
Appeal Decision

Site visit made on 12 January 2026

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2026

Appeal Ref: APP/V1505/W/25/3371799

Land within existing Homebase car park, London Road, Basildon SS16 4SQ

- 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 McDonald's Restaurants Ltd against the decision of Basildon Borough Council.
 - The application Ref is 24/00857/FULL.
 - The development proposed is erection of a freestanding drive-thru restaurant, landscaping and associated works, including Customer Order Displays (COD) and alterations to existing car parking area.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a freestanding drive-thru restaurant, landscaping and associated works, including Customer Order Displays (COD) and alterations to existing car parking area at Land within existing Homebase car park, London Road, Basildon SS16 4SQ in accordance with the terms of the application, Ref 24/00857/FULL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A consultation and Written Ministerial Statement (WMS) were published on 16 December 2025 regarding proposed changes to the National Planning Policy Framework (the Framework). Both parties have commented on aspects of the consultation and WMS which are relevant to their cases, and I have taken their comments into account.
3. An additional Transport Statement¹ was provided with the appeal, which includes a survey of pedestrian and vehicle movements at the primary school near the appeal site and an additional plan (drawing no. 5847-09A) detailing a package of proposed highway improvements. I have had regard to the pedestrian and vehicle survey, which is presented in support of the appellant's case and does not amend the appeal proposal. The Council and interested parties have had the opportunity to respond to that evidence through the appeal process, and I am content that no unfairness would arise as a result of my having done so.
4. Drawing no. 5847-09A was not before the Council when it considered the application and it proposes several alterations to the highway network around the appeal site. The measures are presented as benefits, to be secured by means of a s278 agreement², and are numerous. The Council has not commented on them

¹ ADL Traffic & Highways, Transport Statement for Planning Appeal, July 2025

² Agreement under Section 278 of the Highways Act 1980

and there is no indication that the Highways Authority's view has been sought or whether they would be willing to enter into the required s278 agreement.

5. As set out in the Procedural Guide³, the appeal process should not be used to evolve a scheme, and it is important that what is considered at appeal is essentially the same scheme as was considered at application stage. With that in mind and having applied the principles in the Holborn judgement⁴, I have disregarded the proposed highway improvements on drawing no. 5847-09A.
6. Appeal decision reference APP/P4415/W/25/3362622 (the Rotherham appeal) was provided with the appellant's final comments on the Council's statement of case. The decision pre-dates submission of this appeal, so it could have been submitted earlier. However, it was provided in response to two particular points made in the Council's case, neither of which had been clearly articulated in the two Officer Reports. The contents were not covered in the evidence already received and the decision is relevant to the issues before me. Although the Council asked that the Rotherham appeal decision be disregarded, they have also commented on it. I have had regard to both the decision and the Council's comments and am satisfied that no procedural unfairness arises as a result.

Main Issues

7. Having considered the Green Belt evidence provided by both parties, I invited their further comments on whether the proposal would be inappropriate development in the Green Belt, with reference to exceptions listed in paragraph 154 of the Framework. While the reason for refusal did not allege any harm to the Green Belt, the parties' further comments reveal this to be a contested matter.
8. A Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990 was submitted with the appeal, providing for financial contributions sought by the Council towards community facilities and monitoring of biodiversity net gain (BNG). However, although the UU has been completed, the justification for both financial contributions is contested.
9. Taking these matters into account, along with the single reason for refusal, the main issues are:
 - whether the site would be an acceptable location for the proposed use, having regard to the provisions of the Framework in relation to promoting healthy lives and communities, with particular reference to the distance from Vange Primary School,
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, and
 - whether the financial contributions in the UU are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

³ Procedural Guide: Planning Appeals – England

⁴ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Reasons

Healthy lives and communities

10. The appeal site occupies the front part of an existing car park, at a former Homebase store, which is currently vacant. It is within an area of scattered ribbon development along London Road, between the largely residential area of Vange and the A13/A176 road junction just outside Basildon. There is a short row of dwellings opposite, and others distributed sporadically along the road. Vange Primary School is situated at the outer edge of Vange, to the east, and it is common ground between the main parties that it is approximately 530 metres from the proposed restaurant entrance.
11. The reason for refusal does not mention any development plan policies, but it does allege conflict with paragraphs 96c and 97a of the Framework. Paragraph 96 states amongst other things that planning decisions should aim to achieve healthy places which enable and support healthy lives. In paragraph 96c, there is a particular emphasis on addressing identified local health needs and reducing health inequalities, with access to healthier food being given as one example of how this may be achieved. Paragraph 97a goes on to state more specifically that applications outside town centres for hot food takeaways and fast-food outlets within walking distance of a school or other place where children and young people congregate should be refused.
12. The proposed restaurant would not be in a town centre. The Council estimates that it is an approximately eight-minute walk from Vange Primary School, which is consistent with my observations on site. There is a continuous pavement between the school and the appeal site, so there is no need to cross the road. The pavement is a reasonable width, with street lighting, and there were no obvious obstacles to its use by primary aged children and their parents or carers at the time of my site visit.
13. The Framework does not define what constitutes walking distance for purposes of paragraph 97a. While Public Health England (PHE) guidance⁵ refers to a 400 metre buffer being commonly applied, a distance of 800 metres is also mentioned. The distance in this case is closer to the lower of those figures and, for the reasons given above, the route is conducive to use by pedestrians, including children. Based solely on the linear distance and walking conditions, in my judgement the appeal site is within walking distance of the school.
14. There are, however, extenuating factors. Firstly, there is no evidence that the primary and nursery aged children which the school caters for are free to leave the premises during the school day. At the beginning and end of the day, in view of their young age, most would be accompanied by adults, with the possible exception of the very oldest children. Therefore, their access to less healthy food options would be subject to the discretion of their parents and carers.
15. Furthermore, the school is at the edge of the built-up area, with the residential area of Vange lying to the east, in the opposite direction from the appeal site. The survey of pedestrian and vehicle movements undertaken by the appellant found that the vast majority of movements at the school gate on the days of the survey were away from the appeal site. The number of children observed walking to and

⁵ Public Health England: Using the planning system to promote healthy weight environments 2020

from the school past the appeal site was very small and none of those were unaccompanied. The survey offers only a snapshot of current trips to and from the school. Nevertheless, no substantive evidence has been presented contradicting the apparently very limited number of children who walk to and from the school past the appeal site.

16. The proposed restaurant could change current travel patterns, if families actively divert to make use of it. However, for those living in Vange, that would mean undertaking a significantly longer round trip on foot, adding more than 1km to the journey. For primary aged children, that would be a significant additional distance, reducing the likelihood that such diverted trips would become a regular or routine occurrence. Any such trips would also remain subject to adult supervision over the menu options chosen. While there is no guarantee that parents or carers would enforce healthy options, some such options are available within the appellant's food offering.
17. The Framework consultation proposes an amendment to refer to 'reasonable' walking distance in the equivalent policy, but there is no certainty that change will be made and it carries little weight at this point. Furthermore, paragraph 97a does not distinguish between different types of schools or level of parental supervision. Nevertheless, the extent to which any conflict with paragraph 97a would result in actual harm to healthy lifestyles is a relevant consideration.
18. In the Rotherham appeal decision, the Inspector had regard to site-specific factors which mitigated the strict conflict with paragraph 97a. While I agree with the Council that the circumstances of that case differed in several important respects, the underlying principle that site-specific factors should be taken into account is sound. The PHE Guidance also recognises that, even where a specific exclusion zone has been established in local policy, it must be considered in the context of the individual application.
19. There are several existing drive-thru restaurants around Basildon, but they are distributed across a relatively wide area, and the second Officer Report confirms that there is no evidence that a concentration of such uses is having an adverse impact on local health. Although there are references in background correspondence between the parties to health inequalities in Basildon and the Vange ward, the site itself is not within that ward. In any case, for the reasons given above, the siting of the proposed restaurant would not in my judgement mean that children educated at Vange Primary School have materially greater access to unhealthy food choices than they do at present.
20. While the proposal may not actively promote healthy lifestyles or reduce health inequalities, the evidence does not convincingly demonstrate that any specific harm would arise on either count. Notwithstanding the technical conflict with paragraph 97a, in the circumstances of this particular case, I conclude that the site would be an acceptable location for the proposed use, having regard to the provisions of the Framework in relation to promoting healthy lives and communities.

Green Belt

21. The appeal site is in an area designated as Green Belt, as set out in saved Policy BAS GB1 of the Basildon Local Plan adopted in 2007. Other than that, no saved policies have been brought to my attention which define development that may or

may not take place in the Green Belt. Therefore, reference should be made to the Framework on that point. That specifies that development in the Green Belt is inappropriate, unless any of the exceptions set out in paragraphs 154 and 155 are applicable.

22. When the application was submitted, it was common ground between the parties that the proposal would be inappropriate development in the Green Belt. The Council reviewed that conclusion in a second Officer Report, following deferral of their decision on the application and subsequent changes to the Framework, published in December 2024. The review in the second report focussed on whether the site is grey belt and, having considered the tests in paragraph 155 of the Framework, the Council maintained that the proposal would still be inappropriate development. Nevertheless, it was concluded that very special circumstances exist to overcome the Green Belt harm and the application was not refused on Green Belt grounds.
23. In addition to introducing the concept of grey belt, the revised Framework published in December 2024 made other changes to the definition of inappropriate development. They included changes to paragraph 154g, which relates to proposals for limited infilling or the partial or complete redevelopment of previously developed land. Whereas the December 2023 Framework had required that such proposals should 'not have a greater impact on the openness of the Green Belt than the existing development' the current Framework states that they should not 'cause substantial harm to the openness of the Green Belt' (emphasis added). While the parties were in agreement that the proposal did not satisfy the test in the 2023 version of paragraph 154g, that is no longer the relevant test.
24. The appeal site was last used for car parking associated with the now vacant Homebase store. It is still laid out for that use, being hard surfaced, with rows of parking spaces marked out and several lighting columns. The Council has confirmed that it should be viewed as previously developed land (PDL) and based on the current definition of PDL in Annex 2 of the Framework I agree.
25. Since there are no existing buildings within the appeal site boundaries as defined on the plans, the introduction of a new building would reduce openness within the confines of the site. However, the restaurant building would occupy a minor portion of the site, with the remainder of the land still being used as car parking. It would be in front of a sizable retail warehouse, which is still in situ at the rear. There are lines of trees around the wider boundaries, which provide a sense of enclosure and would be reinforced by additional landscaping.
26. The Council's most recent comments on paragraph 154g describe the effect on openness as being substantial, but that is challenged by the appellant. Furthermore, the Officer Reports described the harm to the Green Belt, including the effect on openness, as limited, taking into account the existing use and the degree of enclosure around the site.
27. Having considered the differing views now presented by the parties, in my judgement the development would be harmful to openness in spatial terms, since it would introduce a new, separate building of not insignificant scale, where none currently exists. However, the wider context around the appeal site, including the degree of boundary enclosure, the existing retail building and the established use of the site as a car park, are all pertinent to the effect on openness, particularly in

visual terms. When those wider characteristics are taken into account, the redevelopment of this previously developed site as proposed would not cause substantial harm to the openness of the Green Belt.

28. That being so, the proposal benefits from a relevant exception to the definition of inappropriate development as now articulated in paragraph 154g of the Framework. Therefore, having had regard to the Framework and relevant development plan policies, I conclude that the proposal would not be inappropriate development in the Green Belt.

Planning obligation

29. The UU is dated 26 August 2025 and requires that two financial contributions are made to the Council, comprising:
- a community facilities/services contribution of £1,000 to be used towards community facilities and services in accordance with Section 5 of the Borough Council Planning Obligations Strategy 2015, and
 - a BNG contribution of £4,000 towards monitoring the effectiveness of the biodiversity measures delivered in accordance with the planning permission.
30. Although the UU has been completed, the justification for both financial contributions is contested by the appellant. That being the case, I invited the Council's comments on the UU and the justification for it, and I have taken their response into account. In essence, the parties disagree as to whether both contributions meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations), which state that a planning obligation may only constitute a reason for granting planning permission if it is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

Community facilities/services contribution:

31. In the Planning Obligations SPD⁶, Section 5 articulates the Council's support for protection and enhancement of community facilities to support sustainable communities. That is presented in the context of evidence underpinning an emerging Local Plan at the time when the SPD was prepared and the requirement in the Framework for planning authorities to plan positively for such facilities. However, while Section 5.5 specifies that contributions towards community facilities will be required for large scale development of 500+ units or where a number of development sites come forward within the same settlement, neither of those circumstances appears relevant to the development proposed in this case.
32. The proposed development would not increase the resident population. Nor has any substantive evidence been presented that it would otherwise increase demand for any of the types of community facilities identified in the Framework or the SPD. Having concluded that it would be acceptably located, there is no clear justification for seeking a contribution towards community initiatives supporting healthy and active lifestyles. That being the case, the evidence does not demonstrate that the community facilities/services contribution would be necessary to make the development acceptable in planning terms.

⁶ Basildon Borough Council Planning Obligations Strategy July 2015

33. Against that background, even if the contribution were to be used to support local community groups and facilities in the area around the site, that does not adequately establish that it is directly related to the proposed development. While the Council describes the contribution as a small, fixed fee proportionate to the development, neither the Planning Obligations SPD nor any subsequent evidence from the Council has provided a clear justification for a contribution of the specified amount. Consequently, the evidence before me does not adequately demonstrate that the community facilities/services contribution meets the tests in the CIL Regulations and it may not lawfully be taken into account.

BNG contribution:

34. There is no dispute that the development is subject to the statutory BNG condition or that the required level of BNG is achievable by means of proposed enhancements on site. That would be secured through approval of the Biodiversity Gain Plan prior to the commencement of development. The Council also recommended that a Habitat Management and Monitoring Plan (HMMP) should be secured by condition. The contribution detailed in the UU relates solely to monitoring, not to securing the BNG measures themselves.
35. According to correspondence between the parties, before the application was determined, the appellant had confirmed agreement in principle to payment of a £4,000 BNG monitoring contribution up front, with an expectation that it would fund monitoring at eight specified points over a 30-year period. Draft heads of terms in the first Officer Report included a mechanism for verification that the funds had been spent as proposed, with a clawback arrangement for any unspent payments. The UU does not include any such mechanism and nor could it, since a UU cannot bind the Council's actions. Although the Council have described the amount sought as being fixed against a defined monitoring workload, and scalable and reasonable in the context of the development, no supporting policy documents or schedule of fees for BNG monitoring have been provided to support that claim.
36. Planning practice guidance confirms that management and monitoring arrangements for BNG can be secured through planning obligations, and that monitoring fees can be charged. However, the planning obligation in this case relates only to the monitoring fee, with the management and monitoring arrangements themselves yet to be agreed. The Biodiversity Gain Plan and HMMP would only be approved following the grant of planning permission. At this point, therefore, responsibilities for management and monitoring remain subject to confirmation, which also raises some uncertainty as to the associated cost.
37. That being the case, while securing the proposed BNG on site, and ensuring that it persists for the statutory minimum 30 years is, in principle, directly relevant to the development and necessary to make it acceptable in planning terms, the evidence does not adequately demonstrate that the monitoring contribution is fairly and reasonably related in scale and kind to the development. Nor does the UU as drafted adequately secure how the contribution would be used. While I recognise that the arrangements for management and monitoring of BNG will be subject to further engagement between the parties, through the discharge of conditions, the evidence before me at this point does not adequately demonstrate that the BNG contribution as set out in the current UU meets the tests in the CIL Regulations.

38. For the reasons given above, based on the evidence before me, I conclude that it has not been demonstrated that the financial contributions in the UU are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore, for purposes of this appeal, the planning obligations for payment of a community facilities/services contribution and a BNG contributions may not lawfully be taken into account.

Other Matters

39. There are two listed buildings in the vicinity of the site. All Saints Church, which is listed at Grade II*, is further along London Road, near the school. Its significance derives from its Norman origins and its community value which has endured over several centuries. That can readily be appreciated from the road, where the evidently ancient church can be seen standing prominently above the gently rising church yard. The early 18th century timber framed, Five Bell Inn (Grade II) is in the opposite direction, with other development near the main A13 junction.
40. The Council's Historic Environment Team advised that due to the scale and massing of the proposed development, its location, and the interposing roads and vegetation, it would not impact on the significance of either listed building, due to change within their settings. Having observed both designated heritage assets and their relationship with the appeal site and having had special regard to the desirability of preserving the buildings, their settings and features of special architectural and historic interest, I concur that the significance of both listed buildings would be preserved.
41. Since the proposal is for a drive-thru facility, incorporating parking, servicing and access arrangements to support that use, there is no clear evidence that it is likely to cause any obstruction of entrances to other nearby properties. Having reviewed the Transport Assessment, which demonstrated that anticipated vehicle movements could be accommodated on the highway network, the Highways Authority raised no objection from a highway and transportation perspective.
42. The appellants have provided details of measures used by them to tackle incidents of anti-social behaviour on their sites, including staff training, CCTV and liaising with community police officers. Once in use, the proposed opening hours would mean that the site is supervised on a 24-hour basis, so any instances of anti-social behaviour could be addressed more promptly than in the site's current, vacant condition. The retail store car park would be physically separated from the parking for the restaurant, so that it could be secured outside retail opening hours.
43. Arrangements for control of odour and noise have been reviewed by the Council's Environmental Health team, based on technical assessments submitted with the planning application. They confirm that appropriate methodology has been followed and that both noise and odour can be acceptably managed through planning conditions. The proposed 24-hour operation was taken into account when making that assessment. Therefore, subject to the conditions imposed, there is no substantive evidence that living conditions for occupiers of nearby properties would be adversely affected by odour or noise.
44. There are already multiple lighting columns in the car park, and a lighting scheme has been provided, with details to be secured through a condition. The existing planting along the front boundary would also be reinforced as part of the

landscaping measures. Those measures in combination would be adequate to safeguard occupiers of the dwellings opposite from intrusive light spillage.

45. Since any littering outside the site would be subject to other regulatory regimes, it falls outside the scope of this appeal. Nevertheless, the appellants have highlighted management measures which are undertaken to manage litter in the vicinity of their restaurants. Management of litter within the site would also be within the scope of the condition requiring approval and ongoing implementation of a Landscape Management Plan.
46. The proposed development would deliver economic benefits including job creation, both during the construction phase and in the longer term. The design includes measures to achieve high standards of energy and water efficiency, as well as additional tree planting and soft landscaping. These factors, particularly the economic benefits, were judged at the time of the application to contribute to very special circumstances in favour of the development. Notwithstanding the judgement I have reached on the Green Belt issue, they continue to be positive aspects of the proposal.
47. Neither the nature of any financial arrangements between the appellant and the landowners, nor the Council's priorities for expenditure within the District are matters for this appeal.

Conditions

48. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have made some amendments for consistency and clarity, and the appellant's consent has been obtained to the imposition of pre-commencement conditions, where relevant.
49. In addition to the standard timescale for implementation, I have included a condition requiring compliance with the approved plans, in the interests of certainty. For the reasons given, the plans listed exclude drawing no. 5847-09A, which was submitted with the appeal but has not been taken into account.
50. The proposal is subject to the statutory BNG condition, which does not need to be re-stated. However, since significant on-site BNG measures are proposed, I have imposed a condition requiring approval and implementation of a Habitat Management and Monitoring Plan, to ensure effective compliance and enforcement of BNG, following approval of the Biodiversity Gain Plan. That is necessarily a pre-commencement condition, to establish a baseline for monitoring of BNG prior to implementation of the development.
51. A condition to secure the protection of existing trees is necessary to ensure that trees to be retained are effectively identified and protected throughout the construction process. A pre-commencement condition is necessary to ensure that tree protection measures are in place prior to any harmful disturbance.
52. I have imposed conditions requiring approval of external materials and details of the proposed green walls, to ensure a high-quality development using appropriate materials and detailing. Since the site is slightly elevated above London Road, a condition requiring approval of site levels is also imposed, for clarity about how the approved building would relate to the surrounding street scene.

53. I have imposed conditions requiring that the soft landscaping measures detailed in the application are implemented, recognising that those measures are necessary in the interests of the character and appearance of the area, even though their contribution to very special circumstances is no longer relevant. I have also imposed conditions requiring approval and implementation of hard landscaping and a landscape management plan (LMP), to ensure ongoing management and maintenance of the outdoor areas. That would include management of litter, and a separate condition is imposed to ensure proper provision for commercial waste and recycling. To avoid duplication, I have specified that details of outdoor furniture and play equipment should be included with the other hard landscaping details, rather than within the LMP.
54. In addition to measures to provide BNG, the Preliminary Ecological Appraisal includes other proposed biodiversity enhancements and mitigation measures to safeguard protected species, so I have imposed conditions to secure these.
55. Conditions requiring provision of car, cycle and two-wheeler parking are necessary to ensure that vehicular use of the development is properly accommodated, clear of the highway. The car parking condition would also secure the arrangements for restricting access to the wider retail store car park outside opening hours, supporting management of potential unauthorised activity. A further condition requiring that Secured by Design measures are incorporated in the scheme when implemented is also justified to support safe and secure management of the site in the longer term.
56. Conditions to control external lighting, enforce compliance with proposed odour control measures, impose limitations on noise emissions and ensure effective management of the construction process are all necessary to protect living conditions within the properties opposite. I have also imposed a condition requiring that the drainage works are properly implemented in accordance with the submitted details.
57. Finally, while the risk of contamination has been assessed as very low, based on evidence submitted with the application, a condition setting out the steps to be followed if unanticipated contamination is identified is necessary to mitigate any unexpected contamination risks arising during construction.

Conclusion

58. Based on the evidence before me, the proposed development does not conflict with the development plan as a whole. The other material considerations, including the provisions of the Framework, do not indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal should be allowed.

Jane Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall only be carried out in complete accordance with the following approved drawings:
 - 8593-SA-2381-AL01 K (Location Plan)
 - 8593-SA-2381-P102 J (Block Plan)
 - 8539-SA-2381-P104 G (Proposed Site Layout)
 - 8593-SA-2381-P005 C (Proposed Elevations)
 - 8593-SA-2381-P006 B (Proposed Plans)
 - DWG 00 and DWG 01 (Proposed Lighting Layout)
 - edp8536_d010i – REV i (Landscape Masterplan)
 - 3) No development shall commence, including any works of demolition, until a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, has been submitted to the Local Planning Authority for approval in writing. The content of the Habitat Management and Monitoring Plan should include the following:
 - a) A management and monitoring plan for on-site significant enhancements, including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
 - b) A management and monitoring plan for off-site significant enhancements (where required), including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
- The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the Council for approval in writing at the specified intervals.
- 4) No development shall commence, including any works of demolition, until:
 - a) All trees to be retained have been protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations; and

- b) Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi-mature trees of the same or similar species.
- 5) No development comprising external elevational treatments shall take place until full details, including samples, specifications, annotated plans and fire safety ratings, of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 6) No development shall commence above ground level until details and specifications for the proposed green walls, as shown in principle on drawing No. edp8536_d010i – REV i (Landscape Masterplan), including plant species and means and methods for watering have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7) No development shall commence above ground level until details of existing and finished site levels, finished floor and ridge levels of the building to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) The approved soft landscaping scheme shown on drawing No. edp8536_d010i – REV i shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 9) Prior to first occupation of the development, full details of the hard landscaping for the development shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include, but not be limited to, details of the following:
 - a) all external surface materials;
 - b) details of all boundary treatments;
 - c) details of all outdoor furniture including bins, benches and play equipment;
 - d) management and maintenance measures.

The hard landscaping scheme shall be implemented prior to first occupation of the development in accordance with the approved details and thereafter permanently maintained.

- 10) Prior to first occupation of the development, a Landscape Management Plan (LMP) covering a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The LMP should include:
- a) drawings showing all areas to which the LMP applies.
 - b) written specifications detailing, where relevant:
 - i. all operations and procedures for soft landscaped areas and green walls; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.
 - ii. all operations and procedures for hard landscaped areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.
 - iii. all operations and procedures for the surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter.
 - c) maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

The development shall be managed and maintained in accordance with the approved LMP.

- 11) Prior to first occupation of the development, a detailed commercial refuse and recycling strategy, including the design and location of the refuse and recycling stores, shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall be provided before the first occupation of the development and thereafter permanently retained.
- 12) Prior to first occupation of the development, a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (Practical Ecology, July 2024) shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Layout shall include the following:
- a) detailed designs or product descriptions for biodiversity enhancements; and
 - b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The development shall be carried out in accordance with the approved Biodiversity Enhancement Layout.

- 13) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Practical Ecology, July 2024). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 14) Prior to first occupation of the development:
- a) a Car Park Management Plan, to include responsibility for restricting access to the wider car park out of hours, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Car Park Management Plan; and
 - b) the vehicle parking areas, including accessible parking, as shown in principle on drawing No. 8359-SA-2381-P104G, shall be marked out in parking bays. The vehicle parking areas shall be retained in this form at all times.
- 15) Prior to first occupation of the development, details of cycle and powered two-wheeler parking, as shown in principle on drawing No. 8539-SA-2381-P104 G, in accordance with the EPOA Parking Standards shall be submitted to the Local Planning Authority for approval in writing. The approved parking areas shall be provided prior to first occupation of the development and retained thereafter.
- 16) The development hereby permitted shall use reasonable endeavours to achieve a Gold award of the Secured by Design for Non-Residential (Commercial) (2025 Guide) or any equivalent document superseding the 2025 Guide. In the event that the Gold award or equivalent is not achievable then prior to completion of the development the applicant shall submit to the Local Planning Authority for approval in writing justification for this and details of the highest award of the Secured by Design for Non-Residential (Commercial) (2025 Guide) or any equivalent document superseding this 2025 Guide which is achievable for the development.
- A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of the development, confirming that the agreed Secured by Design standards pursuant to this condition have been met.
- 17) Prior to first occupation of the development a detailed Lighting Scheme, as shown in principle on drawing Nos. DWG 00 and DWG 01, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Lighting Scheme prior to first occupation of the development and the Lighting Scheme shall thereafter be retained in operation as approved.
- 18) The extract ventilation system and odour control equipment detailed in the 'Odour Control Assessment' dated July 2024 by CDM Partnership and drawing Nos. 8593-SA-2381-P005 C and 8593-SA-2381_P006 B shall be installed before the use hereby permitted first commences and thereafter be permanently retained and operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The extract ducting shall be removed when the authorised use of the premises for the sale of hot food ceases.
- 19) The rating level of the noise from plant installed pursuant to this permission shall be 10dB below the existing background sound level at all times at the outside of noise sensitive buildings. Any assessment of compliance with this condition shall be made according to the methodology and procedures presented in BS4142:2014.

- 20) The Construction Environmental Management Plan (Issue 3) prepared by Glanville dated 19 July 2024 shall be adhered to throughout the entire construction period.
- 21) All drainage works shall be carried out in accordance with the details contained in the submitted Drainage Maintenance Plan (Reference: 002_4230514_HG_DMP) Issue 4 (dated 9 October 2024), Flood Risk Assessment (Reference: 001_4230560_HG_FRA) Issue 4 (dated 9 October 2024) and Proposed Drainage Layout (Reference: 4230514-SK05 – REV 15) (dated Jan 2024).
- 22) If during redevelopment ground contamination is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a Method Statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement.

END OF SCHEDULE