that that, subject to the mitigation of the SMP, to be secured by planning condition, the appeal proposal would provide for acceptably safe access and egress of delivery vehicles to and from the goods yard, off the A631 Bawtry Road. Moreover, a) the removal of over-run into the opposing eastbound lane of the A631 by delivery vehicles turning left to enter and exit the goods yard, and b) the visibility splays element of the appeal scheme would have positive impacts on highway safety on the host stretch of A631. Also, the appeal proposal would have positive impact on the safety of vehicle and pedestrian traffic movement at and in the vicinity of the well-used garden centre car park.
39. Therefore, I conclude that the appeal development would provide suitable access, with particular regard to highway safety. As such, it would accord with Part A)6 of Policy 13 of the Doncaster Local Plan 2015-2035 (the LP), which requires, among other things, development to avoid unacceptable impact on highway safety and, where necessary, mitigate predicted adverse effects on the highway. Also, the proposal would accord with the paragraphs 115 and 116 of the National Planning Policy Framework (the Framework), which together seek to ensure that development achieves safe and suitable site access, and does not result in unacceptable impact on highway safety.

Character and appearance

40. The A631 road onto which the appeal site leads is a well-used route between the eastern edge of Tickhill, and Bawtry. The stretch of highway corridor between the A1 bridge and Great Black Lane is characterised by a mix of two way traffic, and roadside verges lined with trees, punctuated by some development including residential and retail to the sides of the road.
41. The spacing and rhythm of the roadside trees on the opposite side of the stretch of road corridor from the appeal site is more strongly discernible than on the more naturalistic southern stretch of verge between the garden centre car park and Great Black Lane, which the appeal site access crosses. The less formal character of this southern stretch stems from its mix of basal and lower branch growth on the avenue trees, the presence of some lower younger trees, and shrubs in and overhanging the verge.
42. The sylvan character of the trees, together with other lower roadside vegetation and ground flora help to visually soften the built elements, and frame and draw the eye to the linear character of the road. Also, they provide some biodiversity interest. As such, the stretch of A631 corridor, along which the appeal site is located, has a transitional character between the more urban edge of Tickhill and the more rural and open landscape to the east.

43. The proposed modification of the goods yard's access would entail widening of its mouth and removal of two mature lime trees, one of each side of the access. Also, associated visibility splays maintenance is likely to entail some pruning of lower branches and/or basal shoots of roadside trees, pruning of and some shrubs in and overhanging the verge, on the stretch of A631's southern verge between the eastern end of the garden centre car park and Great Black Lane. The goods yard's appearance would not materially change, albeit with the addition of more regular HGV delivery activity than has apparently previously occurred.
44. The removal of the two lime trees would create a localised gap, apparent to people who are very familiar with that point on the road. That said, the more formal tree line rhythm on the opposite side of the road from the development, the more naturalistic character on the same side of it, and the trees' collective framing of the linear stretch of A631 would continue to exist. As such, the verdant and sylvan character of the majority of vegetation which would remain in the locality would endure. Furthermore, the safety imperative to keep eyes particularly on the road and traffic would limit the extent to which the trees' removal and other vegetation reduction would be noticeable.
45. I appreciate the contribution of the two lime trees that are proposed for removal to the cultural value to the local community of the tree avenue which was planted on this eastern approach to Tickhill, apparently to mark a jubilee of Queen Victoria. That said, for the above combination of reasons, I find that the locality's transitional character between the more urban edge of Tickhill and the more rural and open landscape to the east would overall endure. Also, the biodiversity value of the host stretch of highway's verges would not be materially affected, and their 'green corridor' function would endure.
46. In conclusion, the appeal proposal would result in very localised, limited harm to the character and the appearance of the area, and would not harm the biodiversity value of the area. Thus, the degree of harm would not have a significant adverse impact on public amenity or ecological interest, and so would not conflict with LP Policy 32. Also, given a) that with the two limes trees' proximity to the goods yard access, their retention would not be compatible with the proposed access modification scheme, and b) the absence of material harm to the local highway's verges' green corridor function, the appeal development would not conflict with Framework paragraph 136. However, the appeal proposal would conflict with Policy NE3 of the Tickhill Neighbourhood Plan 2013-2028 (the NP) which resists loss of mature trees.

Other Matters

47. Some local residents have expressed other concerns about the proposed development that go beyond the reasons for refusal, which I address as follows. Regarding Green Belt, the Council considers that the appeal development would not negatively impact on its openness and is not unacceptable on Green Belt grounds. Given the site's existing goods yard character, I agree on these points.
48. Regarding noise, as I heard on my visit to the area, existing highway noise from nearby traffic on the A631 and A1 is noticeable on and in the environs of the appeal site. Also, the goods yard that is adjacent to the grounds of The Limes house exists. And the 2019 scheme for a goods yard has planning permission. As such, vehicular noise is a noticeable characteristic of this

locality, and would likely remain so even if the appeal development did not proceed.

49. Also, there is a substantial separation gap between the goods yard and The Limes house. Furthermore, under the appeal scheme, delivery days and hours, and vehicles' reversing warning alarm systems at the goods yard are to be controlled by planning condition. Within this context, the Council's Environmental Health team have not objected to the appeal proposal, and the Council considers that noise impact from the appeal scheme would not be enough to harm living conditions of occupants of The Limes neighbouring residence. Also, unlike the 2019 goods yard planning permission, the SMP planning condition for the appeal development would cap future numbers of delivery vehicle visits, with their associated noise impacts.
50. I appreciate that residents of The Limes are worried about noise from the goods yard's future operations alarming horses which they stable and exercise in their grounds. However, given the above combination of factors, I do not anticipate that the appeal scheme would significantly increase vehicular and goods yard operational noise impact on The Limes residence and its grounds, compared to that which would likely occur without the appeal development.
51. A number of local residents, including at The Limes have also expressed concern about the impact of the goods yard scheme on surface water levels on surrounding land. On my visit to the area, after a period of heavy rainfall, I saw extensive standing water on land to east of Great Black Lane, some distance from the appeal site, together with standing water in the grounds of The Limes, some way from perimeter of the appeal site. Together, this points to some tendency towards standing water on low-lying land in the locality, south of Bawtry Road, whether within or well beyond the immediate environs of the appeal site. Also, the Lead Local Flood Authority has not objected to the appeal development, subject to a planning condition covering details of an on-site drainage scheme.
52. Given the above combination of factors, and that the existing extension of goods yard concrete apron was not factored into the 2019 proposal and the drainage calculations that informed its surface water drainage system, I find as follows. The appeal proposal provides an opportunity to revisit the effectiveness of the surface water drainage provision at the goods yard, including taking account of relevant climate change considerations, and if necessary refine it. Thus, I anticipate that the attached planning condition requiring updated drainage calculations and details of the surface water drainage provision at the goods yard, as suggested by the Council and appellant, would suitably address this matter.

Conditions

53. The conditions suggested by the Council, and a condition for a servicing management plan suggested by the appellant have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been found to be reasonable and necessary in the circumstances of this case. I have also made some modest drafting changes for clarity. Conditions relating to implementation time limit and approved plans, are necessary to provide certainty. I attach conditions relating to surfacing, and gates and barriers in the interests of safe vehicle movement. A drainage scheme condition is necessary to ensure sustainable water management.

Conditions regarding management and operation of delivery vehicles, and use of the development site are attached to safeguard neighbours' living conditions. Conditions regarding arboricultural protection and works are required to safeguard the character and appearance, and biodiversity of the area.

Planning Balance and Conclusion

54. The appeal proposal would provide the following benefits. For delivery vehicles turning left to enter and exit the goods yard, it would remove the need to, and so make it unlikely that they would, over-run into the opposing eastbound lane of the A631 Bawtry Road. Also, the visibility splays for the appeal scheme would provide better advance visual notice of the presence of the goods yard's access and vehicles using it for drivers of vehicles approaching it on the A631. Moreover, by redirecting HGVs away from the garden centre's customer car park, the proposed development would reduce the risk of injury to garden centre customers users, garden centre and delivery driver staff, and other road users in the vicinity of the car park entrance. Together, these factors would bring highway safety improvements for local road users. Furthermore, the appeal scheme would free up some capacity in its car park that is currently used for unloading and loading servicing vehicle, for use by customers.
55. The above together would reduce some risks and liabilities, and likely enhance customer and staff experiences at the garden centre, and strengthen the future robustness of the garden centre operation at this location. This would provide socio-economic benefits in terms of contribution to the local economy including employment. Also, it would contribute to sustaining the shopping and cafe facilities at the garden centre, and the opportunities which they provide for social interaction and enjoyment of leisure time for people in the area, with associated wellbeing benefits. The above together amounts to a substantial combination of benefits.
56. Section S38(6) of the Planning and Compulsory Purchase Act 2004 sets out that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. While the conflict with the development plan overall, which results from the identified breach of policy, weighs against the development, the harm to the character and the appearance of the area would be limited. And the substantial weight which I give to the benefits of the scheme is a material consideration of sufficient weight to outweigh the level of harm identified in relation to the second main issue. These material considerations are sufficient to justify determining the appeal other than in accordance with the development plan.
57. For the above reasons I conclude that, subject to conditions, the appeal be allowed.

William Cooper

INSPECTOR

Schedule A) 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 the following approved drawings: F23078/05 Rev.B Proposed Access Layout; F23078/06 Visibility Assessment at Proposed Access Layout; F23078/07 Rev.C Site Location Plan.
- 3) Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced and where necessary marked out in a manner to be approved in writing by the Local Planning Authority.
- 4) Within one month of this decision, there shall have been submitted to and approved in writing by the Local Planning Authority updated drainage calculations and details of the installed surface water drainage systems and all related works necessary to drain the additional hard surfaced areas. These works shall be carried out in accordance with the details approved and maintained thereafter.
- 5) From the commencement of the development hereby permitted, there shall be no gates or other barriers on the site within 20m of the highway boundary. Any gates installed shall be designed so as to open inwards only.
- 6) Prior to first use of the modified access hereby permitted, there shall have been submitted to and approved in writing by the Local planning Authority a Servicing Management Plan (SMP) for the site.

This shall set out a detailed delivery schedule and management arrangements for the deliveries to the site. This shall include the following information:

- a) maximum number and frequency of delivery vehicle visits and delivery types per day;
- b) details of a system for coordination, control and recording of deliveries, to schedule and stagger delivery vehicle slots at appropriate times, to ensure safe movement of delivery vehicles on the site, and entering and exiting it to and from the A631;
- c) confirmation of personnel responsible for managing the system(s) for coordination, control and recording of deliveries, and details for contacting them;
- d) details of a system to ensure that in the event of a delivery vehicle running ahead of or behind their scheduled arrival period for their delivery slot, i) the responsible SMP personnel are aware of this, and ii) they have a robust contingency method for managing movement of this vehicle, in order to ensure safe coordination with other delivery vehicles visiting the site and using its access.

- e) measures for keeping delivery vehicle turning areas clear of other vehicles, storage and other materials;

Thereafter, the SMP shall be approved as implemented, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

- 7) No deliveries shall be made to the development between 1800hrs and 0800hrs on Mondays to Saturdays, or between 1700hrs and 0900hrs on Sundays and Public Holidays. On Sundays and Public Holidays there shall be no more than four deliveries to the store within the hours hereby permitted. No vehicles shall be operated on the site other than those with a 'white noise' type of reversing warning alarm system, or an alternative system approved in writing by the Local Planning Authority.
- 8) Prior to the commencement of the access widening works, there shall have been submitted to and approved by the Local Planning Authority an Arboricultural Method Statement (AMS). The AMS shall detail the methods and procedures to be employed for any excavation or construction work within the Root Protection Areas (RPAs) of trees identified for retention.

The AMS must include, but is not limited to, the following:

- Detailed Plans: Accurate plans showing the RPAs of all trees to be retained, and the proposed location of the road and any associated infrastructure.
 - Excavation Methods: A clear specification for the use of a Vacuum Excavator (Vac-Ex) to carefully excavate around tree roots. This method is to be employed to minimise root damage and soil compaction.
 - Protective Measures: Details of protective fencing and ground protection measures to be installed prior to the commencement of any works, in accordance with BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations".
 - Supervision and Monitoring: A schedule for the supervision of works by a qualified arboriculturalist, including regular site visits and monitoring reports to ensure compliance with the AMS.
 - Contingency Plans: Procedures to be followed in the event that significant roots are encountered, including the cessation of works and consultation with the appointed arboriculturalist.
 - No development or construction activities shall commence until the AMS has been approved in writing by the Local Planning Authority. All works must be carried out in strict accordance with the approved AMS.
- 9) The development shall only be used for storage and deliveries to and from the main use of the garden centre as a retail store, and for no other purpose including any other purpose within Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any subsequent order or statutory provision revoking or re-enacting that order with or without modification).

APPEARANCES

FOR THE APPELLANT:

Chris Bancroft
Denise Knipe
Paul Lemmon

Bancroft Consulting
Aspbury Planning Ltd
QD Commercial Holdings Group

FOR THE LOCAL PLANNING AUTHORITY:

Owain Herring
Phil Hulbert
Andrew Wiltshire

Senior Planning Officer
Trees and Hedgerow Officer
Senior Highways Development Control Officer

INTERESTED PARTIES:

Simon Bourne
Martin Greenhalgh

Local resident
Ward Councillor

DOCUMENTS SUBMITTED AFTER THE HEARING

Received 19 December 2024:

DRAWINGS

- F23078/07 Rev.C Site Location Plan.
- F23708/08 Rev.A Internal Swept Path Assessment (16.5m Articulated Lorry).

PLANINNG CONDITIONS

- Revised suggested wording for Drainage, Tree/Arboricultural and Turning Manoeuvre Conditions.