



Appeal Decisions

Site visit made on 25 May 2022

by Jonathon Parsons MSc BSc(Hons) DipTP Cert (Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2022

Appeal A Ref: APP/RO355/W/21/3279268

Land at Pine Acres, Birch Lane, Ascot SL5 8RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by SPL Investment Holdings Ltd against the decision of Bracknell Forest Council.
 - The application Ref 20/00887/FUL, dated 30 October 2020, was refused by notice dated 20 April 2021.
 - The development proposed is the erection of three detached houses.
-

Appeal B Ref: APP/RO355/W/21/3279269

Land that abuts Pine Acres, Birch Lane, Ascot SL5 8RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stephen Luck against the decision of Bracknell Forest Council.
 - The application Ref 20/00881/FUL, dated 30 October 2020, was refused by notice dated 20 April 2021.
 - The development proposed is the erection of a detached house.
-

Appeal C Ref: APP/RO355/W/21/3279270

Land south of Merrymeade, Birch Lane, Ascot SL5 8RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Tariq Noor against the decision of Bracknell Forest Council.
 - The application Ref 20/00848/FUL, dated 23 October 2020, was refused by notice dated 19 March 2021.
 - The development proposed is the erection of a two storey dwellinghouse with a detached garage and associated access and landscaping.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.
3. Appeal C is allowed and planning permission is granted for the erection of a two storey dwellinghouse with a detached garage and associated access and landscaping at Land south of Merrymeade, Birch Lane, Ascot SL5 8RF in accordance with the terms of the application, Ref 20/00848/FUL, dated 23 October 2020, subject to the following conditions on the attached Schedule A.

Procedural Matters

4. All three appeal sites lie at the end of Birch Lane. The Appeal A site was formerly part of a larger site with a dwelling known as Pine Acres which was replaced with a property at Orchard Manor. The site is roughly L-shaped

comprising part of this property's rear garden. The neighbouring Appeal B and C sites are segment shaped, narrow in width close to Birch Lane, but broadening out in a fan shape to the rear.

5. Appeal A proposes three dwellings whilst Appeals B and C propose one dwelling each. Access for the Appeal A and C developments would be directly off Birch Lane whilst that for Appeal B would be via the access drive serving the Appeal A development. Each appeal proposal has been considered on its individual merits but to avoid duplication, I have dealt with matters common to all of the appeals together, unless otherwise indicated.
6. Under Appeal A, there is a reason for refusal based on the loss of biodiversity whilst for Appeals B and C, there is a reason for refusal based on the harm to Protected Species. The appellant's and Council's statements address biodiversity and Protected Species for all three appeals, and this approach is similarly undertaken here.
7. In Appeal C, a s106 agreement dated 18 January 2022 details mitigation measures for the Thames Basin Heaths Special Protection Area (TBHSPA), and this will be commented upon later in the decision.

Main Issues

8. For each appeal, the main issues, are the effects of the proposals on (a) the character and appearance of the area, with reference to trees covered by Tree Preservation Order, (b) biodiversity, (c) the integrity of the Thames Heaths Basin Special Protection Area (THBSPA) and (d) Protected Species.

Reasons

Character and appearance

Context

9. An annexe building exists on the Appeal A site, part of a permitted dwelling yet to be completed, and outbuildings exist on the Appeal B and C sites. Appeal B and C sites result from the subdivision of a larger site. All three appeal sites are large, with Appeal A's being the largest, and comprise open landscaped areas and significant tree coverage. The trees, along with many in the surrounding area, are protected by Tree Preservation Orders. Tree cover was more extensive but unauthorized works (unrelated to the current appellants) has resulted in the loss of trees on the sites. Existing access to the Appeal A, B and C sites is through trees close to the end of Birch Lane.
10. The surrounding Birch Lane development comprises a variety of different designed and sited dwellings, set in varied, but large sized and landscaped plots, set in wooded surroundings. Neighbouring plots to the appeal sites at the bottom end of Birch Lane are particularly substantially sized. There is a locally distinctive spacious and sylvan character and appearance to the area.
11. The Bracknell Forest Character Area Assessments Supplementary Planning Document 2010 identifies the area as low-density with gardens wrapped around by mixed and deciduous woodland, with houses set back from the road. Under the Bracknell Forest Landscape Character Area Assessment Supplementary Planning Document 2015, the appeal sites lie on the southern

edge of the Chavey Down Wooded Sands Landscape Character Area (LCA). The LCA comprises suburban and urban fringe development, set within extensive tree cover of the former Windsor Forest which provides an important green space function, particularly between the settlements of Bracknell and Chavey Down. Both Supplementary Planning Documents (SPDs) provide guidance limiting their weight within decision-making but their context assessments reinforce my own findings on character and appearance.

Policy Background

12. Policy CS1 of the Bracknell Forest Core Strategy Development Plan Document (DPD) 2008 states development should protect and enhance the character and quality of local landscapes and the wider countryside. DPD Policy CS7 requires high quality design for all development which builds upon urban, suburban and rural local character. DPD Policy CS9 states that the Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land.
13. DPD Policy CS9's protective policy requirement is reiterated within Policy EN8 of the Bracknell Forest Borough Local Plan (LP) 2002. LP Policy EN20 requires proposals to be in sympathy with appearance and character of the local environment and appropriate in scale, mass, design, materials, layout and siting. Finally, LP Policy H5 states that outside defined settlement boundaries development will not be permitted except where there is a need for it in this type of location and no harm would be caused to character and appearance, environment or highway safety.
14. In respect of landscaping considerations, LP Policy EN1 states planning permission will not be granted for development resulting in the destruction of important trees and hedgerow, having regard to the distinction between built-up areas and the countryside, and the character and appearance of the landscape. In the determination of planning applications, LP Policy EN20 also requires the retention of beneficial landscape features and where possible enhancement.
15. The Bracknell Forest Design Supplementary Planning Document (DSPD) emphasises the importance that new development should be well integrated into the existing context. New development should exploit opportunities to create a positive sense of place that enhances the existing character of the site and local area, whilst efficiently using land to meet housing need.

Appeal A

16. The development would be low density and the Tree Survey and Impact Assessment (TSIA) demonstrates that the trees to be felled are damaged, having a limited life span and/or of a low quality. Under the Appellant's landscaping proposals, significant numbers of new trees would be planted.
17. However, the development's layout would result in the mid sited dwelling on plot 2, directly facing onto the corner and angled side of that on plot 1. The plot 2 dwelling would also be positioned forward and angled, in respect of its rear, towards the other dwelling on plot 3. This awkward juxtaposition would be in marked contrast to those dwellings on Birch Lane, especially at the bottom end, which generally have less clustered and close relationships.

- Consequently, the siting of the dwellings relative to one another would result in an adversely contrived and congested layout.
18. Furthermore, the amount of useable private outdoor space to the rear and sides of the dwellings on the plots 2 and 3 would be of limited value given the extent of built development, including hardstanding, existing trees, new landscaping and orientation. There would be overshadowing of garden areas caused by the extent and proximity of trees and vegetation, within and outside the sites, and the dwellings, which would lead to pressure to remove trees to allow better sunlight. Removal of trees and vegetation would be detrimental to the character and appearance of the area. Although the Council would retain formal control over requests for tree works to the protected trees, in practice, I consider that it is likely to be difficult to resist such pressure in the long term if the development layout was built unsatisfactorily in the first place.
 19. There are existing dwellings within the surrounding area with gardens with significant tree coverage and the Appellant's TSIA details research which indicates only a very low proportion of applications for works are approved based on occupiers' unsatisfactory living conditions. Nevertheless, every situation would inevitably be different and in this instance, site features and development would particularly dominate garden areas for the reasons indicated and, as such, it has not been demonstrated that they would be served by satisfactory sunlight.
 20. Public views of the development would be restricted, being limited to the narrow entrance into the site from Birch Lane. If the permitted dwelling under the extant single dwelling permission was built, the public view of built expanse would be even greater from this point. However, the lack of public visibility is not the only way to assess character and appearance impact and in this proposal, the awkward siting of the dwellings relative to one another would be particularly unsympathetic and this would not create a well-designed place for both residents of the development and visitors. Under the National Planning Policy Framework (the Framework), the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Consequently, the fallback position would not be worse than the proposed development under Appeal A and therefore, limited weight is attached to it.
 21. For all these reasons, the Appeal A development would harm the character and appearance of the area in conflict with Policies EN1, EN8, EN20 and H5 of the LP and Policies CS1, CS7 and CS9 of the DPD. It would also conflict with the advice of the character assessment and design SPDs.

Appeal B

22. The proposed dwelling would be well set back from the road behind a group of frontage trees. The relevant TSIA and Technical Note demonstrates that the trees to be removed for the access would be poor or diseased, and that the overall group aesthetic value of those left would remain. Elsewhere within the plot, the removed trees would be saplings. Under the Appellant's landscaping proposal, there would be substantial number of trees planted.
23. However, the dwelling would be substantial in size, with a dominating frontage comprising gables and higher roof behind, and forward projecting attached

garage with accommodation above. Together with extensive hard surfacing, this would result in a notable over-developed appearance to the frontage which would be detrimental to the spacious and landscaped qualities of the area.

24. Furthermore, the amount of rear useable garden space would also be restricted given the extent of built development, including hard standings, existing trees and new landscaping. There would be overshadowing of the rear garden areas by reason of adjacent trees and the dwelling itself, which would lead to pressure to remove the trees to allow better sunlight. Removal would be detrimental to the character and appearance of the area. Although the Council would retain formal control over requests for tree works to the protected trees, in practice I consider that it is likely to be difficult to resist such pressure in the long term if the development was built unacceptably in the first place.
25. The gardens of existing dwellings within the surrounding area have significant tree coverage and the TSIA details research that only a very low proportion of applications for tree works are approved due to unacceptable living conditions. However, every situation would inevitably be different and in this instance, the rear garden area would be dominated for the reasons indicated and as such, it has not been demonstrated that it would be served by satisfactory sunlight.
26. For all these reasons, the Appeal B development would harm the character and appearance of the area. Accordingly, the proposal would conflict with Policies EN1, EN8, EN20 and H5 of the LP, and Policies CS1, CS7 and CS9 of the DPD. It would also conflict with the advice of the character assessment and design SPDs.

Appeal C

27. There would be minimal loss of trees on the site and under the landscaping proposals, further planting would take place. Whilst the density of the development is higher than the adjoining development, the plot would be still be spacious and it would be well set back from the end of Birch Lane. Importantly, the proposed dwelling would be modestly sized with a detached double garage to the front. There would also be a significant area of open rear garden before the heavily landscaped areas further back into plot.
28. For all these reasons, the Appeal C development would not result in urbanising harm on the character and appearance of the area. Accordingly, the proposal would comply with Policies EN1, EN8, EN20 and H5 of the LP, and Policies CS1, CS7 and CS9 of the DPD. It would also comply with the advice of the character assessment SPDs and whilst it would not enhance character, there is justification to override the Design SPD guidance in this respect.

Biodiversity

Policy background

29. In the determination of planning applications, LP Policy EN20 requires the retention of beneficial landscape ecological features. DPD Policy CS1 requires the protection and enhancement of the quality of natural resources, including biodiversity, whilst DPD Policy CS7 requires the promotion of biodiversity in permitting development proposals.

30. Paragraph 174 of the Framework requires that planning policies and decisions should contribute to and enhance the local environment in a number of ways, including minimising impacts on and providing net gains for biodiversity. Planning Policy Guidance (PPG)¹ defines biodiversity net gain as works which deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development.
31. There is a 10% biodiversity gain requirement set by the Environment Act 2021 and emerging Policy LP46 of the Bracknell Forest Local Plan (LP) requires such a biodiversity gain for relevant development. However, statutory requirement is not mandatory because of the transitional period for implementation. Whilst emerging LP has reached the stage of local plan examination, it is unclear what objections have been made to the biodiversity policy and if there were, whether changes will be made to the policy. As such, limited weight can be placed on a 10% biodiversity requirement. Taking all considerations into account, a simple biodiversity net gain requirement needs to apply to the proposals.
32. Natural England has produced a biodiversity metric (BM) to measure gain which indicates a net loss for Appeal A and a net gain under Appeals B and C. However, there is no detailed justification for how the habitat figures for existing and retained/proposed habitats, such as mapping plans, have been derived and as a result, little weight can be given to the different BM assessments under Appeals A, B and C.

Appeal A

33. There would be loss of trees but the landscaping proposals would result in additional tree and hedgerow planting, wildflower mix planting and a seasonal pond. Additional hedgerows would be between plots and alongside the boundaries with Orchard Manor, and a planning condition could be imposed to change landscaping to reflect native species. However, there would still be three large dwellings with associated hard surfacing and pressure to remove trees and vegetation of biodiversity value to create useable garden areas. A planning condition has been suggested to secure biodiversity gain but without certainty of being able to achieve this, such a condition would be unreasonable. For all these reasons, it has not been demonstrated that the Appeal A proposal would result in biodiversity gain and there would be conflict with Policy EN20 of the LP and Policies CS1 and CS7 of the DPD.

Appeal B

34. The landscaping proposals would result in new hedgerows and trees, including native tree planting, wildflower mix planting, wildlife refugia and boxes. However, there would be extensive coverage of the site with built development, including hard surfaced areas. On this basis, it has not been demonstrated that this appeal would result in biodiversity gain and there would be conflict with Policy EN20 of the LP and Policies CS1 and CS7 of the DPD.

Appeal C

35. The scheme would similarly result in new hedgerows and trees, landscaping, refugia and boxes. The existing site has more extensive areas of amenity

¹ paragraph 022, Reference ID: 8-022-20190721).

grassland and given the modest size of the dwelling, there would be greater scope for biodiversity enhancement as a result on the site. On this basis, conditions could ensure biodiversity net gain on the site. Accordingly, the proposal would comply with Policy EN20 of the LP and Policies CS1 and CS7 of the DPD.

Thames Basin Heaths Special Protection Area

Policy background and context

36. Residents would be able to make use of the TBHSPA for recreation, such as dog walking, due to proximity. The internationally important interest features derive from heathland habitats and bird species. The Council's TBHSPA Avoidance Strategy and Mitigation Supplementary Planning Document (SPD) 2018 details the adverse effects of urbanisation, especially recreational disturbance, on the nesting of these birds. For each appeal proposal, there would be a significant effect, either alone or in combination with other plans or projects on the SPA, as a result of recreational disturbance.
37. The National Site Network objectives require maintaining or where appropriate restoration of species and habitats listed in Annex I and II of the Conservation of Species and Habitats Regulations 2017 to a Favourable Conservation Status. Consequently, it is necessary for me as a competent authority to make an Appropriate Assessment (AA) of the implications of the proposals in view of nature conservation objectives.
38. The SPD sets out avoidance and mitigation measures, Suitable Alternative Natural Green (SANG) spaces and Strategic Access Management and Monitoring (SAMM). In respect of SANG, its provision, including enhancement, would be funded from the Community Infrastructure Levy (CIL) and s106/Unilateral Undertakings. The Council has on-going monitoring of SANGs and pro-actively enhances them.

Appeals A and B

39. However, there is no mechanism in place to secure SANG and SAMM mitigation, for the Appeal A and B schemes. No alternative solutions have been put forward that would have a lesser effect, or avoid an adverse effect, on the integrity of the SPA, and nor do I consider any possible based on the nature of the proposal and the appeal documentation. Priority species and habitat would be adversely affected by the proposals and there are no imperative reasons of overriding public interest for such a small-scale nature. On this basis, each development under Appeal A and B would adversely affect the integrity of the SPA alone or in combination with other projects coming forward. For these reasons, the proposals would conflict with Policy NRM6 of the South East Plan (SEP) 2006, Policy EN3 of LP and Policy CS14 of the DPD.

Appeal C

40. In Appeal C, the s106 agreement secures SANG and SAMM contributions before the occupation of the dwelling. SANG CIL payments would also be made. The s106 requires the Council to take all reasonable steps to carry out the SANG works within 3 months of the date of payment. Natural England (NE) has not chosen to comment on the s106 mitigation but during the planning application process, it confirmed subject to the completion of an agreement to secure

mitigation, the proposal would not adversely affect the integrity of the TBHSPA. In this regard, the unambiguous content of NE's consultation response means the requirement for consultation response on this matter, in terms of the AA, has been met. With this mitigation, the integrity of the SPA would not be adversely affected.

41. On this basis, the contributions would meet the statutory tests of the Community Infrastructure Regulations 2010 (as amended) and the proposal would not adversely affect the integrity of the SPA based on the mitigation/avoidance measures. For all these reasons, the Appeal C proposal would comply with Policy NRM6 of the SEP, Policy EN3 of LP and Policy CS14 of the DPD.

Protected Species

42. Under Preliminary Ecological Assessments (PEA), there is no evidence of bat roosts within any buildings on the Appeal sites A, B and C, and in respect of foraging habitat, there would not be a significant loss. Under a Great Crested Newt and Mitigation Plan, nearby ponds are identified but the PEA identifies that most of the appeal sites would be unsuitable for reptiles or amphibians, including areas to be used for construction. Some rear parts of the sites have been identified as potentially suitable for reptiles but subject to recommended mitigation under PEA, such as Herptile fencing, there should be no harm to the animals. There is a subsidiary badger sett on Appeal site A and the Badger Survey report identifies a temporary closure under licence to be acceptable during construction. On the basis of the report, there is no reason in principle why a licence would not be granted.
43. For all these reasons, there would be no harm to Protected Species and the Appeal A, B and C proposals would comply with Policy EN20 of the LP, and Policies CS1 and CS7 of the DPD.

Other matters

44. All three appeal sites lie outside the settlement boundaries of the Bracknell Policies Map (2013) and the Bracknell Forest Borough Local Plan (LP) 2002 but the Council's objections do not relate to the principle of development on the sites but rather the issues detailed previously.
45. The proposals would provide housing to meet an identified demand and would make efficient use of previously developed land. In Appeals A and B, there would be a net increase of 2 and 1 dwellings respectively. The Council's 5 year housing land supply (5YHLS) is in deficit at 4.2 years (base date April 2021). In Appeal B, the dwelling would be self-build for which there is strong national planning policy support. Based on submissions, the Council has not provided for self-build housing. Although residents would be likely to use the private vehicle for many trips, residents of the housing would have good access to services and facilities, and opportunities by sustainable transportation. The Framework promotes sustainable transportation and recognises that to maximise use, opportunities will vary from urban to rural areas. Such considerations would weigh in favour of the proposals but the weight in the decision-making would be limited by the small scale nature of the developments under Appeals A and B.

Planning balance

Appeals A and B

46. Appeal A and B developments would result in additional housing but they would harm the character and appearance of the area in conflict with the LP and DPD policies as indicated. LP Policies EN8 and H5, and DPD Policy CS9, are inconsistent with national policy in the Framework due to their restrictive nature that includes protecting the countryside for its own sake. The Council also has a deficient 5YHLS. Nevertheless, the policies still require the assessment of character and appearance which is required in achieving well-designed buildings and places under the Framework. Accordingly, moderate weight is given to these policy conflicts of the appeal proposals A and B.
47. In respect of the future loss of trees, there would be conflict with Policies EN1 and EN20 of the LP. For biodiversity and SPA, there would be conflict with Policies EN3 and EN20 of the LP, Policies CS1, CS7 and CS14 of the CS and Policy NRM6 of the SEP. In respect of these main issues, it is not alleged that these policies are inconsistent with the Framework and there is no evidence to suggest this. Therefore, such policy conflicts attach full weight in the absence of any inconsistency with the Framework. Taken separately, each proposal would conflict with the developments plan taken as a whole.
48. The Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The SPA is an example of such an area/asset and the proposal would be contrary to the relevant policies of the Framework.
49. Additionally, the developments would be contrary to the Framework where it aims to ensure developments are sympathetic to local character, recognising the beauty of the countryside and of trees and woodland. The weight to be attached to the economic, social and environmental considerations would be small with each proposal. Therefore, there are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused for Appeals A and B.

Appeal C

50. The proposal would not harm the character and appearance of the area, biodiversity, the integrity of the TBHSPA or Protected Species. It would comply with the relevant policies of the LP and DPD, and the development plan taken as a whole. There are no material considerations to indicate that planning permission should not be granted.

Conditions - Appeal C

51. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance and party's comments. Some have been amended and amalgamated in the interests of clarity and precision taking into account the guidance. In particular, suggested conditions on tree protection and landscaping have been shortened to avoid over-elaboration in the interests of reasonableness. In this regard, the proposal relates to the construction of a single dwelling distant from significant trees. There are pre-commencement

condition requirements for the approval of details where they are a pre-requisite to enable the development to be constructed.

52. To provide certainty, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, conditions are necessary setting out the requirements for external materials, landscaping and protection of trees, including fencing and services. Detailed site monitoring of the measures would be unreasonable given the nature of the development. As the site has no significant gradient characteristics, there is no requirement for details of ground and slab levels, other than within the root protection areas of trees and hedgerows to be retained. Removal of permitted development rights for the dwelling and plot have not been justified. The dwelling would be located a significant distance from trees and there is already a substantial existing outbuilding to be retained. To prevent flooding, a condition is necessary requiring acceptable implementation of drainage details. In the interests of biodiversity and protected species, conditions are necessary requiring a habitat creation/restoration and protected species management plan.
53. In the interests of sustainable building development, a condition is required to ensure use of on-site renewable energy. However, there is a lack of a clear and justified local need provided by the referenced DPD policy to condition water consumption. Conditions are required setting out the requirements for vehicle parking and turning, cycle provision and construction method statement in the interests of highway safety and sustainable transportation.

Conclusion

54. For the reasons given above and having regard to all other matters raised, including support, I conclude that the Appeals A and B should be dismissed, and Appeal C should be allowed.

Jonathon Parsons

INSPECTOR

Schedule A for Appeal C - APP/R0355/W/21/3279270

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS location plan (1:1250); Dwg 01A; Dwg 02A and Dwg 03.
- 3) No development above slab level shall commence until samples and details of the materials to be used in the construction of all external facing, including road surfacing, have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved samples and details.
- 4) No development (including initial site-clearance) shall commence until tree protective measures have been fully implemented in accordance with the relevant approved details (Tree Survey and Impact Assessment (1340-KC-M-YTREE-TreeSurvey-and-ImpactAssessment-RevB, drawing plan 1341-KC-M-YTREE-TPP01 Rev E and Appeal Statement of Jargo Keen (keen Consultants), June 2021). The measures shall be maintained fully intact, and in the case of the fencing upright, in the approved locations at all times until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, or fires lit, within 20 metres of the trunks of any protected trees or the centre line of any hedgerow shown to be retained, without the prior written consent of the local planning authority.
- 5) No development shall commence until details of all services to be provided or repaired including drains and soakaways, on or to the site have been submitted to and approved by the local planning authority in writing. Details shall include a site layout plan at a minimum scale of 1:200 showing positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs, and the depth, position and size of services. Full site/design specific engineering/arboricultural implementation method statements shall be specified where services are proposed within the minimum root protection areas of retained trees, calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision). All service works shall be carried out in accordance with the approved details.
- 6) No development shall commence until details of all proposed alterations to the site's ground levels within 15 metres of the minimum 'Root Protection Areas', calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development. The details to include existing and proposed finished levels and any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation. Any proposed alterations to ground levels and soil level re-grading shall take place in accordance with the approved details.

- 7) Notwithstanding the submitted landscaping scheme and plan details, no development shall commence until details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority.

These details shall specify hard landscaping, planting plans including ground preparation, tree staking, tying, mulching and all other operations associated with tree, shrub plant and grass establishment, full schedules of plants, noting only native and/or species benefiting biodiversity, detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities, locations, means of enclosure (including any walls and fences), protection measures and maintenance schedule.

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner.

All hard landscaping works shall be carried out and completed prior to the occupation of any part of the approved development. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

- 8) No development hereby permitted shall commence until details of a scheme for the disposal of surface water from hard surfaced areas has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the permitted dwelling.
- 9) No development hereby permitted shall commence until a habitat creation/restoration and protected species management plan has been submitted to and approved by the local planning authority. The plan shall include:-
- a) description and evaluation of the features to be managed;
 - b) description of target habitats and species;
 - c) ecological potential and constraints on the site;
 - d) aims and objectives of management;
 - e) details, including reptile refugia, hedgehog, bat and bird boxes, and wildflower mixes;
 - f) details, including siting, of herptile fencing to be used around the constructed part of the site;
 - g) badger friendly boundary treatments to permit access;
 - h) implementation timetable of the above measures;

The management plan shall be strictly adhered to throughout construction and the lifetime of the development. Approved physical measures listed above, other than f,) shall be retained for the duration of the lifetime of the development.

- 10) No development shall commence until an Energy Demand Assessment demonstrating that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which a proportion shall be at least 10%) has been submitted to and approved in writing by the local planning authority. The buildings constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.
- 11) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site personnel, operatives and visitors;
 - ii) the loading and unloading of plant and vehicles;
 - iii) the storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities and
 - v) temporary portacabins and welfare for site operatives and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 12) Prior to the first occupation of the dwelling, hereby permitted, space shall be laid out within the site in accordance with the approved plans for the parking and turning of vehicles. Thereafter, the parking and turning areas shall be retained and maintained for their designated purposes.
- 13) Prior to the first occupation of the dwelling, hereby permitted, secure and covered cycle parking stores shall be completed in accordance with details submitted to and approved in writing by the local planning authority. The cycle parking stores shall thereafter be retained.