



---

## Appeal Decision

Inquiry held on 16, 17 and 18 July 2019

Site visit made on 19 July 2019

**by R W Allen B.Sc PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 August 2019**

---

**Appeal Ref: APP/J0405/W/18/3214024**

**Land at and to the rear of 42 Worminghall Road, Ickford HP18 9JD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by CALA Management Ltd against Aylesbury Vale District Council.
  - The application Ref 17/03322/AOP, is dated 25 August 2017.
  - The development proposed is demolition of an existing dwelling and outbuildings to allow for a residential development comprising up to 66no. dwellings with associated parking, access, internal roads, public open space, landscaping, drainage and other associated infrastructure.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing dwelling and outbuildings to allow for a residential development comprising up to 66no. dwellings with associated parking, access, internal roads, public open space, landscaping, drainage and other associated infrastructure at land at and to the rear of 42 Worminghall Road, Ickford HP18 9JD, in accordance with the terms of the application, Ref 17/03322/AOP, dated 25 August 2017, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

### Preliminary Matters

2. The Council did not determine the appeal scheme within its required timescale. Had it done so, the Council would have cited three grounds of concern; two of these are set out in the main issues below.
3. The third putative reason for refusal relates to the failure of the appellant to sign a planning obligation for financial contributions towards local services and infrastructure made necessary by the proposed development. However, the main parties indicated prior to the opening of the Inquiry in a draft Statement of Common Ground that such matters were now agreed, and that the Council would no longer be defending this ground. The main parties re-confirmed this position at the Inquiry, and I was furnished with a signed and dated Legal Agreement on the final day. I shall find on its adequacy later in this decision, but I will nevertheless accept it is no longer a main issue in the determination of the appeal.

## Main Issues

4. Therefore, the main issues are:

- The effect of the proposed development on the landscape character and visual amenity of the area; and
- whether the proposed development would preserve or enhance the character or appearance of both the Ickford Conservation Area; and the Rising Sun Public House and Nos 34, 50 and 64 Worminghall Road, which are Grade II Listed Buildings.

## Reasons

### *Policy context*

5. At the opening of the Inquiry, the main parties informed me that they had reached an agreed position whereby Local Plan<sup>1</sup> policies RA.13 and RA.14 are no longer capable of adequately addressing housing need in the borough, which in turn makes them inconsistent with the Framework's requirement to significantly boost housing supply. Accordingly, these policies relevant to the supply of housing are out-of-date; and paragraph 11(d) of the Framework<sup>2</sup> is engaged in the determination of the appeal. This represents a significant departure from the Council's position pre-Inquiry. In the absence of any evidence to the contrary I have no reason to disagree and I will engage the so-called tilted balance in my decision. As a result, the Council's previously held position of the existence of a five-year housing land supply also falls away as an issue before me.
6. The Council's putative reason for refusal on the first main issue in relation to landscaping rests solely on conflict with Local Plan policy GP.35. The applicability and relevance of the policy was an initial matter of dispute between the main parties prior to the opening of the Inquiry. However, because of the subsequent agreement reached in respect to the engagement of paragraph 11(d) of the Framework, it is not necessary for me to grapple with this matter any further in this decision. Local Plan policy GP.53, which is solely cited for the Council's putative reason for refusal for the second main issue, is not affected.
7. The main parties also agree that the Ickford Neighbourhood Plan is in its infancy stage of adoption; and the Council has neither inspected nor commented upon it to date. As such and in the absence of evidence to the contrary, I have no reason to disagree with the commonly held position that it should attract no weight in my decision.

### *Landscape character and visual amenity*

8. The appeal site concerns an approximate 3.2-hectare area of land which lies behind Nos 42 to 62 Worminghall Road. Vehicular and pedestrian access is served from No 42 Worminghall Road (No 42). I agree with the main parties that a particularly notable feature of the site is its well screened boundaries, which comprises a predominate mixture of tree and hedgerow planting.

---

<sup>1</sup> Aylesbury Vale Local Plan 2002 (with saved policies 2007)

<sup>2</sup> The National Planning Policy Framework (February 2019)

9. The majority of the site is open land and is subdivided into paddocks with low-level post and rail fencing. However, there are two sizeable sections which display all the characteristics of domesticity, and which sharply contrasts from the more open and wildy-grown paddock area. These comprise the area located close to the boundary with Golders Close which contain three fairly large outbuildings one of which is a stable, hardstanding, lighting bollards and ornamental planting; and the land immediately behind No 42 which contains a neatly mowed lawn, featured seating, and more ornamental planting.
10. Despite their existence and obvious intrusion, they do not in my judgement detract substantially from the appeal site's overall appearance as a pastoral field. Taken with the boundary screening, I find that it is attractive in character and appearance. I do not share the appellant's view that it is typically urban fringe or unremarkable.
11. The Landscape Character Assessment<sup>3</sup> (LCA) identifies the appeal site as being within the Ickford Pastoral Vale Landscape Character Area, which covers a large and predominately rural landscape but also includes the settlements of Ickford and Worminghall. The LCA describes the landscape character as predominately pastoral with small fields and good hedgerows, little woodland and variable tree cover. The landscape is stated as being in very good condition; and the collection of small fields of pasture and good hedgerows across on a gently sloping land form unifies the area. Its sensitivity to change is considered to be moderate.
12. It is right to say that new residential development does not necessarily and axiomatically result in harm, indeed the LCA guidelines permit appropriately designed new housing within it. However, I have already found the site itself to be attractive in its own right and in this case, I am satisfied that it clearly reads as, and contributes strongly towards the identified pattern and collection of small fields which defines the local landscape character. Its subsequent loss would as a result be harmful. The provision of open space as part of the proposed development would not in my judgement be sufficient to mitigate the harmful loss of the pastoral field.
13. That said, I do not share the Council's view on the severity of harm that would be caused. The appellant is at pains to point out that the boundary hedges would be protected and preserved as part of the proposed development. I concur that their retention would go some way to reducing the harm as well as conserving the landscape. The reserved matters stage could ensure, for one thing, that such hedgerows are kept outside of residential plots so as to minimise risk of pressure from the future occupiers of the dwellings excessively pruning or removing them. Additionally, the site lies adjacent to Ickford's settlement boundary and is surrounded entirely on two sides with residential dwellings. I was also informed at the Inquiry of a grant of planning permission for 30 dwellings<sup>4</sup> on land within close proximity to and just beyond a small section of the third side of the appeal site.
14. Because of the above, I am satisfied the proposed development would not amount to a substantial incursion into the countryside. Given that the LCA identifies the landscape area as being only moderately sensitive to change, I

---

<sup>3</sup> Aylesbury Vale Landscape Character Assessment May 2008

<sup>4</sup> Council Reference 17/02516/AOP

- find in this case that the harm to landscape character would not be greater than at a moderate level.
15. The Council draws heavily on the appeal decision on the adjacent site known locally as Pound Ground<sup>5</sup>, which was dismissed by an Inspector on harm to landscape character. The Council seeks to draw comparisons between the Inspector's comments on that appeal to support its views here.
  16. However, I find the differences between the two sites are remarkable. The Pound Ground site is wholly detached from the settlement edge and is considerably more open and exposed. I entirely concur with the Inspector's judgement that residential development of this site would appear wholly and roundly more apparent and distinctly incoherent and incongruous with its townscape and landscape surroundings. The circumstances of the appeal site, albeit adjacent, differ sharply from Pound Ground for reasons already outlined and this is sufficient for me to draw my own conclusion on the severity of harm that would be caused.
  17. I find that the proposed development would only be readily visible from two viewpoints principally along Worminghall Road. They are directly in front of No 42 where the proposed access would be formed; and from the approach from the junction between Worminghall Road and Ickford Road and as one travels into the village, where it is likely that the rooftops of the proposed properties would be visible above the boundary screening, more so during winter months.
  18. At both viewpoints, and even accounting for winter views when tree cover would be lower, I do not find that the proposed dwellings would be prominent or invasive and would not significantly detract from or undermine the appearance of the village or the wider area. I am satisfied that any specific or perceived concerns from intrusive and disproportionately high roofs above the hedgerows could be addressed and mitigated at reserved matters stage. Matters concerning the townscape character including the linear nature of this part of Ickford I deal with as part of the second main issue below.
  19. I therefore conclude, for the reasons given above, that the proposed development would cause only a moderate level of harm to landscape character. There would only be minimal visual harm, which I find would be capable of being mitigated at reserved matters stage.

#### *Setting of heritage assets*

20. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard should be given to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to the designated heritage assets in the planning balance, and this includes any harm to the setting of listed buildings and historic park and gardens. S.72(1) requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 193 of the Framework says great weight should be given to heritage assets' conservation. Local Plan policy GP.53 states that proposals for development will not be permitted if they cause harm to the

---

<sup>5</sup> Appeal Reference APP/J0405/W/17/3189919

character or appearance of the conservation area or their setting. It also states that proposals for development must respect the historic layout.

21. The Ickford Conservation Area is divided into four small separate parts. Pertinent to the appeal is its northernmost allocation, which encompasses some but not all of the properties on Worminghall Road which border the appeal site. The Council's appraisal of the conservation area is restricted to a two-page document dating from 2008. It describes the groupings as comprising the older parts of the village. There is no mention linear development as the key or important feature which defines the significance of the conservation area, either in part or as a whole.
22. Setting that aside and looking more closely at the parts of the conservation area which encompass Little Ickford and Church Road which appear to have changed little over time, I am drawn to the fact they are distinctly more scattered in their layout. The historical maps indicate that the same dispersed layout character would also have been evident at Worminghall Road in the past. It seems to me therefore that what emphasises and defines the linear 'arm' on Worminghall Road has little to do with historic layout but is in fact down to the numerous modern infilling which has occurred in recent years. I am as such not persuaded on the evidence before me that linear development or 'arm' represents a key historical feature of the village's character.
23. But even if I were to accept this it was, I am satisfied that visibility of the development behind the Worminghall Road properties would be limited to isolated vantage points, enough that it would not significantly alter the perception of the linear 'arm' or indeed the experience of pedestrians and motorists entering into the village. Furthermore, I am not persuaded that its character of frontage development behind established hedging would be significantly undermined by the works to create the improved access road.
24. As agreed by the parties, the settlement of Ickford is polyfocal and includes a number of cul-de-sac developments of various ages. I acknowledge that the proposed development would be larger than other such cul-de-sacs. However, I do not find it would be disproportionately sized and would not be incoherent or incongruous with the general character of the area.
25. I am for these reasons not persuaded that the proposed development would undermine the settlement character or cause harm to the character and appearance of this part, or of the conservation area as a whole.
26. Amongst the properties in Worminghall Road are four Grade II Listed Buildings. The Rising Sun public house (the public house) is a sizeable building located close to the edge of Worminghall Road. It sits on a large plot, with a car park located to the side and adjacent to No 42. The listing description describes the property as being a former house, altered at some point in the seventeenth century, with a timber frame with colour-washed brick infill and a thatched roof.
27. Adjacent to the public house is No 34 Worminghall Road (No 34), which is a small and charming thatched roof cottage. The listing description states that the cottage dates from the seventeenth century, altered at some point in the eighteenth century and is also constructed with a timber frame with colour-washed infill. A small link exists to No 32 Worminghall Road, but this dwelling is described as of no special interest. No 50 Worminghall Road (No 50) is



described as a cottage also dating from the seventeenth century, also constructed with a timber frame with colour-washed plaster infill and a thatched roof. No 64 Worminghall Road (No 64) is described as a cottage dating from the eighteenth century, with mudwalls and roughcast construction and a thatched roof.

28. It is common ground that the significance of the public house and No 34 and No 50 are defined by their very survival and their vernacular architecture; indeed it is also identified as a feature of the landscape character in the LCA. These buildings along with No 64's respective and historic positioning on their plots adjacent to the road defines their setting, which contributes to their significance as heritage assets. I observed and appreciated this at my site visit.
29. However, the Council additionally cites the intrinsic and historic link with the appeal site as contributing to the setting of the heritage assets. This is qualified, it says, by the fact that the listed dwellings would once have been occupied by persons whom would have worked the land. Accordingly, the dwellings cannot be fully understood and experienced without the appeal site; such that their setting is defined by that relationship and the views between the properties and the wider countryside.
30. The Council was not able to produce any documentary evidence to support any historical tie, and I am dubious that the supposition is sound. Given the size of the appeal site I consider it highly likely that occupants of the said listed buildings would have not been restricted to working the appeal site exclusively, and such persons would have worked on a much larger land holding or multiple holdings in the area.
31. Even if I were to accept the semblance of a historical agricultural tie solely to the appeal site, I find that the passage of time has long severed any such linkage. I can appreciate that in a bygone time, it may once have been possible to hypothesise the theory of a historic link between the listed buildings and the appeal site, based upon their positioning and scattered nature together with the visual perceptions one might have experienced of the countryside beyond.
32. But this rather idyllic picture does not, I find, exist today. The spaces between the listed buildings have been replaced and infilled with modern development. Visibility of the appeal site from Worminghall Road is extremely minimal resulting in little appreciation of a historic tie. Any physical association has been eroded by the enlargement of the rear gardens towards the appeal site; thus replacing the original layout with that akin to a conventional arrangement of residential dwellings adjoining an open field. I also observed no physical or visual evidence of such a link from within the appeal site itself.
33. As a result, I find no evidence which supports any obvious and tangible historic and appreciable link between the appeal site and the heritage assets. The appeal site does not in my judgement contribute to their setting in this way. As such, their significance would be unharmed and preserved. In any event, even if there were such a historical link, it is not by itself a reason to withhold development.
34. I am equally not persuaded on the perceived harmful effects of the proposed access road on the public house. The setting of the public house is already experienced not only through passing vehicular traffic because of its very close proximity to Worminghall Road, but also the presence of a car park to its side.

While there would be increased vehicular movements, I am not persuaded that it would be of such a scale or magnitude over the existing situation that it would seriously undermine the significance of the public house as a heritage asset. I am equally satisfied that the access provision can be appropriately designed and landscaped such that it would not lead to harm to its setting or change its perception to a corner plot. The setting of the public house would be preserved.

35. My attention was drawn to a number of non-designated heritage assets along Worminghall Road, and I observed and appreciated their value and contribution to the setting of the area. However, the same issues identified for the designated heritage assets equally apply to non-designated heritage assets, and I find no obvious reason to depart from my findings on the absence of harm.
36. Drawing all matters together, I conclude that the significance of the Ickford Conservation Area and the listed buildings would be preserved and not be undermined or harmed by the proposed development. I find no conflict against Local Plan policy GP.53 or with the relevant parts of the Framework.

### **Other Matters**

37. I note the considerable local opposition to the proposed development. Residents have raised concerns in respect to increased traffic, loss of wildlife and loss of privacy and overlooking. For the first two, little evidence was submitted which has caused me to doubt the main parties' position that traffic and wildlife surveys and conclusions are inadequate or misleading. I am satisfied that such issues can be adequately controlled by the imposition of appropriately-worded planning conditions. In respect to the latter, I observed the site from within but also a number of residential properties in Worminghall Road. Although layout is a reserved matter, I am satisfied that there would be sufficient distance between the proposed development and existing dwellings, taken with existing boundary screening and future landscaping, such that it would not cause significant harm to the living conditions of existing occupiers.
38. I note the photographic evidence of flooding in Ickford; indeed highway signage around the locality warns motorists and pedestrians alike of the area's risk of flooding. It is not therefore unreasonable of the local community to be concerned on this matter particularly because of development of open land. However, there is little evidence before me to doubt the common view of the main parties that the proposed development would in fact improve the situation through the provision of a sustainable urban drainage system (SuDS). This is secured within the Legal Agreement which I discuss below.
39. A number of persons expressed concerns at the Inquiry in respect of whether Ickford would be overwhelmed with the additional dwellings, specifically in relation to bus services and the local school. I visited and toured the school, and I appreciated the constraints both teachers and pupils are experiencing both from the existing building and the site itself; part of which I understand it shares with a nursery. However, whether the school is incapable of expanding, specifically upwards, has not been evidenced before me as suggested by the residents. In any event and as I will set out below, the Legal Agreement secures financial contributions to mitigate for the additional occupants, and I trust that the local education authority would use the additional funds appropriately.

40. The perceived inadequacy of mains gas, electricity, internet connections or the foundations of the dwellings to cater for the proposed development has not been sufficiently evidenced for me to take an alternative view to the main parties that such matters are acceptable.

### **Legal Agreement**

41. The Council seeks a planning obligation from the appellant to secure 30% of the dwellings to be provided as affordable housing, of which 75% of them would be available for affordable rent and the remainder for shared ownership. It also requires the provision of open space comprising public open space at a ratio of 2.47 square metres per resident, amenity land and a locally equipped area of play. It also requires the provision of a SuDS.
42. A financial contribution towards sports and leisure is required based on a formula approach of cost per provision of dwelling by bedroom size, as well as a fixed price of £33,000 towards sustainable transport. Should the open space areas be transferred to Ickford Parish Council for future management and maintenance, the Council seeks a commuted sum, equating to £58,800 per hectare to be made for that purpose.
43. The Council also seeks a financial contribution towards primary and secondary education based on a fixed price per number of bedrooms per flat or house. While Part 2 of Schedule 8 of the Agreement allows the funds to be spent within the local authority area, it nevertheless prioritises the primary education contribution to be allocated towards an additional classroom at Ickford Primary School, and the secondary education contribution towards the provision of a classroom block at Waddesdon School. While I understand that the local community would prefer the contributions to be spent exclusively on these schools, I find that the requirement is as reasonably precise as it can be. A monitoring contribution is also requested.
44. All of the above, amongst other things, are duly provided for in the Legal Agreement before me, and no party has advanced any objections to it.
45. The Framework<sup>6</sup> says requests for planning obligations must meet three tests, which are: (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably relate in scale and kind to the development.
46. On evidence before me, I am satisfied that the provisions and financial contributions sought are necessary, directly related to, and fair and reasonable for the development. While the SuDS could be dealt with by way of a planning condition, both main parties informed me at the Inquiry that they required the provision to be dealt with as a legal matter. I have no obvious reason to disagree or find otherwise.
47. The Legal Agreement is therefore consistent with the tests of Framework. I am further satisfied from the oral responses given by the main parties at the Inquiry that the Agreement complies with provisions contained within the Community Infrastructure Levy Regulations in respect of pooled contributions.

---

<sup>6</sup> Paragraph 56



## Conditions

48. I have considered the conditions suggested by the Council against the Framework<sup>7</sup>, and made changes necessary to comply with those requirements, particularly where the suggested wording is too prescriptive or contains tailpieces. I also note that the appellant has given its written acceptance of those conditions which require a discharge of a requirement prior to the development's commencement.
49. I have specified the approved plans so as to provide clarity and certainty as to the scheme approved. Conditions relating to materials, long-term landscape objectives, management and maintenance are necessary to ensure the appearance of the development would be satisfactory. A condition relating an acoustic assessment is necessary to protect to the living conditions of the future occupiers of the proposed development from the activities of the public house. Given the site's undeveloped nature and existence of wildlife, I am satisfied that conditions requiring a construction and environmental management plan and an ecological design strategy are necessary to ensure biodiversity is maintained and enhanced.
50. Conditions are necessary for the provision of the access, visibility splays, estate roads, footways and parking to ensure future occupiers can adequately access the dwellings and that there would be no detrimental effect on the local highway network. A condition requiring a construction management plan is also necessary to ensure that the construction activities minimise nuisance and inconvenience to the local community. I have added a requirement that this includes details of construction routing, to ensure traffic utilises appropriate roads and avoids areas where such traffic would be clearly inappropriate and unwelcome.

## Planning Balance

51. As stated at the beginning of this decision, paragraph 11(d) of the Framework is engaged because the Council's policies relevant to the supply of housing are out-of-date. I am content to accept this position in the absence of evidence from any other party to the contrary.
52. Paragraph 11 of the Framework requires decisions to apply a presumption in favour of sustainable development. Paragraph 11(d) states that this means, in the case of out-of-date policies, granting planning permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
53. Common ground exists between the main parties on the benefits of the scheme, which I concur with. The proposed development would provide much needed open market housing for the area. It would also meet the shortfall in affordable housing need as identified by the draft Neighbourhood Plan. Additional occupants could potentially contribute towards the local economy through additional custom for the public house and local facilities, and employment opportunities could be created for its construction. I have no

---

<sup>7</sup> Paragraph 55

obvious reason to disagree with the common position that the provision of a SuDS scheme would improve surface water run-off from the appeal site which would have a beneficial effect on flooding of the area. Added with some limited benefits in respect to the provision of open space and biodiversity enhancements, I find considerable weight should be apportioned to the benefits of the scheme.

54. For reasons given above, I find that there would be moderate harm caused to the landscape character of the area. I find no harm would occur to the significance of both the Ickford Conservation Area or the identified listed buildings. As such, neither Paragraph 196, or subsequently paragraph 11(d)(i) of the Framework is engaged.
55. In my judgement, the moderate landscape harm I have identified would not significantly and demonstrably outweigh the considerable benefits of the scheme I have identified. This view is consistent with that of the main parties, who stated both orally and in writing that landscape harm, even taken at its most severe, would in isolation be incapable of tipping the balance against the scheme. I am satisfied that the attached planning conditions and planning obligation would adequately mitigate any localised harm.
56. I find therefore that the proposed development would accord with the Framework's requirement for sustainable development. It would also comply with the Local Plan taken as a whole.

### **Conclusion**

57. For the reasons given above, I conclude that the appeal is allowed.

*R Allen*

INSPECTOR

### **Schedule of Conditions**

- 1) The development shall not be carried out except in accordance with Site Plan PL:100.
- 2) Approval of the details of the access, layout, scale, external appearance of the building(s) and the landscaping of the site (hereafter called 'the reserved matters') shall be obtained in writing from the Local Planning Authority before the development is commenced.
- 3) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.
- 4) The development hereby permitted shall be begun before the expiration of 18 months from the date of approval of the last of the reserved matters to be approved.
- 5) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with those approved details.
- 6) Details pursuant to Condition (2) shall include a landscape management plan for the site including the existing site boundaries that shall extend over the lifetime of the development has been submitted to the Local Planning Authority for approval in writing. The plan shall include: Long-term landscape objectives; appropriate management prescriptions; maintenance schedules and annual work programmes. The approved landscape management plan shall be adhered to and implemented in accordance with the approved details.
- 7) Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.
- 8) Details pursuant to Condition (2) shall include an acoustic assessment in relation to potential disturbance from customers using the facilities of the adjacent Public House. The assessment shall include details of any necessary mitigation required to ensure that internal sound levels within any of the new dwellings are acceptable. The development shall be carried out in full accordance with the approved scheme of mitigation and no dwelling shall be occupied until the approved scheme of mitigation for that dwelling has been fully implemented.
- 9) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP (Biodiversity)) has been submitted to the Local Planning Authority for approval in writing. The CEMP (Biodiversity) shall include the following: Risk assessment of potentially damaging construction activities; identification of "biodiversity protection zones"; practical measures (both physical measures and sensitive working practices) to

avoid or reduce impacts during construction; the location and timing of sensitive works to avoid harm to biodiversity features; responsible persons and lines of communication; the role and responsibilities on site of an ecological clerk of works or similarly competent person; and use of protective fences, exclusion barriers and warning signs. The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 10) No development shall take place until an ecological design strategy (EDS) addressing ecological mitigation, compensation and enhancement measures has been submitted to the Local Planning Authority for approval in writing. The EDS shall include the following: Purpose and conservation objectives for the proposed works; review of site potential and constraints; detailed design(s) and/or working method(s) to achieve the stated objectives; extent and location/area of proposed works on appropriate scale maps and plans; type and source of materials to be used where appropriate, e.g. native species of local provenance; timetable for implementation demonstrating that works are aligned with the proposed phasing of development; details of integrated bat boxes (incorporated into at least 1:4 of the buildings proposed) and swift boxes (north-facing elevations). The model, location and position of these devices will need to be included on the plans. Conventional bat and bird boxes are not acceptable because they are vulnerable to vandalism, require annual checking and not as effective as integrated devices; details of the provision of permeable fencing throughout the development to enable movement of hedgehog across the gardens proposed on site; persons responsible for implementing the works; details of initial aftercare and long-term maintenance of ecological habitats; details for monitoring and remedial measures; and details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- 11) No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the details approved pursuant to Condition (2).
- 12) Details pursuant to Condition (2) shall show minimum vehicular visibility splays of 42m to the south and 40m to the north from 2.4m back from the edge of the carriageway from both sides of the access onto Worminghall Road. The visibility splays hereby approved shall be provided in accordance with the approved details and shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.
- 13) No dwelling shall be occupied until the estate roads which provide access from the existing highway to that dwelling have been laid out and constructed in accordance with the details approved pursuant to Condition (2).
- 14) No dwelling shall be occupied until the off-site highway works including the creation of a footway along the eastern side of Worminghall Road and the realignment of Worminghall Road (as shown indicatively at Appendix C of the Transport Statement prepared by Phil Jones Associates dated August 2017) have been laid out and constructed in accordance with

details to be first submitted to the Local Planning Authority for approval in writing in consultation with the Highway Authority.

- 15) Prior to the first occupation of any dwelling parking and manoeuvring facilities for that dwelling shall be laid out and made available for use in accordance with the details approved pursuant to Condition (2). These facilities shall be permanently maintained for this purpose.
- 16) Development hereby permitted shall not begin until a construction management plan (CMP) has been submitted to the Local Planning Authority for approval in writing. Construction shall not be carried out otherwise than in accordance with the approved CMP. The CMP shall include the following matters: Parking and turning for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; programme of works (including measures for traffic management and operating hours); provision of boundary hoarding and lighting; details of measures to prevent mud from vehicles leaving the site during construction; a construction routing plan; and pre-commencement highway condition survey.

Richborough Estates



## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Miss Caroline Daly	Of Counsel, instructed by HP Public Law on behalf of Aylesbury Vale District Council
Miss Daly called: Mr Jonathan Bellars	Landscape Officer
Dr Valerie Scott	Heritage Consultant
Mr Asher Ross	Planning Consultant

### **FOR THE APPELLANT:**

Mr Charles Banner	Of Queen's Counsel, instructed by Pegasus Planning on behalf of the appellant
Mr Banner called: Mr Andrew Cook	Landscape Consultant
Dr Michael Dawson	Heritage Consultant
Mr David Hutchinson	Planning Consultant

### **INTERESTED PERSONS:**

Mr Martin Armistead	Local Resident and Chairman of Ickford Neighbourhood Development Plan
Mrs Jenny Armistead	Local Resident
Mr David Greig	Local Resident
Mr Chris Hall	Local Resident
Mrs Jennifer Johns	Local Resident
Mr Paul Campbell	Local Resident
Mrs Stephanie Buck	Local Resident
Mrs Jo Tiddy	Local Resident
Mrs Josephine Crawford	Local Resident
Dr Michael Brown	Local Resident

### **DOCUMENTS SUBMITTED:**

1. Aylesbury Vale Housing and Economic Land Availability Assessment submitted by the appellant.
2. A folder of documents containing:
  - Rebuttal Proof of Evidence from Mr David Hutchinson; and
  - A copy of a previously submitted Supplementary Proof of Evidence of the Council.
  - The folder also contained a Rebuttal Proof of Evidence on Housing Need and Supply Matters and Appendices submitted by the appellant. However, following the subsequent agreed position of the main parties

taken shortly before the opening of the Inquiry that paragraph 11(d) of the Framework was engaged, the document was withdrawn at the opening of the Inquiry owing.

3. The Opening Statement of the appellant;
4. The Opening Statement of the Council;
5. The statement of Mr Armistead;
6. The statement of Mrs Tiddy;
7. The statement of Dr Brown;
8. The list of agreed planning conditions submitted by the Council;
9. The updated position statement submitted by the appellant regarding five-year housing land supply and the withdrawal of proofs of evidence;
10. Separate statement on unallocated greenfield sites in the Aylesbury area submitted by the appellant;
11. Statement of agreement to points 9 and 10 submitted by the Council by email on the final day of the Inquiry;
12. The signed s.106 Legal Agreement submitted by the appellant by email on the final day of the Inquiry;
13. The Closing Statement of the Council submitted by email on the final day of the Inquiry; and
14. The Closing Statement of the appellant submitted by email on the final day of the Inquiry.