



Appeal Decision

Hearing held on 26 and 27 April 2016

Site visit made on 27 April 2016

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 12 August 2016

Appeal Ref: APP/Y0435/W/15/3134194 Land at Church Farm, Wavendon.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Connolly Homes Plc, Joanna Mary Beale and Jacqueline Joan Ebeid against the decision of Milton Keynes Council.
 - The application Ref 14/01610/OUT, dated 14 July 2014, was refused by notice dated 10 March 2015.
 - The development proposed is described as residential development (up to 350 homes) with strategic access included for consideration and all other matters reserved.
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Decision

1. The appeal is allowed and planning permission granted for residential development (up to 350 homes) with strategic access included for consideration and all other matters reserved at land at Church Farm, Wavendon in accordance with the application Ref 14/01610/OUT dated 14 July 2014, subject to the conditions in the schedule at the end of the decision.

Application for Costs

2. An application for costs was made by Connolly Homes Plc, Joanna Mary Beale and Jacqueline Joan Ebeid against Milton Keynes Council. This application is the subject of a separate decision.

Procedural Matters

3. A signed and dated Statement of Common Ground (SoCG) agreed by the main parties was provided in advance of the hearing.
 4. The application was submitted in outline, with only the means of strategic access to be determined at this stage.
 5. A signed and dated Unilateral Undertaking (UU) in accordance with Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant after the close of the hearing. This contains a number of obligations including contributions to education and skills, open space and play areas and a voluntary sector contribution. The UU also makes provision for on-site affordable housing. I return to the obligations later in this decision.
 6. In response to a representation by an interested party the Council submitted an addendum to its Statement of Case which was outside of the hearing timetable. At the hearing, following submissions by the appellant and the
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Council I decided to accept the Council's addendum because it was addressed a matter raised by an interested party and my consideration of it would not prejudice any other parties. I will deal with it under other matters.

Main Issues

7. At the hearing I identified five main issues for discussion based on the matters in dispute identified in the SoCG. I have further amended these for clarity as follows:
 - a) Whether the proposed development would comply with the policy requirements for a pedestrian / cycle crossing;
 - b) Whether the proposed at-grade crossing would lead to conflicts between pedestrians / cyclists and vehicles;
 - c) Whether the proposed access would require a grade separated crossing;
 - d) Whether the proposed access would prejudice a grid road extension;
 - e) Whether the proposals satisfy the economic, social and environmental dimensions of sustainable development with particular reference to access.

Reasons

Whether the proposed development would comply with the policy requirements for a pedestrian / cycle crossing

8. The scheme comprises an outline application for up to 350 homes and associated infrastructure with all matters reserved for future determination apart from a strategic access to be provided from the H10 Bletcham Way junction. The proposed access would be in the form of a single carriageway road with an at-grade pedestrian crossing at Byrd Crescent.
9. Policy T1 of the Milton Keynes Local Plan 2001-2011 (the Local Plan) requires development proposals to meet the needs of transport users in an order of priority which places pedestrians and those with impaired mobility and cyclists above other road users. This is in line with the advice in paragraph 35 of the National Planning Policy Framework (the Framework) which states that developments should be designed where practical to give priority to pedestrians and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
10. Policy T10 (ii) of the Local Plan which is referred to in the reason for refusal states that planning permission will be refused for development if it would generate motor traffic causing significant risk of accidents.
11. Following on from Policy T1 of the Local Plan, the Milton Keynes New Residential Development Design Guide (NRDDG) Supplementary Planning Document (SPD) 2012 includes a design principle that at the masterplanning stage pedestrians are considered first followed by cyclists before other users.
12. More specifically relating to the proposed development, the Milton Keynes Strategic Land Allocation Development Framework (SLADF) SPD 2013 states that for the Church Farm development the Council's strong preference is for access to be provided in the form of a single-carriageway grid-road extension of H10 through the paddock located between Gable Thorn and Ravel Close with

- protected additional land alongside to enable the possible dualling at some future date.
13. The SLADF states that *'the exact nature of this access, including the design of grade separated pedestrian, cycle and bridleway crossings should be established through a Transport Assessment'*. It also states that Byrd Crescent should be closed where it is crossed by the new access road into Church Farm. The closure of Byrd Crescent is also seen as allowing for a pedestrian crossing to be provided over the H10 access road to improve safety for pedestrians and cyclists.
 14. Although the SoCG confirms that it is agreed that the proposed development is in general conformity with the guidance contained in the SLADF SPD in respect of the Church Farm development the reference to grade separated crossings provides a degree of ambiguity and was therefore the subject of discussion at the hearing.
 15. Whilst there is ambiguity and repetition within the SLADF in the comments about the access to Church Farm, taken as a whole it is clear to me that the objective of the SPD is for a single carriageway road from the H10 with an at-grade pedestrian and cycle crossing. If required in the future, this could be upgraded to a grade separated crossing, depending upon the outcome of a Transport Assessment.
 16. Guidance on the provision of underpasses is provided in paragraph 3.7.18 of the NRDDG SPD. This states that underpasses will be required where pedestrian and cycle routes need to cross grid roads. I have already indicated that I do not consider the proposed access road to be a grid road and therefore on this basis there would be no requirement in terms of the guidance to provide an underpass.
 17. The Council's interpretation of paragraph 3.7.18 was that in addition to the crossing of grid roads underpasses should be provided on important desire lines. However, my interpretation of this paragraph is that important desire lines should determine where crossings of grid roads through underpasses should be located rather than a general requirement to provide underpasses where there are important desire lines. On the basis of the evidence presented to me it seems clear that there are many important desire lines within the city where underpasses are not provided.
 18. There is a clear desire line from Old Farm Park to Wavendon Gate School forming part of the Redway this currently follows Byrd Crescent which would be closed as part of the scheme. In my view there would be limited conflict with the advice in paragraph 3.7.11 of the NRDDG SPD which requires pedestrian routes to generally follow streets and be overlooked by housing rather than on routes segregated from vehicular traffic. Moreover, this degree of conflict with the SPD would be less than that which would result from the formation of even a short underpass. Furthermore, limited conflict would arise with section 3.3 of the NRDDG which addresses community safety but less so than for an underpass.
 19. The NRDDG SPD sets out that where Redways cross streets priority should be given to Redway users with priority emphasised through the inclusion of a raised table over which the Redway runs or a change in surface material. Paragraph 3.7.2 states that in the movement network in a new residential

- development the user hierarchy does not mean that it is always more important to provide for pedestrians although they should be considered first.
20. The Council also made reference to the Sustrans Design Manual which notes that the purpose of a crossing is to give pedestrians and cyclists safe passage across the highway taking account of the circumstances of the site. Reference was also made to the Manual for Streets which promotes residential streets which are safe, places a high priority on meeting the needs of pedestrians and cyclists and establishes a hierarchy of provision demonstrating how consideration should be given to the needs of pedestrians and cyclists but that grade separation should be a last resort.
21. There is no requirement in the guidance, Policy T1 of the Local Plan, or the Framework for pedestrians and cyclists to be given a higher priority than other road users in terms of the physical provision of facilities. The priority indicated relates to design criteria. The approach which the appellants have taken in giving first consideration to pedestrians and cyclists is in line with guidance and policy.
22. Similarly, the approach adopted in terms of proposing an at-grade crossing of the new road at Byrd Crescent is also in line with Local Plan Policy T10 (ii) and other relevant guidance, subject to the crossing not causing a significant risk of accidents.

Whether the proposed crossing would appropriately address highway safety

23. In both his written representation and at the hearing Mr Cox explained his concerns about the safety of school children in respect of his own school, Wavendon Gate School and also Walton High School. He explained how the design of Milton Keynes with significant numbers of bridges and underpasses made the environment safe for pedestrians but did not necessarily generate road sense for children or road safety awareness. Consequently he was concerned for the safety of children should the crossing of the access road be at surface level rather than through an underpass. During my accompanied site visit at the end of the school day I observed the considerable number of children leaving Wavendon Gate School and walking along Byrd Crescent.
24. Numerous local residents, many with children at local schools submitted representations prior to the Council determining the planning application or as part of the appeal process. A high proportion of the concerns about the scheme related to the safety of pedestrians and cyclists and particularly school children.
25. As there was an absence of comment within the Council's review of the Transport Assessment on proposed crossing the appellants undertook further design work. Following the refusal of the planning application, the designers responded to the comments arising from the independent Stage 1 Road Safety Audit. In addition a Non-Motorised User audit also indicated changes which could be made to the design to improve conditions for cyclist and pedestrians which would reduce risk. Subsequently the Council undertook its own Road Safety Audit which provided further comments on possible changes to the detailed design of the scheme. Whilst the evolving design has elements which could be altered to further improve the environment for pedestrians and cyclists I find that there is no evidence that the needs of these groups have not been appropriately addressed given the stage of design development. In

addition there is no clear evidence that pedestrians and cyclists would be at a high risk of coming into conflict with vehicular traffic as a result of the proposed scheme. Nothing before me indicates that the outstanding matters are not capable of being dealt with during the detailed design and technical approval process. Additionally, I have no evidence that there is a particular safety concern regarding at-grade crossings in the local area.

26. The Council's comment that the proposed arrangement will put pedestrians and cyclists in conflict with vehicular traffic appears to be based on the view that the design of the scheme could be improved rather than any qualitative or quantitative assessment of risk. Similarly I find little evidence for the claim that the design would result in an unwelcoming environment for pedestrians and cyclists as they are used to grade-separated crossings in Milton Keynes. Evidence was presented by the appellant at the hearing and as I saw during my site visit there are numerous examples of Redways crossing access routes at surface level. There are numerous examples locally of the Redway crossing roads at-grade and therefore users of the proposed crossing at Byrd Crescent would be familiar with this arrangement. On the basis of the evidence presented to me I find that as a result of the volume of pedestrian and cyclist movements, even in peak periods and the accident records locally the risk of accidents would not be so significant as to justify refusing planning permission in line with Policy T1 (ii).
27. The Council's case with regard to the crossing is that a grade separated scheme would remove all risks of conflict and therefore would be the best solution whereas Policy T10 (ii) of the Local Plan requires planning permission to be refused where there is a significant risk of accidents. Whilst the Council may seek a solution which removes all risk this is not a requirement of the relevant development plan policy.

Whether the proposed access would require a grade separated crossing;

28. The Council makes reference to the draft Sustrans Design Manual which indicates that delays at junctions and crossings are a major factor affecting cyclist journey times and that providing unrestricted movements for cyclists and pedestrians at junctions is key to creating permeable networks to encourage modal shift. The Design Manual points out the potential for conflict between motor traffic, cyclists and pedestrians at junctions and highlights the purpose of a crossing being to provide a safe passage across the highway. It goes on to comment that the type of crossing chosen will need to be appropriate to the circumstances of the site and the behaviour / demands of users.
29. The Manual for Streets indicates that subways should be avoided unless local topography or other conditions make them necessary. Whilst the Council states that in this case local topography lends itself to grade separation as the existing Redway is in a cutting and there is a long term aspiration for the extension of the grid road, the opportunity to future-proof the design and avoid the need for retrospective grade-separation is not justified by reference to development plan policy or the advice in the Sustrans Design Manual or the Manual for Streets.
30. There is no national or local policy requirement for grade-separation in this case and no justification for departing from the Council's preferred approach to the delivery of crossings which is to install at-grade crossings on non-grid

roads. On the basis that I have found that the proposed crossing would appropriately address highway safety I do not consider that a grade separated crossing would be necessary in this situation.

Whether the proposed access would prejudice a grid road extension

31. Policy CS11 of the Milton Keynes Core Strategy (CS) requires the maintaining and future proofing of the of the city's grid road system. Policy CS12 of the CS states that new development should not preclude the further expansion of Milton Keynes.
32. At paragraph 3.5.14 the SALDF SPD confirms that any access to the Church Farm development from the H10 Bletcham Way must ensure that an extension to the grid road network, if required to serve future development, is not prejudiced by the current proposals. Paragraph 3.5.15 indicates that the Council's strong preference is for access to be provided in the form of a single-carriageway grid-road extension of H10 through the paddock located between Gable Thorn and Ravel Close with protected additional land alongside to enable the possible dualling at some future date. The SLADF SPD also states that the junction at the end of the H10 must allow for the possible future extension eastwards of the H10 at some future date.
33. The Council's position as set out in its written statements was that should the access road be upgraded to a grid road in the future it would cause significant disruption to retrospectively create an underpass. At the hearing the Council confirmed that the issue was not part of its case and accepted that the proposals would not prejudice the future delivery of a grid road. Whether an at-grade or grade separated crossing is required as part of the proposed development seems immaterial to the question of whether the proposed access road would prejudice the delivery of a grid road should it be required in the future. The proposed access road is not a grid road and there is no requirement to provide the infrastructure for a grid road at this stage. The appropriate test, in line with CS Policy CS11 is whether a suitable reserve corridor has been safeguarded to future proof the grid road network and I have seen no evidence to indicate that this would not be the case.
34. Taken together, neither the CS nor the SLADF SPD require the provision of a grid road although it is necessary to demonstrate that the proposed development would not prejudice the future delivery of a grid road. Whilst not centrally located within the paddock as a number of residents wished and acknowledging the number of objections to the alignment of the proposed access road made by residents and O&H Properties Ltd I can identify no conflict with either Policy CS11 or CS12 in terms of its location. I also note that there has been no objection from the highways authority to the proposed alignment.
35. Mr Copeland, Councillor Bramall and Mr Benjamin suggested that a pragmatic and cost effective approach would be to develop the grid road as part of the current scheme rather than having to upgrade the access road to grid road status in the future. However, in the absence of external funding to create a grid road at present and the lack of policy requirement to do so there is no current need for the appellant to provide an upgraded road.

Whether the proposals satisfy the economic, social and environmental dimensions of sustainable development

36. At the hearing the Council confirmed that the outstanding matter in relation to sustainable development related to the access issues of the proposed development. Furthermore it was confirmed that all matters related to paragraphs 7 and 8 of the Framework were addressed through the proposed development and the only outstanding matter was in relation to Policy T10 of the Local Plan.
37. Mr Chambers made reference to the Framework's requirement for a high standard of design and the need to achieve sustainable development. Having found that the proposed development would not conflict with Policy T10 of the Local Plan I conclude that the proposals would satisfy the requirements of paragraphs 7 and 8 of the Framework in respect of sustainable development. Issues of design will be addressed at reserved matters stage.

Other Matters

38. CS Policy CS5 identifies Church Farm as a Strategic Land Allocation (SLA) which should be brought forward in a strategic and comprehensive manner and 19 principles of development are set out. Principle 14 is that the delivery of development should provide for contributions to on-site and off-site strategic and local infrastructure including financial contributions to the improvement and extension of infrastructure and facilities in nearby existing settlements which are made necessary by the development. Principle 16 states that development should, dependent upon the size of the development and the Council's current standards, provide a range of community facilities to meet the needs of the new and existing residents. Principle 17 is that development should provide a proportionate contribution to new or upgraded transport infrastructure that is made necessary by the development.
39. Policy CS5 confirms that the amount, type and cost of infrastructure required and the viability of the contribution sought from developers will be identified through the preparation of the Development Framework SPD. Section 4.3 of the SALDF addresses the issue of equalisation indicating that it is essential that the contributions to infrastructure requirements are based on an equitable equalisation mechanism. It states that an equalisation mechanism to permit development to proceed will need to be agreed by all landowners in the land south of the A421 and north of Wavendon subject to a number of restrictions.
40. Mr Knott representing the owner of a large proportion of land within the SLA argued that equalisation was a material consideration and as the proposed development did not make appropriate provision for equalisation planning permission should be refused. The matter was also raised in a representation by Wavendon Residential Land. Having reviewed Mr. Knott's written submission the Council also argued that equalisation was a material consideration and that without an agreed mechanism to secure equalisation the policy requirements were not met. This position was at odds with that adopted by officers in their report to Development Control Committee dated 5 March 2015 which stated that there were no valid reasons in relation to equalisation to delay the determination of the application.
41. The appellants argued that only principle 17 has relevance to equalisation since principle 12 and paragraph 6.10 of the CS addresses the provision of

contributions through the Milton Keynes Tariff and s106 agreements and the requirements of principle 16 can also be addressed through a planning obligation. Moreover they argued that the development plan does not give support to equalisation which is only raised within SPD.

42. Within the SLADF SPD there is sufficient ambiguity in statements relating to Church Farm to indicate to me that the provision of infrastructure can be addressed through an appropriate planning obligation. Paragraph 4.3 establishes the need for contributions to infrastructure requirements to be agreed by all landowners but in the absence of a development plan policy to secure what the Council has described as a commercial agreement between landowners I give very little weight to this matter.

Conclusion

43. The proposal would be in line with the policy requirements of the development plan and that there are no material considerations weighing against the scheme. I therefore find that the proposed development would be sustainable development for which planning permission should be granted and consequently the appeal is allowed.

Conditions

44. The SoCG confirmed that with the exception of one condition which deals with pedestrian crossings and which I refer to below there was agreement between the main parties that the list of conditions set out in the officer report of 5 May 2015 to the Development Control Committee was appropriate. This list was discussed with the main parties during the hearing and I have taken account of those comments. I have also had regard to the conditions in the light of Planning Practice Guidance.
45. Conditions relating to the submission of reserved matters and the timing of commencement are needed due to the outline nature of the application (Conditions 1, 2 and 3). I have imposed a condition specifying the relevant drawings as this provides certainty (4). A condition specifying the number and type of housing is required to ensure that the development conforms to the outline planning permission (5) whilst a condition is also required in order to ensure that the proposed development proceeds in a planned and phased manner (6) and to ensure that the development accords with the principles submitted in support of the outline application a Design Code is necessary (7). Conditions are required to ensure that appropriate archaeological investigations are undertaken (8) and to address any ground contamination associated with the previous use and require its remediation before its intended use (9). Conditions are also required in order to ensure that the development is carried out at suitable ground levels (10), to reduce the impact of flooding (11, 14 and 15) and to protect the quality of controlled waters in the area and a achieve a satisfactory means of surface water drainage (12 and 13).
46. In terms of highways and transport, conditions are necessary to ensure that satisfactory highway connections to the local highway network and detailed designs of highway infrastructure are provided (16, 19 and 20), to address the disposal of surface water from the highway (17) and to manage the parking and manoeuvring of vehicles in order to address highway safety issues (18). A condition to ensure that adequate mitigation measures are in place to address the construction of the strategic access and associated infrastructure (21) is

necessary as is a condition to undertake highway improvement works elsewhere in the interests of highway safety (22). Conditions are necessary to restrict access to or from the site from adjoining highways in the interest of highway safety (23 and 24) and measures to implement a Framework Travel Plan will ensure that wider transport objectives are achieved (25). I do not consider it necessary to include a condition specifically referring to the pedestrian crossing points at Byrd Crescent and the public bridleway, as suggested in the officer report of 5 May 2015 as the matters identified would be addressed through condition 19.

47. Conditions 26, 27, 28 and 29 are necessary to address the landscaping scheme submitted under condition 1 and to protect trees and the biodiversity of the area. Conditions 30, 31 and 32 are necessary to safeguard and enhance ecological interests. I also attach conditions to address the design and layout of the scheme submitted under condition 1 which includes controls over the height and location of development to address infrastructure constraints (33) and the appearance of the development and its surroundings (34), to minimise the effects of the proposed development on residents (35) and to reduce the risk of crime (36). Finally, conditions to address the sustainability of the development in the interests of the wider environment (37), to address ICT infrastructure (38) and to address the construction effects of the proposed development are appropriate (39 and 40).

Planning Obligations

48. The Council confirmed at the hearing that apart from the requirement to contribute to infrastructure through the equalisation mechanism that it was content with the provisions of the appellants' UU and were it not for the equalisation element the Council would have been prepared for the UU to be concluded as a Section 106 agreement.
49. The appellants have agreed to provide on-site and off-site infrastructure contributions and land at nil value for a linear park, neighbourhood play area and incidental areas of public open space. An affordable housing contribution of 30% would also be secured through the UU. Health contributions to offset the impact of the development on local health provision and a contribution towards educational facilities to meet the educational requirements of the proposed development would also be provided. The proposed development would therefore provide the necessary supporting infrastructure such that it would not impact adversely on existing services. I consider that these contributions and commitments would comply with policies CS5 and CS21 of the CS and supplementary planning guidance and meet the tests in Regulation 122 of the Community Infrastructure Regulations, 2010. In terms of Regulation 123 which requires obligations to relate to projects where fewer than five contributions have already been provided, I have no reason to believe that this test has not been met.

Kevin Gleeson

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Trevor Ivory
Ron Henry
Stacey Rawlings

DLA Piper
Peter Brett Associates
Bidwells

FOR THE LOCAL PLANNING AUTHORITY

Zack Simons
Louise Gill

Of Counsel
Matrix Transport and Infrastructure
Consultants Ltd
Milton Keynes Council
Milton Keynes Council

Paul Van Geete
Richard Sakyi

INTERESTED PARTIES

Councillor Andrew Geary

Chair of the Development Control
Committee

Councillor Alice Bramall
Andy Cox
Michael Knott
Stuart Copeland
Graham Benjamin
Philip Chambers

Ward Councillor
Headteacher, Wavendon Gate School
Barton Willmore
Resident
Resident
Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Email from Brian Harding re Church Farm and Equalisation dated 8 April 2016.
2. Extract from Matrix Report on Land at the Gables, Lower End Road, Wavendon.
3. Highways Observations for 15/01492/FUL: Land at the Gables, Lower End Road, Wavendon.
4. Drawing BU436-1T-101 – Lower End Road Carriageway Realignment: Land at the Gables, Lower End Road, Wavendon.
5. Drawing BU436-1T-102 – Forward Visibility Envelope: Land at the Gables, Lower End Road, Wavendon.
6. Draft Unilateral Undertaking in accordance with Section 106 of the Town and Country Planning Act 1990.

SCHEDULE OF CONDITIONS

1. Details of the layout, scale, appearance, internal access and landscaping (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any phase or part of the development takes place and the development shall be carried out as approved.
2. Application(s) for approval of all the reserved matters in respect of all phases or parts of the development shall be made to the local planning authority before the expiration of five years from the date of this permission.
3. The development within any phase or part of the development hereby permitted shall be begun on or before the expiration of 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 following approved plans: 1244-0-1106 Rev C; 21769/12 Rev A; C-213237/SK01 Rev P8; 21 C-213237/SK02 Rev P5 and 21769/13 Rev A.
5. The development hereby permitted shall not exceed 350 dwellings (Use Class C3). The use classes are those set out in the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order with or without modification.
6. Prior to the commencement of development of any phase or part of the development, a phasing plan for the whole site shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the phasing plan shall include the timing and delivery of all roads, footways, Redway and bridleway links. The development shall take place in accordance with the approved phasing plan.
7. Prior to the submission of the first application for approval of the reserved matters, a Site Wide Design Code (formulated having regard to the details contained in the Strategic Land Allocation Framework SPD Adopted November 2013) shall be submitted to and approved in writing by the Local Planning Authority. The Design Code will cover the entire site. Reserved matters applications shall accord with the principles set out in the Design Code.
8. Prior to the commencement of each phase or part of the development, a programme of archaeological field evaluation comprising trial trenching shall be completed for that phase or part. The programme of archaeological evaluation shall be detailed in a Written Scheme of Investigation submitted to and approved by the local planning authority in writing. On completion of the agreed archaeological field evaluation for each phase or part a further Written Scheme of Investigation for a programme of archaeological mitigation in respect of any identified areas of significant buried archaeological remains shall be submitted to and

approved in writing by the local planning authority. The scheme for archaeological mitigation shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording.
- The programme for post investigation assessment.
- Provision to be made for analysis of the site investigation and recording.
- Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- Provision to be made for archive deposition of the analysis and records of the site investigation.
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development in any phase or part shall take place other than in accordance with the Written Scheme of Investigation so approved. No phase or part of the development hereby permitted shall be occupied until the site investigation and post investigation assessment for that phase or part has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

9. Prior to the commencement of 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 phase or part of the site. The results of this survey detailing the remedial action deemed necessary to bring the site to a condition suitable for its intended use, shall be submitted to and approved in writing by the local planning authority before construction works commence. Any remedial works shall be carried out in accordance with the approved strategy and validated by the submission of an appropriate verification report prior to the first occupation of that phase or part of the development. Should any unforeseen contamination be encountered in that phase or part of the development the local planning authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the local planning authority.
10. Reserved matters applications for each phase or part of the development shall include 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. Development for that phase of part shall be undertaken in accordance with the approved levels.
11. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by Peter Brett Associates ref. 21769/016/001C dated 16/01/2015 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1-in-100 critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Inclusion of source control measures within the development parcels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority.

12. Prior to the commencement of each phase or part of the development, a scheme for surface water disposal shall be submitted to and approved in writing by the local planning authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approved details.
13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained approval in writing from the local planning authority. The remediation strategy shall be implemented as approved.
14. Prior to the commencement of each phase or part of the development, details of the storm water drainage design shall be submitted to and approved in writing by the local planning authority. No associated dwellings shall be occupied in that phase or part of the development until the works have been carried out in accordance with the approved storm water drainage scheme.
15. Prior to the commencement of development of each phase or part of the development, a foul water strategy shall be submitted to and approved in writing by the local planning authority. 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.
16. Prior to the commencement of each phase or part of the development, details of the adoptable estate roads, footways and cycleways in that phase or part shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the estate roads, footways and cycleways which provide access to it from the existing highway have been laid out and constructed in accordance with the approved details.
17. Prior to the commencement of development of each phase or part of the development, details of the disposal of surface water from the highway shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works for the disposal of surface water from the highway which provide access to it have been constructed in accordance with the approved details.

18. Reserved matters applications for each phase or part of the development shall include a scheme to provide car parking and cycle parking and manoeuvring of vehicles within the development in accordance with the Milton Keynes Council Parking Standards SPG (2005) and Addendum (2009) or any subsequent parking standards adopted at the time any reserved matters application is submitted and in accordance with the Council's New Residential Development Design Guide (2012) or any further guidance on parking that may be adopted at the time any reserved matters application is submitted. The approved scheme shall be implemented and made available for use for each dwelling prior to the occupation of that dwelling and shall not thereafter be used for any other purpose.
19. Prior to the commencement of construction of the strategic access hereby approved, full details of the access road, bridleway, cycleway and footpaths including at-grade crossings, shall be submitted to and approved in writing by the local planning authority. The details shall include method of disposal of surface water from the highway, surfacing materials, traffic calming features, full direction and traffic signing, lining, lane markings and lighting details. No part of the development shall be occupied until the approved details have been constructed and completed.
20. Prior to the commencement of construction of the strategic access hereby approved, landscaping details for the open space areas either side of the access road shall be submitted to and approved in writing by the local planning authority. The landscaping details shall show any trees and shrubs to be retained and removed and the numbers, types and sizes of shrubs to be planted. The approved landscaping scheme shall be carried out within twelve months of the commencement of construction of the strategic access. Any trees or shrubs removed, dying, severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and species as may be agreed by the local planning authority.
21. Prior to the commencement of construction of the strategic access hereby approved, a Construction and Delivery Plan shall be submitted to and approved in writing by the local planning authority. The Construction and Delivery Plan shall outline the phasing of the proposed strategic access works including links to the existing highway, footpaths and cycleways and landscaping works and shall also provide details of how access will be maintained throughout construction. The development shall take place in accordance with the approved Construction and Delivery Plan.
22. No phase or part of the development shall be occupied until improvement works to the A4146 Tongwell Street/Grovelay (Walnut Tree) Roundabout as shown on drawing no. 21767/006/001, the A4146 Bletcham Way/Brickhill Street (Walton Park) Roundabout as shown on drawing no. 21767/006/002 and the Bletcham Way/Britten Grove/Gregories Drive roundabout as shown on drawing no 21769/12 Rev.A have been completed in accordance with details that have first

been submitted to and approved in writing by the local planning authority in consultation with the local highway authority.

23. There shall be no direct vehicular access to or from the site via Phoebe Lane.
24. There shall be no direct vehicular access to or from the site via Walton Road, except for the purposes of emergency access only.
25. Prior to the commencement of development of each phase or part of the development, a revised Framework Travel Plan shall be submitted to and approved in writing by the local planning authority in conjunction with the Highways Agency. The Travel Plan shall include the following:
 - The identification of targets for trip reduction and modal shift;
 - The methods to be employed to meet these targets;
 - The mechanisms for monitoring and review;
 - The mechanisms for reporting;
 - The penalties to be applied in the event that targets are not met;
 - The mechanisms for mitigation including budgetary provision;
 - Implementation of the Travel Plan (until full occupation) to an agreed timescale and its operation thereafter;
 - Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

The completed development shall be occupied in accordance with the approved Travel Plan which shall be retained in place thereafter unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in conjunction with Highways England.

Before the development is brought into use, the Travel Plan shall be reviewed by the Local Planning Authority in consultation with Highways England to take on board conditions prevailing at the time and adjustments made to accommodate them.

26. Prior to the commencement of development of each phase or part of the development an open space specification which includes the details and specification for all areas of open space including the Neighbourhood Play Area shall be submitted to and approved in writing by the local planning authority. The open space specification shall also include the timing for laying out of all areas of open space and the Neighbourhood Play Area and the long term management and maintenance arrangements for the open space and the Neighbourhood Play Area. The development shall be implemented in accordance with the approved details.
27. Reserved matters applications for each phase or part of the development shall include a landscaping scheme with detailed drawings showing which trees and hedgerows are to be retained and which trees and hedgerows are proposed to be felled or lopped. The landscaping scheme shall also show the numbers, types and sizes of shrubs to be planted including their locations in relation to associated infrastructure and a species list to include native species and species beneficial to wildlife. The approved landscaping scheme for each phase or part of the development shall be carried out within twelve months of the commencement of development

of that phase or part. Any trees or shrubs removed, dying, severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and species as may be agreed by the local planning authority.

28. All existing trees and hedgerows to be retained in each phase or part of the development are to be protected according to the provisions of BS 5837:2012 'Trees in relation to design, demolition and construction-Recommendations' All protective measures especially the fencing and ground protection must be in place prior to any other work commencing in that phase of the development (this includes vegetation clearance, ground-works, vehicle movements, machinery/materials delivery etc.). The fencing shall be of the same specification as that depicted in figure 2, page 20 and ground protection as specified in 6.2.3.1-6.2.3.5 pages 21/22 in BS 5837:2012. Signs informing of the purpose of the fencing and warning of the penalties against destruction or damage to the trees and their root zones shall be installed at minimum intervals of 10 metres and a minimum of two signs per separate stretch of fencing. Once erected the local authority Tree Officer shall be notified so the fencing can be inspected and approved for each phase or part of the development. The Root Protection Area (RPA) within the protective fencing must be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations, personnel, structures, tools, storage and materials, for the duration of each construction phase.
29. Where any arboricultural works or removal is planned for any tree with bat roost potential, such works shall not take place until the tree has been inspected by a suitably qualified Ecologist to identify whether it is being or has been used by bats. Reasonable avoidance/mitigation measures, recommended by the Ecologist shall be applied to trees likely to be used by roosting bats. Should evidence of a bat roost be found, works must stop immediately and may not proceed without prior acquisition of a derogation licence from Natural England.
30. Prior to the commencement of development of each phase or part of the development, a Landscape and Ecology Management Plan which covers the landscape and ecological features of the development shall be submitted to and approved in writing by the local planning authority. The document shall incorporate all elements as detailed in Safeguards/Recommendations paragraphs 3.3.9, 3.3.10, 3.3.11, 4.11.8, 4.13.3, 4.14.4, 4.15.3, 4.17.5, 5.3.9, 5.3.10, 5.4.13, 5.4.23, 5.4.24, 5.8.3, 5.9.9, 5.9.10, 5.9.11, 5.10.37, 5.10.38, 5.10.39, 5.11.13, 5.11.14, 5.11.15, 5.12.4 and plan no. 2900/EC07 of the document entitled 'Church Farm, Wavendon, Milton Keynes: Ecological Assessment, July 2014' and shall ensure net gains for wildlife compliance with local and national policies.
31. Any protected species survey report in excess of three years old at the time of the commencement of development of each phase or part of the development shall be updated and submitted to and approved in writing by the local planning authority prior to the commencement of development of that phase or part of the development. Natural England

derogation license(s) shall be obtained for any protected species likely to be harmed by the site prior to the commencement of the development.

32. Prior to the commencement of development of each phase or part of the development, a scheme to incorporate additional biodiversity features such as swallow cups, bird and bat boxes, bricks or cavities into appropriate buildings shall be submitted to and approved in writing by the local planning authority to ensure that opportunities for biodiversity are maximised on the site in addition to the creation of new habitats as recommended in the document entitled 'Church Farm, Wavendon, Milton Keynes: Ecological Assessment, July 2014'. Biodiversity features within the development shall not number less than 70 in total and all features and access to them shall be maintained in perpetuity.
33. The buildings shall be no more than 3-storeys or 13 metres in height.
34. Reserved matters applications for each phase or part of the development, shall include details of the proposed boundary treatments for that phase or part. The approved boundary treatments shall be carried out 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.
35. Reserved matters applications for each phase or part of the development shall include a lighting scheme for all public and private streets, footpaths and parking areas. The lighting scheme shall include details of what lights are being proposed, a lux plan showing maximum, minimum, average and uniformity levels, details of means of electricity supply to each light and how the lights will be managed and maintained in the future. If any lighting is required within the vicinity of current or built-in bat features, it shall be low level with baffles to direct the light away from the boxes and units, thus preventing severance of bat commuting and foraging routes. The approved scheme shall be implemented prior to the occupation of each associated dwelling within that phase or part of the development.
36. Reserved matters applications for each phase or part of the development shall incorporate measures to minimise the risk of crime in accordance with Secured by Design principles. All dwellings shall achieve Secured by Design accreditation as awarded by Thames Valley Police. The development shall be carried out in accordance with the approved measures and confirmation of Secured by Design accreditation for each dwelling shall be submitted to and approved in writing by the local planning authority prior to the occupation of that dwelling.
37. Reserved matters applications for each phase or part of the development shall be accompanied by a Sustainability Statement for that phase or part including as a minimum details required by saved policy D4 of the Milton Keynes Local Plan 2001-2011 and accompanying Supplementary Planning Document Sustainable Construction Guide. The approved details shall be implemented for each dwelling prior to the occupation of that dwelling.
38. Reserved matters applications for each phase or part of the development shall be accompanied by details of how superfast broadband

infrastructures will be delivered to every household within that phase or part, subject to network capacity being available. The agreed superfast broadband infrastructures shall be installed prior to the first occupation of each associated dwelling within that phase or part of the development.

39. Prior to the commencement of development of any phase or part of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include Noise Action Levels (based on a noise survey) and site procedures to be adopted during the course of construction including working hours, intended routes for construction traffic, details of vehicle wheel washing facilities, location of site compound, lighting and security and how dust and other emissions will be controlled. The development shall be carried out in accordance with the approved CEMP.
40. The hours of working on any phase or part of the development during the construction period shall be restricted to 09:00 hours to 18:00 hours Mondays to Fridays, 09:00 hours to 13:00 hours on Saturdays and no working shall take place on Sundays and Public Holidays. For the purpose of clarification of this condition, the term 'working' means 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.

Richborough Estates