



---

## Appeal Decision

Hearing held on 5 March 2026

Site visit made on 6 March 2026

**by Zoe Raygen DipURP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2026

---

### Appeal Ref: APP/J0405/W/25/3372565

#### Land South Of Bourton Road, Bourton, Buckingham.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
  - The appeal is made by Bloor Homes Limited and David & Ann Verey (Joint Applicants) against Buckinghamshire Council - North Area (Aylesbury).
  - The application Ref is 24/03426/AOP.
  - The development proposed is outline application (all matters reserved apart from access) for residential development (including affordable dwellings), pre-school/nursery (E/F1), SuDS attenuation, public open space including children's play area, access arrangements off Bourton Road and associated landscaping, infrastructure and ancillary development.
- 

#### Decision

1. The appeal is allowed and outline planning permission is granted for residential development (including affordable dwellings), pre-school/nursery (E/F1), SuDS attenuation, public open space including children's play area, access arrangements off Bourton Road and associated landscaping, infrastructure and ancillary development at Land South Of Bourton Road, Bourton, Buckingham in accordance with the terms of the application, Ref 24/03426/AOP, subject to the conditions in the attached schedule

#### Preliminary Matters

2. The planning application the subject of this appeal was made in outline form with all matters reserved for future consideration apart from access. I have treated the appeal in the same way and considered the submitted plans as illustrative only, with the exception of the parameter plan which outlines the broad areas for development, open space and the height of the built form.
3. The appeal is made against the failure of the Council to give notice within the prescribed period of a decision on the outline planning application. However, the appeal was submitted after consideration of the application at the Committee meeting where members resolved to refuse the planning application and before the production of the decision notice. Therefore, the Council relies on two putative reasons for refusal relating to conflict with the spatial strategy and the alleged adverse effect on the character and appearance of the area.
4. With agreement, a signed and dated legal agreement was submitted after the Hearing. I turn to this matter later in the decision.

5. As the proposal has the potential to impact on the setting of a listed building, I have had regard to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Main Issues**

6. The main issues are:
  - Whether the proposed location for the development would be acceptable having regard to local and national policy;
  - The effect of the proposal on the character and appearance of the area; and
  - The effect of the proposal on heritage assets.

### **Reasons**

#### *Policy*

7. The spatial strategy is set out in Policy S2 of the Vale of Aylesbury Local Plan 2013-2033 adopted 2021 (the Local Plan) which allocates a total of 28,600 houses to be delivered across the district. Buckingham is included as one of the settlements to receive housing as part of the primary focus for strategic levels of growth and investment with an allocation of 2177 new homes. The Local Plan was adopted in September 2021 and therefore the housing requirement in the plan is valid until September 2026.
8. Policy S3 of the Local Plan requires that the scale and distribution of development should accord with the settlement hierarchy outlined in Policy S2. Development in the countryside should be avoided especially where it would compromise the character of the countryside between settlements, and result in a negative impact on the identities of neighbouring settlements or communities leading to their coalescence.
9. Policy D3 of the Local Plan allows for larger scale development beyond allocated sites and where located within or adjacent to the existing developed footprint of the settlement where the council's monitoring of housing delivery across Aylesbury Vale shows that the allocated sites are not being delivered at the anticipated rate. This is except where a Neighbourhood Plan denotes a settlement boundary. Proposals will need to be accompanied by evidence demonstrating how the site can be delivered in a timely manner. The proposal must contribute to the sustainability of that settlement, be in accordance with all applicable policies in the Plan and fulfil all of a number of criteria some of which relate to the effect of the development on the character and appearance of the area.
10. Similarly Policy S8 of the Local Plan allows for development in circumstances where the spatial strategy is not delivering housing as expected. However, it also needs to accord with other relevant policies in the Local Plan.
11. Policy S1 of the Local Plan sets out the principles of sustainable development for Aylesbury Vale, largely relying on the wording of the National Planning Policy Framework (the Framework) at that time. Although there have been changes to the exact wording of the Framework since that time, the principles of sustainable development remain at its core. The Policy also includes a list of criteria against which development proposals would be assessed one of which is that

development minimises impacts on landscapes, with which the Council allege conflict. While the policy is out of date due to the lack of five year housing land supply, it is in broad accordance with the Framework, and I give any conflict in terms of landscape harm full weight.

12. The Buckingham Neighbourhood Plan (the NP) was made in February 2026 and includes a settlement boundary and housing allocations. The appeal site is not an allocation in the NP and is sited beyond the defined settlement boundary. Furthermore, the Council allege that the proposal causes harm to the character and appearance of the area. Consequently the proposal is in conflict with the spatial strategy, including Policy HP1 of the NP which supports housing development within the settlement boundary area.
13. However, the Council is unable to demonstrate a five year housing land supply with the Council alleging 3.9 years and the appellant 3.03 years. Even taking the Council's figure of 3.9 years this is a substantial shortfall which renders the policies of the Local Plan and NP out of date.
14. The emerging Buckinghamshire Local Plan (eLP) is at an early stage, and it is agreed in the Statement of Common Ground (SOCG) that the emerging policies cannot be afforded any weight at this time. I agree. However, the SOCG also states that using the national standard Local Housing Needs method the minimum housing requirement is around 95,000 homes. With just over 22,000 homes committed this leaves an outstanding figure of 69,000 new homes required for Buckinghamshire. This is a considerable uplift from 2,319 dwellings per annum required in the current development plans covering the Council area to 4,319 dpa in the eLP. This is a material consideration, and with already a substantial shortfall in the housing supply situation across the districts which formerly comprised Buckinghamshire, the situation is likely to get considerably worse. Indeed the Minister for Housing and Planning issued a Local Plan Intervention Letter to Buckinghamshire Council dated 13th February 2026 referencing the existing land supply situation and the Councils history of poor performance with plan-making and failure to adhere to previous Local Development Schemes (LDS). The direction is for an updated LDS to be published by 11th March 2026 setting out a programme for submission for examination by the end of 2026.
15. I do understand the Council's view regarding the weight to be given to the conflict with the spatial strategy and particularly the coverage of Policies S3 and D3 which relates to other matters than the spatial strategy such as character and appearance. However, they derive from Policy S2 and concern the location of development in relation to the spatial strategy and, given that the housing land supply shortfall is substantial, I give conflict with the relevant policies limited weight. This is also the case for policy HP1 of the NP. Although the NP has only just been made and was predicated on housing figures supplied by the Council, it still supplements the spatial strategy by providing a settlement boundary as required by Policy D3. Given the substantial lack of five year housing land supply any conflict should attract limited weight.

#### *Character and appearance*

16. The appeal site is allocated as a Local Landscape Area (LLA). The supporting text to Policy NE4 of the Local Plan considers that all of the landscape in Aylesbury Vale can have innate value as referred to in the Framework at that time. However,

Areas of Attractive Landscape are of the greatest significance followed by LLAs. It explains that neither of the designations is seeking to resist development in principle unless regard has not been given to the distinctive features and key characteristics of each designation. This is reflected in policy NE4 which states that development will be supported where appropriate mitigation to overcome any adverse impact to the character of the receiving landscape has been agreed.

17. The LLA is identified as a small, shallow enclosed river valley with gently rolling sides. It is an intimate, often enclosed landscape adjacent to the river with some scenic views and provides the setting for a number of intact historic features. The special qualities of the LLA are identified in the document Defining the Special Qualities of Local Landscape Designations in Aylesbury Vale District reflecting the overall river valley designation.
18. The appeal site is at the southern edge of the designation some distance from the river. It is relatively open but nevertheless contributes in a limited way to the LLA through its gently sloping landscape.
19. The appeal site is sited within two Landscape Character Types (LCTs) identified in the Aylesbury Vale Landscape Character Assessment 2008. These are Gawcott Ridge to the west where the land rises towards the edge of Buckingham and Padbury Valley as part of the Shallow Valleys LCT to the east. The Lower Great Ouse Valley covers the landscape to the north of the appeal site. On the ground there is little distinction between the character areas other than the rise in level of the site to the west towards the Gawcott Ridge. The rest is relatively flat, with hedgerows forming the boundaries of small to medium sized fields, together with occasional trees in the hedgerows and small areas of trees forming areas of copse within the landscape.
20. The area to the north contains the Ouse river and is recognisable as a relatively flat river valley, rising to the north and west with evidence of development both in Buckingham and along the Stratford Road. The line of the river is picked out in views across the valley by the bankside vegetation. The canal is more difficult to pick out in the landscape.
21. The appeal site itself is formed from a number of fields with gently sloping land rising to the west, typical of the LCTs. It therefore contributes positively to the character of the area. Its development for the provision of 220 houses would inevitably change that character and cause major adverse harm. However, the majority of the existing hedgerows would be retained and reinforced with the submitted parameters plan showing the proposed housing enclosed within the existing field pattern. The reinforcement of hedges would align with the landscape guidelines for the Padbury Valley LCA.
22. Due to its location to the south of Bourton Road, east of the A413 and north of the A421, although possessing inherently rural characteristics, it also is influenced by surrounding development and manmade features. The roads are fairly prominent in the landscape with evidence of street lighting, traffic lights and vehicles. The level of parking on Bourton Road, is a particular urbanising influence, associated with the buildings in this vicinity which are numerous. While they are a mixture of housing and agricultural buildings, the design of some of the houses is suburban and the associated activity influences the character of the area. I also saw that one of the buildings is used as a café, also generating activity. Although the solar park

is extensive, it does not have a particularly harmful impact on the landscape, nor is it overly obtrusive when walking through the landscape. Nevertheless, it effectively encloses the site to the east.

23. Development on the edge of Buckingham is visible, from both the appeal site and the surrounding Public Rights of Way, albeit they would be less visible in the summer months due to the intervening landscaping particularly to the Badgers estate. Nevertheless, the proposed housing would not be viewed in a wholly rural environment, and the existing development would mitigate, to an extent, the harm caused to the character and appearance of the area.
24. The A413 to the west divides the appeal site from the main part of Buckingham. Associated landscaping provides a good screen which reinforces the divide. Nevertheless, at my site visit I saw that housing is still visible at the Badgers estate, Linden Village and Page Hill. In addition, development to the south of Stratford Road can be clearly seen extending over a large area east of the A413, Furthermore, the development along Bourton Road extends development to the east of the A413, which in my view constitutes development over and above that being expected in the countryside. Moreover, I am aware that the NP includes a large allocation to the east of the A413 facilitating a development in association with the canal. While the 90 units of housing proposed here are to be enabling development, they would still constitute development on the eastern side of the A413. While this has not been determinative, it reinforces my view that, given the particular circumstances of the built form here, the A413 is not such a well-defined edge as to present a barrier to further development
25. The existing development also effectively divorces the appeal site from the wider LLA, with limited views from within the appeal site towards the north of the LLA as opposed to elsewhere in the LLA from PROW. Furthermore, to my mind the area surrounding the Ouse river more readily displays the special qualities, readily visible from PROW associated with the LLA. Here the flat river valley is visible, together with the canal and the route of the river meandering through the historic field pattern, with a sense of tranquillity. Indeed the appeal site is identified as the least tranquil part of the LLA being adjacent to main roads and existing development on Bourton Road and I found that to be the case at my site visit. There is no direct effect on historic features such as Thornborough Bridge or the Roman Barrows, both of which are some distance from the appeal site.
26. I saw that there would be some visibility from the Ouse Valley Way when walking towards the appeal site. However, this would be effectively mitigated by the existing built form and the placement of open space as demonstrated on the parameter plan. Views would also only be possible from a small, localised area of the footway, which is a long distance PROW.
27. Consequently, even if I were to consider this as a valued landscape, as suggested by the Council at the Hearing, the proposed development, would not overly impact on the understanding of the LLA and its special qualities such as to be significantly harmful. This would be particularly the case when considered in the context of Policy NE4 which states the designations are not seeking to resist development in principle unless regard has not been given to the distinctive features and key characteristics of each designation. That is not the case in this instance. I am satisfied therefore that the LLA would be preserved in a manner commensurate with its statutory status and identified quality in the development plan.

28. I saw at my site visit that due to intervening topography and the existing built development, including the solar farm that views of the appeal site from the furthest viewpoints identified in the Landscape and Visual Impact Assessment were limited with the exception of the area to the west on the higher land. Here housing would be very apparent, however it would be in the context of the edge of town location and the existing development on Bourton Road which is also prominent in views.
29. Walking from the north along the PROW towards the appeal site the site is again screened to an extent by the existing development with the exception of the gaps between the buildings where housing would be visible. However, I noted that as you are walking these footpaths, while you are aware of the rurality of the location, you are also aware that you are close to an urban environment, through the hustle and bustle of the A413 and the development beyond as well as the development along Bourton Road. To see housing would not therefore be particularly unexpected but would change the current user experience of the PROW.
30. Viewpoints closer to the appeal site, particularly 1, 2, 3 and 6 would yield a quite different experience. While those at 1 and 6 would primarily only be experienced by vehicle users along the A421, the change would be significant from a green field site to a housing estate, with little mitigation other than the existing hedgerow which would be reinforced.
31. Viewpoints 2 and 3 are taken from the footpath to the west of the appeal site (Berwood Jubilee Way) and the housing would be very noticeable in views to the east. However, again walkers would be aware of the influence of the existing development and that they are on the edge of a town. Indeed I saw a similar relationship to the south and north as the PROW passes housing and industrial buildings. This would also only be a very short section of what is a long distance footway.
32. The occupiers of Home Farm Cottages, High Croft Cottage and Rose Cottage would experience direct views of the development from their rear elevations and gardens, notwithstanding the presence of large areas of open space and single storey dwellings being proposed to the rear of High Croft. However, it is not alleged that there would be harm caused to the living conditions. Even so there would be minor harm caused by the change in views experienced, given there is no right to a private view.
33. I have also had regard to requirement of Policy NE4 to minimise the impact of lighting to avoid blurring the distinction between urban and rural areas. The A413 has lighting columns, as does the start of the A421 by the roundabout. Nevertheless, the proposal would extend lighting into the countryside in conflict with this policy.
34. The proposal would also be mitigated to an extent by the proposed and existing landscaping. This would be extensive in the form of open space to the north and eastern boundary taking advantage of existing planting particularly to the east. There is less landscaping proposed to the west where the housing would already be set behind a large green space which incorporates the PROW. To the south landscaping is also minimal and it is perhaps here that the development will be most visible in that vehicles driving along this road will experience housing where

there is currently none which would be a moderate adverse effect given the lower sensitivity of vehicle users.

35. Drawing all of the above together, the proposal has a limited visual envelope due to existing development, landform and vegetation. The harm to landscape character while significant would be moderated by the conditions I describe above. There would also be moderate localised visual effects.
36. For the reasons above the proposal would be contrary to Policies BE2 and NE4 of the Vale of Aylesbury Local Plan 2013-2033 adopted 2021 (the VALP). Together these require that development minimises impact on visual amenity, respects local character and distinctiveness and respects and complements the physical characteristics of the site and its surroundings including the scale and context of the site and its setting.
37. These policies generally accord with the requirements of the Framework. While they are out of date due to the lack of five year housing land supply I give the conflict with them full weight.

### **Legal agreement**

38. A signed and dated legal agreement accompanies the appeal and secures a number of obligations. These include 35% affordable housing, contributions towards education, health care, bus service, traffic regulation order funding, Buckingham Transport Strategy, sports and recreation, travel plan monitoring fee, and the legal agreement monitoring fee. In addition there are obligations regarding the provision of off-site highway works, self-build and custom build housing, different types of open space, 30% minimum Biodiversity Net Gain and the provision of a 60-place nursery/preschool.
39. In the context of the delivery of 220 houses and the consequent increase in population, I am satisfied that the obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. In addition I am content that the offsite highway works are necessary to enhance connectivity to Buckingham.
40. The legal agreement includes the requirement for the owner to pay a Discounted Market Sales Housing Unit (a DMS) transfer administrative fee of £2000 to the Council as a contribution towards the Council's costs incurred with each transfer or sale of a DMS unit. The Council explained at the Hearing that on average such a request takes about 12 hours of work split between three departments and four members of staff to carry out the required checks on the dwelling and sale including the valuation and how that compares to local prices as well as the eligibility of the purchaser. I have no reason to doubt the extent of work needed to check the transfer of such units and I am content this meets the requirements of paragraph 58 of the Framework and Regulation 122 of the CIL Regulations 2010 (as amended).

### **Other Matters**

41. The appeal site consists of about 82% Best and Most Versatile Agricultural Land (BMVAL). This equates to about 8.6ha of land which is grade 2 land. Policy NE7 of the Local Plan requires that where significant development would result in the loss of BMVAL it not be granted unless there are no otherwise suitable sites of poorer

agricultural quality that can accommodate the development and the benefits of the proposed development outweighs the harm resulting from the significant loss of agricultural land.

42. The appellant, although not having done a formal study, points out the lack of land around Buckingham that is of poorer quality and the likelihood that to meet the housing requirements development will need to occur on BMVAL. It is debateable that this development would lead to a significant loss of BMVAL given the limited amounts involved, however, the proposal would technically be in conflict with Policy NE7, but I give that conflict minor weight due to the limited amount of land involved.
43. The proposes housing would be in the setting of Rose Cottage a grade II listed building and Manor Farm a non-designated heritage asset (NDHA). Rose Cottage is a fine seventeenth century timber framed cottage with a plain tile roof, presenting a rear elevation to the appeal site. Its significance is largely derived from its architectural and historic interest, but its setting is largely informed by the rural surroundings which allow an appreciation of the early domestic architecture in its original setting. Manor Farm is a farmhouse with associated agricultural buildings dating from the early 1800s. Its significance is largely derived from its architectural and historic interest in the form of farm buildings of the time. The surrounding farmland gives authenticity to the group of buildings, enabling an appreciation of their function in the landscape.
44. The proposed development would erode the rural setting of both heritage assets diminishing the ability to understand each asset. However, the parameters plan sets out that areas of green space would be included closest to the assets together with buildings of a low height especially near to Rose Cottage. While the harm caused would be less than substantial, for these reasons it would be at the lower end of the spectrum.
45. At the application stage a number of residents raise concerns regarding the capacity of Anglian Water's water recycling centre to deal with foul flows from the proposed development. Anglian Water has confirmed that this matter has been resolved, and a condition is suggested to ensure that Anglian Water confirm capacity prior to the occupation of the dwellings. I understand that the use of the condition on a different site is the subject of legal action. However, at the current time I am content that such a condition would meet the tests in paragraph 57 of the Framework.

### **Conditions**

46. An agreed list of conditions was included in the SOCG. I have had regard to the Framework and the advice in the Planning Practise Guidance (PPG) and imposed conditions accordingly. I have made some minor amendments including the insertion of implementation clauses to ensure compliance with the relevant guidance.
47. Conditions requiring the submission of the reserved matters and a phasing plan as well as ones to secure compliance with the approved plans and to restrict the number of houses to 220 are necessary to ensure clarity. The requirement to submit the reserved matters for the first phase within 18 months is necessary to comply with the requirements of Policy D3 of the Local Plan for development to be delivered in a timely manner (1-8).

48. A condition is necessary to ensure the recommendations within the breeding bird survey are complied with to protect important wildlife (9). A general condition which includes a number of matters relating to the key design principles of the development is required to ensure its satisfactory integration into the character and appearance of the area (10).
49. Conditions regarding highway matters are necessary to minimise danger, obstruction, and inconvenience to highway users, and to provide safe and suitable pedestrian and cycle access to encourage sustainable travel to and from the development (11-12).
50. Condition 13 is necessary to ensure the development is carried out in accordance with the energy strategy statement to maximise energy efficiency and use of natural resources/renewable energy.
51. Details of elements of the landscape strategy to be submitted with the reserved matters are required to maintain the character and appearance of the area (14). A condition including details showing how ambient noise levels are satisfactorily achieved at the pre-school/nursery is necessary to ensure appropriate noise levels for the users of the nursery and surrounding residents (15).
52. A construction management plan is required to be agreed prior to commencement of works to ensure that the living conditions of existing residents and highway safety are protected (17).
53. Details of tree protection are required prior to work commencing on site to ensure that existing trees and vegetation are adequately protected and not damaged during construction (18). A habitat management and monitoring plan is necessary prior to work commencing on site to provide appropriate protection to habitats, wildlife and biodiversity (19).
54. A construction environmental management plan and a construction method statement are required prior to work commencing on site to adequately protect wildlife, including amphibians, from development (20-21). Details of archaeological investigations are required prior to work commencing on site to ensure that any affected underground heritage assets are appropriately protected and recorded (22).
55. A condition regarding land contamination is necessary prior to work commencing on site to ensure that any ground or water contamination is appropriately addressed to ensure the safety of the end users (23). Conditions dealing with the specific noise levels with regard to the pre-school/nursery and the housing are imposed to safeguard the living conditions of residents (24-26).
56. Conditions regarding foul water drainage for the nursery together with whole site details for surface water drainage and the maintenance of the systems are necessary to appropriately manage flood risk and the layout of the development to enable the required infrastructure (27-29).
57. Details to facilitate the availability of a high-speed broadband connection for residents are necessary to ensure effective communications (30). The requirement to provide the access in accordance with the approved plan is necessary to ensure highway safety (31). The need to provide offsite highway works in accordance with

detailed design drawings to be agreed by the Council accords with the need to promote sustainable modes of transport and secure links to Buckingham (32-33).

58. Travel plans for both the housing and the pre-school/nursery are necessary to promote and maximise the use of sustainable modes of transport (34-35). Details of lighting are necessary to protect the character and appearance of the area and wildlife (36).
59. A condition is imposed to ensure that written confirmation from Anglian Water is received confirming that there is sufficient capacity at the water recycling centre to accommodate the foul flows from the site to protect water quality and prevent pollution (37).
60. A condition requiring the implementation of approved landscaping scheme is necessary to protect the character and appearance of the area (38). The housing mix is secured to reflect the latest evidence of housing need (39). A condition is necessary to ensure compliance with part M4(2) of the Building Regulations and for 15% of the affordable units to accord with part M4(3) of the Building Regulations to ensure that the development is accessible and inclusive (40).
61. I have considered the disputed condition relating to Policy DH4 of the NP regarding addressing the performance gap. The condition suggested by the Council requires explanation of how the scheme has considered Passivhaus or equivalent standards and an explanation of how the scheme has considered the zero-carbon ready design principles. Finally a Whole Life-Cycle Carbon Emissions Assessment should be submitted. I agree with the appellant that the first two criteria would be difficult to discharge for the Council. There is nothing to assess the proposals against or to suggest what would be acceptable or not. Furthermore, the Policy only lends support to these energy efficient principles – it is not a requirement for a scheme to embody these principles. However, the Policy does require major development to be accompanied by a Whole Life Cycle Carbon Emission Statement. This will encourage the proposals to be designed for adaptability, longevity and disassembly and there is a preferred methodology to be followed. I therefore consider that this part of the condition is reasonable and justified with reference to Policy DH4 of the NP and I have imposed an amended condition accordingly (16).

### **Planning and Heritage Balance and Conclusion**

62. The proposal would be contrary to the spatial strategy contained in the Local Plan and NP. It would also cause moderate adverse harm to the character and appearance of the area. Furthermore, there would be less than substantial harm to a designated heritage asset, harm to a NDHA and limited harm caused by the loss of BMVAL.
63. In the absence of a five year housing land supply the provision of 220 houses would be a substantial benefit, given the extent of that shortfall and the likely future increase in the extent of the shortfall. The delivery of 35% of that housing as affordable would also be a substantial benefit given the need for 754 affordable homes identified in the Buckingham Housing Needs Assessment to 2040. Although the provision would not be above the requirement of policy within the NP, it would still provide a level of affordable housing for which there is a need.

64. The number of custom and self-build housing attracts moderate weight. The provision of a pre-school/nursery would not only provide for the needs of the development, but also serve the wider area, and already the nearby primary academy has expressed interest in the new facility. This would be a significant benefit for the local community.
65. The sustainable and active travel transport package includes a number of measures to improve connectivity in the local area as well as a contribution to the local bus service and attracts moderate weight.
66. The requirement by obligation to provide a minimum of 30% BNG would exceed the 10% mandatory requirement and provide significant benefits for the local area, particularly given the offsite BNG achieved within the PROW network.
67. Public open space and green infrastructure would be a limited benefit of the development given it would primarily be used by residents of the appeal site.
68. The economic benefits of construction, employment opportunities and increased revenue from future residents would be of moderate weight.
69. Finally limited weight would be given to the investment in infrastructure and services primarily secured through the obligations in the legal agreement.
70. I am satisfied that those very substantial benefits would outweigh the less than substantial harm caused to Rose Cottage even giving that harm considerable importance and weight, as well as the harm to the NDHA. I note this view is shared by the parties.
71. I have given consideration as to whether paragraph 14 of the Framework applies in this case. There is no dispute that the NP became part of the development plan five years or less before the date of this decision given it has only recently been made.
72. However paragraph 14b requires the NP to contain policies and allocations to meet its identified housing requirement. While it does contain policies and allocations, are these predicated on a housing requirement which uses the latest evidence of housing need as required by paragraph 70 of the Framework?
73. It was a difficult time for the NP to be updated, given that the eLP is still very much in early preparation. It is clear, from the email trail provided by the appellant from 2024, that Buckingham Town Council used a figure of 74 homes per annum derived from a Housing Needs Survey undertaken by AECON assuming that Buckingham would take the same proportion of allocation as previously, basing the population sizing on the 2021 census figures. This was calculated as an annual figure of 2862 with a 2.6% share by population being allocated to Buckingham leading to 74 dwellings per annum. As Buckingham would have reached the required figure in the Local Plan at the start of the new NP, the decision was taken to restart the clock for the Plan period of 2024-2040 giving 1100 dwellings, which the Council agreed to. The email goes on to state that given the NP was substantially developed before Government announcements it remained appropriate to proceed with those figures, noting that the plan may need to be reviewed once the eLP was made.
74. The examiner for the NP found that the Council and Buckingham Town Council sought to agree an indicative figure for the neighbourhood area both generally and

given the interrelationship between the preparation of the neighbourhood plan and the emerging Local Plan. The approach taken reflects the size and sustainability of the town and the Council's current approach to its capacity to deliver new growth as part of the overall strategy for the County in the eLP. As such they were satisfied that it was a positive response to PPG (ID:41-102-20190509) on the way in which a local planning authority should identify indicative housing requirement figures for designated neighbourhood areas. They go on to say that plainly there would be the possibility that the eventual outcome of the eLP will be that Buckingham need to deliver a higher level of growth than that currently proposed in the submitted NP. In this context the Examiner notes that the Council advises that it has been agreed that any additional housing requirement will be dealt with through either the eLP itself or a review of the NP. They considered that such an approach would address this scenario in a satisfactory and plan-led way. This is reflected in the NP.

75. The issue is, in this time of limbo before the eLP is progressed further, the uncertainty of the levels of housing that would be required for Buckingham. I appreciate that parties have been aware that the standard method of calculating the housing requirement from would be used from September 2026 for some time, which would equate to 210 dwellings per annum (dpa), a significant uplift on the 74 dpa used by the Town Council. However, the exact strategy of the Council is not known. Although, the SOCG agrees that Buckingham would be one of only two Tier two settlements in the former Aylesbury Vale Plan area and is the only settlement not constrained by Green Belt and National Landscape designations, the level of growth for the settlement is not known at this time other than it is likely there will be an uplift in housing required. Consequently, I am satisfied that BTC used the most up to date figures available at the time, and responded to the requirement of the Local Plan, the most recently available planning strategy, for growth in Buckingham to be led by neighbourhood planning in accordance with paragraph 70 of the Framework.
76. Paragraph 14 of the Framework states that where the criteria are met, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. However, even using the paragraph 14 emphasis for my paragraph 11dii balance, in this instance the adverse impacts of allowing development, including in conflict with the NP, would still not significantly and demonstrably outweigh the very substantial benefits. This is particularly so given that the principal policy with which it is alleged there is conflict is Policy HP1, by virtue of the fact that the proposal is not within the settlement limit of Buckingham to which I have given limited weight due to the substantial lack of five year housing land supply.
77. Consequently, while the proposal would conflict with the development plan as a whole, there are considerations, including the Framework, which outweigh that conflict and therefore the appeal should be allowed.

*Zoe Raygen*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY

Ms Danika Hird	Principal Planning Officer Buckinghamshire Council
Ms Rebecca Jarratt	Principal Planning Officer, Buckinghamshire Council
Ms Louise Anderson	Principal Planning Officer, Buckinghamshire Council
Mr Jonathan Bellars	Landscape Architect, Buckinghamshire Council

### FOR THE APPELLANT

Mr Zack Simons, Kings Counsel	Instructed by:
Mr Neil Hall	Technical Director (Planning) WSP
Mr Neil Furber	Senior Director (Landscape), Pegasus
Mr Tom Wilson	Associate Director (Cultural Heritage) WSP
Ms Vicky Fowler	Partner and Planning and Environment Team Leader, Gowlings WLG

### INTERESTED PERSONS

Ms Jane Mordue	Buckingham Town Council
Mr Roger Newall	Buckingham Town Council

### DOCUMENT SUBMITTED AFTER THE HEARING

Signed and dated Section 106 legal agreement

## SCHEDULE OF CONDITIONS

- 1) Details of access (other than the main vehicular access), appearance, landscaping, layout and scale, (herein after called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Prior to or at the same time as the submission of the first reserved matters application a phasing plan shall be submitted for approval in writing by the Local Planning Authority. The plan will show the phasing of market dwellings, affordable housing, the self-build and custom build dwellings, the area and location for the nursery and the Green Infrastructure open space areas. The phasing plan should be accompanied by an Accommodation Schedule setting out the broad location, type, size, tenure and wheelchair accessible dwellings in each phase. The development shall thereafter be constructed in accordance with the approved details.
- 3) Application for approval of the reserved matters in respect of the first phase of the development shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.
- 4) Application for approval of the reserved matters in respect of any subsequent phase of the development shall be made to the Local Planning Authority before the expiration of 3 (three) years from the date of this permission.
- 5) The first phase of the development hereby permitted shall be begun before the expiration of 2 (two) years from the date of the approval of the related reserved matters application.
- 6) Subsequent phases of development hereby permitted shall be begun either before the expiration of 4 (four) years from the date of this permission, or before the expiration of 2 (two) years from the date of approval of the last of the reserved matters to be approved in respect of that phase, whichever is later.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: • Drawing No. 70117870-WSPE-FG-T-00001\_P01.2 Site Location Plan received 19th November 2024, Drawing No: 70117870-WSPE-DR-OT-00001-P02 Rev P01 Proposed Access Design received 2nd April 2025, Drawing No: 70117870-WSPE-FG-T-00005\_P03 Land Use and Landscape Parameters Plan received 9th May 2025.
- 8) The total quantum of residential development on the site edged in red on approved site location plan 70117870-WSPE-FG-T-00001\_P01.2 received 19th November 2024 shall not exceed 220 dwellings.
- 9) The development shall be implemented in accordance with the agreed recommendations provided within the Breeding bird survey (WSP, October 2024) and bat survey report (WSP, November 2024).
- 10) Plans and particulars submitted for any Reserved Matters application pursuant to Conditions 3 and 4 of this permission shall be in general accordance with the ‘Key design principles’ set out within the Design and

Access Statement. Any reserved matters application pursuant to Conditions 3 and 4 of this permission shall include the following details:

- i) any proposed access road(s) including details of horizontal and vertical alignment;
- ii) any existing access points within the application site that are not required for the development, and which are proposed to be closed when new accesses forming part of the development are brought into use;
- iii) the layout and specification of
  - (1) any internal roads not covered by the above,
  - (2) footpaths,
  - (3) access facilities for the disabled and
  - (4) individual accesses;
- iv) the materials to be used on the external faces of all the buildings to which the details relate;
- v) the positions, design, dimensions, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided, including details on excavations and methodologies required for their implementation;
- vi) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels relative to existing land levels, all surfacing materials, and street furniture, signs, lighting, refuse storage units and other minor structures to be installed thereon;
- vii) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
- viii) a waste strategy including details of bin and recycling storage;
- ix) Details of any external lighting to any building(s) or parking areas either associated with those buildings or separate visitor spaces; and
- x) Evidence that the natural buffers required between proposed infrastructure and hedgerows, woodland parcels and watercourses, as set out in the Ecology Officer's response dated 19th December 2024 have been achieved, or evidence that no harm will arise to protected species and biodiversity as a result of these buffers not being achieved.

The development shall be implemented in accordance with the approved details.

- 11) The details to be submitted for the approval of the Local Planning Authority within any Reserved Matters application pursuant to Conditions 3 or 4 of this permission seeking to determine matters of Layout shall include details of the additional emergency vehicular access as shown indicatively on drawing 70117870-WSPE-DR-OT-00002-P02 Rev P02 received 7th March 2025

(only if this additional access is to be provided), and the pedestrian and cycle accesses onto Bourton Road, and all cycle and pedestrian routes within the site. For the avoidance of doubt, suitably surfaced, lit, and LTN 1/20 compliant pedestrian and cycle routes are required, and these will need to be constructed to the appropriate Buckinghamshire Council highway standards. The approved scheme shall be implemented and made available for use before any dwelling within the development associated with that Reserved Matters application is occupied and shall be retained as such thereafter.

- 12) The details to be submitted for the approval of the Local Planning Authority within any Reserved Matters application pursuant to Conditions 3 and 4 of this permission seeking to determine matters of Layout shall include:
- i) Details on parking and manoeuvring for all necessary vehicle types (including emergency vehicles and refuse collection vehicles);
  - ii) Details on cycle parking/storage on site for each dwelling as well as the pre-school/nursery; and
  - iii) Details on electric vehicle charging infrastructure to be installed at each dwelling and within the pre-school/nursery car park.

These details shall be fully in accordance with the adopted parking standards. The approved details shall be implemented and made available for use before any dwelling (or business) within the development associated with that Reserved Matters application is occupied and shall be retained as such thereafter.

- 13) The development shall be implemented utilising a Fabric First Approach and Air Source Heat Pumps in accordance with the Energy Strategy Statement prepared by Briary Energy, dated October 2024 and received 14th November 2024. Prior to or at the same time as the first reserved matters application, details of the Air Source Heat Pumps to be utilised in the development shall be submitted to the Council for approval in writing. The development shall then be implemented in accordance with those approved details.
- 14) The landscape details to be submitted pursuant to Conditions 3 and 4 above shall include the following:
- i) a scaled plan (preferably 1:200) showing all existing trees, shrubs and hedgerows to be retained, including crown spreads and Root Protection Areas for trees and plants to be planted;
  - ii) location, type and materials to be used for hard landscaping including specifications, where applicable for:
    1. permeable paving
    2. sustainable urban drainage integration
    3. use within tree Root Protection Areas (RPAs);
  - iii) a schedule detailing species, sizes and numbers/densities of all proposed trees/plants; including soil volume requirements, support measures, guards or other protective measures; biosecurity procedures including best working practices to reduce the spread of pests and disease. Species selected must be suitable to the soil and climate resilience and meet the Landscape Institute's 10:20:30 rule for species, genera and families;

- iv) a minimum 5m natural buffer to each face of retained and proposed hedgerows;
- v) specifications the type, dimension, soil volume and infill components of the proposed planting pits of all new trees, including soil volume requirements and cross-sectional drawings, noting that trees in more densely built areas will require the use of underground rooting apparatus or modular systems to achieve soil;
- vi) tree-lined streets with verges of sufficient width and length to accommodate tree planting and full tree establishment (a starting point of 2.5m width and length for verges should be used here);
- vii) locations of all existing services and those proposed, which should be positioned within the highways to ensure they do not conflict with existing or proposed trees, including underground rooting apparatus; and
- viii) specifications for operations associated with plant establishment and maintenance that are compliant with best practice; methods to improve the rooting environment for retained and proposed trees and landscaping including watering, weed control, pruning, etc.

The approved landscaping scheme shall be implemented in accordance with the requirements of Condition 38 of this permission. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless already agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting.

- 15) Any Reserved Matters application submitted pursuant to Conditions 3 or 4 of this permission which include details on the appearance, scale and layout of the pre-school / nursery shall also include details showing how the facility has been designed so that the appropriate ambient noise levels in internal and external environments are achieved in accordance with the Institute of Acoustics and ANC guidance document 'Acoustics of Schools design guide(2015)' as follows:
- i) For new schools, 60dB LAeq, 30 min should be regarded as an upper limit for external noise at the boundary of external premises used for formal and informal outdoor teaching, and recreational areas;
  - ii) Noise levels in uncopied playgrounds, playing fields and other outdoor areas should not exceed 55dB LAeq, 30 min; and
  - iii) At least one area suitable for outdoor teaching activities where noise levels are below 50dB LAeq, 30 min.

These details concerning noise levels must be provided in writing for approval alongside the details of appearance, scale, and layout, in the form of an Environmental Acoustics Report, which must be approved in writing by the Local Planning Authority as part of that Reserved Matters application.

- 16) Any reserved matters application pursuant to Conditions 3 and 4 of this permission shall include a carbon statement which includes:

A Whole Life-Cycle Carbon Emissions Assessment prepared using a recognised methodology demonstrating actions taken to reduce embodied and operational carbon

The development shall be carried out in accordance with the approved details for that phase.

### **Pre-commencement Conditions**

- 17) Prior to the commencement of any development works on the site, including site clearance and demolition of any buildings, related to the development hereby permitted, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority. The approved CTMP shall be adhered to throughout the construction period and shall include the following details:
  - i) Construction access;
  - ii) Construction traffic routing;
  - iii) Delivery hours outside of highway network peak periods;
  - iv) The parking of vehicles of site personnel, operatives, and visitors off the highway;
  - v) Loading and unloading of plant and materials and storage of plant and materials used in constructing the development off the highway;
  - vi) Site specific measures to control and monitor impacts arising in relation to noise, vibration, dust, smoke and fumes;
  - vii) The erection and maintenance of security hoarding and gates;
  - viii) Wheel-washing facilities; and
  - ix) Before and after construction condition surveys of the highway and a commitment to rectify and repair any damage caused.
  
- 18) No works or development (including demolition) shall take place until an Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP) has been submitted in accordance with current British Standard 5837 and approved in writing by the Local Planning Authority. Tree protection measures, including the erection of tree protective fencing and installation of ground protection, shall be in situ prior to the commencement of any works on site (including demolition) and shall conform to current British Standard 5837 guidance. No work shall be carried out, or materials stored within the construction exclusion zone or other protected areas without prior written agreement from the Local Planning Authority. The AMS and TPP shall include:
  - i) Details of trees to be removed and retained;
  - ii) Detailed plans for demolition (if applicable) and construction showing location of the tree protective fencing and any additional ground protection whether temporary or permanent;
  - iii) Details as to the location of proposed and existing services and utilities including sustainable drainage, attenuation basins and swales, where these are close to Root Protection Areas (RPAs);
  - iv) Details as to the method, specification and materials to be used for any "no dig" cellular confinement systems where the installation of no-dig surfacing is within the Root Protection Areas of retained or planted trees is to be in accordance with current nationally recognised best practice guidance British Standard BS 5837 and current Arboricultural Guidance Note 'Cellular Confinement Systems Near Trees'; demonstrating that

they can be accommodated where they meet with any adjacent building damp proof courses;

- v) Details of the proposed level changes close to existing trees or their root protection areas;
- vi) Details of all proposed access facilitation pruning, including root pruning, as outlined in current British Standard 5837 guidance shall be carried out in accordance with current British Standard 3998;
- vii) All phases and timing of the project, including phasing of demolition and construction operations, in relation to arboricultural matters and details of supervision by a suitably qualified arboriculturist with details of how evidence of this supervision may be made available to the Local Planning Authority and escalation where details are not complied with; and
- viii) Siting of work and welfare facilities, contractor parking, areas for the storage of materials and machinery and siting of skips, the erection of scaffolding any required working spaces.

The development thereafter shall be implemented in strict accordance with the approved details and the approved tree protection measures shall be retained and maintained until all building, engineering or other operations have been completed.

- 19) No development shall be commenced unless and until the habitat management and monitoring plan (HMMP) has been submitted to and approved in writing by the local planning authority. The content of the HMMP shall include the following:
- i) Description and evaluation of features to be managed;
  - ii) Ecological trends and constraints on site that might influence management;
  - iii) Aims and objectives of management which will (without limitation) include the provision provided within the Biodiversity net gain assessment (WSP, June 2025);
  - iv) Details of appropriate biodiversity enhancement features to be integrated into at least 25% of the proposed buildings along with hedgehog holes in appropriately located fences/barriers to allow wildlife migration;
  - v) Wildlife sensitive lighting strategy details including identifying those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb;
  - vi) Appropriate management options for achieving aims and objectives;
  - vii) Soil sampling is required in areas proposed for other neutral grassland in order to provide the secured habitat and condition through appropriate management in reflect of soil conditions;
  - viii) Prescriptions for management actions;

- ix) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
- x) Details of the body or organization responsible for implementation of the plan; and
- xi) Ongoing monitoring and remedial measures.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of thirty years.

- 20) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- i) Risk assessment of potentially damaging construction activities;
  - ii) Identification of “biodiversity protection zones;”
  - iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). To include protection measures for the retained trees (specifically identified T17 and T25) and measures in place to protect ecological valuable habitats (including natural buffers along linear features);
  - iv) Reptile precautionary method statement;
  - v) Details of pre-commencement badger survey;
  - vi) The location and timing of sensitive works to avoid harm to biodiversity features;
  - vii) The times during construction when specialist ecologists need to be present on site to oversee works;
  - viii) Responsible persons and lines of communication;
  - ix) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
  - x) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 21) Prior to the commencement of any development a construction method statement shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of reasonable avoidance measures for amphibians including great crested newts. The development shall proceed in accordance with the approved measures.
- 22) Archaeology: this condition has three parts:

- i) Prior to the submission of the first reserved matters application a written scheme of investigation which shall include a scheme for trial trenching shall have been submitted to and approved in writing by the Local Planning Authority.
- ii) Prior to or at the same time as the submission of the first reserved matters application an archaeological evaluation shall have been undertaken in the form of trial trenching in accordance with the approved written scheme of investigation.
- iii) Where the trial trenching reveals archaeological remains that, Buckinghamshire Council concludes, should be preserved in situ required no development shall take place in these areas until the applicant has provided an appropriate methodology for this which has been submitted by the applicant and approved by the planning authority.
- iv) Where archaeological remains are concluded to be appropriate to be recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording, no commencement of the development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work to record the remains that which has first been submitted by the applicant and approved by the planning authority.

The archaeological investigation(s) should be undertaken by a professionally qualified archaeologist working to the agreed written scheme of investigation(s) based on our on-line template briefs and take the form of trial trenching at a minimum of 4% in the first instance.

- 23) No development shall take place until a risk assessment in relation to ground contamination has been carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice, in alignment with the recommendations of the Phase 1 Geo-environmental Desk Study dated March 2024, prepared by WSP and received by the Council on 14th November 2024 The following shall be submitted to and approved in writing by the Local Planning Authority.
- i) Phase 1 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.
  - ii) Phase 2 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be submitted to and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme, and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

### **Pre-stage Conditions**

- 24) Prior to the commencement of construction of any dwelling a written noise impact assessment for the site shall be submitted in writing to, and approved by, the Local Planning Authority. The report shall demonstrate that the layout and construction of dwellings and associated external amenity space reflects good acoustic design together with details of appropriate mitigation

measures, where required, so that internal and external noise levels specified below will not be exceeded:

Location	Daytime (07:00 to 23:00)	Night time (23:00 to 07:00)
Living Room	35 dB LAeq, 16hour	-
Dining Room	40 dB LAeq, 16hour	-
Bedroom	35 dB LAeq, 16hour	30 dB LAeq, 8hour  45dB LAmax - no more than 10 times per night

Where it is necessary to rely on closed windows to achieve the above internal noise levels then an alternative adequate means of ventilation and cooling, meeting the requirements of Building Regulations Approved Document F and O, shall be provided that do not compromise the performance of the relevant façade insulation measures. Where mechanical ventilation is proposed it should, in normal operation, achieve compliance with NR20 in bedrooms between 23:00 to 07:00 and NR25 in all habitable rooms between 07:00 to 23:00.

Noise levels in external amenity spaces provided for the sole use of the occupiers of the dwellings shall not exceed 55dB LAeq, 16hr.

Any agreed mitigation measures required to meet the internal and external noise levels specified above in respect of a dwelling shall be fully implemented prior to the first occupation of that dwelling and shall be retained as such for the duration of its residential use.

- 25) No construction work on any dwellings or the pre-school/nursery hereby permitted, other than site clearance and demolition, shall take place until a written management plan detailing how noise arising from mechanical air ventilation, heating, and cooling plant is to be mitigated has been submitted to and approved in writing by the Local Planning Authority. The scope of this condition should be interpreted as including plant associated with both domestic and non-domestic land uses (i.e., plant installed for the benefit of the pre-school/nursery).

No part of the development shall be occupied until the mechanical air ventilation, heating and cooling plant authorised by this condition have been installed and commissioned in strict accordance with the management plan, and the plant shall be maintained in full accordance with manufacturer's recommendations for the lifetime of the development.

- 26) Either before or together with the submission of any Reserved Matters application pursuant to Conditions 3 and 4 of this permission which include details of the appearance, scale and layout of the pre-school/nursery, a report detailing the proposed noise mitigation, including any necessary ventilation requirements will be submitted, to and approved in writing by, the Local Planning Authority. The report will detail the mitigation required to ensure that internal noise levels, from any external source, do not exceed those specified in table 4 of BS8233:2014 and that noise levels in bedrooms do not exceed 45dB LAmaxf more than 10 times per night.

Any specific building ventilation requirements needed to ensure that the above levels can be maintained will also be detailed in the report. It will also

detail the mitigation required to ensure that noise levels in external amenity spaces do not exceed 55dB LAeq16hr.

Any agreed mitigation measures required to meet the internal and external noise levels specified above in respect of a dwelling shall be fully implemented prior to the first occupation of that dwelling and shall be retained as such for the duration of its residential use.

- 27) No development on any dwelling or the pre-school/nursery shall commence, other than site clearance and demolition, until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water. The strategic foul water strategy shall identify a sustainable point of connection to the public foul network.

The foul water drainage works approved by this condition must have been carried out in complete accordance with the approved scheme prior to the occupation of any dwelling or the pre-school/nursery.

- 28) No works (other than site clearance and demolition) shall begin until a surface water drainage scheme for the site, based on based on the principles set out within the Flood Risk Assessment and Outline Drainage Strategy report (doc.ref. 70117870-Rev.1, September 2024, WSP) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i) Detailed drainage surveys and condition assessment of downstream culverts and land drainage ditches to the north of the redline which are proposed to receive discharges from the proposed development site drainage scheme. Note that these fall with Applicant's blue line land ownership;
- ii) Hydraulic/hydrological assessment of existing land drainage flows entering the site from the Ditches 1, 2 and 3 identified in Figure 2-3 of the FRA);
- iii) Discharge rates from the drained impermeable area shall be based on QBAR greenfield rate of 3l/s/ha in accordance with the greenfield run off calculations provided within the approved FRA and Drainage Strategy Report;
- iv) Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event, without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site;
- v) The calculations must include an assessment of the impacts of surcharged outfall conditions at the points of connection into the Upper Great Ouse to inform the sizing of attenuation basins and the design of emergency overflows and requirements for flap values for outfalls. Typically, a reasonable worst case scenario in terms of joint probability of a pluvial/fluvial event occurring simultaneously is represented using the design storm event for the drainage network (1%AEP+CC) in combination to a 1 in 2 year event (QMED) fluvial event, which equate to approximately the bankfull water level within the Upper Great Ouse at the location of the proposed outfall;

- vi) Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction, taking into account vulnerable receptors within the zone of influence of the site;
  - vii) Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components;
  - viii) Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), showing pipe numbers, gradients and sizes, complete together with storage volumes of all SuDS component(s);
  - ix) Construction details of all SuDS and drainage components; and
  - x) Floation calculations for all buried drainage elements (attenuation ponds, tanks, permeable paving etc...) based on groundwater levels encountered during the winter monitoring period (November-March).
- 29) No works (other than site clearance and demolition) shall begin until a 'whole-life' maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) during and following construction, with details of who is to be responsible for carrying out the maintenance. The surface water drainage scheme approved pursuant to Condition 28 of this permission and the associated maintenance plan for the site shall be implemented in accordance with the approved details.
- 30) Prior to the commencement of the construction of any estate roads serving any phase of the development subsequently approved as part of reserved matters applications submitted pursuant to Conditions 3 and 4 of this permission, details of measures to facilitate the availability of a high-speed broadband connection to the occupants of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the building to which it relates.

### **Pre-occupation Conditions**

- 31) No part of the development hereby permitted shall be occupied, until the principal means of vehicular access off Bourton Road has been provided in general accordance with the approved planning drawing (70117870-WSPE-DR-OT-00001-P02 Rev P01 Proposed Access Design received 2nd April 2025) and constructed to the appropriate Buckinghamshire Council access standards.
- 32) No part of the development hereby permitted shall be occupied, until the off-site improvement works concerning Bourton Road and the Toucan crossing over the A413, including the installation of raised kerbs and bus stops along the A413, have been provided in general accordance with the drawings listed below, and in accordance with detailed design/drawings which have been submitted to and approved in writing by the Local Planning Authority. Where relevant, the improvements will need to be suitably surfaced, lit, and LTN 1/20 compliant pedestrian and cycle routes constructed to the appropriate Buckinghamshire Council highway standards.

- i) Drawing No: 70117870-WSPE-DR-OT-00002-P02 Rev P01 Bourton Road Pedestrian and Cycle Connection Improvements Overview Plan received 7th March 2025
  - ii) Drawing No: 70117870-WSPE-DR-OT-00002-P02 Rev P01 Bourton Road Pedestrian and Cycle Connection Improvements Sheet 1 of 3 received 7th March 2025
  - iii) Drawing No: 70117870-WSPE-DR-OT-00002-P02 Rev P01 Bourton Road Pedestrian and Cycle Connection Improvements Sheet 2 of 3 received 7th March 2025
  - iv) Drawing No: 70117870-WSPE-DR-OT-00002-P02 Rev P01 Bourton Road Pedestrian and Cycle Connection Improvements (including approximate locations of bus stops) Sheet 3 of 3 received 7th March 2025
- 33) No part of the development hereby permitted shall be occupied, until detailed design and technical details concerning the off-site improvement works relating to the provision of a footpath to the south of the A421 generally in accordance with the following drawing, has been submitted to and approved in writing by the Local Planning Authority.
- i) Drawing No: 70117870-WSPE-DR-OT-00003\_P01 Rev S2-P01 A421 pedestrian and cycle connection improvements (Appendix F of the Transport Assessment, October 2024).

The off-site improvements hereby approved by this condition must be implemented prior to the occupation of any dwelling or the pre-school / nursery.

- 34) No part of the residential development shall be occupied until a detailed Residential Travel Plan is submitted to and approved in writing by the Local Planning Authority. The approved Residential Travel Plan shall be implemented and monitored thereafter.
- 35) No part of the Pre-school / Nursery shall be occupied until a detailed Pre-school / Nursery Travel Plan is submitted to and approved in writing by the Local Planning Authority. The approved Nursery Travel Plan shall be implemented and monitored thereafter.
- 36) No dwelling on any phase shall be occupied until full written details of artificial lighting for that phase is submitted to and approved in writing by the Local Planning Authority. In addition to considering the impact on residential amenity for adjacent neighbouring residential properties, the lighting scheme shall incorporate a 'lighting design strategy for biodiversity' for the entirety of the proposed development. The strategy shall:
- i) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - ii) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, in accordance with the approved details, and these shall be maintained thereafter in accordance with the strategy, for the lifetime of the development.

- 37) Prior to occupation of any dwelling or the pre-school/nursery approved as part of this development (or any subsequent phase of development), written confirmation from Anglian Water must be submitted to the Council, confirming there is sufficient capacity at the water recycling centre to accommodate the foul flows from the development site.

### **Compliance Conditions**

- 38) All planting, seeding or turfing included in all approved landscaping details (regardless of phase) shall be carried out in the first planting and seeding season following the occupation of the development/phase hereby permitted or the completion of the development/phase, whichever is the sooner. Any retained trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of ten years from the occupation or completion of the development/phase, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 39) The sizes and types of dwellings (i.e. the housing mix) to be submitted pursuant to Conditions 3 and 4 of this permission shall have regard to the Housing and Economic Development Needs Assessment (2017) or latest evidence of housing need.
- 40) The proposed dwellings shall be designed to provide an appropriate level of accessibility and adaptability, with all dwellings compliant with Category 2 (Part M4(2) of the Building Regulations and 15% of the affordable units compliant with Category 3 (Part M4(3) of the Building Regulations) unless demonstrated by an accompanying report that the development would be unviable to do so.

\*\*\*\*\*END OF CONDITIONS\*\*\*\*\*