
Appeal Decision

Hearing held on 7 January 2016

Site visit made on 7 January 2016

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 March 2016

Appeal Ref: APP/Y0435/W/15/3133886

Land adjacent to High Street, Sherington, Buckinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Shires (R & S Shires (Farmers) Ltd) against the decision of Milton Keynes Council.
 - The application Ref 14/02002/OUT, dated 3 September 2014, was refused by notice dated 6 March 2015.
 - The development proposed is described as 'a development consisting of 36 residential units on the site adjacent to the High Street, Sherington'.
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Decision

1. The appeal is allowed and outline planning permission is granted for 36 residential units at land adjacent to High Street, Sherington, Buckinghamshire in accordance with the terms of the application, Ref 14/02002/OUT, dated 3 September 2014, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application was submitted in outline with all matters except for access reserved for future determination. I have considered the appeal on this basis, although I note the illustrative housing layout provided.
3. On the application form the address is included within the description of development. To avoid duplication I only refer to the site address once in my decision above.
4. I visited the village and observed the site from High Street the day before the Hearing and made a formal site visit accompanied by the Council, the appellant and interested parties on the same day as the Hearing.
5. The appellant proposes to make a financial contribution towards the implementation of a permanent village shop within Sherington. However as this does not form part of the appellant's section 106 planning contributions, this matter is not before me and I do not take account of this within my decision.

Main Issue

6. The main issue is whether the proposed development would be consistent with the principles of sustainable development having regard to the National
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Planning Policy Framework and the development plan, particularly in relation to the effect on the character and appearance of the surrounding area.

Reasons

7. Planning legislation clearly states that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The weight to be attached to policies in the existing development plan must be assessed in accordance to their degree of consistency with the National Planning Policy Framework (the Framework), which is a material consideration.
8. Within the Milton Keynes Council Core Strategy 2013 (CS) Policy CS1, which sets out the development strategy for Milton Keynes, Sherington is identified as a Selected Village where a limited amount of development of around 20-40 dwellings is proposed during the Plan period. CS Policy CS9 defines the strategy for development in the rural area in accordance with Policy CS1. This confirms that the Council will identify land to deliver a certain level of housing within the rural area through the preparation of a Site Allocations Plan. The Council accepts in the accompanying text to this policy that '*This may lead to a change to the development boundary for Sherington to allow development on a new site(s)*'. At the Hearing the Council informed me that it is now the intention that such sites in the rural area are allocated through Neighbourhood Plans, subject to formal approval. I note that a Neighbourhood Plan for Sherington is currently being prepared and it is agreed that the site falls within the designated area. I consider this matter later in my decision.
9. The appeal site is outside but adjoining the defined settlement boundary for Sherington. The Milton Keynes Local Plan 2001-2011 (2005) (LP) Policy S10 seeks to protect land outside settlement boundaries from development and indicates that planning permission will only be given for proposals that are essential for agriculture, forestry, countryside recreation or other development which is wholly appropriate to a rural area and cannot be located within a settlement. The appellant agrees that the appeal proposal does not fall within the development types listed and as such it would be contrary to LP Policy S10.
10. However, the Council acknowledges that in the absence of a five year housing land supply (5YHLS), adopted development plan policies relevant to the supply of housing are considered to be out of date and planning decisions on housing development must therefore be made in the context of Paragraph 14 of the Framework. This states that where policies are considered to be out-of-date there is a presumption in favour of sustainable development, unless specific policies in the Framework indicate that development should be restricted. As such although the Council in the decision notice cites LP Policy S10 within its reason for refusal, it confirmed at the Hearing that it considers this policy is out of date and therefore carries reduced weight.
11. In regards to this matter the appellant has drawn my attention to an appeal decision¹ within Milton Keynes which was allowed by the Secretary of State. Whilst I recognise that the development is not directly comparable as it is a brownfield site adjacent to a key settlement, it is for residential development and is outside the settlement boundary. Therefore the reasoning and conclusions as regards some of the development plan policies are relevant and

¹ Appeal ref: APP/Y0435/A/14/2224004

as such this appeal decision is a material consideration. Consequently I see no reason to disagree with the previous conclusions that the terms of LP Policy S10, based on outdated settlement boundaries, would have the effect of constraining development and would therefore not be consistent with paragraph 47 of the Framework. On this basis I therefore give LP Policy S10 minimal weight.

12. As the proposed settlement boundary review for Sherington has not yet occurred, the development would also be contrary to CS Policy CS9 as it is not an allocated site and would be outside the village boundary. However as stated above, the settlement boundaries are outdated and the Council accepts that a change to the settlement boundary may be required to accommodate development. I therefore consider that the proposal would broadly be consistent with the CS objectives and would generally accord with the development strategy set out in CS Policies CS1 and CS9 in terms of meeting the development needs for Sherington. This weighs in support of the appeal proposal.
13. However notwithstanding this, character and appearance and the effect of development on local landscape remain important considerations in the determination of applications and appeals, having regard to the policies in the Framework as a whole.
14. The Framework supports housing development through the presumption in favour of sustainable development. It then goes on to advise that there are three dimensions to sustainable development: economic, social and environmental which are mutually dependent and should not be taken in isolation. As specific reference is made to the effect of the proposal on the character and appearance of the surrounding area within the Council's reason for refusal, I will consider the environmental dimension first.

Environmental dimension including character and appearance

15. The appeal site currently forms part of a large open agricultural field. Whilst it is greenfield this does not necessarily prevent development as the Framework supports a more balanced approach when considering proposals. It accepts that development may be permitted unless adverse impacts would significantly and demonstrably outweigh the benefits; or specific policies within the Framework indicate that development should be restricted.
16. There is a substantial hedgerow along the eastern boundary of the appeal site fronting High Street and further trees and hedges run along the northern boundary. These currently restrict views into the site from the highway. The appeal site is accessed from High Street using an existing track which leads through the site to farmland beyond. The site rises gently from the highway.
17. The area surrounding the appeal site is characterised by open countryside, green spaces and existing development. Immediately to the south of the appeal site within the village boundary are existing mainly detached residential and commercial properties. There is also an existing property with agricultural buildings adjoining the site to the north and a small cul de sac of predominantly semi-detached residential properties to the south east. Within the village there is a mix of residential and commercial development along existing roads and lanes, in small groups off short driveways or within cul de sacs.

18. The appeal site is not part of a designated landscape. It has also been suggested that the site forms part of a valued landscape. In considering the consultation responses before me it is clear that local residents greatly value the appeal site and the surrounding landscape. However when questioned at the Hearing the Council confirmed that the appeal site was not a valued landscape for the purposes of paragraph 109 of the Framework.
19. Whilst reference is made within the Council Officer's report to the site being part of an Area of Attractive Landscape under LP Policy S11 and contrary to LP Policy NE4 which seeks to conserve and enhance landscape quality, these policies are not cited within the decision notice as reasons for refusal. Nevertheless, I am mindful that the importance of recognising the countryside's intrinsic character and beauty is one of the Framework's core principles as set out in paragraph 17. I therefore assess the proposal accordingly in order that I can conclude against the Framework when read as a whole.
20. On my site visit I viewed the appeal site from a number of public vantage points within the area, including the grounds of St Laud's Church, a listed building, on the hillside opposite the site. I recognise that the development would to some extent be visible from the church. Whilst I saw for myself the rolling nature of the landscape surrounding the village, I saw that views of the appeal site were restricted to some degree by the hedgerows and trees which form natural screening along its boundary and by other intervening vegetation on nearby land as well as existing built development.
21. I acknowledge that the proposal would clearly introduce urban development on to what is currently an undeveloped rural site which would inevitably result in some adverse impact locally to the character and appearance of the area. However taking account of such factors as the site's location adjacent to existing development; the proposed very low density; the retention of existing landscape features and the provision of substantial additional planting and open spaces, I consider that the impact of the development would be limited when viewed in the context of the existing streetscene and wider landscape setting.
22. Furthermore, as the surrounding area consists predominantly of small traditional fields with hedgerow boundaries, the reinstatement of the hedgerow along the western boundary would better reflect this typical field pattern. I consider the development would be well contained within the landscape, would appear as a proportionate extension to the present built up area and would not be unduly intrusive. As such the proposal would not be contrary to LP Policies S11 and NE4.
23. Whilst concerns have been raised about the design and layout of the development these matters would be considered at the reserved matters stage. Therefore overall I conclude that the harm to the character and appearance of the surrounding area would be limited.
24. I note that the southern/south-eastern corner of the appeal site lies adjacent to and opposite the Sherington Conservation Area. It has been suggested by the Council that the proposed layout and design of the development would not be in keeping with the existing character of this conservation area which is characterised by small groups of development and properties that front onto the road. Whilst the impact of the proposal on the conservation area was not a

- reason for refusal I have nonetheless had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
25. In this respect, limited details have been provided as the proposal seeks outline consent only at this stage and factors such as design and layout would be determined later as part of reserved matters. At the Hearing the appellant advised that they were willing to work with the Council to create an acceptable design at the reserved matters stage. In addition the site layout plan, whilst illustrative only, shows the potential for development to be set back from the conservation area boundary with a significant buffer of landscaping and open space in between. I also note that the Council's Senior Conservation Officer does not object to the proposal. On this basis I am satisfied that the significance of the conservation area would not be adversely affected by this development and its interests would be preserved.
 26. It has also been suggested by some local residents that the development would have an adverse impact on listed buildings within the area, particularly the church. However there would be intervening distances between the appeal site and these buildings and as set out previously above, views would be restricted to some extent by existing and proposed vegetation. I also note that the Council's Senior Conservation Officer does not object to the proposal on this basis, subject to careful consideration being given to the scale and design of the proposal. These elements would be determined at the reserved matters stage. I have no reason therefore, based on the evidence before me, to disagree with this view. As such I consider the proposal would not have any significant effect on the settings of listed buildings within the vicinity.
 27. I have taken account of other environmental concerns raised by local residents including those related to drainage and flooding. However I note that the statutory agencies and the Council do not object to the proposal on these grounds. As such, whilst I acknowledge the concerns of local residents on these matters, I have no reason to consider that foul and surface water drainage could not be adequately provided through the imposition of a suitably worded condition as suggested by the Environment Agency.
 28. As regards wildlife concerns, I consider that subject to the details to be determined at reserved matters, the proposed new tree and hedge planting would be likely to enhance the ecological value of the site. I also have no substantive evidence that existing wildlife would be adversely affected by the proposal or that the loss of agricultural land would be so detrimental to warrant refusal.
 29. In relation to concerns raised about the additional traffic from the development resulting in congestion and potential accidents, I have no substantive evidence to indicate that the proposal would cause significant harm to highway safety. Furthermore I note that the Highway Authority does not object to the proposal and the access is acceptable.
 30. Therefore in regards to the environmental role, I conclude that there would be minimal harm to the character and appearance of the surrounding area and other environmental matters would not weigh against the proposal. Overall the harm identified has limited weight.

Social dimension

31. The Framework aims to boost significantly the supply of housing and there is no dispute that the Council does not have a 5YHLS. The proposal would therefore make a significant contribution to the housing supply for Sherington. I was informed at the Hearing that there is a significant need for affordable homes and the proposal would provide 11 such dwellings within the site. Consequently this weighs substantially in support of this appeal.
32. As part of the promotion of sustainable development, the Framework requires that housing is located where it will enhance or maintain the viability of rural communities and be within a sustainable location.
33. I note that the site would be within reasonable walking distance of existing local services and facilities within the village. It would also be on an existing bus route which would provide opportunities to access further services and facilities in adjacent settlements, reducing dependence on the private car. I note that Milton Keynes is within around a 15 minute journey time. Furthermore it is not part of the Council's case that Sherington is an unsustainable location for development. On this basis I consider the appeal site is within a sustainable location.
34. The Council and some local residents have suggested that local services and facilities would not cope with development of this scale all at one location and built at the same time. It has been put to me that significantly smaller developments spread throughout the village would be more appropriate over a longer timeframe as this would better fit in with the scale of the village, would not overburden existing infrastructure, services and facilities and would aid the gradual integration of new residents into the community.
35. Whilst I acknowledge these concerns, no significant details of the availability of other such development sites within the village, has been provided to me. I note reference has been made to some sites within the Council's Strategic Housing Land Availability Assessment and emerging Site Allocations Plan but these documents are not before me. In any case planning decisions on sites must be considered on their own planning merits, so the determination of this appeal would not prevent other developments from coming forward for determination. In addition smaller developments would be unlikely to meet the Council's policy requirements for the provision of affordable housing. I also consider that future occupiers of the development would be likely to support and help sustain existing services and facilities within the village such as the school, shop and public house.
36. Furthermore the appellant proposes to provide a level of planning contributions towards necessary facilities and local infrastructure as part of a legal agreement, such that the concerns on this matter could be overcome. I consider the appellant's unilateral undertaking further under the section on 'other matters'.
37. Overall, taking the above in to account I consider that the social benefits of the development would weigh substantially in support of the proposal.

Economic dimension

38. I recognise that the development would be likely to boost the local economy by providing construction jobs and supporting local building trades, albeit that this

would be for a temporary period. I also acknowledge that the future occupants of the development would be likely to support businesses within the village and local area. I consider such economic benefits would weigh considerably in support of the appeal.

Other matters

39. It has been argued that the appeal proposal would be premature because it would undermine the plan-making process, as the emerging Neighbourhood Plan for the Sherington Parish (emerging NP) is currently being prepared. In this regard I acknowledge that one of the core principles of the Framework is that planning should be genuinely plan-led, empowering local people to shape their surroundings with succinct plans which set out a positive vision for the future of their area.
40. The Planning Practice Guidance (PPG) advises that an emerging neighbourhood plan may be a material consideration when determining planning applications². Paragraph 216 of the Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking which is dependent on a number of factors including the stage of preparation and the extent to which there are unresolved objections to relevant policies. The PPG also advises that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in the emerging neighbourhood plan, even though these policies should not be considered up-to-date³.
41. At the Hearing I was provided with a copy of the emerging NP (doc 6) together with a statement from the Chairman of the Sherington Neighbourhood Plan Steering Group which also included latest drafts of 6 policies (doc 2). Having considered these documents, I note that the emerging NP policies propose to support the delivery of around 20-25 houses within the village, to a scale of up to 12 dwellings per site and with a consequential extension of the existing settlement boundary. As such the appeal proposal would not meet these requirements.
42. However whilst I acknowledge that the emerging NP was published in December 2015 for consultation I note that it is not a complete document as several policies are marked as 'pending'. I was also informed at the Hearing that the consultation responses from the consultation were not yet available as the period for comments had only just closed prior to the Hearing.
43. I acknowledge local residents interest in the local planning process and recognise that the Steering Group is keen to rapidly progress the emerging NP and that they anticipate adoption in the summer. However I must consider the appeal against the stage of the plan that is before me. In this regard I am mindful that the PPG⁴ indicates that refusal of planning permission on grounds of prematurity will seldom be justified in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. The emerging NP has not reached this advanced stage. Furthermore I do not have any responses from the recent consultation so do not know the extent of any objections or further policy changes proposed. As such I bear in mind that the

² Paragraph: 007 Reference ID: 41-007-20140306

³ Paragraph: 082 Reference ID: 41-082-20160211

⁴ Paragraph: 014 Reference ID: 21b-014-20140306

contents of the emerging NP could change quite considerably before reaching this more advanced stage.

44. I also note that the Council has not refused the proposal on the grounds of prematurity and at the Hearing indicated that due to the early stage of plan preparation, only limited weight should be given to it. Therefore taking all the above factors in to account and in accordance with paragraph 216 of the Framework and the advice set out in the PPG, the emerging NP can only be given limited weight.
45. Concerns have been raised that the development would set an undesirable precedent. However, my findings in this appeal must be based only on the individual planning merits of the case that is before me. The circumstances of other sites would be likely to be different and if proposals came forward elsewhere within the locality they would be assessed in the light of the factors relevant to those cases. Therefore I consider the concern about precedent does not offer a basis for resisting the scheme.

Section 106 planning obligations

46. A completed and signed copy of a S106 unilateral undertaking (UU) was submitted by the appellant at the Hearing (doc 5). It includes a range of contributions that would be provided were the proposal to be successful. This includes contributions towards the provision of education, affordable housing, health and community facilities, local play areas and parks, public art, libraries and waste. It sets out the specific details of what the different contributions would provide. None of the contributions are in dispute between the main parties and the Council submitted documents at the Hearing that justifies the requirements (docs 7-13).
47. It is clear from the information provided that these contributions are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development proposed, which satisfies the tests in the Framework and Regulation 122 of the Community Infrastructure Levy 2010. I therefore take these planning obligations in to consideration within my decision.

Planning balance

48. I have concluded that the harm to the character and appearance of the surrounding area would be limited. The resultant development would not be unduly intrusive when viewed within the context of the existing streetscene and wider landscape setting. Overall therefore this harm carries limited weight. As the emerging NP is at an early stage of preparation this also has limited weight.
49. I have found that the development would be within a sustainable location adjoining the village boundary and other environmental matters raised would not weigh against the proposal. The Council accepts that it is unable to demonstrate a 5YHLS and as relevant policies for the supply of housing are out of date the presumption in favour of sustainable development applies. The provision of 36 dwellings including 11 affordable homes would assist in meeting local housing needs. This weighs substantially in support of the proposal. Other social and economic benefits also weigh in the appeal's favour.

50. Consequently I consider that subject to the S106 planning obligation and the conditions set out in the attached Schedule, the appeal proposal would be sustainable development and would accord with the provisions of the Framework and the development plan when read as a whole. As such and in accordance with paragraph 14 of the Framework I conclude that the adverse impact highlighted would not significantly or demonstrably outweigh the benefits of the development.
51. In reaching this conclusion I have given careful consideration to the objection letters before me and the results of the village ballot about the development of the appeal site. However these matters do not alter my conclusion.

Conditions

52. I have considered the conditions suggested by the Council in the light of the advice given in the Planning Practice Guidance (PPG). As such I do not impose all of them, combine some and amend the wording of others, in the interests of precision and enforceability. I am satisfied that the conditions set out in my decision meet the tests within the PPG.
53. Conditions on setting reasonable time limits and the provision of details on reserved matters are necessary as the application made is for outline permission. Whilst layout is a reserved matter, in the interests of highway safety I impose conditions on internal estate road design; visibility splays and cycle, parking and manoeuvring details. A condition requiring a Construction Method Statement is imposed in the interests of highway safety and the living conditions of neighbouring residents. In addition I include conditions requiring details on the location and type of affordable housing and a sustainability statement to ensure future occupants' living conditions are acceptable.
54. To ensure public health and prevent increased risk of flooding I impose conditions on foul and surface water drainage. I also attach a contamination condition in order to ensure that there would acceptable living conditions for the future occupiers of the dwellings.
55. Conditions on slab levels and the retention of trees and hedges are necessary in the interests of local character and appearance. I also impose a condition to enhance wildlife and their habitats within the site and limit external lighting in the interests of supporting biodiversity.
56. I do not attach conditions requiring samples of external materials or details on boundary treatments as these can be submitted as part of the design of the scheme under reserved matters. I do not include a housing standards condition as this can be dealt with under Building Regulations and therefore is not essential for the development to proceed.

Conclusion

57. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Y Wright

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 2) The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.
- 3) No development shall commence until details of the layout, scale, appearance of the buildings, access thereto and landscaping for that phase or part (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the local planning authority.
- 4) The details to be submitted as part of reserved matters shall include a scheme for cycles, parking and manoeuvring and the provision of visitor car parking spaces in accordance with the local planning authority's 'Car Parking Standards' set out within the adopted 2005 Parking Standards Supplementary Planning Guidance and the 2009 Parking Addendum or to the standards in force at the time of any reserved matters applications. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and the approved cycle storage, parking and manoeuvring areas shall not thereafter be used for any other purpose.
- 5) Any housing reserved matters application shall include details of the location and type of affordable housing pursuant to the development parcel for which approval is sought. Each phase or part of the development shall be carried out in accordance with the approved details.
- 6) Reserved matters applications for any phase or part of the development shall be accompanied by a Sustainability Statement for that phase including as a minimum details required by saved policy D4 of the Milton Keynes Local Plan 2001-2011 and accompanying Supplementary Planning Document Sustainable Construction Guide.
- 7) The landscaping scheme required as part of reserved matters shall include provision for the planting of trees and shrubs and shall include native species and those beneficial to wildlife for each development phase or part required by. The scheme shall show the numbers, types and sizes of trees and shrubs to be planted and their location. All planting shall be carried out in accordance with the scheme and shall be carried out within twelve months of commencement of each phase or part of the development. Any trees or shrubs removed, dying, severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and species as may be agreed by the local planning authority.
- 8) Prior to the commencement of any phase or part of the development a Code of Construction Practice (CoCP) for that phase shall be submitted to and approved in writing by the local planning authority. The CoCP that is submitted shall include Noise Action Levels (based on a noise survey) and other measures to include:
 - Site management and complaints procedure;
 - Temporary boundary treatments;

- Lighting and security;
- Site facilities;
- Means of access;
- Construction traffic routing;
- Environmental and nuisance mitigation measures;
- Vehicle wheel cleansing facilities.

All construction work shall be undertaken in accordance with the agreed CoCP for that phase or part and all contractors shall be contractually required to comply with it.

- 9) The hours of working on any phase or part of the development during the construction period shall be restricted to 08:00 hours to 18:00 hours Mondays to Fridays, 08:00 hours to 13:00 hours on Saturdays, and no working shall take place on Sundays and Public Holidays. The term 'working' shall for the purpose of clarification of this condition include; the use of plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of the site. No 'working' outside these hours on any phase or part shall take place without the prior written consent of the local planning authority.
- 10) No development shall commence in each phase or part of the development until a foul water strategy for that phase or part has been submitted to and approved in writing by the local planning authority in consultation with Anglian Water. No dwellings in that phase or part shall be occupied until the works have been carried out in accordance with the approved foul water strategy for that phase or part unless otherwise approved in writing by the local planning authority.
- 11) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details prior to the first occupation of the units in that phase or part of the development and retained in that condition thereafter. The scheme shall include:
 - Details of ground investigation work to ensure any infiltration drainage is on uncontaminated land.
 - Detailed calculations for any proposed storage requirements and discharge rates to watercourses where applicable.
 - Details of where a reduction in flows is achieved to show betterment from the existing system.
 - Details of existing and proposed drainage routes demonstrating that no third party property is at risk from flooding.
 - Details of porosity tests where applicable.
 - Details of any potential on-site or off-site flow routes for extreme rainfall events for any proposed surface water infiltration drainage where it is outside its design parameters.
 - Details for the future responsibilities for the management of the surface water drainage scheme.

- 12) Prior to any development taking place in each phase or part of the development, the developer shall carry out an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination of that part of the site. The results of this survey detailing the nature and extent of any contamination, together with a strategy for any remedial action deemed necessary to bring the site to a condition suitable for its intended use, shall be submitted to and approved by the local planning authority before construction works commence. Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report prior to first occupation of that phase or part of the development. Should any unforeseen contamination be encountered in that phase or part of the development the local planning authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the local planning authority.
- 13) For any phase or part of the development, details of the proposed finished floor levels of all buildings and the finished ground levels in relation to existing surrounding ground levels for that phase or part shall be submitted to and approved by the local planning authority prior to development commencing within that phase or part. Development for that phase or part shall be undertaken in accordance with the approved details.
- 14) Existing trees and hedges which are to be retained in each phase or part of the development are to be protected according to the provisions of BS 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations.' Prior to the commencement of any phase or part of the development a scale plan accurately marking the position of retained trees, the extent of the root protection areas and the tree protection fencing along with the root protection area margin should be submitted for approval. Proposed and existing spot levels shall be shown in sufficient numbers and at appropriate spacings to enable the impact of level changes on the root zones to be assessed. Layout of hard-works shall be adjusted as necessary to accommodate the root protection areas without root damage. All protective measures shall be put in place in accordance with the approved details, prior to any other work commencing in that phase of the development.
- 15) Prior to the commencement of each phase or part of the development, details of the adoptable estate roads shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied in any phase or part of the development until the estate road which it provides access to, from the existing highway has been laid out and constructed in accordance with the approved details.
- 16) The visibility splays provided should be in accordance with Manual for Streets 2006, the visibility splay should not be impeded; height of any hedge/wall or fence within this visibility should be kept below 1.05m above the carriageway height.
- 17) A landscape, biodiversity and ecological plan detailing a net gain in benefits for wildlife shall be submitted to the local planning authority for approval prior to each phase or part of the development of the site

demonstrating how the following measures shall be provided within the development:

- The Ecological Survey Report shall be updated to include a desk study using data obtained from the Buckinghamshire and Milton Keynes Environmental Records Centre and other local sources, paying greater consideration to the potential for the site to provide habitat for any European Protected Species. The survey report shall be submitted to the local planning authority prior to development of the site.
 - The assessment for existing biodiversity using the Biodiversity Impact Assessment calculator and the result used to develop future plans that provide net gains for biodiversity. These plans shall contain firm proposals and a management regime that will protect the net gains for biodiversity within the development of the site. The report/plan shall be submitted to the local planning authority prior to development of the site.
 - Mature trees on the site shall be surveyed for the presence of bats by a suitably qualified ecologist prior to commencement of the development. Should evidence of a bat roost be found, works must stop immediately and may not proceed without prior acquisition of a derogation licence from Natural England.
- 18) All external lighting shall be kept to a minimum and directed away from bat features. Prior to development of the site a lighting plan shall be submitted to the local planning authority for approval and shall be implemented in accordance with the approved scheme.

APPEARANCES

FOR THE APPELLANT:

Mr D Coles	Planning agent and architect
Mr A Brodie	Agent
Mr A Geary	Local resident
Mr A Denman	Local resident

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Sakyi	Planning Officer, Milton Keynes Council
Mr S Dix	Planning Officer, Milton Keynes Council
Cllr Geary	Milton Keynes Council

INTERESTED PARTIES:

Mr W Bush	Sherington Parish Council and Chairman of the Sherington Neighbourhood Plan Steering Group
Mr O Powell	Neighbourhood Plans Committee and local resident
Mrs Hargreaves	Local resident
Mrs Konieczny	Local resident
Mr J Cook	Local property owner
Mr S Kennedy	Local resident
Mr D Williams	Local resident
Mr K Carey	Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

- 1 Milton Keynes Council notification letter for the Hearing
- 2 Statement by Mr W Bush, Sherington Parish Councillor and Chairman of the Sherington Neighbourhood Plan Steering Group
- 3 Signed agreed Statement of Common Ground dated 5 January 2016
- 4 Copy of Sherington Conservation Area Plan
- 5 Unilateral Undertaking
- 6 Draft Consultative Policies - Neighbourhood Plan for Sherington Parish
- 7 Council justification statement for Section 106 requirements
- 8 Extract of Policy CS21 on delivering infrastructure from the Milton Keynes Core Strategy 2013
- 9 Milton Keynes Council Affordable Housing Supplementary Planning Document 2013
- 10 Milton Keynes Council Supplementary Planning Document Social Infrastructure Planning Obligations 2005
- 11 Milton Keynes Council Supplementary Planning Guidance on Planning Obligations for Leisure, Recreation and Sport Facilities
- 12 Milton Keynes Council Supplementary Planning Guidance on Planning Obligations for Education Facilities
- 13 Milton Keynes Council Supplementary Planning Document Sustainable Construction Guide 2007