

Town and Country Planning Act 1990

Grant of Full Planning Permission

Applicant:	Miller Homes - Mr Tim Williams	Application Number:	13/03196/FU
Agent:	Spawforths Junction 41 Business Court East Ardsley Leeds WF3 2AB	Date Accepted:	9 July 2013
		Date of Decision:	30 June 2017

Proposed Development At: Land Off Grove Road Boston Spa Wetherby

Proposal: Full planning application for the erection of 88 dwellings including associated car parking and garages, formation of new access, public open space, landscaping and parking facilities

Full planning permission granted in accordance with the approved plans and specifications and subject to the condition(s) set out below:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

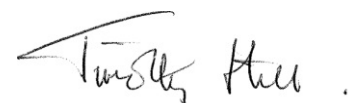
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

- 3) No building works shall take place until details and samples of all external walling, roofing and surfacing materials to all dwellings and hardstanding areas have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

- 4) No development shall take place until a Construction Method Statement has



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been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
- viii) routes of construction traffic.

In order to minimise noise and disturbance to adjacent residential properties.

- 5) Construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1600 hours on Saturdays nor at any time on Sundays or Public Holidays.

In order to minimise the impact on the living conditions of adjacent residents.

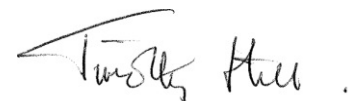
- 6) The visitor car parking spaces shown on the approved drawing shall be laid out and made available prior to complete occupation of the development and those visitor car parking spaces shall not be obstructed to prevent their use for the parking of cars for visitors.

In order to ensure adequate visitor parking is provided in the interests of highway and pedestrian safety.

- 7) No trees within the site shall be felled, save for those shown to be removed on the approved drawings and in accordance with the submitted tree survey.

In the interests of visual amenity and for the avoidance of doubt.

- 8) a) No works shall commence (including any demolition, site clearance, groundworks or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless



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otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the full duration of any demolition and/or approved works.

b) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition/ approved works commencing, to allow inspection and approval of the protection measures as implemented on site. The written notice shall include evidence, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out the Arboricultural monitoring/supervision referred to at c) below

c) No works shall commence until a written Arboricultural Method Statement (AMS) in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement. The AMS shall include for on-site monitoring including site visits at key stages and on-site supervision of specific operations that relate to trees. Proposals shall include for reporting back to the LPA at each intervention.

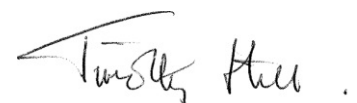
d) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

To ensure the protection and preservation of trees during construction works.

- 9) Notwithstanding the details approved, prior to the commencement of any development to form the hospice car parking area within the root protection area of the trees adjacent to the western boundary, as annotated on Drawing No. BS/PLAN 001 Rev. U, a method statement setting out proposed methods of working shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the methods set out in the statement shall be fully employed during any construction activities carried out within the root protection zone.

In order to avoid and minimise damage to the root protection area of the protected trees along the western boundary.

- 10) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,



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- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

- (h) planting plans
- (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- j) schedules of plants noting species, planting sizes and proposed numbers/densities.

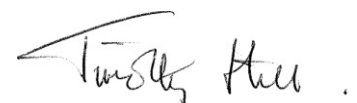
All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscaping.

- 11) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme.

- 12) a) No retained tree/hedge/bush shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved pruning, topping or lopping shall be carried out in accordance with current British Standards and any tree survey approved by the Local Planning Authority.
- b) If any retained tree/hedge/bush is removed, uprooted or destroyed or dies the Local Planning Authority shall be notified forthwith in writing. Another tree/hedge/bush of an



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agreed size and species shall be planted at the same place and at such time, as may be specified in writing by the Local Planning Authority.

Retained tree/hedge/bush refers to vegetation which is to be retained, as shown on the approved plans and particulars, and the condition shall have effect until the expiration of five years from the date of occupation.

To ensure the continuity of amenity afforded by existing vegetation.

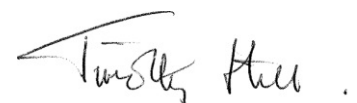
- 13) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

In order to ensure that long term landscape management is implemented in the interests of visual amenity.

- 14) Prior to the commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of biodiversity protection zones;
 - c) Measures to avoid or reduce impacts during construction;
 - d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds and commuting/foraging bats;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) The role of a responsible person (Ecological Clerk of Works) and lines of communication; and
 - g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

To ensure the protection of existing biodiversity features in accordance with Core Strategy Policy G8, the NPPF, and BS 42020:2013.



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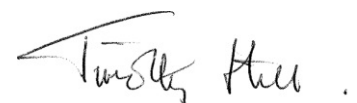
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- 15) Prior to the occupation of the development a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the LPA. The Plan shall apply to the areas of the site along the eastern boundary and include details of the following:
- a) Description and evaluation of features to be managed and enhanced to include provision of integral bat roosting and bird nesting features within new buildings, hedgerow and associated ground flora management and enhancement measures;
 - b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
 - c) Ecological trends and constraints on site that might influence management;
 - d) Aims and Objectives of management;
 - e) Appropriate management Actions for achieving Aims and Objectives;
 - f) An annual work programme (to cover an initial 5 year period);
 - g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan;
 - h) Ongoing monitoring programme and remedial measures;
 - i) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period;
 - j) The Plan will be reviewed and updated every 5 years and implemented for perpetuity;

The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.

To ensure the long-term protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

- 16) Development shall not commence until details of existing and proposed ground levels, including soft landscape areas, floors, paths, drives, walls, garages and parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.



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To ensure works are carried out at suitable levels in relation to adjoining properties and highways.

- 17) The accesses hereby approved shall not be brought into use until works have been undertaken to provide the visibility splays shown on the approved plan ref BS/PLAN 001 Rev. U to an adoptable standard. These visibility splays shall be retained clear of all obstructions for the lifetime of the development. These sight-lines shall be retained clear of all obstruction to visibility greater than 1.05m in height above the adjoining carriageway for the lifetime of the development.

To ensure the free and safe use of the highway.

- 18) The gradient of all drives shall not exceed 1 in 12.5 (8%).

To ensure the free and safe use of the highway.

- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any provision in any statutory instrument revoking or re-enacting that Order, the garages hereby approved shall be kept available and used solely as garages for the parking of motor cars for the benefit of the occupant of the dwelling for the lifetime of the development.

To ensure the free and safe use of the highway.

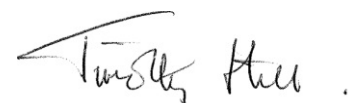
- 20) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

- 21) The development shall not be occupied until the off-site highways works including the provision of improved pedestrian crossing facilities on Grove Road have been provided and secured through a Section 278 Agreement.

To ensure the free and safe use of the highway.

- 22) Development shall not commence until full details of surface water drainage including provision of retention basins/tanks/oversized pipes have been submitted to and approved in writing by the local planning authority. The details shall include location, design, materials, levels, proposals for any off-site watercourse work, balancing of flows to greenfield rates of run-off and details of maintenance of the sustainable



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drainage systems. The scheme shall be implemented in accordance with the approved details prior to occupation of any part of the development, or to a timetable to be agreed in writing with the local planning authority.

To ensure sustainable drainage and flood prevention.

- 23) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment Ref: 425/56 dated December 2012. The mitigation measures shall be fully implemented prior to occupation of any dwelling and in accordance with timing/phasing arrangements set out, or in accordance with a phasing/timing programme to be agreed in writing with the local planning authority prior to the commencement of development.

To ensure sustainable drainage and flood prevention.

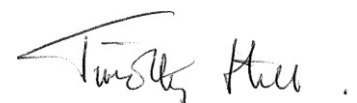
- 24) No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the details hereby approved.

To ensure sustainable drainage and flood prevention.

- 25) The local planning authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Local Planning Authority.



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To enable the local planning authority to ensure that unexpected contamination at the site will be addressed appropriately and that the development will be suitable for use.

- 26) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use.

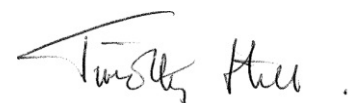
- 27) No development shall take place until a programme of archaeological recording has been secured. This recording shall be carried out in accordance with a written scheme of investigation that includes the qualifications and suitability of the person undertaking the archaeological works and timing of such works, which has been submitted to and approved in writing by the local planning authority. The archaeological recording shall be undertaken in accordance with the approved scheme.

In order to ensure that archaeological recording is undertaken in accordance with the guidance within the NPPF.

- 28) Notwithstanding the provisions of the Town and Country Planning General Permitted Development) Order 2015, or any provision in any statutory instrument revoking or re-enacting that Order, no fences, walls, railings or other boundary treatments permitted within Schedule 2, Part 2, Class A, shall be erected within the site.

In order to retain control of the development in the interests of visual amenity.

- 29) Prior to the commencement of development, a Community Liaison Management Plan shall be submitted to and agreed in writing by the local planning authority. This shall include details of a working party involving Boston Spa Parish Council, Clifford Parish Council, Ward Members, developers/contractors and relevant Council Officers in relation to matters associated with site construction, vehicle deliveries and greenspace.



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The development shall not be carried out other than in accordance with the terms of the Community Liaison Management Plan.

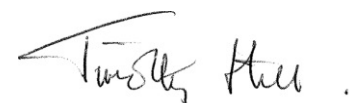
In the interests of community cohesion and to minimise the impact on local residents.

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Plans Schedule - as referred to in Condition No. 2 above:-

Plan Type	Plan Reference	Received
Site Location Plan/Red Line/OS Plan	FEBRUARY 2013	09.07.2013
Block Plan/Layout Plan	BS/PLAN/001U	21.04.2017
Block Plan/Layout Plan	BS/PLAN/HA/002S	04.05.2017
Block Plan/Layout Plan	BS/ROOF FIN/001T	04.05.2017
Block Plan/Layout Plan	BS/WALLING/001T	04.05.2017
Block Plan/Layout Plan	811102-POSA	04.05.2017
Block Plan/Layout Plan	BS/PLAN/002B	04.05.2017
Other	BS/FENCING/001C	04.05.2017
Other	811102/PS/10	04.05.2017
Block Plan/Layout Plan	BS/SHTS/001R	22.03.2017
Streetscape	REV B 20.03.2017	22.03.2017
Proposed floor plan(s)	0215_TW_01A	22.03.2017
Proposed elevation(s)	0215_TW_02	22.03.2017
Proposed Elevations and Floor Plans	0215_YA_01A	22.03.2017
Proposed Elevations and Floor Plans	0215_NE_01A	22.03.2017
Proposed Elevations and Floor Plans	0215_MA_01A	22.03.2017
Proposed Elevations and Floor Plans	0215_HA_01A	22.03.2017
Proposed Elevations and Floor Plans	0215_IB_02A	22.03.2017
Proposed Elevations and Floor Plans	0215_TO_01	17.01.2017
Proposed Elevations and Floor Plans	0215_RO_01	17.01.2017
Proposed Elevations and Floor Plans	0215_AS_01	17.01.2017
Proposed Elevations and Floor Plans	0215_BU_01	17.01.2017
Proposed Elevations and Floor Plans	0215_BU_02	17.01.2017
Proposed Elevations and Floor Plans	0215_RY_01	17.01.2017
Proposed Elevations and Floor Plans	0215_BUT_01	17.01.2017



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Proposed floor plan(s)	0215_SH_01	17.01.2017
Proposed elevation(s)	0215_SH_02	17.01.2017
Proposed Elevations and Floor Plans	0215_HU_01	17.01.2017
Proposed Elevations and Floor Plans	0215_CH_02	17.01.2017
Sections/Cross Sections	1729 03	17.01.2017
Block Plan/Layout Plan	DPL SK013-SK018	04.11.2016
Proposed Elevations and Floor Plans	GARAGE STANDARDS 1	16.11.2016
Proposed Elevations and Floor Plans	GARAGE STANDARDS 2	16.11.2016

For information:-

- 1) In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.
- 2) THIS APPLICATION HAS BEEN DETERMINED BY PANEL RESOLUTION ON 11th MAY 2017.
- 3) The applicant should be aware that there is an Agreement/Obligation by way of undertaking under Section 106 of the Town and Country Planning Act 1990 affecting this site or that there is likely to be a need to enter into such Agreement/offer an Obligation to discharge the requirements of conditions above.
- 4) All reports addressing land contamination should be compiled in accordance with best practice and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the Leeds City Council guidance leaflets in the series:- The Development of Contaminated Sites:
The Blue Leaflet (CL2) - Reports in Support of Planning Applications
The Yellow Leaflet (CL4) - Residential Development on Land Affected by Contamination

These leaflets can be obtained at www.leeds.gov.uk/contaminatedland

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- 5) This permission does not convey or imply any authority for the applicants to enter on to land not in their ownership or control in order to carry out the development hereby approved.
- 6) This permission does not absolve the applicant(s) from the requirements for compliance with a Building Regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority.

The applicant is advised that where any of the following apply, The Party Wall Act 1996 provisions are relevant, and you may well need to serve notice and get agreement from adjoining owners/neighbour(s) to carry out the work;

- work carried out directly to an existing party wall or structure
- new building at or astride the boundary line between properties
- excavation within 3 or 6 metres of a neighbouring building or structure depending on the depth of the hole or proposed foundations.

Applicants are requested to remove any site notices related to this application from outside the property to which the application relates.

Important Information about Your Planning Permission

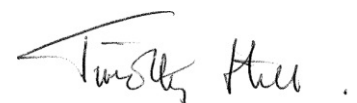
Town and Country Planning (Development Management Procedure) (England) Order 2010

This decision notice only relates to the grant of planning permission. It does not give any approval or consent which may be needed under any legislation, enactment, bye-laws, order or regulation other than the Town and Country Planning Act 1990 as amended. You may need other approvals, consents or licenses for the development eg building regulations approval.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) A variation from the approved plans following commencement of the development is likely to constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

This planning permission is granted subject to conditions. Please read the conditions carefully and make sure that you understand what is required to comply with them. It is the



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responsibility of the owner(s) and the person(s) implementing the development to ensure that the approved plans and these conditions are complied with throughout the development and beyond. Failure to comply with any of the conditions may result in enforcement action.

Conditions which require work to be carried out or details to be approved prior to commencement are very important and are called '**conditions precedent**'.

This means:

- (a) If a condition precedent is not complied with, the whole of the development might be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify this is by the submission of a new application to obtain a fresh planning permission.

A fee of £97 per request or £28 if the request relates to a householder application is payable to discharge condition(s). The request needs to identify the planning application number and the condition(s) concerned; a form is available from our website www.leeds.gov.uk/planningforms titled Approval of Details application form.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 as amended.

If you want to appeal, you must do so within **six months** of the date of this notice, unless a valid Enforcement Notice exists for the same or substantially the same development. In this case the period for appeal is **28 days** from the date of this notice. You should use a form which you can obtain from www.gov.uk/government/organisations/planning-inspectorate or by email from enquiries@pins.gsi.gov.uk or by phoning 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to do so unless there are special circumstances which excuse the delay in giving notice of appeal.

You must send one copy of the completed form to planning.appeals@leeds.gov.uk or Appeals Administration, Planning Services, Leeds City Council, The Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD as well as to the Planning Inspectorate at the address on the form.

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