



Appeal Decision

Hearing held on 20 February 2024

Site visit made on 20 February 2024

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2024

Appeal Ref: APP/J0405/W/23/3330307

Land off Leckhampstead Road, Akeley MK18 5HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Landstrom Group Ltd against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/03877/AOP was refused by notice dated 29 March 2023.
 - The development proposed is outline planning application for up to 4 no. dwellings, with some matters reserved.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 4no. dwellings, with some matters reserved at Land off Leckhampstead Road, Akeley MK18 5HF in accordance with the terms of the application, Ref 22/03877/AOP, subject to the conditions listed at the end of this decision.

Preliminary Matters

2. The appeal proposal is for outline planning permission with all detailed matters except for access reserved for future approval. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance, landscaping, layout and scale as a guide to how the site might be developed.
3. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I shall have regard to this statutory duty in my consideration of this appeal.
4. A planning obligation pursuant to Section 106 of the Act (the legal agreement) is before me. This is dated 16 February 2024 and is signed by the appellant, relevant landowners, and the Council. The legal agreement secures a contribution towards affordable housing, the provision of a Biodiversity Offsetting Scheme and an associated methodology/timetable to produce Biodiversity Audit Reports, as well as a Biodiversity Monitoring Fee. I shall return to the legal agreement later.
5. Whilst the Council resolved to refuse planning permission for seven separate reasons, it has opted, following full consideration of the supporting evidence submitted at appeal, not to defend four of these reasons, which related to

surface water drainage, biodiversity net gain, protected species, and affordable housing provision. I have formulated the appeal's Main Issues on this basis.

Main Issues

6. The main issues are:

- The effect upon the character and appearance of the area, having regard to relevant provisions of the development plan; and
- The effect upon the settings and thereby the significance of the Grade II listed buildings known as 'Manor Farmhouse' and 'Willows Farmhouse'.

Reasons

Character and appearance, having regard to provisions of the development plan

7. Akeley is defined through the Vale of Aylesbury Local Plan (September 2021) (the VALP) as a smaller village. Policy D4 of the VALP sets out criteria against which proposals for housing development at smaller villages should be considered in circumstances where no made neighbourhood plan is in place, which is the case here.
8. To achieve compliance with Policy D4, proposed housing development is required to be located within the existing developed footprint of the village or be substantially enclosed by existing built development. Further, compliant development is required to be of a small scale, to be in a location that is in keeping with the existing form of the settlement, and to not adversely affect the settlement's character and appearance. In addition, and amongst other provisions, Policy D4 dictates that prospective housing development should respect and retain natural boundaries and not lead to any significant adverse impact upon environmental assets.
9. The site is formed of a grassed parcel of agricultural land that contains various elements of established planting, which tend to be located to its perimeter and that include numerous mature trees set in proximity to Leckhampstead Road (the Road) and a hedgerow that encloses the majority of the site's northern edges. The parcel of land in question comprises part of a much larger grassed agricultural field that extends to the rear and that is bound by Chapel Lane along part of its northern boundary. The site is adjoined by a public footpath that runs along its western edge. Beyond this footpath, to the west, there is a road-fronting row of modern houses, whilst to the east is an informally laid out group of three dwellings that tend to occupy expansive and well-planted plots.
10. Notwithstanding the variety of developed influences that exist in immediate proximity to the site, which include continuous built development along the southern side of the Road opposite the site, it is my judgement that the site, which exhibits clear rural characteristics, falls outside of the developed footprint of Akeley. Moreover, the aforementioned group of three dwellings to the site's east is of a dispersed makeup and sits distinct and separate from the formally laid out row of modern houses in place to the west. It is also my view that, in-part owing to the precise positioning of neighbouring built development to its eastern edge and the elongated nature of its undeveloped sides, the site cannot be fairly thought of as being substantially enclosed by existing built development. There is thus identifiable conflict with criterion a) of Policy D4.

11. Nevertheless, the latest indicative site layout¹ that has been produced has demonstrated that the small-scale development intended could be laid out in a manner that would both respect natural boundaries and be in keeping with the existing form of the settlement. Indeed, current buildings in the site's vicinity can often be observed to address the Road from similar setback distances, and a broadly consistent relationship could be replicated through development laid out in a loosely linear fashion and positioned beyond the established soft-landscaped edge to be retained to the front of the site. Furthermore, the positions of the rear edges of the appeal site correspond, at least loosely, with the northward extents of neighbouring residential plots.
12. It is also relevant that the site has a small and localised visual envelope, with existing trees and hedges contributing to a strong sense of enclosure. Indeed, even when acknowledging intended upgrades to the site's access, the removal of only limited elements of low-quality established planting would be necessitated. Further, it is pertinent that the development would be experienced in the immediate context of other houses. Moreover, the scheme would not be read as a highly damaging nor wholly unexpected excursion into the open countryside and, subject to the imposition of relevant conditions related to tree retention/protection, would have no significant adverse impact on environmental assets such as the landscape or green infrastructure.
13. All relevant matters considered, the proposal, which involves the loss of a small parcel of agricultural land and does not represent development within the existing developed footprint of the village, would inevitably lead to some harm, albeit at a limited level, being caused to the character and appearance of the rural area. There is identifiable conflict with Policies S2, S3 and D4 of the VALP in so far as these policies set out a spatial strategy for growth, indicate that new development in the countryside should be avoided, and require proposed development at smaller villages to be located within the existing developed footprint of villages or to be substantially enclosed by existing built development.
14. Notwithstanding my identification of conflict with the Council's spatial strategy, on the basis that development could be brought forward at detailed planning stage whilst satisfactorily respecting and complementing the physical characteristics of the site in question and its surroundings as well as whilst minimising impact upon visual amenity, I do not identify material conflict with either Policy BE2 or Policy NE4 of the VALP.

Settings of listed buildings

Manor Farmhouse

15. The Grade II Listed Manor Farmhouse is a rubblestone former farmhouse that, according to its statutory list description, dates to the 16th to 17th century and was subject to 18th century alterations. The significance and special interest of Manor Farmhouse is drawn, in part, from its age, historic fabric, and relevance to the historic evolution and rural history of Akeley.
16. The site provides an undeveloped and verdant area of rural land that is situated directly opposite Manor Farmhouse and that would, historically, likely have been farmed by tenants of the farmhouse when an open field agricultural

¹ Ref: 264_SK01

system was in place. It comprises a part of Manor Farmhouse's setting and promotes that the agricultural origins of this designated asset are easily interpreted. Its contribution in this sense is meaningful, particularly when noting the openness and visual relief that the site offers in the context of various instances of modern development in place nearby.

17. Whilst the proposal would result in the loss of undeveloped grassed land and erode, at least to some degree, the openness and rural character of Manor Farmhouse's setting, I do not accept any argument made that the site offers the last remaining link to the asset's original setting and/or provides the only surviving clue to its agricultural past. Moreover, the farmhouse is positioned/orientated such that, to the south, a clear visual connection to open and expansive agricultural lands would endure.
18. Furthermore, as only a limited extent of established planting is to be removed along the site's frontage and new built elements would be capable of being sited to the east and west of the site's central opening (as demonstrated upon the latest indicative site layout) so as to be well-screened when experienced from the Road, the verdant sense of rurality that the site currently provides would not, in my judgement, be diminished to any extensive or unacceptable extent. This is even whilst acknowledging the anticipated visual influence of new hard-surfaced elements being introduced along and adjacent to the highway.
19. For the above reasons, the proposal would result in a low level of harm being caused to the heritage significance of Manor Farmhouse by virtue of housing development being brought forward within its setting. In the terms of the National Planning Policy Framework (December 2023) (the Framework), I would qualify that the degree of harm would be less than substantial. The Framework requires less than substantial harm to be outweighed by public benefits, which I shall return to within my Heritage Balance below.

Willows Farmhouse

20. The Grade II Listed Willows Farmhouse, now named Oaktree Farmhouse, is a much-extended rubblestone house of 18th century origin. Its significance and special interest as a designated heritage asset is drawn, in-part, from its historic fabric, traditional materials, and the simple vernacular form of its original elements. This significance and special interest is further underpinned by the open ruralness of much of the asset's immediate and wider surroundings, which allows its agricultural origins to be freely appreciated.
21. Whilst the proposal involves the loss of agricultural land, the appeal site comprises only a peripheral part of Willows Farmhouse's setting, being offset to the northwest. In view of the various verdant and open influences that would remain in proximity to the asset as experienced from the Road, including open land and established boundary planting to the immediate east, and when noting that limited on-site planting removals would be necessitated, I find that there would be no harm caused to the heritage significance of Willows Farmhouse by virtue of the proposed development being brought forward within its setting.

Other Matters

22. My attention has been drawn to an unsuccessful 1998 appeal decision² that relates to a former proposal to erect one dwelling at the same site. The previous Inspector identified, amongst other findings, that the site provided a feeling of spaciousness that greatly added to the setting of Manor Farmhouse and that the proposal then before them would, by leading to an increased sense of enclosure, adversely affect the setting of the listed building. However, a substantial period of time has since passed during which other development has come forward in the vicinity, the Framework was first published, and the development plan has evolved entirely. It is also my understanding that intended access arrangements into the site from the Road are now different. For these reasons, the 1998 appeal decision is of limited relevance to my considerations.
23. I have noted interested party concerns that, typical of a smaller village, Akeley contains a limited array of facilities/services, and that much improved communication, access and utility networks would be needed to support future development. However, it has not been clearly demonstrated that a development of up to four dwellings would place any excessive or unacceptable pressure upon the capacity of local infrastructure/public services. Furthermore, any suggestion that the scheme would necessarily lead to further development being proposed upon neighbouring land has not been substantiated and, in any event, it is my responsibility to solely consider the proposal that is before me upon its own individual merits.
24. Whilst visibility restrictions at local junctions, traffic volume/speeds, parking, and local road conditions have also been raised as concerns, development of a small scale is before me and the Highway Authority, who are responsible for the safety of local highway network users, has raised no objection. I am satisfied that the scheme is acceptable in highway safety terms, subject to relevant planning conditions being imposed as discussed below.
25. It has been suggested by an interested party that the neighbouring May Cottage has historical relevance and makes a positive contribution to local history. Whilst I do not dispute these suggestions, I am content that a detailed proposal could be formulated without necessitating any harm or loss of significance to May Cottage by virtue of development within its setting. This is particularly when noting the positions of existing established trees earmarked for retention. For the avoidance of doubt, I am similarly content that adequate regard could be given at detailed planning stage to ensure the proposal would lead to no unacceptable effects upon neighbouring living conditions.

Legal Agreement

26. The legal agreement secures the payment of an affordable housing contribution to be agreed at reserved matters stage in accordance with the Council's relevant calculator, and to be spent by the Council on projects/initiatives that facilitate an increased provision of affordable housing at off-site locations. This approach, with respect to a small scheme that would be unlikely to attract interest from prospective Registered Providers, is satisfactorily consistent with the requirements of Policy H1 of the VALP, which provides the opportunity for a financial contribution to be justified in-lieu of on-site provision.

² Ref: T/APP/J0405/A/97/288171/P4

27. Various biodiversity related provisions are also contained within the legal agreement. These include the requirement for a Biodiversity Offsetting Scheme to be produced to ensure that any biodiversity loss is properly compensated for and that a net-gain is ultimately achieved through on-site mitigation and/or off-site offsetting if required. A Biodiversity Monitoring Fee and a timetable for producing Biodiversity Audit Reports are also secured via the legal agreement in the interests of ensuring biodiversity net-gain. The approach endorsed by the legal agreement is suitably consistent with the requirements of Policy NE1 of the VALP, and the guidance contained within the Council's Biodiversity Net Gain Supplementary Planning Document (July 2022).
28. I am satisfied that the contributions and provisions secured through the legal agreement 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. I am satisfied too that the monitoring fee that is secured (in an agreement-wide capacity) is proportionate and satisfactorily reflects the actual costs of monitoring.

Heritage Balance

29. I have identified above that the scheme would cause a low level of less than substantial harm to the significance of Manor Farmhouse through development within its setting. It must be noted that even less than substantial harm to a designated heritage asset carries considerable importance and weight.
30. In terms of public benefits, the proposal involves the creation of up to four additional units of housing where, within the relevant planning area, the latest published position of the Council is a 4.7-year supply of deliverable housing sites, a shortfall when compared to the minimum five-year supply threshold that applies and is endorsed by the Framework. In such circumstances, four additional dwellings would make a meaningful and important contribution to the supply-deficit and attract considerable weight as a scheme benefit. This is even though Akeley has been the subject of various other housing developments in recent times. There would also be some social benefits, albeit relatively modest in extent, drawn from the contribution to be made towards off-site affordable housing provision.
31. The development would create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract somewhat limited weight in view of the quantum of development under consideration. As discussed above, a net-gain in biodiversity would also be brought about by the scheme. This is a tangible benefit attractive of some, albeit minor, weight.
32. The scheme's benefits would be considerable when assessed in cumulative terms and attract significant weight. Such benefits would, in my judgement, outweigh the less than substantial harm I have identified would be caused to the heritage significance of Manor Farmhouse. There is thus compliance with Policies S1, D4, BE1 and BE2 of the VALP in so far as these policies require that proposals shall not have any significant adverse impact on the historic environment and that any less than substantial harm to a designated heritage asset shall be weighed against the public benefits that may be gained.

Overall Planning Balance

33. As the Council cannot currently demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
34. I have identified conflict with Policies S2, S3 and D4 of the VALP, which set out the Council's spatial strategy for growth, expectations in line with its settlement hierarchy, and the envisioned composition of housing development at smaller villages. Each of these policies is consistent with the Framework in so far as it supports the provision of homes in a sustainable manner, promotes that rural housing is located where it will enhance or maintain the vitality of rural communities, and recognises the intrinsic character and beauty of the countryside.
35. However, the scheme, which would be of a small scale, be in keeping with the existing form of Akeley, and located so as not to have any significant adverse impact on environmental assets, would conflict with merely confined elements of Policy D4, the policy which governs housing development at smaller villages. As such, in the context of a housing land supply position which indicates that strategic housing policies are contributing to undue constraints being placed upon new residential development, I attribute limited weight to the policy conflicts that I have identified and to the associated low-level harm that would be caused to the character and appearance of the rural area. The proposal, I note, would also result in a minor loss of productive agricultural land.
36. Having considered the benefits (as discussed in the Heritage Balance above) and adverse impacts of the scheme before me, I conclude that the adverse impacts identified, including conflict with the Council's spatial strategy and less than substantial harm to the heritage significance of Manor Farmhouse, would not significantly and demonstrably outweigh the proposal's considerable benefits when assessed against the Framework's policies taken as a whole. Thus, the presumption in favour of sustainable development, as set out in the Framework and at Policy S1 of the VALP, applies. Notwithstanding identifiable conflict with policies of the development plan, there are material considerations, including the Framework, that indicate that the proposal should be determined otherwise than in accordance with the development plan in this instance.

Conditions

37. In advance of the Hearing, a list of draft planning conditions was worked upon by the main parties to this appeal. Following further discussion at the Hearing, I have considered the conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments to a number of them for consistency and clarity purposes and have omitted one related to the implementation of landscaping because landscaping is a matter reserved for future approval. Pre-commencement conditions have only been applied where agreed to by the appellant and where necessary to guide initial works on site.
38. In the interests of certainty, a condition setting out the approved plans is required. To define the scope of the permission and to ensure that

requirements for additional contributions are not triggered, a condition is reasonable that sets out the maximum number of units and the extent of floorspace permitted. Further, to promote that the scheme gives account to the latest needs of the community and provides an appropriate mix of dwelling sizes, a condition is reasonable to ensure that relevant housing need requirements are taken account of at reserved matters stage.

39. In the interests of highway safety and safeguarding the amenities of nearby residential occupiers, a Construction Transport Management Plan is reasonable and necessary to secure via condition. In the interests of highway safety, further conditions are necessary to secure the provision and retention of vehicular visibility splays, the siting and laying out of the site's access in accordance with the approved site plan, and the submissions at reserved matters stage of a parking/garaging/manoeuvring scheme and refuse vehicle turning/manoeuvring details.
40. In the interests of highway safety and promoting sustainable travel choices, a condition is reasonable that secures the off-site provision of a footway to run across the western side of the site's frontage (which I am satisfied would not necessitate extensive or widespread works to existing adjacent planting). Full details of vehicle charging points, cycle parking, and refuse storage are also reasonable to condition in the interests of promoting sustainable travel choices, reducing pollution, and ensuring adequate on-site provision for the storage of bins. As responsibilities for future charging point maintenance would fall to individual property occupiers, it would be neither reasonable nor realistically enforceable to impose ongoing maintenance requirements in this sense.
41. In the interests of safeguarding great crested newts, conditions are reasonable and necessary to secure that development is carried out in accordance with the terms and conditions of the relevant Organisational License and associated submitted details, and that a certificate from the relevant Delivery Partner is submitted for approval.
42. In the interests of safeguarding protected species, conditions are reasonable that secure a tree removal scheme and tree protection plan (owing to potential roosting opportunities for bats), the implementation of badger and reptile recommendations, the ceasing of works should badger setts not previously identified be discovered during works, and the submission of a lighting scheme at reserved matters stage.
43. In the interests of safeguarding protected species and promoting the achievement of biodiversity net gain, conditions are reasonable and necessary to secure the submissions of a Biodiversity Net Gain Report at reserved matters stage, and a Construction Environmental Management Plan and Habitat Management Plan prior to the commencement of construction works. I note that such conditions stipulate detailed provisions not repeated within the legal agreement.
44. In the interests of protecting the character and appearance of the area and the living conditions of neighbouring occupiers, a condition is required to ensure that full levels details are provided at reserved matters stage. Further, to minimise the potential for damage to occur to trees of amenity value during the construction phase, a scheme of appropriate working methods is reasonable and necessary to condition.

45. In the interests of securing accessible and adaptable dwellings, a condition to ensure compliance with the relevant optional requirement of the Building Regulations is reasonable. Further, to promote sustainable water use, a condition to ensure compliance with an optional water consumption standard also enshrined in the Building Regulations is again reasonable.
46. In the interests of ensuring that any archaeological remains present are properly investigated and recorded, a written scheme of investigation is necessary to secure via condition.
47. To ensure that surface water is suitably managed and that any associated flood risk is appropriately guarded against, a surface water drainage scheme is reasonable to condition. Indeed, whilst it has been found that infiltration is not viable, the submitted Flood Risk Assessment and Drainage Strategy (September 2023) pinpoints a potential solution whereby discharge would be via a pumped connection to a nearby watercourse northeast of the site with final details to become apparent at reserved matters stage. The Lead Local Flood Authority has, I note, accepted the potential pumped connection solution. On this basis, there is no reason to consider that the proposal would exacerbate instances of water pooling on the Road as identified as an ongoing issue by interested parties.
48. A foul water strategy is also reasonable to secure via condition in the interests of guarding against any adverse environmental/amenity effects associated to foul water disposal from the site. Further, to ensure that any possible contamination and associated health risks are properly dealt with, a condition is reasonable that sets out the steps to be taken should unexpected contamination be encountered during the construction phase.

Conclusion

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

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) Details of the (i) appearance, (ii) scale, (iii) layout, and (iv) landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development commences and thereafter the development shall be carried out in accordance with the details approved.
- 2) Application(s) for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 264_EX_001 Rev A and 264_PL_001 Rev C.
- 5) No development shall take place until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved Management Plan, which shall include details of:
 - Parking for vehicles of site personnel, operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials.
 - Programme of works (including measures for traffic management).
 - HGV deliveries and hours of operation.
 - Measures to prevent the deposit of materials on the highway.
 - On-site turning for construction vehicles.
- 6) No development shall take place other than in full accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan 'Land off Leckhampstead Road, Akeley: Impact plan for great crested newt District Licensing (Version 1)', dated 2 October 2023 and contained within the District Licence Report produced by NatureSpace dated 4 October 2023.
- 7) No development shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to the Local Planning Authority and the authority has provided written authorisation for the development to proceed under the district newt licence.
- 8) No development shall take place, including site clearance works, until details of the off-site highway works to provide a footway along Leckhampstead Road (between the site's access and the public right of way situated at the western edge of the site's frontage) shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be provided in full accordance with the approved details prior to the first occupation of any dwelling hereby permitted.
- 9) No development shall take place, including clearance or ground works on site, until a written scheme of investigation which includes an archaeological evaluation in the form of trial trenching has been submitted to and approved in writing by the Local Planning Authority. Where any significant archaeological remains are confirmed, no development shall take place until an appropriate methodology for their preservation in situ has been submitted to and approved in writing by the Local Planning Authority and the approved works have been undertaken. Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording, a programme for this shall be submitted to and approved in writing by the Local Planning Authority and the approved works shall be undertaken in accordance with the agreed programme.

- 10) No development shall take place 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 completed. The scheme shall include:
 - 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.
 - Discharge rate being limited to 1.7 litres per second.
 - Drainage layout detailing the connectivity between the dwellings and the drainage components, showing pipe numbers, gradients and sizes, together with the storage volumes of all SuDS components.
 - Calculations to demonstrate that the drainage system can contain up to the 1 in 30 year storm event without flooding. Any onsite flooding between the 1 in 30 year and the 1 in 100 year plus climate change storm event shall be safely contained on site.
 - Construction details of all SuDS and drainage components.
 - Details of how and when the full drainage system shall be maintained, and of who shall be responsible for the maintenance.
 - Details of overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction.
- 11) No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until works have been carried out in full accordance with the approved foul water strategy.
- 12) Any tree removals shall be carried out in full accordance with a scheme (to include full details of replacement planting) to first be submitted to and approved in writing by the Local Planning Authority.

The trees shown to be retained on approved plan Ref: 264_PL_001 Rev C shall be retained in full accordance with paragraph 4.8 of the submitted Ecological Appraisal (All Ecology, September 2023), and no works, including pruning, shall be undertaken, and no lighting shall be installed, to the retained trees, unless dusk emergence surveys and separate pre-dawn re-entry surveys have been submitted to and approved in writing by the Local Planning Authority.
- 13) Notwithstanding the submitted tree protection details contained within the submitted Arboricultural Survey, Impact Assessment and Protection Plan (September 2022), the particulars to be submitted pursuant to Condition 1 shall include a tree protection plan that is reflective of the recommendation to retain six trees that have been identified to offer moderate roosting potential for bats, as set out at paragraph 4.8 of the submitted Ecological Appraisal (All Ecology, September 2023). The protection measures to be approved shall thereafter be erected prior to the commencement of development and retained for the duration of the construction period.
- 14) No site clearance, preparatory work or development shall take place until a scheme of appropriate working methods (an Arboricultural Method Statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out in full accordance with the scheme to be approved.

- 15) The particulars to be submitted pursuant to Condition 1 for the reserved matter of landscaping shall include a revised Biodiversity Net Gain Report and associated Biodiversity Metric demonstrating that Biodiversity Net Gain can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The BNG Report shall adhere to best practice and include:
- A summary of key points.
 - Introduction to the site, project, planning status, certainty of design and assumptions made, the aims and scope of the study, and relevant policy and legislation.
 - Methods taken at each stage: desk study, approach to BNG and evidence of technical competence.
 - Baseline conditions of the site: important ecological features and their influence on deliverability of BNG, baseline metric calculations and justifying evidence, and a baseline habitat plan that clearly shows each habitat type and the areas in hectares.
 - Justification of how each of the BNG Good Practice Principles has been applied.
 - Proposed design to include a proposed habitat plan and details of what shall be created. The habitat plan shall clearly show what existing habitat is being retained and what new habitat shall be created (with different habitat types clearly defined) and show the areas in hectares of each habitat or habitat parcel.
 - Biodiversity Metric spreadsheet, submitted in Excel form that can be cross referenced with the appropriate plans.
 - Implementation Plan including a timetable for implementation.
 - BNG Management and Monitoring Plan.
- 16) No construction or clearance works hereby permitted shall commence until a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation and biodiversity net gain as detailed within the Biodiversity Net Gain Report to be submitted pursuant to Condition 15, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP, which shall include:
- A hazel dormouse and bat precautionary method statement.
 - Biodiversity enhancement details including model specifications and locations as per the recommendations of the submitted Ecological Appraisal (All Ecology, September 2023).
 - Proposed management prescriptions for all habitats, including the habitats to be retained/created to achieve biodiversity units, for a period of no less than 30 years.
 - Timetable of delivery for all habitats.
 - A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as a description of a feed-back mechanism by which the management prescriptions could be amended should monitoring results deem it necessary. All ecological monitoring and recommendations for the maintenance/amendment of

- future management shall be submitted to and approved in writing by the Local Planning Authority in accordance with the agreed timetable.
- 17) The particulars to be submitted pursuant to Condition 1 for the reserved matters of scale and layout shall include details of the proposed slab levels of the dwellings in relation to the existing and proposed levels of the site and surrounding land with reference to fixed datum points. The dwellings shall thereafter be constructed in accordance with the approved slab levels and shall be retained as such thereafter.
 - 18) The particulars to be submitted pursuant to Condition 1 shall, in so far as they relate to the sizes and types of dwellings, have regard to the Council's Housing and Economic Development Needs Assessment (2017) or, if replaced prior to the submission of the application(s) for approval of reserved matters, the latest available evidence on housing need.
 - 19) The particulars to be submitted pursuant to Condition 1 for the reserved matter of layout shall include a scheme for parking, garaging, and manoeuvring in accordance with the standards set out in Policy T6 and Appendix B of the Vale of Aylesbury Local Plan (2021). The approved scheme shall be implemented and made available for use before the development hereby permitted is first occupied and the areas that comprise the approved scheme shall thereafter be retained for such purposes at all times.
 - 20) The particulars to be submitted pursuant to Condition 1 for the reserved matter of layout, should refuse vehicles be required to enter the site to achieve the bin push/pull distances as set out at Section 5 of the Council document Recycling and Waste Advice Note for Developers (2019), shall demonstrate adequate access, turning and manoeuvring opportunities for refuse vehicles. The internal roads shall be laid out in full accordance with the drawings to be approved, and access and turning areas shall thereafter be retained for such purposes at all times.
 - 21) The particulars to be submitted pursuant to Condition 1 shall provide for no more than 4 dwellings and no more than 1000 square metres of floorspace (gross internal area).
 - 22) The particulars to be submitted pursuant to Condition 1 for the reserved matter of layout shall include details of:
 - One vehicle charging point to serve each dwelling hereby permitted.
 - Secure, covered cycle parking.
 - Refuse storage.The electric vehicle charging, cycle parking and refuse storage shall be provided in full accordance with the approved details prior to the first occupation of the dwelling it serves and thereafter retained in perpetuity.
 - 23) The particulars to be submitted pursuant to Condition 1 shall include a lighting scheme. The development shall thereafter be carried out in accordance with the approved lighting scheme and lighting shall thereafter be retained as approved in perpetuity except for as may be required for the purposes of any necessary maintenance works.
 - 24) Prior to the first occupation of any dwelling hereby permitted, minimum visibility splays of 43 metres taken from 2.4 metres back from the edge of the carriageway on both sides of the upgraded access onto Leckhampstead Road shall be provided and the visibility splays shall

thereafter be retained and kept clear from any obstruction between 0.6 metres and 2.0 metres in height above ground level.

- 25) Prior to the first occupation of any dwelling hereby permitted, the means of access shall have been sited and laid out in full accordance with the approved plan Ref 264_PL_001 Rev C and constructed in full accordance with the Buckinghamshire Council guide note: 'Private Vehicular Access Within the Public Highway'.
- 26) The dwellings hereby permitted shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation. Such provision shall be maintained for the lifetime of the development.
- 27) The dwellings hereby permitted shall be constructed and fitted out so as not to exceed the optional water consumption standard of 110 litres per person per day, as set out in Approved Document G of the Building Regulations 2010 (as amended).
- 28) The development hereby permitted shall be carried out in full accordance with the recommendations set out at paragraph 4.16 of the submitted Ecological Appraisal (All Ecology, September 2023) in relation to badgers.
- 29) If, during development, badger setts not previously identified are found to be present at the site, all works shall cease immediately and revised findings including full details of any required mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the re-commencement of works. Thereafter, development shall be carried out in accordance with any mitigation measures approved.
- 30) The development hereby permitted shall be carried out in full accordance with the reptile method statement set out at paragraph 4.21 of the submitted Ecological Appraisal (All Ecology, September 2023).
- 31) If, during development, contamination not previously identified is found to be present at the site:
 - It shall be reported to the Local Planning Authority within 1 working day.
 - No further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until site investigations have been undertaken and a remediation strategy has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination shall be dealt with.
 - The remediation strategy shall be implemented as approved.
 - No occupation of any part of the development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until:
 - i) the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the Local Planning Authority; and
 - ii) if required by the Local Planning Authority, any proposals for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the Local Planning Authority.
 - The long-term monitoring and maintenance plan, if required, shall be implemented as approved.

APPEARANCES

FOR THE APPELLANT

Mike Skinner	Landstrom Group Limited
Becky Brown	Planning Consultant, SF Planning
Paul Stamper	Heritage Consultant, Paul Stamper Heritage

FOR THE COUNCIL

Faye Hudson	Planning Officer
Laura Pearson	Planning Team Leader
Stephanie Parsons	Heritage Officer
Jenny Martin	Senior Heritage Officer