
Appeal Decision

Site visit made on 18 November 2015

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 14 March 2016

Appeal Ref: APP/Y0435/W/15/3133940

Long Street Road, Hanslope, Milton Keynes

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mulberry Property Developments against the decision of Milton Keynes Council.
 - The application Ref 14/02817/OUT, dated 15 December 2014, was refused by notice dated 6 March 2015.
 - The development proposed is residential development of 12 dwellings, including associated access, landscaping and infrastructure.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development of 12 dwellings, including associated access, landscaping and infrastructure at Long Street Road, Hanslope, Milton Keynes in accordance with the terms of the application, Ref 14/02817/OUT, dated 15 December 2014, subject to the 18 conditions set out in the attached schedule.

Preliminary matters

2. The application to which the appeal relates was submitted in outline form with all matters reserved for subsequent approval.
3. A Unilateral Undertaking was submitted under section 106 of the Town and Country Planning Act 1990 (s106). I deal with the contents of this below.

Main issues

4. The main issues in the appeal are:
 - whether the Council can identify a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements as required by the National Planning Policy Framework (the Framework); and
 - the effect of the proposal on the character and appearance of the open countryside.

Reasons

5. The appeal site is a largely level parcel of land located between No 36 and No 38 Long Street at the fringe of the village of Hanslope. The village contains a number of facilities and services including a primary school, doctor's surgery, village shop and public house.
-

Housing land supply

6. The Council accepts that it is unable to demonstrate a 5 year land supply of deliverable housing sites as required by the Framework. The Framework sets out in paragraph 49 that '*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'.
7. Policy S10 of the Milton Keynes Local Plan 2001 – 2011 and Policies CS2 and CS9 of the Milton Keynes Core Strategy, seek to restrict development in the countryside and forms part of the Council's strategic approach to the distribution and location of housing. It is, therefore, a relevant policy for the supply of housing and given there is no 5 year supply it cannot be regarded as being up to date. In these circumstances, paragraph 14 of the Framework states that, the presumption in favour of sustainable development means that planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or unless specific Framework policies indicate development should be restricted.
8. The provision of 12 dwellings would make a contribution to the supply of housing. This weighs in favour of the proposal, particularly given the absence of a 5 year supply.

Character and appearance

9. The appeal site is located at the edge of the settlement of Hanslope. The site is bounded by a combination of hedges and fencing and is largely flat. The proposed development would infill a gap between the village and a group of houses on the north east side of Long Street Road. As such the introduction of built form would result in a limited loss of open countryside. However, the appellant has demonstrated through their indicative site layouts that the scheme could be integrated into the village and the use of landscaping would mitigate any harm to the countryside including the potential to retain elements of the existing hedgerows. This view is supported by the Council's senior landscape architect who stated that they had no major issues with the proposal subject to the scheme being integrated into the landscape character. Therefore, given the site specific context, the proposed residential development would be visually read as an integral part of the village and would not have the appearance of ribbon development. Consequently, the proposal would have a neutral effect on the character and appearance of the area.
10. The proposal would therefore not conflict with paragraphs 7 and 58 of the Framework. These seek to ensure that development would protect and enhance the natural environment and establish a strong sense of place. In reaching my conclusions I have also taken into account that the appeal site is located within the area put forward by Hanslope Parish Council in their Neighbourhood Plan Area Application. This was approved as a Neighbourhood Plan Area on 9 December 2015. However, this is merely the identification of the area for which the parish council wish to prepare a neighbourhood development plan.

Unilateral undertaking

11. At the time the Council made their decision the appellant had not provided a planning obligation in relation to infrastructure to offset the effect of the proposed development. However, the appellant has as part of their appeal

submitted a unilateral undertaking pursuant to Section 106 of the Act, which includes financial contributions towards education, leisure, recreation, sport and social infrastructure. Further there is a requirement to provide a contribution towards carbon neutrality subject to the submission of a method of calculation to the Council for its approval.

12. None of the planning obligations contained within the undertaking appears to be in dispute, but I have considered them against the tests in Regulation 122 of the CIL Regulations 2010 nonetheless. The Council has demonstrated a need for the contributions identified above as a result of the proposed development. These requirements are consistent with Policy CS21 of the Milton Keynes Core Strategy which sets out a tariff based approach to planning obligations. Further the Council have confirmed that none of the contributions would be in contravention of Regulation 123 of the CIL regulations 2010 in relation to pooling. I therefore consider that this obligation meets the necessary tests in law and I have taken account of it in reaching my decision.

Other considerations

13. Both parties in support of their statements have referred to previous appeal decisions. However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me. I have therefore considered the appeal before me on its individual merits against the criteria of the Development Plan and the Framework and any other material considerations.
14. Interested parties have raised the issue of the potential for archaeological remains being buried within the site. I have therefore applied a condition that requires a programme of archaeological work in accordance with a written scheme of investigation.

Planning balance

15. In terms of the social dimension to sustainable development, the proposed development of 12 dwellings would make a beneficial contribution to the supply of housing in the area where there is a current shortfall. I accept that occupants of the proposed development may need to access some services and facilities outside the village such as employment, retail and leisure. However, Hanslope as a village is well served in terms of local services with a local school, doctor's surgery, post office and public house. The addition of 12 new dwellings would contribute to and support those existing local services.
16. With regard to economic considerations, I have had regard to the contributions the scheme would make to education, leisure, recreation, sport and social infrastructure. However, these serve to mitigate the adverse impacts arising from the additional demands the development would place on local facilities and therefore would have a neutral effect. However, the proposed development would provide an economic boost to the local economy, through the provision of jobs and the supply of labour, materials, services and the payment of council tax.
17. In terms of the environmental effects, the appeal site is located in close proximity to the services and facilities provided in Hanslope. Furthermore, as set out above the proposal would have a neutral effect on the character and appearance of the area.

18. Having reached the conclusions above the proposal would represent sustainable development when assessed against the Framework as a whole.

Conditions

19. The conditions suggested by the Council have been considered in light of the advice contained within the National Planning Practice Guidance and the Framework. In addition to the standard outline implementation condition, it is necessary for the avoidance of doubt and in the interests of proper planning, to define the plans with which the scheme should accord.
20. To minimise the risk of flooding, it is necessary for details of surface and foul water drainage to be agreed with the Local Planning Authority. To minimise the risk to biodiversity, it is necessary for a landscape, ecology and biodiversity plan to be agreed with the Local Planning Authority. Further it is necessary to control and agree details of methods of boundary treatment, levels, construction and traffic management in the interests of local residents. In the interests of biodiversity it is necessary for details of lighting and landscaping to be submitted at reserved matters stage. In the interests of highway safety it is necessary for details of visibility splays, highway adoption, provision for cycles, parking, manoeuvring and visitor parking to be submitted at reserved matters stage. It is necessary to impose a condition requiring an assessment of ground conditions and for details of any required remediation to be submitted to and approved by the Council. Given the potential for archaeological remains buried within the site it is necessary for an archaeological scheme of work to be agreed with the Local Planning Authority.
21. It is not necessary to apply conditions in relation to the number and design of vehicular access and sample panels of materials as these are reserved matters. It is not necessary to apply conditions in relation to the code for sustainable homes or require a sustainability statement as these matters are adequately addressed by the Building Regulations.

Conclusion

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

Jameson Bridgwater

INSPECTOR

Schedule – Conditions

- 1) No development shall commence on any phase or part of the development until details of the layout, scale, appearance of the buildings, access thereto and landscaping for that phase or part (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority (LPA).
- 2) Application for approval of all the reserved matters in respect of all phases or parts of the development shall be made to the LPA before the expiration of three years from the date of this permission.

- 3) The development within any phase or part of the development hereby permitted shall begin no later than two years from the date of the approval of the last of the reserved matters of that phase or part.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans M.0361-01 (Site Location Plan) and (Red Line Plan).
- 5) No development shall commence in each phase or part of the development until a foul water strategy for that phase or part has been submitted to and approved in writing by the LPA in consultation with Anglian Water. No dwellings in that phase or part shall be occupied until the works have been carried out in accordance with the approved foul water strategy for that phase or part unless otherwise approved in writing by the LPA.
- 6) Prior to any development taking place in each phase or part of the development, the developer shall carry out an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination of that part of the site. The results of this survey detailing the nature and extent of any contamination, together with a strategy for any remedial action deemed necessary to bring the site to a condition suitable for its intended use, shall be submitted to and approved by the LPA before construction works commence. Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report prior to first occupation of that phase or part of the development. Should any unforeseen contamination be encountered in that phase or part of the development the LPA shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the LPA.
- 7) The visibility splays provided should be in accordance with Manual for Streets 2006 or its successor, the visibility splay should not be impeded; height of any hedge/wall or fence within this visibility should be kept below 1.05m above the carriageway height.
- 8) For any phase or part of the development, details of the proposed finished floor levels of all buildings and the finished ground levels in relation to existing surrounding ground levels for that phase or part shall be submitted to and approved by the LPA prior to development commencing within that phase or part. Development for that phase or part shall be undertaken in accordance with the approved levels.
- 9) Prior to the commencement of any phase or part of the development a Code of Construction Practice (CoCP) for that phase shall be submitted to and approved in writing by the LPA. The CoCP that is submitted shall include Noise Action Levels (based on a noise survey) and other measures to include:
 - Site management and complaints procedure;
 - Temporary boundary treatments;

- Lighting and security;
 - Site facilities;
 - Means of access;
 - Construction traffic routing;
 - Environmental and nuisance mitigation measures;
 - Vehicle wheel cleansing facilities.
 - All construction work shall be undertaken in accordance with the agreed CoCP for that phase or part and all contractors shall be contractually required to comply with it.
- 10) The details to be submitted for the approval in writing of the LPA in accordance with condition 1 above shall include a scheme for cycles, parking and manoeuvring and the provision of visitor car parking spaces in accordance with the LPA's 'Car Parking Standards' within the adopted January 2016 Parking Standards Supplementary Planning Document or to the standards in force at the time of any reserved matters applications. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and the approved cycle storage, parking and manoeuvring areas shall not thereafter be used for any other purpose.
- 11) Prior to the commencement of each phase or part of the development, details of the adoptable estate road shall be submitted to and approved in writing by the LPA. No dwelling shall be occupied in any phase or part of the development until the estate road which it provides access to, from the existing highway have been laid out and constructed in accordance with the approved details.
- 12) The hours of working on any phase or part of the development during the construction period shall be restricted to 08:00 hours to 18:00 hours Mondays to Fridays, 08:00 hours to 13:00 hours on Saturdays, and no working shall take place on Sundays and Public Holidays. The term 'working' shall for the purpose of clarification of this condition include; the use of plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of the site. No 'working' outside these hours on any phase or part shall take place without the prior written consent of the LPA.
- 13) Prior to the commencement of each phase or part of the development a scheme showing the proposed boundary treatments for that phase or part shall be submitted to and approved in writing by the LPA. The approved boundary treatments shall be in accordance with the approved details for that phase or part and be completed prior to the first occupation of each dwelling or first use of such phase or part of the development. They shall be retained in that condition thereafter.
- 14) The landscaping scheme required by Condition 1 above shall include provision for the planting of trees and shrubs and shall include native species and those beneficial to wildlife for each development phase or part required by. The scheme shall show the numbers, types and sizes of trees and shrubs to be planted and their location. All planting shall

be carried out in accordance with the scheme and shall be carried out within twelve months of commencement of each phase or part of the development. Any trees or shrubs removed, dying, severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and species as may be agreed by the LPA.

- 15) A landscape, biodiversity and ecological plan detailing a net gain in benefits for wildlife shall be submitted to the LPA for approval prior to each phase or part of the development of the site demonstrating how the following measures shall be provided within the development:
- The Ecological Survey Report shall be updated to include a desk study using data obtained from the Buckinghamshire and Milton Keynes Environmental Records Centre and other local sources, paying greater consideration to the potential for the site to provide habitat for any European Protected Species. The survey report shall be submitted to the LPA prior to development of the site.
 - The assessment for existing biodiversity using the Biodiversity Impact Assessment calculator and the result used to develop future plans that provide net gains for biodiversity. These plans shall contain firm proposals and a management regime that will protect the net gains for biodiversity within the development of the site. The report/plan shall be submitted to the LPA prior to development of the site.
- 16) All external lighting shall be kept to a minimum and directed away from bat features. A lighting plan shall be submitted to the LPA for approval prior to development of the site.
- 17) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the agreed details prior to the first occupation of the units in that phase or part of the development and retained in that condition thereafter. The scheme shall include:
- Details of ground investigation work to ensure any infiltration drainage is in uncontaminated land.
 - Detailed calculations for any proposed storage requirements and discharge rates to watercourses where applicable.
 - Details of where a reduction in flows is achieved to show betterment from the existing system.
 - Details of existing and proposed drainage routes, inclusive of the watercourse adjacent to Long Street Road, demonstrating that no third party property is at risk from flooding.
 - Details of porosity tests where applicable.

- Details of any potential on-site or off-site flow routes for extreme rainfall events for any proposed surface water infiltration drainage where it is outside its design parameters.
 - Details for the future responsibilities for the management of the surface water drainage scheme.
- 18) No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Two copies of the written scheme of investigation must be submitted.

Richborough Estates