



Appeal Decision

Site visit made on 11 January 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2021

Appeal Ref: APP/J0405/W/20/3259681

Land Adjacent To Leckhampstead Road, Akeley MK18 5HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by W E Black Ltd against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/02433/APP, is dated 20 July 2020.
 - The development proposed is erection of five detached dwellings, and associated garaging, parking and amenity space, served off two new private drives, a replacement access for existing stabling/paddocks and the widening of Leckhampstead Road to also incorporate a new footpath (revised re-submission of 18/03471/APP and APP/J0405/W/19/3237395).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of five detached dwellings, and associated garaging, parking and amenity space, served off two new private drives, a replacement access for existing stabling/paddocks and the widening of Leckhampstead Road to also incorporate a new footpath at Land Adjacent To Leckhampstead Road, Akeley MK18 5HH in accordance with the terms of the application, Ref 20/02433/APP, dated 20 July 2020, subject to the conditions set out at the end of this decision.

Preliminary Matters

2. The emerging Vale of Aylesbury Local Plan (the VALP) was submitted by the Council for examination in February 2018. Since then Main Modifications and Further Main Modifications have been made and consulted upon, with the latter consultation ongoing having commenced in December 2020. Whilst the VALP is at an advanced stage, it is currently unclear whether further public hearing sessions and/or modifications shall be required. The VALP is thus at a stage that attracts moderate weight and I shall consider the appeal on this basis.
3. The Council has indicated that it would have granted planning permission, subject to the imposition of conditions, had it been in a position to do so. In the interests of fairness and consistency, I have formulated the main issues having had regard to those identified by the Inspector when determining a previous planning appeal¹ at the site that related to proposed development of an identical description.

¹ APP/J0405/W/19/327395

4. A Unilateral Undertaking pursuant to Section 106 of the Act (the UU) is before me, which contains provisions related to a sport and leisure contribution. The UU is dated 19 January 2021 and is signed by the site's landowners. I shall return to the UU later.

Main Issues

5. The main issues are:

- The effect upon flood risk, having particular regard to intended surface water drainage arrangements; and
- Whether or not an appropriate contribution towards the provision of sports and leisure facilities has been secured.

Reasons

Flood Risk

6. The appeal site is comprised of an area of undeveloped land that sits to the northern side of Leckhampstead Road (the road). The road is banked to its northern side such that the site can be observed to sit at a higher land level when compared to the road. The site's southern boundary is demarked by a hedgerow (the hedge). Environment Agency mapping indicates that the site is at very low risk of surface water flooding whilst British Geological Survey mapping indicates a low susceptibility to groundwater flooding.
7. There is a highway drainage network in place that flows eastwards where the road runs parallel to the site. As illustrated within the submitted Flood Risk and Drainage Assessment (July 2020) (the FRDA), and observed upon my own inspection, the outfall from this system occurs to the rear/south of a property known as Broadlands where a drainage ditch runs in an approximate southward direction and ultimately connects to another watercourse.
8. The site is not currently served by a formal drainage system and is underlain by clay soils such that its makeup is not likely to be well suited to infiltrating surface water. Indeed, the existing highway drainage network already accommodates surface water runoff from the site. The FRDA seeks to demonstrate that a surface water drainage strategy that would mimic the existing way in which surface water runoff reaches the highway drainage network is feasible.
9. Surface water runoff from the site is intended to be attenuated by an on-site swale that would run the site's southern edge. The runoff captured by the swale would outfall to the highway drainage network in a controlled manner by virtue of an orifice that is intended to be fitted at the point of connection. The Highway Authority (the HA) has indicated no objection to this approach subject to the satisfaction of conditional matters at detailed design stage.
10. The Council, in its role as the Lead Local Flood Authority (the LLFA), has issued no objection subject to the imposition of relevant planning conditions. Indeed, one of these conditions would secure a detailed surface water drainage scheme (to build upon the initial details already provided), which would include an assessment of any risks related to the intended flow control device, calculations to demonstrate the system's effectiveness during storm events, infiltration rate

testing, a full system layout, water quality assessments and full maintenance details.

11. A further condition is recommended by the LLFA related to the proposed drainage scheme's connection to the off-site highway drainage network. Indeed, the requirements of this condition would be consistent with those stated by the HA and include the construction of a new catch pit within the carriageway, the carrying out of jetting clearance/works and the provision of full details of the confirmed highway drainage network in this area.
12. Interested parties have referred to past instances of flooding, including upon the road, during/after periods of high rainfall. Indeed, supporting photographs have also been provided. However, to my mind, it has been satisfactorily demonstrated that the proposal would not lead to a greater likelihood of such instances arising in the future. This is even when noting the intended removal of the hedge. Indeed, the swale system that is indicatively outlined within the FRDA would provide a significant volume of storage catering for up to a 1 in 100 annual probability rainfall event (factoring in a rainfall intensity allowance for climate change).
13. Whilst the surface water drainage layout depicted at Figure 10 of the FRDA relates to seven dwellings rather than the five under consideration here, it must be acknowledged that it is indicative. Moreover, whilst the submitted site plan, 18/3476/1 Rev A, does not depict a swale running parallel to the southern boundary, it would be possible to incorporate such a feature in proximity to the back edge of the newly proposed 2m wide footway.
14. At this point, in advance of infiltration testing, it is not possible to specify the precise drainage system to be installed. Nevertheless, it has been satisfactorily substantiated that a fit-for-purpose system could be installed even in the absence of disposal by way of ground infiltration. Whilst responsibilities for managing highway drainage would continue to fall to the HA, I am content that maintenance responsibilities for the on-site system to be installed could suitably be secured in perpetuity via planning condition.
15. For the reasons above, the proposal would have an acceptable effect upon flood risk having particular regard to intended surface water drainage arrangements. Indeed, planning conditions could suitably be imposed to secure final details of the surface water drainage scheme to be installed and to provide full assurances that flood risk would be properly managed and guarded against. The proposal accords with emerging Policy I4 of the VALP and with the National Planning Policy Framework (February 2019) (the Framework) in so far as these policies require sustainable drainage systems to be designed and used for the effective management of surface water run-off on site.

Sports and leisure facilities contribution

16. Saved Policy GP88 of the Aylesbury Vale District Local Plan (January 2004) (the Local Plan) sets out that monetary payments in lieu of the on-site provision of outdoor play spaces or facilities associated with residential development can be accepted. The UU secures the payment of a Sports and Leisure Contribution in accordance with the specific requirements of the companion document (Ready Reckoner) to the Council's Sport and Leisure Facilities Supplementary Planning Guidance (August 2005). The Ready Reckoner sets out that all residential developments of four or more units will create a requirement for provision, and

that contributions received shall be pooled to maximise their local community benefit.

17. I am satisfied that an appropriate contribution towards the provision of sports and leisure facilities is secured through the UU, which would offer the opportunity for such facilities to be provided/enhanced to meet the needs of future occupiers of the development. Indeed, the contribution is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind. I am also content, from the evidence before me, that the UU is fit for purpose.

Other Matters

Heritage and character and appearance considerations

18. The appeal site sits to the south of and setback from the Akeley Conservation Area (the CA). As set out in the CA's supporting appraisal document, the earliest clear reference to the village is in the Domesday Book (1086). The heritage significance of the CA is drawn, in part, from its array of historic and architecturally varied buildings, its retained historic plan form and the often green and open character of its surroundings.
19. The proposal would result in part of the land known as Leys Field (the Field) being lost to development. The Field is formed of an open grassed area that abuts the CA's edge and contributes positively to the CA's setting. As regards the proposal before me, a significant portion of the Field would remain undeveloped and the newly proposed housing would be located a meaningful distance away from the CA's boundary. Indeed, should the proposal be implemented, the CA's surroundings would continue to be read and experienced as often green and open.
20. The proposal would thus preserve the CA's character and appearance and would not cause harm to the CA's heritage significance through introducing development within its setting. The proposal accords with Policy GP53 of the Local Plan in so far as it requires proposals not to be permitted where harm to the character and appearance of Conservation Areas, their settings or any associated views of or from the Conservation Area would be caused.
21. There are listed buildings situated within the CA, the closest to the site is The Cottage. This is Grade II Listed and situated to the northwest side of the Field. Its significance and special interest as a designated heritage asset is drawn in-part from its traditional form and relevance to the historic evolution and rural history of the village. The site is sufficiently distanced from The Cottage such that the proposal would not cause harm to its heritage significance through bringing forward development within its setting. This finding similarly applies to any other listed building contained within the CA.
22. Willow Tree Cottage addresses the road at the point where it meets Church Hill to the east of the site. It is Grade II Listed and its significance and special interest as a designated heritage asset is drawn in-part from its historic origins and traditional style and materials. The proposal, which involves the removal of the hedge and the development of land that sits at a higher level relative to the road, would be set far enough away from Willow Tree Cottage so as to avoid works within its immediate setting. There would be no loss of heritage significance.

23. The Council's Senior Archaeology Officer (the SAO) has noted the site's location within the Akeley Archaeological Notification Area. He has also confirmed that artefactual evidence associated with the early settlement of the village has been uncovered through past test pit excavations at the site. Nevertheless, the SAO is content that appropriate investigation, recording, publication and archiving via a programme of agreed archaeological work would represent a proportionate approach in conformity with the requirements of the Framework. I have no reason to disagree that this represents a balanced and appropriate solution.
24. I have noted references to the Field's long history and to the value that it offers in establishing Akeley's rural identity. However, only a part of the Field is intended to be developed adjacent to its southern road frontage. Most of the Field would be retained in an open and undeveloped capacity, allowing a strong rural influence to be retained to this area of the village. Whilst the proposed dwellings would be positioned at an elevated height relative to the road, they would be setback so as not to appear unduly prominent in the streetscene. Furthermore, their setback location would be respectful of the manner in which properties to the opposite side of the road are typically positioned.
25. Given the planned removal of the hedge, new planting would play an important role in softening the proposed development's appearance when viewed from the road. Indeed, in the event the appeal be successful, conditions would be required to attain a comprehensive scheme of hard and soft landscaping as well as subsequent replacement planting if any individual planted tree or shrub specimen were to fail. Notwithstanding the anticipated provision of a swale, it would still be possible to accommodate meaningful buffers of new planting to the site's road frontage.
26. Whilst new landscaping would inevitably take time to fully establish, I am satisfied that the proposal, considered in overall terms, would adequately respect the character and appearance of its immediate surroundings. Indeed, the proposal satisfactorily accords with the requirements of saved Policies G35, G38 and G39 of the Local Plan and with the Framework in so far as these policies require new development proposals to respect and complement the physical characteristics of the site and the surroundings and the natural qualities and features of the area.

Highway safety

27. The Highway Authority has referenced some concerns over the safety of highway users along the road but, in recognition of the site's planning history and the package of mitigation measures put forward, has not raised an objection to the proposal. Indeed, it is an important material consideration that the intended scheme of highway measures/improvements has previously been considered and found to be acceptable at appeal² in 2018 at a time when seven dwellings were under consideration.
28. Even so, interested parties have stated that the road is only wide enough to accommodate one vehicle and thus too narrow to sustain the development and that the intended widening works would merely promote increased traffic speeds between two pinch points. However, the localised widening of the road would improve its useability for a not insignificant distance, would not lead to

² APP/J0405/W/3190029

particularly pronounced differences in road widths and would offer better levels of visibility where the road curves in alignment to the west of the site. A 30mph speed limit would continue to apply and there is no clear reason to find that the proposal would lead to dangerous/high-speed traffic movements.

29. Consistent with traffic surveys carried out to inform the Transport Statement (November 2017), I experienced the road to be lightly trafficked. Nevertheless, I accept that there would be the potential for busy periods to coincide with school opening and closing times. Even so, the scale of development under consideration would be reasonably anticipated to generate a relatively modest number of additional trips. When factoring in the upgrade works proposed, the safe operation of the local road network and its associated junctions would not be compromised. This is notwithstanding any visibility constraints that apply, most particularly at Church Hill's northern junction.
30. The newly proposed footway would stop short of Church Hill. However, in addition to other planned footpath upgrades, it would offer improved facilities in the interests of pedestrian safety. Indeed, future users of the new footway would, towards its eastern end, have the option to use the pavement that is already in place to the road's southern side. The footway would also have the effect of promoting good standards of vehicular visibility at each of the newly proposed access points. Indeed, the proposal, when considered as a whole, would have an acceptable impact in highway safety terms and thus accords with the requirements of the Framework in this sense.

Ecology

31. An Ecological Report (January 2017) (the ER) informed by desktop evaluation and a walk-over field survey was produced for the site with the aims of identifying existing habitats, any ecologically valuable areas and the presence of any protected species. The ER identifies that the site is dominated by semi-improved grassland of low habitat value and that the hedge, which contains various hedgerow species, is of intermediate to high value. No evidence of protected species was recorded.
32. Having considered all the evidence before me and inspected the site and hedge, I have no reason to doubt the ER's findings/conclusions nor to consider that the ER is no longer representative of the current on-site situation. Indeed, whilst evidently mature and providing of foraging habitat, I am unconvinced that the hedge offers anything more than the level of habitat value set out in the ER. Notwithstanding the ER's datedness, the Council has reported that its Ecology Officer has accepted that it is unlikely that any ecology objections could not be overcome by condition and I have no reason to disagree. I am also satisfied that there is a low likelihood of any protected species being present on-site.
33. No specific assessment of the potential to secure a measurable net gain in biodiversity has been undertaken at this stage. However, an Ecological Enhancement Plan (June 2019) has been prepared, which offers reference to a comprehensive scheme of new native planting and other enhancement measures. It is the case that both an updated Preliminary Ecological Appraisal and updated Ecological Enhancement Plan could be secured via condition, which would provide suitable assurances that opportunities to deliver ecological enhancement would be comprehensively explored and subsequently implemented should the appeal be successful.

34. Whilst saved Policy GP40 of the Local Plan sets out that proposals involving the loss of hedgerows of amenity, landscape or wildlife value shall be opposed, suitable steps can be taken to provide adequate enhancements to satisfactorily compensate for the hedge's intended loss. The proposal satisfactorily accords with the Framework's requirements in the context of conserving and enhancing the natural environment.

Remaining Other Matters

35. It has previously been identified at appeal in 2018 that a development of five new houses would constitute 'small scale housing' in a local policy context. This is consistent with the requirements of emerging Policy D4 of the VALP, which sets out criteria for housing development at smaller villages. Indeed, the emerging policy indicates that small scale schemes (normally five dwellings or fewer) can be supported subject to the satisfaction of various criteria.
36. The proposal, being located within the existing developed footprint of the village, would support local services and the vitality of a rural village community. Indeed, I find that the site represents an appropriate location for the scale of housing development intended. Furthermore, the Framework reaffirms the Government's objective of significantly boosting the supply of homes and the proposal must be considered in this context.
37. I acknowledge that a relatively narrow range of facilities and services are contained within Akeley and that a limited bus service serves the village. However, as set out in the Framework, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
38. I have noted concerns that the scheme could set a precedent for future applications for housing development upon neighbouring land. However, for the avoidance of doubt, it is my responsibility to consider only the appeal proposal that is before me based upon its own individual merits.
39. The newly intended paddock access is proposed on the basis that an existing paddock access to the west would be permanently closed off. I am content that this intended measure could be suitably secured via planning condition in the event the appeal be successful.
40. The proposed dwellings would be set away from the site's boundaries and, notwithstanding changing levels, would not cause harm to the living conditions of neighbouring residential occupiers having particular regard to potential overbearing or overshadowing effects or any potential loss of privacy.
41. I have noted reference to past sewerage issues in the vicinity of the site. Nevertheless, I have no reason to consider that the proposal would exacerbate such issues. Indeed, there is no indication before me from the statutory undertaker that the foul drainage infrastructure has insufficient capacity or capability to accommodate the proposed development.
42. The Council has confirmed that it is not looking to pursue a contribution towards local primary and secondary education facilities. Indeed, a request from the Local Education Authority (the LEA) for such a contribution was only made with respect to the proposal that is subject to this appeal, and not with respect to any other recent proposal for residential development at the site. Furthermore, the LEA has not specified where the requested financial

contribution would be directed (other than to local schools in a general sense). Indeed, based on the limited information put before me, I cannot be certain that any such contribution would ultimately be invested in a manner directly related to the development. For these reasons, I accept that an education contribution should not be pursued in this instance.

43. I have also noted references to possible past intentions to offer remaining undeveloped land at the Field to the Parish Council. However, such an approach does not form part of the proposal that is before me. Furthermore, it has not been clearly demonstrated that an offer of land would be necessary to make the development acceptable in planning terms nor fairly and reasonably related in scale and kind to the development proposed.

Planning Balance

44. The Council has accepted that, whilst it can show a five-year supply of deliverable housing sites, the relevant policies for the supply of housing are out of date as the Local Plan is time expired. The presumption in favour of sustainable development as set out under paragraph 11 of the Framework therefore applies. All matters considered (as set out in my reasoning above), any adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits, which include the provision of five additional housing units, when assessed against the Framework's policies taken as a whole. Indeed, the proposal accords with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conditions

45. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes. Pre-commencement conditions have only been imposed where agreed to in writing by the appellant.
46. In the interests of certainty, a condition specifying the approved plans is required. To ensure a satisfactory form of development and to guard against any possible overbearing effects to the detriment of neighbouring living conditions, a condition is reasonable and necessary to confirm slab levels.
47. In the interests of safeguarding neighbouring living conditions, and to ensure that highway safety would not be prejudiced, a Construction Management Plan (CMP) is both reasonable and necessary to secure. It is not necessary for this condition to reference requirements specific to demolition works as no substantive such works are intended. There is no clear reason to consider that the construction phase would lead to damage to local roads. Indeed, a development of merely five dwellings is under consideration.
48. For the avoidance of doubt, I do not consider it necessary for the CMP to be prepared prior to the grant of planning permission. This is because the extent of land controlled by the appellant clearly offers the potential for suitable arrangements to be put in place. Whilst a not insignificant extent of spoil would likely require transportation off-site during the construction phase, I see no clear reason why the Parish Council or any other local interested party would require direct involvement in the CMP's drafting.

49. In the interests of protecting the character and appearance of the area, conditions are reasonable and necessary to secure full details of the intended external facing materials and of all means of enclosure. The means of enclosure condition would also be in the interests of designing out crime. I have already discussed, under Other Matters above, the need for a hard and soft landscaping condition, but note here that car parking layouts are not necessary to secure as part of the details of hard landscaping works. This is because car parking is already clearly depicted alongside each of the approved dwellings/garages upon the approved site plan 18/3476/1 Rev A.
50. In the interests of highway safety, conditions requiring each of the approved new residential accesses to be laid out in accordance with details already provided and the provision of vehicular visibility splays are both reasonable and necessary. Also, in the interests of highway safety, further conditions requiring full details of the new paddock entrance to be provided in advance of its implementation and that approved parking and turning areas are retained for such purposes are both reasonable and necessary.
51. Again, in the interests of highway safety, a condition is reasonable and necessary requiring the intended highway improvement works to be carried out before the development is first occupied. In the interests of promoting convenient and safe movements on foot, a condition is reasonable and necessary requiring public footpath enhancements to be carried out to provide a direct connection of high specification between the road and the northern end of Church Hill. For the avoidance of doubt, any diversion to a public footpath would be required to follow a separate application/confirmation process outside of this appeal.

Conclusion

52. For the reasons given above, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18/3476/1 Rev A; 18/3476/2; 18/3476/3; 18/3476/4; 18/3476/5; 18/3476/6; 18-3476-7; 18/3476/8 Rev A; 18/3476/9; 18/3476/10.
- 3) No development shall take place until full details of the slab levels of the dwellings in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority, with reference to fixed datum point. The dwellings hereby permitted shall be constructed in full accordance with the approved slab levels.

- 4) No development shall take place, including site clearance, until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall include details of:
- the provisions to be made within the site to accommodate and monitor the loading, off-loading, hoarding and parking and turning requirements of all site operatives, visitors and construction vehicles within the site during the construction period
 - the route of construction vehicles to and from the site
 - signage directing construction vehicles and site operatives/visitors to and from the site
 - the hours of operation
 - precautions to be taken to prevent the deposit of mud and similar debris on to the adjacent public highway
- No part of the development shall commence unless in accordance with the approved details and the development shall only be implemented in accordance with the approved details. Any signage to be erected shall be retained in situ for the whole period of construction.
- 5) No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which shall have been submitted to and approved in writing by the Local Planning Authority. The archaeological investigation shall be undertaken by a professionally qualified archaeologist working to a brief issued by Buckinghamshire Council and shall take the form of a geophysical survey with targeted trial trenching in the first instance.
- 6) No development shall take place, including site clearance, until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. The scheme shall include:
- proposed discharge rates to be restricted to the Qbar or 1:1 year greenfield rate as per Table 1 of the Flood Risk and Drainage Assessment (v1.2, 10 July 2020, Weetwood Services Ltd)
 - assessment of the risk of blockage to the flow control device and appropriate mitigation measures to be provided
 - calculations to demonstrate that the drainage system can contain up to the 1 in 30 storm event without flooding and that any on-site flooding between the 1 in 30 and the 1 in 100 plus climate change storm event shall be safely contained on-site
 - ground investigations including infiltration rate testing in accordance with BRE365
 - subject to infiltration viability, the applicant shall amend the drainage scheme to be inclusive of infiltration techniques as a method of surface water disposal
 - assessment of incorporating permeable paving within the scheme, with justification for exclusion where applicable
 - drainage layout detailing the connectivity between the dwellings and the drainage component(s), showing pipe numbers, gradients and sizes, together with storage volumes of all SuDS component(s)

- details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction
 - construction details of all SuDS and drainage components
 - water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index, priority shall be given to above ground SuDS components
 - details of how and when the full drainage system shall be maintained, this shall also include details of who shall be responsible for the maintenance.
- 7) No development shall take place, including site clearance, until a scheme of off-site drainage connections relating to the disposal of surface water runoff has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Transport for Buckinghamshire. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. The scheme shall include:
- construction of a new catch pit within the carriageway to connect the drainage outfall into the existing highway drainage network
 - carrying out jetting / clearance and the provision of a CCTV report of all existing drainage features including carrier pipes, catch pits and gullies from the site of the proposed development to the location of the outfall to the rear of the property known as Broadlands. The location of this network is as per the plan 3641-C160-P1 that is attached (at Appendix D) to the Flood Risk and Drainage Assessment (v1.2, 10 July 2020, Weetwood Services Ltd)
 - as part of the CCTV report, a plan of the confirmed highway drainage network in this area at 1:250 scale on A3 paper showing all drainage features shall be provided.
- 8) Notwithstanding any details already submitted, prior to the commencement of the development (or such other date or stage in development as may be agreed in writing by the Local Planning Authority), an updated Preliminary Ecological Appraisal (PEA) shall be submitted to and approved in writing by the Local Planning Authority. The PEA shall:
- identify the likely ecological constraints associated with a project
 - identify any mitigation measures likely to be required, following the 'Mitigation Hierarchy'
 - identify any additional surveys that may be required to inform an Ecological Impact Assessment (EcIA)
 - identify the opportunities offered by a project to deliver ecological enhancement; specific reference shall be made to the Whittlewood Forest Biodiversity Opportunity Area, identifying constraints and opportunities for biodiversity enhancement, and the Foxcote Reservoir and Wood Site of Special Scientific Interest (SSSI).
- 9) Notwithstanding any details already submitted, prior to the commencement of the development (or such other date or stage in development as may be agreed in writing by the Local Planning Authority), an updated Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority taking into account any changes identified in the revised Preliminary Ecological Appraisal secured by Condition 8 of this permission. The development

shall be implemented in accordance with the agreed Ecological Enhancement Plan. The condition shall be considered discharged following a written statement from the ecologist acting for the developer testifying to the Plan having been implemented correctly.

- 10) No development shall take place above damp proof course level until samples/details of the materials to be used to the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.
- 11) Notwithstanding any details shown on the approved plans, no development shall take place above damp proof course level on any of the dwellings hereby permitted until full details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the dwellings hereby permitted shall not be occupied until the details have been fully implemented.
- 12) No development shall take place above damp proof course on any of the dwellings hereby permitted until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include finished levels or contours; pedestrian access and vehicular circulation areas; hard surfacing materials. For soft landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and, for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.
- 13) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.
- 14) Prior to the first occupation of the dwellings on Plots 1 and 2 as hereby permitted and depicted upon the approved site plan 18/3476/1 Rev A, the new access serving those dwellings shall be sited and laid out in accordance with the approved details. The access shall be constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013.
- 15) Prior to the first occupation of the dwellings on Plots 3, 4 and 5 as hereby permitted and depicted upon the approved site plan 18/3476/1 Rev A, the new access serving those dwellings shall be sited and laid out in accordance with the approved details. The access shall be constructed in

accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013.

- 16) No works shall commence on the new means of access to the existing stabling/paddocks until full details have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details and in accordance with Buckinghamshire County Council's guide note "Agricultural Vehicular Access Within Highway Limits" 2013. Within one month of the new means of access being first brought into use, the existing access to the stabling/paddocks shall be stopped up and the verge made good.
- 17) The development hereby permitted shall not be first occupied until off-site highway works have been laid out and constructed in general accordance with approved plan 18/3476/9. The highway works shall be secured through a S278 Agreement of the Highways Act 1980. For the avoidance of doubt the S278 works shall comprise the creation of a 2.0m footway along the site frontage and the widening of the Leckhampstead Road carriageway.
- 18) The development hereby permitted shall not be first occupied until Public Footpaths 4 and 6 Akeley Parish (as highlighted upon Plan 4 contained within consultation comments received from the Council's Strategic Access Officer dated 9 September 2020) have been surfaced to footway specification and edged with concrete to a width of 2 metres between the new 2.0m footway along Leckhampstead Road and the existing pedestrian network along Church Hill. These highway works, inside and outside the blue line, shall be secured under Sections 38/278 of the Highways Act 1980.
- 19) Prior to the first occupation of the development hereby permitted, minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway to both sides of each of the new accesses onto Leckhampstead Road shall be provided. The visibility splays shall at all times be kept clear from any obstruction between 0.6m and 2.0m above ground level.
- 20) Prior to the first occupation of the development hereby permitted, space shall be laid out within the site for the parking and manoeuvring of vehicles in accordance with the approved site plan 18/3476/1 Rev A. These areas shall be permanently maintained for the purposes of parking and manoeuvring vehicles.