



Appeal Decision

Hearing Held on 27 February 2018

Site visit made on 27 February 2018

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2018

Appeal Ref: APP/J0405/W/17/3181140

Land at West End Farm, Brackley Road, Buckingham MK18 1JA

- 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 Minton Health Care (Buckingham) Limited against the decision of Aylesbury Vale District Council.
 - The application Ref 16/00847/APP, dated 4 March 2016, was refused by notice dated 19 May 2017.
 - The development proposed is demolition of existing buildings and erection of 72 extra care units, ancillary community facilities including ancillary guest room, parking, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of 72 extra care units, ancillary community facilities including ancillary guest room, parking, landscaping and associated works at Land at West End Farm, Brackley Road, Buckingham MK18 1JA in accordance with the terms of the application, Ref 16/00847/APP, dated 4 March 2016, subject to the conditions set out in the attached schedule and completed Section 106 Unilateral Undertaking (UU) dated 27 February 2018.

Preliminary Matters

2. The proposed development has been subject to an amended proposal description and amended plans upon which the planning application was determined. I have had regard to both amendments and have included the amended proposal in the description above and considered the appeal on the basis of the amended plans.
3. With regard to the plans I have been provided with two revisions of drawing number 2112-101 (landscape layout), revisions C & D. It has been clarified by both parties that revision D is the correct version of this drawing and on which the Council's decision was made.
4. A completed UU was presented at the hearing. The UU has sought to secure the extra care occupation of the proposed development, a financial contribution toward sport and leisure facilities in the District and measures to enhance the sustainability of the development. Both parties at the hearing confirmed the completed UU to be acceptable to them. I do not consider the UU would

prejudice the interests of third parties, therefore, I have had regard to the UU in reaching my decision.

Main Issues

5. The main issues raised in respect of the appeal are: -
- (a) Whether planning policies refer equally to C2 and C3 Use Class¹ development;
 - (b) Whether the proposed development would be an acceptable form of development beyond the identified settlement boundaries having regard to planning policies;
 - (c) Whether the proposed development should and can be restricted to extra care occupation; and
 - (d) Whether the proposed development should and can provide
 - an element of affordable housing;
 - sport and leisure facilities; and
 - measures to enhance the sustainability of the development.

Reasons

Whether planning policies refer equally to C2 and C3 Use Class development

6. The Council has accepted the proposed extra care development to fall within a Use Class C2. The Council's reason for refusal refers to Policy HP1 of the Buckingham Neighbourhood Development Plan (BNDP) March 2015. This policy relates to allocated land for 617 new dwellings within the boundary settlement area. It allocates 5 sites plus an additional reserve site. Sites J and G are indicated within the policy to be supported as a joint site with provision for older residents.
7. The occupiers of the proposed extra care development would be over 55 years of age and be subject to a care package of a minimum of 1.5 hours a week available 24 hours a day every day. The care would increase according to the occupiers on-going needs. The development would incorporate a communal dining room with kitchen, sitting room, cinema and therapy room, bath/shower facilities and a guest suite. Communal sitting rooms would also be provided throughout. It is designed as a complex comprising 7 blocks of varying shape and size arranged around an access road with 2 spur roads with parking, set within its own landscaped grounds hosting a bowling green.
8. The Council contends that the extra care accommodation proposed would allow for independent living units as they would each have their own front door and self-contained living. This is despite also recognising that these units would form part of a complex where care, recreation and social facilities are provided to the residents. Given the self-contained nature of the living units proposed, the Council asserts that the accommodation would contribute households to the Council's Housing Land Supply (HLS) and should fall to be assessed against Policy HP1 of the BDNP. This is because people living in the proposed extra

¹ Use Class C2 (Residential Institutions) & Use Class C3 (Dwellinghouses) – The Town & Country (Use Classes Order) 1987

- care accommodation would enjoy a freedom of independence and, as such, the proposed scheme would not provide a communal form of development.
9. I accept the impression of independent living would come through the self-containment of the units. However, I consider that the reality would be one of a community unified by access to a dedicated enterprise of specialist care for its elderly residents provided within a dedicated complex. For this reason, I do not consider the proposed extra care units would represent independent living, despite the living accommodation units being habitably self-contained. This places the development firmly within a C2 Residential Institutions Use Class. Furthermore, the competed UU would secure the occupation age limit and requirement of care, therefore, ensuring occupation as a C2 Use Class.
 10. I acknowledge that there are a variety of terms used to describe this type of accommodation, as well as definitions relating to self-containment. The Council refers me to the BNDP evidence base for housing stock which uses the census definition. This indicates that communal establishments, which are establishments providing managed residential accommodation are not counted in overall housing supply statistics. Whilst a list of other types of accommodations, such as student accommodation, amongst others, can be included, I note that C2 Residential Institutions do not feature within this list.
 11. The Council contends that housing for older people is addressed by the BNDP but concedes that the BNDP, and in particular Policy HP1, is silent on the matter of Class C2 residential institutions accommodation. The Council draws my attention to the evidence base for the BNDP that identifies a greater variety and number of suitable housing should be offered in any development. This includes provision of housing, including the provision of bungalows, for people of all ages with limited mobility having particular regard to the need of an older population.
 12. I accept that Policy HP1 encompasses some provision for older persons housing, notably at joint sites J and G, within this new dwellings allocation. However, the evidence base referred to by the Council, as I see it, does not refer specifically to Use Class C2 accommodation. Housing for older people could simply refer to individual dwellinghouses more suitable for older persons, for example, bungalows or properties adapted for restricted mobility. Whilst this would provide choice within the new housing stock, there is no clear indication that the 617 new dwellings allocated under Policy HP1 must include any specialist Use Class C2 care accommodation, such as is proposed here.
 13. The Council argues that the extra care housing is part of the general housing supply as set out in the Housing and Economic Development Needs Assessment's (HEDNA) findings and the draft Vale of Aylesbury Local Plan (VALP). The HEDNA has been developed to inform the emerging Local Plan. However, the Council has confirmed that this evidence base was not taken into consideration when drafting the BNDP. Furthermore, the Council has advised that the emerging plan is at a very early stage and has yet to be submitted for Examination. With due regard to paragraph 216 of the National Planning Policy Framework (the Framework), the emerging plan, which includes its evidence base, has yet to be tested and scrutinised through the appropriate processes and procedures. The plan and the assessments that inform it may be subject to change or deletion. As a consequence I give little weight to the emerging Local Plan.

14. Notwithstanding the above, the Council contend that the evidence base for the emerging plan should be taken into consideration. I have been provided with the Council's HEDNA 2016 (Report of Findings and Addendum Report), a five year housing land supply position statement (August 2017) and the VALP Housing Land Supply Soundness document that have been produced to inform the emerging local plan. The Council has also directed me to the advice within the Planning Practice Guidance (PPG) in which local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement.
15. Indeed the Council's HEDNA indicates that "... *the evidence supports the need for all dwellings (including Older People's housing) to meet Category 2 requirements ...*", that being accessible and adaptable dwellings. However, the HEDNA also comments that if bedspaces in residential institutions in Use Class 2 are to be counted within the housing supply then this would need to be counted as a component of the housing requirement. I have not been directed to any emerging evidence base that would indicate that residential institutions in Use Class 2 have been counted as a component of future housing supply ².
16. The Council has referred me to Policy HP4 of the BNDP and paragraph 50 of the Framework. The Council did not rely on this policy in its reason for refusal and it has not provided any substantive evidence to demonstrate any conflict with the policy. I shall though, in terms of housing mix, consider the matter of affordable housing below.
17. On the evidence before me, including what I heard at the hearing, I do not consider the proposed development would be captured by Policy HP1 and, therefore, would not be included in the supply of housing that it allocates. As such, the Written Ministerial Statement (12 December 2016) that deals with HLS in Neighbourhood Plans does not apply.

Whether the proposed development would be an acceptable form of development beyond the identified settlement boundaries having regard to planning policies

18. The Council indicates that the appeal site is not one of the allocated sites within the BNDP. It also highlights that the appeal site, in part, lies outside the settlement boundary of Buckingham and would be an intrusion of built development into open land. It was established at the hearing that the Council currently does not have any adopted development plan policies that specifically preclude development beyond settlement boundaries.
19. Both parties have referred me to a recent appeal decision at Land west of Castlemilk³. The Council contest that the appellant's approach to the settlement boundary is at odds with the Secretary of State's reasoning in relation to that appeal and argues this proposed development beyond the settlement boundary does not accord with Policy HP1 of the BNDP. The Council contends that the proposed accommodation would take the form of households and that this justifies refusal on the basis of the settlement boundary in line with the Secretary of States reasoning.
20. The Secretary of State noted that Policy HP1 supports housing development within the settlement boundary, identifying 5 sites for 617 dwellings and one reserve site for 300 dwellings. In that case the Secretary of State considered

² Paragraphs 8.49 & 8.61 Housing and Economic Development Needs Assessment Update 2016 Report of Findings.

³ APP/J0405/V/16/3151297 – Land West of Castlemilk, Morton Road, Buckingham MK18 1YA

that neighbourhood plans are able to shape and direct sustainable development in their area. However, the Castlemilk case dealt specifically with a proposal for new dwellings (Use Class C3) which, as I have concluded above, is not the case here. As such, this proposed development would not be subject to Policy HP1 as it deals solely with the delivery of dwellings.

21. Both parties also discussed a specific local planning decision⁴. I accept that that proposal contains similarities to the proposed development in that it related to housing for the elderly. Notwithstanding this, I consider the circumstance of that case to be very different to the one before me as that site is in the town centre and where different development plan policies apply, which included those relating to public parking. This proposal relates to a markedly different site that can and should be considered on its own merits.
22. Whilst the Council contends that the proposed accommodation would be classed as households, I have found that the proposed development would not be caught by Policy HP1 of the BNDP in terms of development outside the settlement boundary. The Council currently does not have any development plan policies that specifically preclude development beyond settlement boundaries. I therefore consider the development plan to be silent in relation to this development. As such, I conclude that the development of this site could be considered acceptable if it were found that the development is acceptable in all other respects.
23. The Framework sets out the presumption in favour of sustainable development and indicates granting permission unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I will consider this further below.

Whether the proposed development should and can be restricted to extra care occupation

24. The proposed development has been put forward as a Use Class C2 development, that is, for the provision of residential accommodation and care to people in need of care. The Statement of Common Ground provides a list of conditions agreed by both parties but it does not include a condition that would control the use and occupation of the proposed development. Without such a mechanism in place the occupation of the development would be unrestricted. If the development were to be a different type then it, correctly, should be assessed on its own merit and in regard to relevant development plan policies.
25. Further to the above, in order for the extra care to be provided effectively and to ensure that the appropriate occupancy criteria can be defined and enforced, and to ensure that it remains as extra care living accommodation to first and subsequent occupiers, a UU has been completed. In the absence of any other mechanism the UU provides the legal certainty that would secure the use and occupation of the development to extra care occupation. I consider this accords with the Framework and PPG advice as it provides certainty for all parties as to the use and occupation of the development.
26. I therefore consider the proposed development should be restricted to extra care occupation. The UU would ensure the extra care occupancy of the

⁴ Planning ref:16/03302/APP – Grand Junction Public House, Buckingham High Street

development by those over 55 years of age and that the units would remain in extra care occupation in perpetuity.

Affordable housing

27. Policy HP5 of the BNDP states, amongst other matters, "*All proposals for new housing on sites 1 hectare or over (or 25 dwelling or more) should provide affordable housing at a minimum of 35%.*" It also says that "*Planning applications for residential development of 25 or more dwellings and sites of 1 hectare or more must be accompanied by an Affordable Housing Plan.*"
28. The proposal does not include provision for affordable housing. The Council submit that the extra care units, due to their self-containment as households, should be included in the more general housing numbers. Therefore, it should count toward the Council's affordable housing provision. The appellant contends that Policy HP5 does not pertain to C3 development.
29. The Council say this policy relates to all proposals for new housing. However, this policy indicates that the requirement for affordable housing arises when residential developments of 25 or more dwellings and sites of 1 hectare or more are proposed. The proposed development is agreed by the parties to be a C2 use in the Use Class Order notwithstanding the units being self-contained. A C2 use is defined as "*Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (Dwellinghouses))*". With the distinction having been drawn, I consider that the proposed development cannot be considered as providing dwellings and thus Policy HP5 cannot apply.
30. I accept the HEDNA identifies a need for affordable housing within the District. Whilst the Framework advises that local planning authorities should plan for a full range of housing needs relevant to their areas, it does not prescribe the application of affordable housing requirements to specified categories of residential development. I cannot reasonably conclude that the non-provision of affordable housing would weigh heavily against the proposed development.
31. Given my findings above there is no need to address the question of viability.
32. I conclude that the Council is not justified in seeking an affordable housing contribution and there would be no conflict with Policy HP5 of the BNDP.
33. I note that the Council's Affordable Housing Supplementary Planning Document (SPD) (November 2007) and Affordable Housing Policy Interim Position Statement (June 2014) have been identified within the Statement of Common Ground to be areas of disagreement. However, neither party has specifically referred to these documents or directed me to areas where there may be dispute.

Sport and leisure facilities

34. The submitted UU aims to secure a financial contribution toward meeting the need for additional facilities arising from the development. Although not specifically mentioned in the Council's third reason for refusal, Policies GP86, GP87 and GP88 of the Aylesbury Vale District Local Plan (AVDLP) January 2004 were agreed at the hearing to be the relevant policies in respect of off-site sport and leisure contribution. Policy GP88 indicates that the Council may

accept monetary payments in lieu where facilities are not practical to provide it on site or better provided elsewhere.

35. I note that the Council's SPG Sport and Leisure Facilities and associated Ready Reckoner are of some age (2004 and 2005 respectively). The Council's Parks and Green Infrastructure Officer acknowledged at the hearing that the SPG is aged and that some aspects of the SPG would not be Community Infrastructure Levy (CIL) Regulation 122 compliant.
36. The Council indicates that the contribution would be used towards improving access and street furniture, provision of pedestrian/cyclist bridge, and linking hardsurfaced footpaths at Heartlands and Bourton Park, Buckingham, and/or, the development of a Landscape Masterplan for Castle House public open space and car park, Buckingham. At the hearing the Council provided a 'CIL Compliance Schedule' that analyses whether the contribution is necessary, related directly to the development and fairly related in scale and kind. The Council considers the contributions toward the identified infrastructure proposals to be CIL compliant.
37. Some discussion took place at the hearing relating to the age and health of future occupiers of the development and the likelihood of them to make use of open space and recreational facilities in Buckingham. Whilst the proposed development would offer communal facilities, including a bowling green, I consider many of the residents, including their spouses and partners would likely make use of open spaces and recreational facilities nearby at Buckingham.
38. I consider the Council has justified the off-site sport and leisure contribution and that the contribution sought is CIL compliant.
39. For the above reasons, the proposed development would accord with Policies GP86, GP87 and GP88 of the AVDLP that promote healthy communities by providing, amongst other matters, good quality outdoor recreational space.
40. Further to the above, I consider that the provisions in the UU are necessary, directly related to the development and fairly related in scale and kind. As such they would accord with the provision of Regulation 122 of the CIL Regulations 2010 and the tests for planning obligations set out in the Framework. The proposed development therefore should make this provision and I am satisfied that the completed UU can secure this provision.

Measures to enhance the sustainability of the development

41. The UU submitted by the appellant also makes provision for the delivery of matters not covered by CIL. There is agreement between parties that the provision of the following matters are required to make the proposed development acceptable: -
 - The provision and continued operation of the minibus schedule;
 - Implementation, monitoring and updating of a Travel Plan; and
 - Maintenance of SuDS drainage features.
42. The provision of a minibus service and Travel Plan would ease some pressure on the existing public transport infrastructure and would provide access to services and facilities for future occupiers. Further to the installation of a

surface water drainage system a SuDS maintenance plan would ensure risk of flooding is avoided. These measures are proposed to mitigate harm resulting from the proposed development relating to transport impacts and drainage. The proposed development, therefore, should implement the relevant necessary provision.

43. The completed UU deals with each of these matters. Both parties indicated at the hearing that the UU is acceptable to them in respect of securing each of these matters. I have no reason to take a different view. I am satisfied that the completed UU can secure these provisions. These meet the tests for planning obligations as set out in the Framework (necessity to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development).

Other Matters

44. The Framework sets out the presumption in favour of sustainable development and requires proposals to be considered in the context of the Framework as a whole.
45. The development would result in the loss of 0.9ha of 'best and most versatile' agricultural land. There would be a permanent loss of this land from agricultural production but overall this is a small area of land to be lost and this would not have a significant impact upon agriculture. Nonetheless, its loss weighs moderately against the scheme.
46. The existing open land is surrounded by vegetation along the boundaries and is largely enclosed by the adjoining cemetery and an existing dwelling. The site surroundings would reduce the visual intrusion of the development within this landscape. In addition, the boundary planting proposed in association with the development, including that of the landscape buffer along the northern boundary, would help to screen the visual impact of the development in the landscape. It is accepted that the proposal would have some encroachment into the open countryside and this would cause some limited visual harm. This also weighs moderately against the scheme.
47. The design of the scheme has been amended to be more appropriate for the rural edge of settlement setting of the site. I consider the layout, height and traditional design of the blocks along with the pallet of construction materials, would result in a development of acceptable form and appearance. I do not consider the demolition of the existing building and replacement with built development to harm the character and appearance of the area. In terms of the design I consider the proposal would be acceptable within the context of the area and would not appear significantly visually harmful in the wider context. I note this is also the view of the Council.
48. Paragraph 50 of the Framework requires local planning authorities to deliver a wide choice of high quality homes, widen the opportunities for home ownership and create sustainable, inclusive and mixed communities. The PPG (paragraph 21) provides guidance with regard to housing for older people and it indicates the need is critical. The Council has identified that there is a significant, and growing, level of demand for this type of accommodation within the District. The appellant has conducted their own needs assessment (by Carterwood) that indicates that there is a significant shortfall in the provision of extra care units

within the Council's local authority area. I consider the proposed extra care development would go some way to addressing this need and would provide a public benefit for older persons. This is a significant benefit of the scheme.

49. I note that there is dispute between parties in relation to the number of full time jobs that would be created by the development. The appellant anticipated 64 jobs would be created. Whether at a lower or higher figure the employment that the scheme would generate is, in my view, a benefit to which I attached significant weight.
50. The proposed development would provide employment during construction. It would also be sited in a sustainable location in terms of access to services, facilities and public transport and be acceptable in regard to parking provision and highway safety. The site has been identified to have low wildlife value but the proposal would incorporate measures to increase biodiversity as part of the development. These are modest benefits of the proposed development.
51. The site is located within Flood Zone 1. The proposed development can be subject to planning conditions and UU that would secure appropriate flood amelioration. The proposal has been designed to prevent harm to the living conditions of existing adjoining occupiers. Matters relating to archaeology and noise can be safeguarded by appropriately worded conditions. I consider these carry neutral weight.
52. Although the UU would secure sustainable transport, maintenance of SuDS drainage and a contribution to sport and leisure facilities in the area, these hold neutral value in favour of the proposed development.
53. Paragraph 132 of the Framework places great weight on the conservation of designated heritage assets. The access road (Stowe Avenue) to the heritage site of Stowe is located further north across a field and forms part of the Stowe Conservation Area and registered Historic Park and Garden. However, the proposed development and associated proposed landscaping, being off-set by a field, would not harm the significance of this designated heritage asset. This matter is of neutral weight.

Conditions

54. I have been provided with a list of planning conditions within the Statement of Common Ground and I have considered these in light of paragraph 206 of the Framework and the advice in the PPG. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
55. A condition relating to materials is appropriate in the interests of the character and appearance of the area. For the same reason is a condition relating to hard and soft landscaping, including planning details and its longevity, finished levels or contours, car parking layout, vehicle and pedestrian access and circulation areas, hard surfacing materials and means of enclosure, is necessary. This can ensure all screen and boundary walls, fences and any other means of enclosure are appropriate and can form part of the same condition. I have altered the format of the suggested hard and soft landscaping and means of enclosure conditions for the benefit of conciseness and clarity.

56. A lighting scheme condition is appropriate to ensure it is of appropriate appearance. The details of this scheme can be reasonably left to the assessment of the Local Planning Authority. In order to protect ecology and to adhere to other environmental legislation it is important that the development is carried out in accordance with those reports and assessments that seek to mitigate and enhance biodiversity. Whilst the Council seeks confirmation that the ecological measures have been implemented correctly, I have no reason to doubt this would be the case. The noise and window glazing conditions are necessary to ensure an appropriate standard of living conditions for future occupiers of the development. A condition relating to parking and manoeuvring is necessary to ensure highway safety and to prevent inconvenience to road users.
57. The following conditions are fundamental to the acceptability of the proposal and, therefore, are necessary to be agreed before any works relating to the development takes place. To minimise damage to trees during building operations a tree protection scheme is necessary. I consider a condition relating to a scheme of disposal of foul and surface water is necessary to ensure the development is adequately drained. This condition would enable the Council to agree the details of the sustainable drainage strategy. Maintenance of the SuDS drainage can and has been secured by the UU (SuDS Maintenance Scheme). However, it is necessary that the maintenance of the foul drainage system is also controlled by condition to secure appropriate flood amelioration. A condition relating to a construction traffic management plan is necessary to ensure highway safety and to prevent inconvenience to road users. I have altered some of these conditions by amalgamating and/or removing detail in the interests of being more concise. The detail of these conditions can reasonably be left to the assessment of the Local Planning Authority. To ensure a satisfactory form of development a condition relating to slab and ridge levels of the buildings is necessary. To protect the archaeological interests at the site conditions relating to archaeology are necessary. For the sake of precision I have amended the wording of these conditions.
58. These conditions could also address the lighting, landscape and highway concerns raised by Buckingham Town Council.
59. The Highway Authority has requested a 2m wide extension of the existing footway to link the site with the existing footpath. The Highway Authority indicates that this can be secured by a S184 Agreement with the Highway Authority in order to comply with the requirement of this condition. I consider that these off-site highway works can be achieved in association with the proposed development. This condition is fundamental to the acceptability of the proposal and, therefore, is necessary to be agreed before any works relating to the development takes place.

Conclusion

60. I have found that the proposed extra care units would not represent independent living or pertain to the housing land supply sought by Policy HP1 of the BNDP. Furthermore, I have found that an affordable housing contribution would not be justified by Policy HP5 of the BNDP. The UU would secure the development as a C2 Use Class. I have also found that a contribution toward sport and leisure facilities to be necessary, as have I also

found that measures to enhance the sustainability of the development to be necessary to mitigate the impact of the proposed development. These have also been secured by the completed UU.

61. In addition, I have found the proposed development to be an acceptable form of development, subject to appropriately worded conditions being imposed and the mitigation that forms part of the completed UU. Whilst there would be some harm caused by the loss of a small area of agricultural land and some encroachment of built development into the open countryside, I consider the benefits in this case would significantly and demonstrably outweigh the harm. When the Framework is considered as a whole, I find the scheme constitutes sustainable development.
62. Having regard to the above the appeal should be allowed subject to appropriate conditions.

Nicola Davies

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Mr Matthew Halstead	Alder King
Mr R Warren QC	c/o Alder King
Ms Portia Banwell	Alder King

FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Instone	Aylesbury Vale District Council
Mr Peter Williams	Aylesbury Vale District Council
Mr David Broadley	Aylesbury Vale District Council
Mr Joe Houston	Aylesbury Vale District Council

INTERESTED PARTIES:

Mr Adam Simpkin	Observer
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DOCUMENTS SUBMITTED AT THE HEARING

1. Carterwood Report: Planning Needs Assessment for The Minton Group dated August 2015.
2. S106 Planning Obligation – CIL Compliance Schedule
3. Section 106 Unilateral Undertaking dated 27 February 2018

SCHEDULE

CONDITONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed:-

1915 PL(90)04. A	Location plan
1915-HIA-01-00-DR-A-02-003. F	Block 1 – ground floor plan
1915-HIA-01-01-DR-A-02-004.F	Block 1 – first floor plan
1915-HIA-02-ZZ-DR-A-02-005. F	Block 2 – floor plans
1915-HIA-03-ZZ-DR-A-02-006. F	Block 3 – floor plans
1915-HIA-04-ZZ-DR-A-02-007. F	Block 4 – floor plans
1915-HIA-05-ZZ-DR-A-02-008. F	Block 5 – floor plans
1915-HIA-06-ZZ-DR-A-02-009. F	Block 6 – floor plans
1915-HIA-07-ZZ-DR-A-02-010. F	Block 7 – ground & first floor plans
1915-HIA-07-02-DR-A-02-011. F	Block 7 – second floor plan
1915-HIA-ZZ-ZZ-DR-A-01-012. G	Proposed site plan
1915-HIA-01-ZZ-DR-A-04-015. D	Block 1 – elevations 1 of 2
1915-HIA-01-ZZ-DR-A-04-016. D	Block 1 – elevations 2 of 2
1915-HIA-02-ZZ-DR-A-04-017.D	Block 2 – elevations
1915-HIA-03-ZZ-DR-A-04-018. D	Block 3 - elevations
1915-HIA-04-ZZ-DR-A-04-019. D	Block 4 - elevations
1915-HIA-05-ZZ-DR-A-04-020. D	Block 5 - elevations
1915-HIA-06-ZZ-DR-A-04-021. D	Block 6 - elevations
1915-HIA-07-ZZ-DR-A-04-022. E	Block 7 - elevations
1915-HIA-ZZ-ZZ-DR-A-04-023. D	Site sections
1915-HIA-07-ZZ-DR-A-01-024	Lighting strategy
2112-101. D	Landscape layout
2112-401. C	Landscape strategy/masterplan
MM-1405. 1	Topographical survey
- 3) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples/details of the materials to be used in the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
- 4) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the hard and soft landscaping, finished levels or contours, car parking layouts, vehicle and pedestrian access and circulation areas, hard surfacing materials and all means of enclosure have been 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 first occupation of the development and shall thereafter be retained for the lifetime of the development.
- 5) Details of the landscaping planting plans and schedules of trees and plants, including species, sizes and numbers, along with details of all new trees and bushes, and trees that are to be retained, and a written

- specification of the landscape works (including a programme for implementation, cultivation and other operations associated with plan and grass establishment) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved landscaping planting plans and schedules prior to first occupation of the development.
- 6) Any tree or shrub which forms part of the approved landscaping which, within a period of five years from planting, fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed, shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.
 - 7) No site clearance works or development shall take place until a tree protection scheme has been submitted to and approved in writing by the Local Planning Authority. The site clearance works and development shall be carried out in accordance with the approved tree protection scheme.
 - 8) No development shall take place until details of the slab and ridge levels of the buildings in relation to the existing and proposed levels of the site and surrounding land and buildings with reference to fixed datum points have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved slab and ridge levels.
 - 9) Details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme prior to first occupation of the development and shall thereafter be retained for the lifetime of the development.
 - 10) No development shall take place until a scheme of disposal of foul and surface water, including a 'whole life' maintenance plan for the foul drainage of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme of disposal of foul and surface water, along with the 'whole life' maintenance plan for the foul drainage of the site, shall be implemented in accordance with the approved details and shall thereafter be retained and the maintenance plan implemented for the lifetime of the development.
 - 11) The development shall be implemented in accordance with the recommendations, mitigations and enhancement features detailed in the Preliminary Ecology Assessment, Bat Activity Report, Lighting Strategy and Ecological Enhancement schedule reports from the ecological consultant, Middlemarch Environmental.
 - 12) The development shall be implemented in accordance with the conclusions and recommendations, including proposed mitigation measures, of the Noise Report prepared by Auracle Acoustics dated 1 March 2016. The mitigation measures shall include: -
 - High performance trickle ventilators installed in place of the standard through-frame trickle ventilators as detailed in the noise report; and
 - Extractor ventilation terminations which must be provided with shutters that close automatically when the fans are not in use

where non-standard glazing is required in habitable rooms that include kitchen area.

- 13) Details of the window glazing that is to be used in the worst-case internal areas as identified in the Noise Report prepared by Auracle Acoustic dated 1 March 2016 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved window glazing details prior to first occupation of the development and shall thereafter be retained for the lifetime of the development.
- 14) No site clearance works or development shall be commenced until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological trial trenching in accordance with a written scheme of investigation to be submitted to and approved in writing by the Local Planning Authority. The site clearance works and development shall be carried out in accordance with the approved programme of archaeological trial trenching in accordance with the written scheme of investigation.
- 15) Following the archaeological trial trenching required by condition 14 no site clearance works or development shall commence until the applicant, or their agents or successors in title, have secured the implementation of an archaeological mitigation strategy in accordance with a written scheme of investigation to be submitted to and approved in writing by the Local Planning Authority. The site clearance works and development shall be carried out in accordance with the approved archaeological mitigation strategy.
- 16) No development shall take place until details showing a 2m wide footway link leading from the existing footway along Brackley Road and up to the main vehicular access to the site have been submitted to and approved in writing by the Local Planning Authority. The footway shall be carried out in accordance with the approved footway link details prior to the first occupation of the development.
- 17) The vehicle parking and manoeuvring areas shown on the approved plans shall be laid out and made available for parking and manoeuvring prior to first occupation of the development hereby permitted. The vehicle parking and manoeuvring areas shall thereafter be kept available for parking and manoeuvring for the lifetime of the development.
- 18) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall be implemented in accordance with the approved details.