



Appeal Decision

Site visit made on 26 November 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2026

Appeal Ref: APP/R0335/W/25/3365318

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Stephen Luck against the decision of Bracknell Forest Borough Council.
 - The application Ref 23/00047/FUL was approved on 21 November 2024 and planning permission was granted subject to conditions.
 - The development permitted is the proposed erection of 1 no. self-build 4 bed detached house and detached double garage with associated vehicular access, bin and cycle stores and landscaping.
 - The conditions in dispute are 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 21, 23, 24, 26 and 27, the conditions and the reasons given by the Council for them are listed in the attached Annex A.
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Decision

1. The appeal is allowed and the planning permission Ref 23/00047/FUL for the proposed erection of 1 no. self-build 4 bed detached house and detached double garage with associated vehicular access, bin and cycle stores and landscaping at Land Adjoining Pine Acres, Birch Lane, Ascot, SL5 8RF granted on 21 November 2024 by Bracknell Forest Borough Council, is varied by deleting conditions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 21, 23, 24, 26 and 27 and substituting them for the conditions set out in Annex B attached to this decision.

Application for costs

2. An application for costs was made by Mr Stephen Luck against Bracknell Forest Borough Council. This application is the subject of a separate Decision.

Background and Main Issues

3. Planning permission for the self-build dwelling included various conditions, several of which are disputed by the appellant. The Council's submissions indicate that it does not raise an objection to the consolidation and/or rewording of conditions 6, 7, 8, 9, 10, 11, 12 (protection of trees), conditions 13 and 14 (landscaping) and condition 21 (construction method statement) to reflect those imposed by the Inspector in an earlier appeal decision (Appeal C)¹ in relation to a similar development at the adjoining site. In that case, the Inspector considered shortened conditions on tree protection and landscaping conditions were more appropriate to avoid over-elaboration in the interests of reasonableness. In light of the information before me and given that the wording proposed to be deleted is not necessary to make the conditions precise or enforceable, I have no reason to reach a different conclusion. The same would apply to the suggested rewording of condition 23

¹ Ref APP/RO355/W/21/3279270

(contaminated land), to which the Council is not objectionable. The remaining conditions in dispute are therefore condition numbers 4, 5, 18, 24, 26 and 27.

4. The main issues are therefore:

- whether condition 4 (ground levels) is reasonable and necessary in the interests of the character and appearance of the area and living conditions of the occupiers of the neighbouring property;
- whether condition 5 (removal of permitted development rights) and condition 26 (demolition of existing outbuilding) are reasonable and necessary in the interests of the character and appearance of the area;
- whether condition 24 (construction working hours) is reasonable and necessary in the interests of the living conditions of the occupiers of neighbouring properties, with regard to noise;
- whether condition 18 is reasonable and necessary in the interests of flooding; and
- whether condition 27 is reasonable and necessary, having regard to the provision of accessible and adaptable dwellings to meet the needs of future occupiers.

Reasons

Condition 4 (ground levels)

5. Condition 4 requires details of the finished floor levels of the buildings to be submitted, prior to the commencement of the development, in the interests of the character of the area and to protect the amenities of neighbouring properties. The Council assert that the condition is reasonable and necessary; to provide certainty that the levels would be consistent with that of the dwelling on the adjoining plot, given the proximity of the proposed dwelling to the site boundary.
6. I noted at my site visit that the appeal site, like the adjoining site, is devoid of significant gradient characteristic, as observed by the Inspector in Appeal C. Thus, despite the position of the proposed dwelling in relation to the new dwelling under construction at the neighbouring property, there is no requirement for details of the finished floor levels to be submitted. Consequently, condition 4 is not reasonable or necessary either in the interests of the character and appearance of the area or the living conditions of the occupiers of neighbouring properties and should be removed.

Condition 5 (removal of permitted development rights) and condition 26 (demolition of existing outbuilding)

7. The appeal site lies in a heavily wooded area and comprises trees which are protected by a Tree Preservation Order (TPO). The mature trees on and around the site contribute positively to the verdant character and appearance of the area, which the previous Inspector noted was spacious and sylvan.
8. Condition 5 removes permitted development rights for development falling within Classes A, D, E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015, specifically extensions to the new dwelling,

including the construction of a porch, the erection of outbuildings and the provision of a hard surface. Although the Council indicate that Class D (porches) was included in error. The Council consider the condition is necessary in the interest of the character and appearance of the area, having regard to the presence of trees on the site and the location of the site in the countryside, beyond a settlement boundary.

9. Planning Practice Guidance (PPG) is clear that conditions restricting the future use of permitted development rights, such as blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.
10. The appellant indicates that, given the separation distance between the proposed dwelling and protected trees at the site, the exercise of permitted development rights for extensions to the dwelling would not prejudice the retention or wellbeing of trees subject to the TPO. This is not disputed by the Council. Moreover, the authority's consent is required for work on trees protected by an order that is necessary to implement permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015². As such, the Council would maintain control over the protected trees at the site, despite permitted development rights for extensions, outbuildings and hard surfaces remaining intact. Therefore, based on the evidence before me, a condition to remove permitted development rights for extensions, outbuildings and hard surfaces is not reasonable or necessary so as to safeguard the woodland setting of the site and the character and appearance of the area. Furthermore, the exercising of permitted development rights would not override the requirement to implement the approved landscaping scheme.
11. The dwelling now proposed is the same design as that allowed on the adjoining plot (Appeal C), whereby the Inspector considered that a condition to remove permitted development rights for the dwelling and plot was not justified. Notwithstanding the similarities to the neighbouring property, I am mindful that the appeal scheme is an amended proposal which addresses concern expressed by the Inspector previously regarding the size and design of the dwelling, which it was considered would harm the character and appearance of the area. However, there is no compelling evidence that, if implemented, permitted development rights for extensions to the dwelling, even if resulting in a larger dwelling than the approved scheme, would give rise to a development with the same effects as the previous scheme in terms of harm to the character and appearance of the area.
12. Furthermore, while certain forms of development outside the settlement may be restricted, my attention is drawn by the appellant to Policy LP 35 of the Bracknell Forest Local Plan, adopted March 2024 (BFLP) which permits certain forms of development in the countryside, outside the defined settlements, including, among other things, the extension of existing dwellings. As such, there is no clear justification for the removal of permitted development rights based on the location of the site beyond the settlement boundary.
13. While not specifically cited in the reason for the condition, the Council's submissions express concern that permitted development including extensions,

² Planning Practice Guidance Paragraph: 083 Reference ID: 36-083-20150415

outbuildings or areas of hard surfacing may undermine the proposed flood resilience measures agreed as part of the scheme, including the re-siting of the dwelling. Nonetheless, subject to a suitable planning condition to secure the implementation and retention in perpetuity of a surface water drainage scheme, future development which may take place at the site without the benefit of planning permission, would not exacerbate the risk of flooding.

14. Condition 26 requires the existing outbuilding to be demolished, and the site cleared and landscaped in accordance with the approved details. The reason for the condition is in the interests of visual amenities and the need to protect and maintain the open character of the countryside and its woodland setting.
15. The Council suggest that the removal of the outbuilding would allow for the woodland to be strengthened to the rear boundary of the site. While the landscape proposals³ show mixed woodland edge planting and retained infill hedging adjacent to the rear boundary of the site, the proposed mixed native woodland edge tree underplanting is not shown on the part of the site currently occupied by the outbuilding. The retention of the outbuilding would therefore not appear to directly conflict with the proposed tree planting scheme. Furthermore, there is no particular evidence that the retention of the outbuilding would be to the detriment of the ongoing longevity of the existing nearby trees, or the delivery of the wider landscaping proposals overall. Moreover, even if the planting of trees in lieu of the outbuilding was agreed to compensate for the loss of trees elsewhere on the site, there is no clear evidence that the removal of the outbuilding to facilitate such planting is necessary to make the development acceptable in planning terms.
16. While I note concern expressed by the Council regarding the future use of the outbuilding, specifically its occupation as a separate dwelling, it has not been shown why the use as such would not require planning permission.
17. For the foregoing reasons, I find that conditions 5 and 26 are not reasonable or necessary to safeguard the existing trees at the site, in the interests of the character and appearance of the area, or as a direct consequence of the countryside location, and should therefore be removed.

Condition 24 (construction working hours)

18. Condition 24 relates to construction hours and was imposed by the Council to protect the occupiers of neighbouring properties from noise and disturbance. The appeal site is in a residential area, close to neighbouring properties. However, given the modest scale of the proposed development, for a single dwelling, and likely limited short term effects of any disturbance arising from building works, a condition to control construction hours is not reasonable or necessary in the interests of the living conditions of the occupiers of neighbouring properties, with regard to noise.

Condition 18 (flooding)

19. Condition 18 requires the submission of a scheme for the disposal of surface water drainage that can be maintained for the lifetime of the development, prior to the commencement of the development. The reason for the condition is to ensure that the site is properly drained and does not increase the risk of flooding. The

³ Landscape Plan dwg. no. 647/5/01B rev B

appellant suggests that condition 18 is not necessary, relevant to planning or reasonable, and is covered by other regulatory regimes.

20. Surface water management is commonly accepted as a planning consideration. The National Planning Policy Framework is clear that, decision makers should ensure that flood risk is not increased elsewhere, and that proposals which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, which are proportionate to the nature and scale of the proposal. I have not been directed to any specific alternative controls that would offer the same protection.
21. The list of approved drawings (condition 2) includes a '*Proposed surface water drainage design strategy*'⁴. This comprises a brief report which indicates that the proposed surface water drainage is to be designed in accordance with CIRIA 753 The SUDS manual, with an accompanying plan titled '*indicative soakaway locations*'. While providing some details, which the Council confirm are acceptable in principle, it sets out a general approach to drainage at the site. In the absence of a detailed scheme for the disposal of surface water, and any certainty regarding its subsequent maintenance and management for the lifetime of the development, condition 18 is therefore reasonable and necessary in the interests of flooding. This reflects the findings of the Inspector in Appeal C, who concluded that, to prevent flooding, a condition was necessary to require approval of details, and subsequent implementation, of a scheme for the disposal of surface water. I have therefore reimposed the condition, however I have amended the wording in the interest of clarity.

Condition 27 (provision of accessible and adaptable dwellings)

22. The planning permission included a condition which requires compliance with Part M4(2) of the Building Regulations. Part M4(2) includes optional requirements for accessible and adaptable dwellings, which becomes mandatory when a planning condition is imposed requiring compliance. The Council consider the condition to be necessary to ensure the dwelling provides accessible and adaptable accommodation to meet current and future housing needs, in accordance with Policy LP 38 of the BFLP. The appellant contends that the condition is not necessary, relevant to planning or reasonable, and is covered by other regulatory regimes.
23. Policy LP 38 sets out that housing proposals will be expected to meet high standards of accessibility and, all new build dwellings will, as a minimum, be constructed in accordance with the requirements of Part M4 Category 2 – Accessible and adaptable dwellings of the Building Regulations 2010 (Approved Document 'M' – Access to and use of Buildings – dwellings 2015) (As Amended) and any subsequent updates. As such, there is a clear policy justification for imposing condition 27, without it, the proposal would be contrary to the development plan. It is therefore necessary to make the development acceptable in planning terms. Given the Building Regulations requirements are optional, they could not be achieved without the condition. Moreover, there is no clear evidence that measures necessary to meet the condition would be unreasonable.
24. I appreciate that such a condition was not imposed on the permission granted for a new dwelling on the adjoining site, however I have determined the appeal based

⁴ Report by Civil Engineering Services dated 18 October 2023

on the merits of the scheme, having regard to relevant development plan policies and the evidence before me.

25. For the reasons set out, I therefore conclude that condition 27 is reasonable and necessary, having regard to the provision of accessible and adaptable dwellings to meet the needs of future occupiers. However, given that the condition requires compliance with the measures therein, it is not necessary to require written verification that this has taken place, I have reworded the condition accordingly.

Other Matters

26. Even if the appellant indicated agreement to some or all of the suggested conditions prior to the determination of the planning application, I have determined the appeal on its own merits, in light of the evidence before me.

Conclusion

27. The appeal is therefore allowed, and the permission is varied by deleting conditions 4 (ground levels), 5 (removal of permitted development rights), 6, 7, 8, 9, 10, 11, 12 (protection of trees), 13, 14 (landscaping), 21 (construction method statement), 18 (drainage), 23 (contaminated land), 24 (construction working hours), 26 (demolition of existing building) and 27 ((provision of accessible and adaptable dwellings) and substituting them for the conditions set out in the attached Annex B.

E Worley

INSPECTOR

Annex A – List of disputed conditions and reasons given by the Council

- 4) No part of the development hereby permitted shall be begun until details showing the finished floor levels of the buildings in relation to (i) a fixed datum point in the surrounding area and (ii) the finished floor levels of any adjacent buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the character of the area and to protect the amenities of neighbouring properties. [Relevant Plans and Policies: BFLP LP 28, LP 50 and LP 54]

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no enlargement, addition, improvement or other alteration permitted by Classes A, D, E and F of Part 1 of the Second Schedule of the 2015 Order shall be carried out to the dwellings hereby permitted.

REASON: The site is affected by a Tree Preservation Order and contains trees which are a feature of the site and site is in the Countryside where there is strict control over the scale and spread of development. [Relevant Plans and Policies: BFLP LP 35, LP 36]

- 6) No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837 (2012) 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works – all construction works – hard landscaping works. Details shall include an approved development layout plan at a minimum scale of 1:200, showing the following:

- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development to BS 5837 recommendations.
- b) Positions and spreads of existing hedgerows and groups of mature shrubs.
- c) All proposed tree, hedge or shrub removal. Shown clearly with a broken line.
- d) Proposed location/s of 2m high (minimum) protective barrier/s, supported by a metal scaffold framework, constructed as a minimum in accordance with Section 6 (Figure 2), to include appropriate weatherproof tree protection area signage (such as "Keep Out – Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
- e) Illustration/s of the proposed protective barriers to be erected.
- f) Proposed location/s and illustration/s ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
- g) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.

- h) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
- i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.

REASON: - In order to safeguard the protected trees and other vegetation considered to be worthy of retention in the interests of the character and visual amenity of the area. [Relevant Plans and Policies: BFLP LP 28, LP 50, LP 36 and LP 54]

- 7) The protective fencing and other protection measures specified by condition above (06) shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -
- a) No 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 of any other description.
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ground conditions of any other description.
 - 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.

In addition to the protection measures specified above,

- a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
- b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area. [Relevant Plans and Policies: BFLP LP28, LP50, LP36 and LP54]

- 8) No development (including initial site clearance) shall commence until a detailed site specific programme of supervision/monitoring for all arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) Induction and personnel awareness of arboricultural matters.
- b) Identification of individual responsibilities and key personnel.
- c) Statement of delegated powers.
- d) Timing and methods of site visiting and record keeping. To include routine site visits at maximum 4 week intervals
- e) Procedures for dealing with variations and incidents. The program of arboricultural monitoring shall be undertaken in full compliance with the approved details. No variation of the approved monitoring program shall take place. A copy of the signed inspection report shall be sent to the Local Authority following each visit.

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area. [Relevant Plans and Policies: BFLP LP 28, LP 50, LP 36 and LP 54]

- 9) No development shall commence until all underground service details have been submitted to and approved in writing by the Local Planning Authority. Details shall include;
- (i) a site layout plan at a minimum scale of 1:200 showing –
 - a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs based a full tree survey to current BS 5837 recommendations.
 - b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
 - c) Soak-aways
 - d) Gas, electricity, telecom and cable television.
 - e) Lighting columns and all associated ducting for power supply.
 - f) All proposed offsite connection points
 - g) Sewage treatment plant
 - (ii) Comprehensive site-specific design / construction details (including dimensions) for the sewage treatment plant and all soak aways.
 - (iii) Full site / design specific engineering /arboricultural implementation method statements for all services listed in (I and ii) above where proposed within the minimum root protection areas of retained trees.
 - (iv) A programme for the phasing and timing of works.

The development shall be carried out in full accordance with the approved details prior to the occupation of the dwelling.

REASON: - In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention and to ensure new soft landscape planting areas are not adversely affected and can be used for their approved purpose, in the interests of the visual amenity of the area. [Relevant Plans and Policies: BFLP LP28, LP50, LP36 and LP54]

- 10) No development shall take place until:
- (i) details of all proposed alterations to the ground levels within the site 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:

- a) Existing and proposed finished levels.
- b) Any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation.
- c) Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation, and
(ii) a programme and method of implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of safeguarding the long term health and survival of retained trees, hedges and other vegetation considered worthy of retention.
[Relevant Plans and Policies: BFLP LP 28, LP 50, LP 36 and LP 54]

- 11) No development shall commence until a detailed site-specific construction design and implementation method statement for all proposed hard surfaces or other external structures located within the accurately calculated minimum Root Protection Areas of retained trees, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' suspended 'Green Grid Root Bridge' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -

- a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
- b) Materials including porous surface finish.
- c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
- d) Program and method of implementation and arboricultural supervision.

The Construction Method Statement shall be implemented in full accordance with the approved scheme, under arboricultural supervision, prior to the occupation of the dwelling. The No Dig structure shall be retained in perpetuity thereafter.

REASON: In order to alleviate any adverse impact on the root systems and the long term health of retained trees, in the interests of the visual amenity of the area.
[Relevant Plans and Policies: BFLP LP28, LP50, LP36 and LP54]

- 12) No development shall commence until a site-specific method statement for the removal of all existing hard surfaced areas and/or structures of any other description, located within the minimum Root Protection Areas (RPA's) of trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) A site plan at a minimum scale of 1:200, identifying all areas where such work is to be undertaken.
- b) Reinstatement to soft landscape area including proposed ground de-compaction works, topsoiling works.
- c) Timing and phasing of works.

The Construction Method Statement shall be complied with in full accordance with the approved details.

REASON: - In order to safeguard tree roots and thereby safeguard trees in the interests of the visual amenity of the area. [Relevant Plans and Policies: BFLP LP28, LP50, LP36 and LP54]

13) No development shall take place until comprehensive details of both hard and soft landscaping works including boundary treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall include: -

- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including ground preparation, tree staking, tying mulching and all other operations associated with tree, shrub plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
- b) Details of all new proposed native woodland planting
- c) Full details of all protection measures for new woodland planting in accordance with current best practice guidance.
- d) Comprehensive 5 year post planting maintenance schedule.
- e) Means of enclosure (walls and fences etc)
- f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
- g) Recycling/refuse or other storage units

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. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard BS 8545:2014 – Trees: from nursery to independence in the landscape – Recommendations or any subsequent revision. 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 ‘Specifications For Trees & 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, 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.

REASON: In the interests of good landscape design and the visual amenity of the area. [Relevant Plans and Policies: BFLP LP28, LP50, LP36 and LP54]

14) The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose. If within a 5 year period of the completion of the development any soft landscaped area is removed, uprooted, or is destroyed or dies, it shall be replaced by plants of the same species and size as that originally planted at the same place.

REASON: In the interests of good landscape design and the visual amenity of the area. [Relevant Plans and Policies: BFLP LP28, LP50, LP36 and LP54]

18) No development shall take place until a scheme for the disposal of surface water drainage that can be maintained for the lifetime of the development have been submitted to and agreed in writing by the Local Planning Authority. Information required to be submitted to satisfy condition above includes:

- a) The existing drainage arrangements of the site including discharge location and rate where appropriate;
- b) The proposed discharge location in accordance with the drainage hierarchy and reasonable evidence this can be achieved;
- c) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting and drawings as appropriate;
- d) Evidence to support b) which must include infiltration/percolation testing or written confirmation from the appropriate water authority/third party that a discharge to its drainage system is acceptable; and
- e) Mitigation measures for managing surface water flood risk within the site.
- f) Management and maintenance regime of proposed SuDS

The scheme shall be implemented as approved and maintained for the lifetime of the development.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding. [Relevant Plans and Policies: BFLP LP 33 and LP 57]

21) No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- l Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- l 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. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to l above.

REASON: In the interests of amenity and road safety. [Relevant Policies: BFLP LP 25, LP 27 and LP 62]

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

a. Site Characterisation:

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

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

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme:

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme:

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

d. Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance

with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

e. Long Term Monitoring and Maintenance:

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. [Relevant Plans and Policies: BFLP LP 58 and LP 59]

- 24) No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 0800 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or Public Holidays.

REASON: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction and demolition phases of the development. [Relevant Plans and Policies: BFLP LP 58]

- 26) The existing outbuilding shown to be demolished on plan drawing no. 01 shall be demolished and the site cleared and landscaped in accordance with the approved details before the earliest of the following dates:-

- (a) the date one calendar year following the commencement of building operations in respect of the development hereby permitted; or
- (b) the date one calendar month following the first occupation of the dwelling hereby permitted.

REASON: In the interests of visual amenities and the need to protect and maintain the open character of the Countryside and its Woodland setting. The temporary retention of the existing outbuilding is required to provide temporary

accommodation for the self-build applicant until the new dwelling is completed.
[Relevant Policies: BFLP Policies LP 35 and LP 36]

- 27) The dwelling shall as a minimum be constructed in accordance with Part M4(2) of the 'Accessible and adaptable dwellings' of the Building Regulations 2010 (Approved Document 'M' – Access to and use of Buildings – dwellings 2015) (as amended). Prior to the occupation of the dwelling hereby permitted, written verification that the completed dwelling is in accordance with Part M4(2) of the Building Regulations 2010 (Approved Document 'M' – Access to and use of Buildings – dwellings 2015) (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The completed dwelling shall be maintained as such thereafter.

REASON: To ensure that appropriate accessible and adaptable dwellings are provided. [Relevant Policies: BFLP LP38]

Annex B – Schedule of Conditions hereby imposed

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out only in accordance with the following approved plans:

Location Plan - received 07.02.23

01F Site Plan - received 13.10.23

02B Floor Plans and Elevations - received 27.06.23

03 Proposed Detached Garage Plan & Elevations - received 27.06.23

Biodiversity Net Gain Assessment Issue 3 (Arbtech, 05/04/2023)

Landscape Design and Management Plan (Draffin Associates Ltd, August 2022 - Amendment received 14/04/2023)

647/5/01B Landscape Plan rev B - received 19.10.23

Proposed surface water drainage design strategy dated 18 October 2023

- 3) No structure hereby permitted shall be built above existing ground level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved by the Local Planning Authority. The submitted samples shall include details of bricks, roof tiles, road surfacing and boundary treatment. The development shall be carried out in accordance with the approved details.
- 4) No development (including initial site-clearance) shall commence until tree protective measures have been fully implemented in accordance with a scheme submitted to and approved in writing by the local planning authority. 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 shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP):

Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include 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 need to 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

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the development period strictly in accordance with the approved details.

- 9) No development shall commence 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. An ecological site inspection report shall be submitted within three months of the first occupation of the dwelling hereby approved. The approved scheme shall be performed, observed and complied with.
- 10) 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 has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those area/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 will 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 the strategy, and these shall be maintained thereafter in accordance with the strategy.
- 11) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include:

- a) The existing drainage arrangements of the site including discharge location and rate where appropriate;
- b) The proposed discharge location in accordance with the drainage hierarchy and reasonable evidence this can be achieved;
- c) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting and drawings as appropriate;
- d) Evidence to support b) which must include infiltration/percolation testing or written confirmation from the appropriate water authority/third party that a discharge to its drainage system is acceptable; and
- e) Mitigation measures for managing surface water flood risk within the site.
- f) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 12) The dwelling hereby approved shall not be occupied until the associated vehicle parking and turning space for at least 3 cars to park and turn and for the turning of a fire tender has been surfaced and provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking and the turning areas kept clear for turning at all times.
- 13) The development shall not be occupied until secure and covered cycle parking spaces, with one cycle space per bedroom, have been provided in the location identified for cycle parking on the approved plans within the development. The cycle parking spaces and facilities shall thereafter be retained.
- 14) 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.

- 15) The development hereby permitted shall not be begun until a Sustainability Statement covering water efficiency with an average water use in new dwellings of 110 litres/person/day, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and shall be retained as such thereafter.

- 16) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until: i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority; ii. the site has been remediated in accordance with the approved measures and timescale; and iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until: i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

- 17) The residential unit ('dwelling') in the development hereby permitted shall be constructed as a self-build and/or custom housebuilding dwelling within the definition of self-build and custom housebuilding in the Self-Build and Custom Housebuilding Act 2015 (as amended). The Council shall be notified of the persons who intend to take up first occupation of the dwelling in the development hereby permitted at least two months prior to the dwelling being occupied.
- 18) The dwelling shall as a minimum be constructed in accordance with Part M4(2) of the 'Accessible and adaptable dwellings' of the Building Regulations 2010 (Approved Document 'M' - Access to and use of Buildings - dwellings 2015) (as amended). The completed dwelling shall be maintained as such thereafter.

*******end of conditions*******