



Appeal Decision

Hearing (Virtual) held on 27 September 2022

Site visit made on 27 September 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/R0335/W/22/3300508

Longcroft, Long Hill Road, Bracknell Forest, Ascot SL5 8RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Riverside Country Developments Ltd against Bracknell Forest Borough Council.
 - The application Ref 22/00302/FUL, is dated 1 April 2022.
 - The development proposed is redevelopment of the site to provide 6 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the site to provide 6 dwellings at Longcroft, Long Hill Road, Bracknell Forest, Ascot SL5 8RD in accordance with the terms of the application, Ref 22/00302/FUL, dated 1 April 2022, subject to the conditions listed at the end of this decision.

Preliminary Matters

2. The Council's Hearing Statement indicates that it would have refused planning permission for three separate reasons had it been in a position to do so. These putative reasons related to alleged failures to: provide safe and suitable access for vehicles and pedestrians; demonstrate that the scheme would not detrimentally harm bio-diversity; secure suitable avoidance, mitigation and access management/monitoring measures to safeguard the integrity of the Thames Basin Heaths Special Protection Area (the SPA).
3. However, following a rebuttal submission¹ from the appellant, the submission of a legal agreement dated 16 September 2022 pursuant to Section 106 of the Act (the legal agreement), and discussions related to the submissions of Statements of Common Ground in advance of the Hearing, the Council has indicated that it no longer wishes to defend each of its putative reasons for refusing planning permission. I shall consider the appeal accordingly.
4. As confirmed at the Hearing, the amendment that has been made to the Site Location Plan's red line has been purely for the purposes of attaining a connection to the public highway. Further, merely minor adjustments have

¹ dated 9 September 2022, supported by documents including: an adjusted Proposed Site Plan (TDC079/PL/100 B); a revised red line Site Location Plan (TDC079/LOC/001, dated 6 September 2022); an Appeal Statement (Transport), 7 September 2022; and biodiversity/protected species reports (Ecological Impact Assessment, August 2022; Construction Environmental Management Plan (Biodiversity), August 2022; Biodiversity Net Gain report, August 2022; Bat Emergence/re-entry Surveys, August 2022; Great Crested Newt eDNA Testing, 12 August 2022; Reptile Presence/Likely Absence Survey, August 2022)

been made to the Proposed Site Plan primarily in response to Highway Authority requests/observations. I also note that the various biodiversity/protected species reports submitted at appeal stage are technical documents produced in direct response to observations raised by the Council's Biodiversity Officer. On this basis, I am content that no party with a potential interest in the outcome of the appeal is prejudiced by me considering the rebuttal documents submitted.

5. A further iteration² of the Proposed Site Plan was submitted electronically shortly after the close of the Hearing. Notwithstanding its direct relevance to discussions that took place and the provision of a similar indicative plan³ in advance of the Hearing, I am unable to accept this submission. This is not least because no other party, including the Council, has had the opportunity to view and respond directly to it.
6. It is apparent from the evidence before me that a new Local Plan is emerging and has been submitted for examination. Nevertheless, it is my understanding that related hearing sessions have yet to conclude. As not yet at an advanced stage, the emerging policies of the new Local Plan attract limited weight. I shall consider the appeal on this basis.

Main Issues

7. Whilst the Council has withdrawn each of its putative reasons for refusal, for the purposes of this written decision I have formulated main issues that reflect the Council's initial areas of concern. This is in the interests of fairness given that interested parties have raised objections/concerns in the contexts of highway safety and the effect upon wildlife, and in recognition of the statutory duties that apply to the SPA.
8. The main issues are:
 - The effect upon highway and pedestrian safety;
 - The effect upon biodiversity, including protected species; and
 - The effect upon the SPA.

Reasons

Highway and pedestrian safety

9. An agreed Statement of Common Ground related solely to highways and transport matters and dated 23 September 2022 was submitted jointly by the main parties in advance of the Hearing. This confirms, amongst other points, agreement that appropriate opportunities to promote sustainable transport modes have been taken up, and that the proposal would have a negligible impact on traffic levels on the local highway network such that no off-site improvements or junction mitigation is required. It has also been agreed that Warfield Park is lightly trafficked. Even when acknowledging ongoing residential development at the neighbouring Whitegates site, I have no clear reason to disagree with any of the above positions following my visit to the site.

² TDC079/PL/100 C

³ ITB17478-GA-013 Rev A

10. Further, I am satisfied that the shared surface access road that is proposed would be safe and suitable for the quantum and type of development under consideration, and that the access point would be capable of accommodating concurrent vehicle movements in and out of the site.
11. The site is currently served by a gravelled access realistically capable of accommodating movements associated to initial demolition and site preparation works. Nevertheless, in the event the appeal be successful, the initial laying of the new access road to base course level would be reasonable to secure, in the interests of highway safety, prior to development proceeding beyond slab level. The same timing should apply to the submission of full details of the access's intended specification once completed. Indeed, it would be important to ensure that an access road of high standard and durability is ultimately constructed. This is not least because it is intended to serve large refuse collection vehicles. A three-month timeframe for full implementation following first occupation is reasonable.
12. It has been agreed by the main parties that, in the interests of securing safe pedestrian access to the site, a footpath is required to be provided to connect the site to Warfield Park. This would need to be installed prior to the first occupation of the development. Indicative potential details have been provided and there is no clear or obvious reason to consider that such a footpath link would be problematic to implement. I am thus content that full details could be satisfactorily secured via condition prior to development proceeding beyond slab level, as opposed to prior to the commencement of any site works. It is possible that footway improvements could be provided across the site's entrance in association with a neighbouring consented scheme for mobile homes⁴. Even should such improvement works proceed independently, a connecting on-site footpath would be required to encourage safe pedestrian movements – the specification of which would be securable via the condition here discussed.
13. There are other matters that would need to be conditioned in the interests of highway safety should planning permission be granted. Indeed, the provision and retention of on-site parking/turning areas would be reasonable to secure. Further, to ensure a continued adequate supply of useable parking spaces across the site, the garage accommodation to be constructed would need to be retained for the purposes of parking and with roller shuttered door access. It would also be necessary to secure full details of the entrance gate to be installed, to ensure that it would be fit-for-purpose and would not promote conflicts occurring between different highway users.
14. For the above reasons, subject to the imposition of relevant planning conditions, the proposal would have an acceptable effect upon highway and pedestrian safety. The scheme accords with Policy CS23 of the Core Strategy Development Plan Document (February 2008) (the CS) and the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies promote that planning powers are used to increase the safety of travel.

Biodiversity

15. The site contains various buildings, grassland, areas of hardstanding and scattered trees, and tends to be well planted to its boundaries. Indeed, much

⁴ Ref: 15/00383/FUL, APP/R0335/W/16/3163349

of its immediate surroundings consists of woodland comprising priority habitat. The Preliminary Ecological Assessment identifies that the most ecologically valuable features consist of offsite boundary habitats, and that on-site habitats are of site level interest only. I witnessed nothing upon inspection to lead me to a position otherwise.

16. As is apparent from submitted Tree Protection Plans, it is proposed to preserve and protect established boundary planting wherever possible. Indeed, across the site, only selected specimens of typically low quality/value are to be removed. In the event the appeal be successful, a planning condition could be imposed to secure the erection of protective fencing as intended and that no activities are undertaken within fenced off areas throughout the construction phase. It would also be possible to attain supplemental planting and its effective long-term maintenance via conditions securing a scheme of landscaping and a Landscape and Ecological Management Plan (LEMP).
17. The potential for protected species to be present and/or impacted upon by the proposal has been comprehensively assessed, through preliminary appraisal work and supplemental investigative reports/surveys where deemed appropriate (with respect to bats, reptiles and Great Crested Newts). In the interests of protecting bats, a condition to secure the attainment of a license for development works relative to an existing building on site where scattered droppings were detected would be reasonable and necessary to impose should the appeal be successful. As would conditions requiring updated bat survey work to be commissioned should works not commence within a two-year timeframe and full details of any external lighting to be installed.
18. A Construction Environmental Management Plan (Biodiversity) (August 2022) has been produced in the interests of ensuring that adequate mitigation for protected species is incorporated into the construction methodology. Whilst this document sets out various roles, responsibilities and recommendations, the Council's Biodiversity Officer has suggested various amendments in the interests of ensuring it is fit-for-purpose. I see merit in the document being adjusted to confirm clearly specified actions as opposed to recommendations, and so as to avoid any potential conflict with a separately produced Construction Method Statement. Indeed, a single document, to also secure a protocol for controlling and removing invasive non-native species, would be beneficial and necessary to secure via condition should the appeal be successful. For the avoidance of doubt, this would be in the interests of highway safety and protecting the amenities of the area (construction working hours would be covered, for example), as well as to safeguard biodiversity.
19. Biodiversity Net Gain has been assessed and proven to be accomplishable via the use of a Small Sites Metric Calculation Tool. The Biodiversity Officer has confirmed the assessment to be acceptable without any further offsite compensation required. Whilst the LEMP would secure long term management and provisions for monitoring the effective delivery of net gain, the precise schedule of enhancement measures to be initially implemented is unclear. Indeed, a submitted Biodiversity Net Gain report (August 2022) sets out various examples of, and options for, enhancement without clearly setting out specific initiatives/actions. This would, to my mind, make any future effective monitoring problematic. Thus, a condition would be required, should the appeal be successful, to attain proper and full assurances of the enhancement measures to be pursued prior to the commencement of development.

20. For the above reasons, subject to the imposition of relevant planning conditions, the proposal would have an acceptable effect upon biodiversity including protected species. The scheme accords with Policy CS1 of the CS and the Framework in so far as these policies require development to protect and enhance the quality of natural resources including biodiversity.

The SPA

21. The site lies within the SPA's defined zone of influence, such that I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended). These regulations require that, where the project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the implications of the project in view of the relevant site's conservation objectives.
22. I note from the evidence before me that the Council, in the process of determining the planning application that is now the subject of this appeal, undertook its own appropriate assessment. This ultimately identified, following consultation with Natural England, a total SPA-related financial contribution for the proposal of £37,089. The legal agreement, which is signed by the Council, the landowner and relevant mortgagees, secures the relevant financial contributions set out in the Council's evidence. This has allowed the Council to formally withdraw its third putative reason for refusal.
23. However, for the purposes of this appeal, I am the competent authority and must undertake my own appropriate assessment prior to considering the issue of mitigation. It is apparent from the evidence before me that the SPA is comprised of a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler. The SPA was designated in 2005 due to Natural England research at the time indicating that recreational pressure was having a detrimental impact upon these bird species, which are ground-nesting.
24. Based on the site's proximity to the SPA, the impact of the proposed development would lead to a likely significant adverse effect on the SPA through the increased local population and associated recreational activity.
25. The Thames Basin Heaths Special Protection Area Supplementary Planning Document (April 2018) (the TBHSPASPD) sets out a two-pronged approach to avoiding likely significant effect on the SPA, which consists of the provision of Suitable Alternative Natural Greenspace (SANG), to attract people away from the SPA, and Strategic Access Management and Monitoring (SAMM) measures to reduce the effect of people who visit the SPA. The legal agreement secures contributions that are in line with the expectations that are set out in the TBHSPASPD and the payment of these contributions to the Council should planning permission be granted.
26. It is also apparent that the legal agreement places a covenant upon the Council to use all reasonable endeavours to carry out SANG enhancement works within a specified 6-month time period and in full accordance with criteria set out in the TBHSPASPD. It also places a covenant upon the appellant not to occupy the development until written confirmation has been issued by the Council confirming that such works have been carried out. A further covenant requires the Council to pay the SAMM contribution to Hampshire County Council for it to

be applied in accordance with a SAMM agreement that is in place (dated 14 July 2011) between various local Councils and Natural England. This agreement, I understand, relates to the delivery of a programme of strategic access management and monitoring. I am content that adequate assurances are in place to ensure that the intended mitigation and avoidance measures would be implemented expediently should planning permission be granted.

27. For the above reasons, the proposal would mitigate its impact upon the SPA. Thus, I am satisfied that the development would not adversely affect the integrity of the SPA. The proposal accords with retained NRM6 of the South East Plan (May 2009), saved Policy EN3 of the Bracknell Forest Borough Local Plan (2002) (the BFBLP) and Policy CS14 of the CS in so far as these policies require that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.

Other Matters

28. The appeal site is situated outside of any defined settlement boundary. The scheme therefore conflicts with saved Policy EN8 of the BFBLP in so far as this policy indicates that only certain forms of development shall be permitted in the countryside outside of the Green Belt. However, the situation on the ground, which includes existing built form upon the appeal site and the ongoing development of 13 residential units on adjacent land to the southeast, dictates that the proposal would be read as infill development as opposed to a harmful or unexpected excursion into the open countryside. As such, the character and appearance of the area would not be adversely affected by the proposal.
29. An interested party has indicated that large/protected trees were removed from the site at some point. However, this suggestion has not been substantiated and no clear evidence of any wilful removal or destruction of established trees was apparent upon my inspection. Further, given the separation distances that would apply and the residential use that is intended, I am satisfied that the living conditions of any neighbouring occupier would not be unacceptably impacted upon through increased noise as a result of the scheme.
30. It has been suggested by another interested party that the appellant may not have appropriate access or servicing rights via Long Hill Drive and/or Warfield Park whilst the potential breach of a restrictive covenant has also been referenced. However, these are civil/legal matters of no direct material relevance to the outcome of this planning appeal. It is thus not necessary for me to explore these matters any further here.
31. As indicated at paragraph 11 to the Framework, the presumption in favour of sustainable development is engaged in circumstances that encompass where the policies most important for determining a scheme are out-of-date. This includes, with respect to proposals for housing, where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
32. The Council has accepted that it cannot currently demonstrate a five-year supply of deliverable sites. As such, the presumption in favour of sustainable development is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.

33. Whilst I have identified conflict with saved Policy EN8 of the BFBLP by virtue of the site's out-of-settlement location, in the absence of associated material harm being caused to the character or appearance of the countryside, I cannot find that any adverse impacts of granting planning permission would significantly and demonstrably outweigh the scheme's benefits which include the delivery of five net-additional housing units. As such, the presumption in favour of sustainable development, as set out in the Framework, applies.
34. Thus, whilst there is identifiable conflict with the development plan by virtue of the site's out-of-settlement location, there are other material considerations, including the Framework, that dictate that the appeal should be allowed.

Conditions

35. In advance of the Hearing, a list of potential planning conditions was provided by the main parties. Some of which were agreed, and some of which were not. Following further discussions at the Hearing, I have considered these conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made omissions and additions to the list as well as amendments for consistency and clarity purposes. Pre-commencement conditions have only been applied where agreed to in writing by the appellant and where necessary to guide initial works on site.
36. In the interests of certainty, a condition specifying the approved plans and documents is required. Where necessary for the purposes of completeness, I have added documents not originally listed by the parties but that make up part of the submitted evidence base.
37. In the interests of protecting the visual amenities of the area and of promoting biodiversity, a condition to secure the full details, implementation and retention of boundary treatments is reasonable and necessary.
38. In the interests of sustainability and the efficient use of resources, conditions to secure implementation in accordance with a submitted Energy Statement and separately submitted water efficiency details are reasonable and necessary to impose. In the interests of promoting sustainable modes of transportation, a condition to secure covered cycle storage for Plot 1, which is not served by a garage, is also reasonable.
39. In the interests of protecting human health, a condition securing reporting and assessment measures should unexpected contamination be identified during construction activities is reasonable and necessary to apply.
40. In the interests of ensuring that any archaeological remains are properly investigated and recorded, a condition to secure compliance with a submitted Written Scheme of Investigation (WSI), which contains a clear programme of investigation (that includes trench evaluation) and reporting, is reasonable and necessary. I note that the Archaeology Officer has indicated that the WSI represents a satisfactory scheme of works and I have no reason to disagree.
41. In the interests of water quality and suitably guarding against the risk of surface water flooding, a condition to ensure that the surface and foul water drainage systems referred to in the approved Drainage Strategy are installed

and thereafter maintained is reasonable and necessary to impose. I note that a high ground water level is acknowledged and accounted for by the strategy.

42. A further condition to withdraw permitted development rights with respect to private driveway areas is also necessary to provide satisfactory assurances that permeable surfacing and below-ground cellular attenuation applicable to the approved drainage strategy would not be removed or disturbed. Having listened to related oral evidence at the Hearing, I accept that there would be undue practical difficulties associated with potentially relocating attenuation storage to communal areas of the site.
43. Having inspected the site's landform and its relationship to neighbouring land uses, I do not consider it necessary to impose a condition requiring further levels details to be submitted. Indeed, existing topographical plans and finished floor level details have been provided that offer satisfactory assurances that stark or unacceptable levels differences would not apply.

Conclusion

44. For the reasons given above, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out only in accordance with the following approved plans and documents: TDC079/LOC/001, dated 6 September 2022; TDC079/EX/100; TDC079/PL/100 Rev B; TDC079/PL/201; TDC079/PL/202; TDC079/PL/203; TDC079/PL/204; TDC079/PL/205; TDC079/PL/206; TDC079/PL/301; TDC079/PL/302; Longcroft Development Finishes Schedule; Phase I Desk Top Study Report (report no. 17255); Phase II Environmental Report (report no. 16396); Land Gas Investigation Report by HESI, 10 August 2022; Drainage Strategy (project no: TC22003), March 2022; SUDS Response Letter by Taylor Consulting Engineers, 10 August 2022; Water Services Pump Access Report, 20 August 2022; Preliminary Ecological Appraisal, February 2022; Ecological Impact Assessment, August 2022; Biodiversity Net Gain (BNG) report, August 2022; Small Sites Metric Calculation Tool - Beta Test issue 1, 18 May 2022; Bat Emergence/re-entry Surveys, August 2022; Great Crested Newt (GCN) eDNA Testing letter, 12 August 2022; Reptile Presence/Likely Absence Survey, August 2022; Arboricultural Impact Assessment & Method Statement (including appended Tree Protection Plans), 25 March 2022; Energy Statement, 25 February 2022; Written Scheme of Investigation for an Archaeological Evaluation, 3 March 2022.

- 3) No development shall commence (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Risk assessment of potentially damaging development activities
 - b) Identification of "biodiversity protection zones"
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during development (may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features
 - e) The times during development when specialist ecologists shall be present on site to oversee works
 - f) Responsible persons and lines of communication
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person
 - h) The use of protective fences, exclusion barriers and warning signs
 - i) An invasive non-native species protocol, detailing the containment, control and removal of Variegated yellow archangel and Himalayan Balsam on site
 - j) Measures to control noise, dust, other effluvia, and vermin
 - k) The method of piling for foundations (if any)
 - l) Construction and demolition working hours, and hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, shall be permitted to enter or leave the site
 - m) Site parking and materials storage arrangements
- The approved CEMP shall be implemented and adhered to throughout the demolition and construction period strictly in accordance with the approved details.
- 4) No development shall commence (including ground works and vegetation clearance) until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in full accordance with the approved details. Prior to the first occupation of any dwelling hereby permitted, an ecological site inspection report to confirm implementation shall be submitted to and approved in writing by the Local Planning Authority.
- 5) No works to Building 5 (as described in the approved Bat Emergence/re-entry Surveys) shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy of the licence (or an email from Natural England confirming that the site has been registered under a bat mitigation class licence) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, mitigation measures

detailed in the licence shall be maintained in accordance with the approved details. Should the developer conclude that a licence for development works affecting bats is not required for all or part of the works, the developer shall submit a report to the Local Planning Authority detailing the reasons for this assessment and this report shall be approved in writing prior to the commencement of works.

- 6) If more than 2 years elapse between the production of the approved Bat Emergence/re-entry Surveys and the due commencement date of works, an updated bat survey shall be carried out by a suitably qualified ecologist, unless otherwise agreed in writing by the Local Planning Authority. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.
- 7) Prior to the commencement of development above slab level, the site's access road, as depicted upon approved plan TDC079/PL/100 Rev B, shall be constructed to base course level. Full details of the finished construction shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above slab level. Within 3 months following the first occupation of any dwelling hereby permitted, the access road shall be completed in full accordance with the approved details.
- 8) Prior to the first occupation of any dwelling hereby permitted, a footpath to link the site to Warfield Park shall be provided and made available for use in accordance with full details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above slab level.
- 9) No dwelling hereby permitted shall be occupied until hard and soft landscaping has been provided for that dwelling in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3-year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out in accordance with British Standard 4428:1989 'Code of practice for General Landscape Operations' or any subsequent revision and shall be completed in full accordance with the approved scheme. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications for Trees and Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, or become significantly damaged, diseased or deformed, shall be replaced during the next planting season (1 October to 31 March inclusive) with others of the same size, species and quality as approved.
- 10) Prior to the practical completion of the development, a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed including UKHABS types over a period of 30 years

- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management including biodiversity net gain target habitat types and condition
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) On-going monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action shall be identified, agreed and implemented so that the development still delivers the predicted biodiversity net gain of the originally approved scheme as shown in the approved biodiversity metric calculation. The LEMP shall be implemented in full accordance with the approved details.

- 11) Notwithstanding approved plan TDC079/PL/100 Rev B, prior to the first occupation of any dwelling hereby permitted, full details and the location of the approved entrance gate to the development, including the control mechanism along with specifications and timings, shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be installed in accordance with the approved details and maintained as such thereafter.
- 12) Notwithstanding any details already submitted, no dwelling shall be occupied until details, including elevations, of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved specifications shall provide for the free movement of wildlife to and from the site. The boundary treatments shall be implemented as approved prior to first occupation and shall be maintained as such thereafter.
- 13) Plot 1 shall not be occupied until a scheme for covered and secure cycle parking facilities with at least one secure, covered cycle parking space per bedroom has been submitted to and approved in writing by the Local Planning Authority. Plot 1 shall not be occupied until the approved scheme has been implemented and the facilities shall thereafter be retained.
- 14) No dwelling hereby permitted shall be occupied until the associated vehicle parking and turning space has been provided and surfaced in accordance with approved plan TDC079/PL/100 Rev B. The parking and turning spaces shall thereafter be kept available for parking and turning at all times.

- 15) Prior to the first occupation of the development, surface and foul water drainage systems for the site shall be installed, and thereafter shall be maintained in perpetuity, in full accordance with the details contained within the approved Drainage Strategy dated March 2022.
- 16) No development shall take place other than in accordance with the approved Written Scheme of Investigation for an Archaeological Evaluation, dated 3 March 2022. The condition shall only be discharged once the works have been conducted and reported upon satisfactorily, to be confirmed in writing by the Local Planning Authority.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that shall have first been submitted to and approved in writing by the Local Planning Authority. Such a strategy would be required to:
 - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting shall be installed (through the provision of appropriate lighting contour plans with vertical calculation planes and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in any approved strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting be installed without prior consent from the Local Planning Authority.
- 18) Protective fencing around retained trees, shall be erected in the locations depicted on the approved Tree Protection Plans prior to the commencement of any development works, including any initial clearance and demolition, and shall be maintained fully intact and upright at all times until the completion of all building operations on the site. No activity of any description shall occur at any time within fenced off areas including, but not restricted to, the following:
 - a) Mixing of cement or any other materials
 - b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids, waste residues or materials/debris of any other description
 - c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ground conditions

- e) Installation/siting of any underground services, temporary or otherwise, including drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting
 - f) Parking/use of tracked or wheeled machinery or vehicles of any description.
- 19) If contamination is found at any time during site clearance, groundwork or construction, the discovery shall be reported as soon as possible to the Local Planning Authority. A full contamination risk assessment shall be carried out and, if found to be necessary, a 'remediation method statement' shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of construction works.
 - 20) The garage doors serving Plots 2, 3, 4, 5 and 6 shall be of a roller shutter design. Any replacement or repair shall only be with a roller shutter type garage door.
 - 21) The garage accommodation hereby permitted shall be retained for the purposes of parking vehicles at all times.
 - 22) The development hereby permitted shall be implemented in accordance with the approved Energy Statement and thereafter the buildings constructed by the carrying out of the development shall be operated in accordance with the approved Energy Statement. Renewable energy systems shall be installed and operational in accordance with the Energy Statement prior to the occupation of each dwelling hereby permitted.
 - 23) The development hereby permitted shall be implemented in full accordance with the water efficiency details contained within a letter from Energy Test dated and received by the Local Planning Authority on 23 September 2022.
 - 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification) no alteration to hard surfaces permitted by Class F of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

APPEARANCES

FOR THE APPELLANT

Derek Bennett	Riverside Country Developments Ltd
James Holmes	Head of Planning and Development, Aitchison Raffety
Graham Taylor	Director, Taylor Consulting Engineers

FOR THE COUNCIL

Sarah Fryer	Principal Planning Officer
James Turner	Highways and Transport Manager