Planning Inspectorate

Appeal Decision

Inquiry held 18 - 19 February 2025

Site visit made on 29 January and 18 February 2025

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2025

Appeal Ref: APP/P2365/W/24/3354225
Land to the South of Stopgate Lane, Simonswood, L33 4YA

- 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 Linden Hill - Capital Assets - INTC2 Limited against the decision of West Lancashire Borough Council.
- The application ref is 2023/1175/FUL.
- The development proposed is full planning permission for the erection of 3no. industrial units, (use class B8) with ancillary office space, new access, car parking, servicing, landscaping and other associated works.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 3no. industrial units, (use class B8) with ancillary office space, new access, car parking, servicing, landscaping and other associated works at land to the South of Stopgate Lane, Simonswood, L33 4YA in accordance with the terms of the application, ref 2023/1175/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A Case Management Conference (CMC) was held on 17 December 2024 with representatives of the appellant and the Council. At that conference, procedural matters including the main issues, and the format of the evidence were discussed and clarified, but the merits of the proposal were not discussed.

3. The Council confirmed at the CMC the position in their Statement of Case, that the requirements of Policy EC2 of the West Lancashire Local Plan 2012-2027, adopted October 2013 (the Local Plan), listed in the first reason for refusal had been complied with during the application process.

4. They also confirmed that notwithstanding the fact that an alternative employment land search failed to identify any suitable alternative sites, the requirement to undertake and pass a sequential test was not relevant. As such, the second reason for refusal falls away.

5. Following the Council's decision on the application it became clear that although the site is within the Control of Major Accident Hazards (COMAH) consultation zone for Denholm Handling Ltd, HSE had not been consulted. Eventually it was confirmed that the HSE "don't advise against development" of this proposal. As such, this is not an issue for the appeal.

6. During the appeal process and in advance of the opening of the inquiry, the Council confirmed that they support the granting of planning permission on appeal. In the most up to date Statement of Common Ground (SOCG) between the Council and the appellant it was agreed that planning permission should be granted. Indeed, the only area of disagreement that remained between the Council and appellant was whether or not the Local Plan is sound and up to date.

Main Issues

7. Taking all of the above into account, the main issues are whether or not the site is a suitable location for the development proposed, having regard to

   - its status as Protected Land, and
   - the effect of the proposal on the character of the area.

Reasons

Protected Land

8. Policy GN1 of the Local Plan sets out the approach to be taken in relation to development within and outside settlement boundaries, including, of relevance to this proposal, development on Protected Land in part b). The appeal site is outside any settlement boundary and on Protected Land. The policy allows for development upon such a site where it would retain or enhance the rural character of the area. Whilst the policy gives examples of such development it does not suggest that those examples are exhaustive or an otherwise closed list.

Character of the area

9. The appeal site is a single field, previously in agricultural use, but now largely unmanaged rough grassland with a small area of hardstanding and some areas of patchy scrub. A low, managed hedgerow defines the northern boundary with Stopgate Lane. North of Stopgate Lane the area is obviously rural, with fields clearly in agricultural use and a plainly rural character.

10. Development of the appeal site would, of course, alter the character of the site itself. However, given the context to the site and its immediate surroundings, particularly on the southern side of Stopgate Lane, which has a very different character to the northern side, this is not harmful. Indeed, travelling along Stopgate Lane, the site appears in my opinion, and supported by the evidence of the appellant to be more closely connected to, and associated with the industrial uses and development which surround it on three sides.

11. To my mind, there is a clear difference in character between the southern and northern sides of the road, between the essentially rural character of the northern side, and the industrial character of the southern side. As such, I do not consider that the proposal would harm the rural character of the area.

12. Further, the proposed landscaping would, to my mind strengthen the role of Stopgate Lane in separating the rural northern side from the industrial southern side at and around the site. This conclusion is reinforced by considering the effect of the proposal on the defining characteristics of the landscape at national[1] and local[2] level, which all remain fundamentally unaltered by the proposal and its effects.

13. The Council has directed me to paragraph 5.5 of the justification for Policy GN1, which explains the role and nature of Protected Land, noting its role often as a buffer between the built-up area and the Green Belt, but acknowledging that some sites largely enclosed by substantial built development may be appropriate for development. Given the character and nature of the site, as well as its relationship to its surroundings, I do not find that the proposal conflicts with this justification. This conclusion is also consistent with the approach of the Council to the site and proposal in this case.

14. I therefore find that the proposal would plainly alter the character of the site but would nevertheless retain the rural character of the area as a whole. It would not then conflict with Policy GN1(b).

Whether therefore a suitable location

15. The site is sustainable, suitable, and there is a contractually secured tenant for one of the units. The evidence strongly suggests that the proposal offers the only reasonable opportunity for that tenant to meet their particular site requirements in order to maintain, grow and develop their business.

16. There is also robust and compelling evidence to suggest significant unmet and ongoing need and demand for employment land generally, but for the two speculative units in particular. All other matters are agreed as acceptable between the Council and the appellant, and having regard to the evidence before me, I agree with those conclusions.

17. In light of all of the above, including the status of the site as Protected Land, and the likely effects of the proposal on the character of the area as a whole, I find that the site is a suitable location for the development proposed.

Other Matters

18. As set out in my Preliminary Matters above, the Council and appellant agree that planning permission should be granted for the appeal proposal. However, third parties have raised, and continue to maintain, objections to the proposal on highway grounds. In particular, these objections relate to traffic routing, traffic volumes, the suitability of Stopgate Lane, and the location of the site relative to the wider Strategic and Major Road Network.

[1] National Character Area 32: The Lancashire and Amounderness Plain
[2] Skelmersdale Mosses Landscape Character Area, part of the overarching Mosslands Landscape Character Type

19. The Statement of Common Ground on Highways Matters clearly demonstrates the agreement between the Local Planning Authority, the Local Highway Authority and the appellant on these matters. The evidence also makes clear the agreement on highway matters between the appellant and Knowsley MBC as the adjoining Local Highway Authority.

20. Taken together with the other written evidence, this sets out the existing highway context, the proposal, the likely effects of the proposal including traffic volumes, the proposed access and highway works and their effects, as well as an overall agreed conclusion that the proposal is acceptable in all of these regards and the development will accord with local and national transport policies. I agree with these conclusions.

21. I acknowledge the concerns of residents of nearby areas, particularly around the breaching of Traffic Regulation Orders (TROs) which are in place to control the routing of large vehicles in the area. However, the appeal proposal cannot be held accountable for breaches already occurring, neither can it be held accountable for decisions taken around the methods of enforcing, or indeed, the decision to enforce (or otherwise) the existing TROs.

22. There is nothing before me to contradict the detailed technical evidence in this appeal that the proposal would not cause any harm to highway safety or convenience. Indeed, the appellant has been at pains to design and seek to implement a range of hard and soft traffic control measures, both for the construction and operation phases of the site. These include the physical design of the site access, signage at the site access, off-site highway works (designed by Knowsley MBC as the Local Highway Authority for that location) as well as driver information and management plans. There is no evidence to suggest that this combination of measures, typical for a development of this nature, would not be sufficient or effective.

23. Sustainability of the location was discussed in terms of the relationship of the site to the wider road network, notably the Strategic and Major Road Networks. Whilst it may be true that there may be sites closer to those networks, it was clear from the evidence of Mr Hargreaves that in the context of the journey catchments for the committed and likely future occupiers of the site, the distance between those networks and the site was such a minor part of their overall journey that it would not materially affect the suitability, and therefore overall sustainability of the location. It was also clear from the written evidence, the evidence of Mrs Gabrilatsou and the statement of Mr Hood that there were in fact no other suitable alternative sites. Mr Hood also made clear that the immediate local road network was but one amongst many factors relevant to the overall suitability of the site for the development proposed.

24. Third parties also raised concerns over the drainage of the site, however, statutory consultees have raised no objection, and conditions requiring approval of drainage details have been agreed.

25. My attention has been drawn to a recent appeal[3] which dealt with the issue of Protected Land and the relationship of that policy to the National Planning Policy Framework (the Framework). I note that decision and acknowledge that consistency in decision making is an important part of the planning process. However, all decisions are made on the particular merits of the case at hand, including the nature of the proposal and consideration of the peculiarities of the site and its surroundings. As such, given the differences between that appeal and the case before me, I find there is nothing in that decision which affects my reasoning here.

26. The plan is of some age and the policies in it predate the current version of the Framework. However, I have not found that the proposal conflicts with the development plan such that it requires the support of the Framework to be found acceptable and be granted planning permission. The SOCG confirms that the only matter of dispute between the Council and the appellant is the degree to which the Local Plan is up-to-date in light of the Framework. I have found that the proposal accords with the development plan read as a whole and that it finds further support in the Framework in any event, in addition to other material considerations which weigh in its favour. It is therefore not necessary for me to resolve that dispute in this appeal.

Conditions

27. In their SOCG the Council and appellant have suggested a list of agreed conditions to be attached, should planning permission be granted. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed the conditions as requested. I am satisfied that they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. There is also clear policy justification for the conditions imposed. Given the COMAH context to the site, as well as the parking requirements and residential amenity issues associated with potential changes to the use class, I am satisfied that there is clear justification to restrict the use of the units to Use Class B8 through condition 3.

28. The appellant has confirmed in writing that they have no objection to the terms of the pre-commencement conditions proposed by the Council. It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development.

29. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

[3] Inquiry Document 1 - appeal decision reference 3350235

Planning obligations

30. I have had regard to the evidence, including the CIL compliance statement and the Framework in considering whether the requirement for contributions towards travel plan development, implementation and monitoring and off-site highway works meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that such contributions would be necessary to make the development acceptable in planning terms, directly relate to the development and are fairly related in scale and kind to the development.

31. Two signed and sealed unilateral undertakings under section 106 of the Act have been provided. One provides for the payment of contributions towards the development, implementation and review of the Full Travel Plan, the other provides funding for off-site highway works to be carried out to the design of Knowsley MBC. The Council has confirmed that these undertakings meet their requirements, both legally and with regard to what they will secure and deliver. I agree with that conclusion.

Conclusion

32. The proposal does not conflict with Policy SP1 as it would secure development that improves the economic, social and environmental conditions in the area, complying with the overarching strategy for development in West Lancashire. It would also not conflict with Policy GN1(b), as it would retain the rural character of the area. The proposal would also deliver employment land, the undersupply of which is, at present, significant, and would do so in a way which preserves and enhances the natural environment of the borough, in accordance with Policies EC1 and EN2. The proposal does therefore accord with the development plan when read as a whole.

33. Although that conclusion is enough to warrant the grant of planning permission, there are also significant material considerations which weigh in favour of the proposal and warrant noting here. These have been agreed between the Council and the appellant, and there is nothing in the written evidence before me, nor was anything presented at the inquiry which leads me to disagree. Those benefits are economic, environmental and social, and include significant biodiversity net gain, the provision of employment land, support for economic growth, including many jobs, support for an expanding local business and off-site highway improvements. I also note, and give significant weight to the Council agreeing, in the SOCG, their appeal statement and in their opening statement that planning permission should be granted.

34. Overall, I find that the proposal accords with the development plan. In addition, there are material considerations which weigh significantly in favour of the proposal.

35. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR

Appearances

FOR THE APPELLANT:

Thea Osmund-Smith
Daniel Henderson
Instructed by JLL
called;

Mr Christopher Hargreaves	SLR Consulting Limited
Mrs Carolyn Nicholls	RAS Ltd
Mr Andrew Cook BA (Hons) MLD CMLI MIEMA CEnv	Pegasus Group
Mrs Joanna Gabrilatsou BA (Hons) MTPL MRTPI	JLL

FOR THE LOCAL PLANNING AUTHORITY:

Constanze Bell
called;

Samia Syeda	Principal Planning Officer (for the conditions discussion)

INTERESTED PARTIES

Simon Hood	Executive Director, John Mason International Movers
Cllr Ian Rigby	West Lancashire Borough Council, Rural South Ward
Cllr Rimmer	Simonswood Parish Council

Core Documents

Separate list attached.

Documents submitted during the inquiry

1. Appeal decision reference 3350235
2. Appellant's opening statement
3. Council's opening statement
4. Statement in support of the proposal of Simon Hood
5. A. Map 1a - corrected and agreed version of Map 1 in CD20.1
   B. Map 2a - corrected and agreed version of Map 2 in CD20.1
   C. Map 3a - corrected and agreed version of Map 3 in CD20.1
6. Appellant's closing statement

Documents submitted after the close of the inquiry

1. Signed and certified completed planning obligations.

Schedule of Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
   Location Plan dwg no 0501 Rev P02
   Street Elevation dwg no 0504 Rev P02
   Proposed Site Sections dwg no 0505 Rev P04
   External Finishes Plan dwg no 0507 Rev P02
   Boundary Treatment Plan dwg no 0508 Rev P02
   Proposed Site Plan dwg no 0509 Rev P07
   Unit 1 – Ground Floor GA Plan dwg no 0511 Rev P03
   Unit 1 – First Floor GA Plan dwg no 0512 Rev P02
   Unit 1 – Roof GA Plan dwg no 0514 Rev P02
   Unit 1 – GA Sections dwg no 0515 Rev P05
   Unit 1 – GA Elevations dwg no 0516 Rev P03
   Unit 2 – Ground Floor GA Plan dwg no 0521 Rev P02
   Unit 2 – First Floor GA Plan dwg no 0522 P02
   Unit 2 – Roof GA Plan dwg no 0524 Rev P02
   Unit 2 – GA Sections dwg no 0525 Rev P02
   Unit 2 – GA Elevations dwg no 0526 Rev P02
   Unit 3 – Ground Floor GA Plan 0531 Rev P03
   Unit 3 – First Floor GA Plan dwg no 0532 Rev P03
   Unit 3 – Roof GA Plan dwg no 0534 Rev P03
   Unit 3 – GA Sections dwg no 0535 Rev P03
   Unit 3 – GA Elevations dwg no 0536 Rev P03
   Site Access Junction Design Plan & Swept Path Analysis
   16.5m HGV dwg no VN232820-D101 Rev B
   Proposed Highways Works dwg no VN232820-100 Revision B
   Soft Landscape Specification dwg no MR23-158/101

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and the Use Classes Order 1987 (or any equivalent Order following the amendment, revocation and re-enactment thereof, Units 1-3 shall only be used within Use Class B8 and for no other purpose of the Use Classes Order.

4. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface and boundary details) shall be as outlined on the following plans and documents:
   Street Elevation dwg no 0504 Rev P02
   Proposed Site Plan dwg no 0509 Rev P07
   External Finishes Plan dwg no 0507 Rev P02
   Boundary Treatment Plan dwg no 0508 Rev P02
   Unit 1 – GA Elevations dwg no 0516 Rev P03
   Unit 2 – GA Elevations dwg no 0526 Rev P02
   Unit 3 – GA Elevations dwg no 0536 Rev P03

5. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site (other than in those areas expressly shown for those purposes on the approved plans).

6. Prior to occupation of the relevant phase of development, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include elevations and the material to be used of the bin stores. The approved scheme shall be implemented prior to first occupation (of the relevant phase) and thereafter maintained for the duration of the use.

7. No development except enabling works (including surveys, demolition and site preparation) shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

   The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (December 2023, Ref: FW2405_FRA_001 V2, Farrow Walsh Limited) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

i. 100% (1 in 1-year) annual exceedance probability event;

ii. 3.3% (1 in 30-year) annual exceedance probability event;

iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;

iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;

vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the existing on-site surface water drainage to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

8. No development except enabling works (including surveys, demolition and site preparation) shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, has been submitted to and approved in writing by the Local Planning Authority.

   The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

   a. Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

   b. Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

   The plan shall be implemented (for each relevant phase of development) and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

9. Prior to the occupation of the relevant phase of development hereby permitted details of a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

   The details of the manual to be submitted for approval shall include, as a minimum:

   a) A timetable for its implementation;

   b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;

   c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

   d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

   e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

   f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

   g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

10. Prior to the occupation of the relevant phase of development hereby permitted details of a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

    The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

11. No above ground works shall commence until a scheme for the construction of the off-site works of highway alteration to Stopgate Lane has been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority. The works to include: the provision of a 2m footway on the site frontage to Stopgate Lane with appropriate pedestrian crossing points, the provision of street lighting from the Site access to the junction with Pingwood Lane. The scheme to include further street lighting and any additional signs as identified in the detail construction drawings/road safety audit.

12. No part of the development shall be occupied until the highway works subject to condition 11 have been constructed in accordance with the scheme submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

13. No development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed new estate road within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the Local Planning Authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter.

14. The new estate road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before development of the relevant phase takes place within the site.

15. Prior to the occupation of the relevant phase of development hereby permitted full details (including elevations and materials) of the cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The covered cycle stores shall be constructed in accordance with the approved details prior to the first use of each relevant building.

16. Within six months of occupation of each building, details of a Full Travel Plan to promote and encourage sustainable transport choice shall be submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation timescales for delivery (which exceeds the build out period) and the provision of a travel plan co-ordinator. The approved plan shall be audited and updated at intervals as approved.

    The approved plan shall be implemented in accordance with the details as approved.

17. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan or Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority and in accordance with the Framework Construction Management Plan (March 2024, prepared by JLL). The approved plan / statement shall provide:

    • 24 Hour emergency contact number;

    • Details of the parking of vehicles of site operatives and visitors;

    • Details of loading and unloading of plant and materials;

    • Arrangements for turning of vehicles within the site;

    • Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;

    • Measures to protect vulnerable road users (pedestrians and cyclists);

    • The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

    • Wheel washing facilities for the full period of construction facilities to be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway;

    • Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;

    • Measures to control the emission of dust and dirt during construction;

    • Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;

    • Construction vehicle routing;

    • Delivery, demolition and construction working hours;

    • Standard pollution control measures to protect all retained habitats, including wetlands;

    • Measures to protect Terrestrial Mammals;

- Measures to protect breeding birds;
- Measures to protect Water vole;
- Measures to eradicate invasive species.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

18. No use hereby permitted per phase shall commence until the car/vehicle parking area (and any associated turning space) shown on the approved plans has been completed. The parking (and manoeuvring) area(s) shall thereafter always remain available for parking of vehicles associated with the building. Vehicle parking areas accessed from the adopted highway shall be surfaced in accordance with the materials shown on the External Finishes Plan dwg no 0507 Rev P02 and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

19. Prior to the occupation of each building hereby approved, the relevant associated bays allocated for electric vehicle charging points shall be marked out for use, together with an adequate charging infrastructure and cabling for each marked bay in accordance with the details within the Proposed Site Plan dwg no 0509 Rev P07. The electric vehicle charging points shall be retained in situ throughout the duration of the development.

20. The development shall not proceed except in accordance with the supporting report issued by Impact Acoustics Ltd, ref IMP7229-1 dated December 2023 which states that noise emission limits for any associated plant, when selected (or attenuated) must comply within the maximum permissible operational noise level criteria calculations stipulated in section 9 of the report for each individual unit during the daytime and night time hours.

    For the avoidance of doubt, calculated rated sound levels from any externally mounted plant or equipment at the boundary of the nearest noise residential property should not exceed the existing background sound level in accordance with the results of the BS4142:2014+A1:2019 noise assessment. Any equipment not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted and shall be retained thereafter.

21. Prior to the first occupation of each building hereby approved, an associated Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Service Management Plan shall cover logistics of deliveries and/or refuse collection from the site. The plan shall review the types of vehicles, activity hours, frequency of activity, the route, contact details of occupier and any special activity considerations for the site. All deliveries shall thereafter be carried out in accordance with the approved Plan.

22. Any piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:
    Monday – Friday: 09:00 – 17:30 hrs Saturday: 09:00 – 13:00 hrs
    Sunday and Public Holidays: Not at all

In addition to the above, prior to the commencement of the development (other than enabling works) the developer shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement. The method statement shall include the following details:

1. Details of the method of piling
2. Days / hours of work
3. Duration of the pile driving operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint.

23. No external lighting per phase shall be installed on the land and buildings until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme and retained as such thereafter.

24. Prior to occupation of the development, a scheme of ecological mitigation shall be submitted to and approved by the Local Planning Authority. The ecological mitigation scheme shall deliver an enhancement in biodiversity units to the receptor site equal to or greater than the loss of biodiversity units on the development site, such that there is no net loss of biodiversity units as a result of the development. The approved ecological mitigation scheme shall be implemented no later than the first appropriate season following the occupation of the development. The season shall be agreed with the Local Planning Authority as part of the approval of the ecological mitigation scheme.

25. Prior to occupation of the development, a Landscape and Ecological/Habitat Management Plan, which covers management of the site for the duration of the development shall be submitted to and approved by the Local Planning Authority. The Plan should include the following:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site which may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsible for implementation of the plan;
- Confirmation of funding and ownership; and
- Details of a programme of monitoring and remedial measures triggered by monitoring.

26. No works shall take place on the area of the site marked up in drawing ref: 13469- AEW-SI-XX-DR-A-0550_P01 unless the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation and recording. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

27. The soft landscaping works shall be carried out in accordance with the details shown on the Soft Landscape Specification dwg no MR23-158/101. The works shall be carried out before any part of the relevant phase of development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

28. The Arboricultural Impact Assessment (December 2023, prepared by Bowland Tree Consultancy Ltd) submitted in support of the application shall be adhered to in full.

29. Development for each phase other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (d), below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) below has been complied with in relation to that contamination.

    a. Site Characterisation

    An investigation and risk assessment per phase, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

        i. a survey of the extent, scale and nature of contamination;

ii. an assessment of the potential risks to:
- human health
- property (existing or proposed) including buildings, crops, livestock, adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments

iii. an appraisal of remedial options, and proposal of preferred option(s).

b. Submission of Remediation Scheme

A detailed remediation scheme per phase to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification/ validation report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

d. Reporting Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work must stop, and it must be reported immediately by telephone and in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment must be undertaken in accordance with the requirements of part (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (b) above, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part (c).

e. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the required period, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

End of Schedule of Conditions