



# Appeal Decision

Inquiry held on 20, 21, 22, and 23 July 2010

Site visit made on 22 July 2010

by **Ruth V MacKenzie BA(Hons) MRTPI**

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

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**Decision date:**  
**19 August 2010**

## APPEAL A

**Appeal Ref: APP/Y0435/A/10/2125532**

**Land at the former Nampak/Mayer Parry site, Station Road, Woburn Sands, Buckinghamshire MK17 8SE**

- 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 Taylor Wimpey (South Midlands) Ltd against the decision of Milton Keynes Council.
- The application (Ref No 09/01522/OUT, dated 24 August 2009) was refused by notice dated 7 December 2009.
- The development proposed is a comprehensive mixed use development, including the erection of 303 dwellings, 1.293ha of employment land, a D1 building (230m<sup>2</sup>), public open space, a multi-use games area (MUGA), new vehicular access and pedestrian linkages and associated parking and landscaping.

## APPEAL B

**Appeal Ref: APP/Y0435/A/10/2125537**

**Land at the former Nampak/Mayer Parry site, Station Road, Woburn Sands, Buckinghamshire MK17 8SE**

- 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 Taylor Wimpey (South Midlands) Ltd against the decision of Milton Keynes Council.
- The application (Ref No 09/01516/FUL, dated 24 August 2009) was refused by notice dated 24 November 2009.
- The development proposed is the erection of 112 dwellings with new vehicular access road, pedestrian linkages, public open space, landscaping and parking provision.

## DECISIONS

### Appeal A

1. I dismiss the appeal.

### Appeal B

2. I allow the appeal, and grant planning permission for the erection of 112 dwellings with new vehicular access road, pedestrian linkages, public open space, landscaping and parking provision, on land at the former Nampak/Mayer Parry site, Station Road, Woburn Sands, Buckinghamshire MK17 8SE, in accordance with the terms of the application, Ref No 09/01516/FUL, dated 24 August 2009, subject to the conditions set out in Schedule A at the end of this decision.

## **BACKGROUND INFORMATION**

3. **Appeal A** relates to an outline application for a mixed use development laid out in accordance with an illustrative Comprehensive Master Plan. All matters except access have been reserved for later determination. The 7.4ha brownfield site is within the defined development boundary of Woburn Sands, a Key Settlement within Milton Keynes Borough. Policy WS1 of the Milton Keynes Local Plan (LP) adopted in 2005 allocates the site for mixed use development, principally housing and employment. The Council has no objection to the principle of the development proposed by the appellant.
4. **Appeal B** relates to an application for full planning permission for 112 dwellings. The dwellings would occupy just under half of the site which is the subject of Appeal A, in an area described as Phase 3. On adjoining land to the south, the appellant is completing a development of 280 dwellings, known as Phases 1 and 2, which wrap around 2 sides of a large lake.
5. The applications that have led to Appeals A and B were submitted simultaneously. The appellant wants to build Phase 3 (Appeal B) as soon as Phases 1 and 2 have been finished, albeit within the overall context provided by the comprehensive scheme (Appeal A).
6. Prior to the Inquiry, negotiations culminated in 8 Statements of Common Ground. Agreement has been reached between the Council and the appellant on several matters including those relating to design, the supply and demand for employment land, roads, parking and landscaping. Agreement has also been reached between the appellant and Network Rail on matters relating to the level crossing to the north of the site. Finally, agreement has been reached between the appellant and the Environment Agency on matters relating to flood risk.
7. During the course of the negotiations between the Council and the appellant, minor revisions were made to the design and layout of Phase 3 (the subject of Appeal B). This resulted in the loss of 2 dwelling units. The planning application for Phase 3 originally referred to 114 dwellings, but this has now been revised downwards to 112. Consequently, the number of dwellings in the Appeal A scheme (which includes Phase 3) has also been reduced by 2, from 305 to 303. I have made the necessary changes to the description of development. At the Inquiry I agreed to accept the revised plans for Phase 3 because nobody's interests would be prejudiced by doing so.
8. Two Section 106 Agreements, one for each of the appeals, have been signed by the Council and the appellant. These, together with the 8 Statements of Common Ground, have addressed many of the Council's reasons for refusal. Therefore, by the time the Inquiry started, the issues between the Council and the appellant had narrowed significantly.

## **MAIN ISSUES**

9. I consider that the main issues in **Appeal A** are:
  - Whether the proposed balance between employment and housing is justified, bearing in mind the supply and location of employment land and the need for new housing

- The effect of the proposed development on the character and appearance of the site itself, and the area surrounding it.
10. I consider that the main issue in **Appeal B** is the effect of the proposed development on the character and appearance of the site itself, and the area surrounding it.

## **INSPECTOR'S REASONS**

### **APPEAL A**

11. The appeal site is on the north western outskirts of Woburn Sands. The land was originally occupied by Nampak (a producer of plastic goods) and Mayer Parry (a scrap metal dealer). The site is now vacant and extends to about 7.4ha.
12. The appellant's Comprehensive Master Plan proposes employment units, car parking and a multiple use games area (MUGA) at the northern end of the site adjoining the railway line. Moving further south, there would be a crescent-shaped 4-storey block of flats with a health centre at its northern end (Phase 5) together with another area of housing (Phase 4). A linear park, a lakeside park and more housing would occupy the southern portion of the site (Phase 3, the subject of Appeal B).
13. The eastern boundary of the site is formed by Station Road (A5130). The southern boundary adjoins the nearest parts of Phases 1 and 2. A substantial hedge marks the western boundary and there is open countryside beyond. The northern boundary is formed by the Bedford/Bletchley railway line. The Grade II listed Station House stands between the north eastern corner of the site and the level crossing.

### **The first issue – the balance between employment and housing**

14. LP policy WS1 allocates about half the site (6.7ha) for housing, and about half (6.8ha) for employment. When the policy was adopted, there were still some industrial activities on the site. These have now ceased, but I consider it reasonable to suppose that their presence could have influenced the policy's 50:50 split between employment and housing.
15. The Nampak Site Development Brief (the Brief) was adopted by the Council as Supplementary Planning Guidance in May 2004. Although not part of the development plan, I give the Brief substantial weight. It anticipates a possible reduction of industrial uses and suggests (in paragraph 5.5.5) that more residential development could result, provided that any concerns about the loss of employment land and the impact on local roads and facilities are resolved.
16. To my mind, neither LP policy WS1 nor the Brief should be treated as straitjackets for the final balance between employment and housing on the site. I consider that a flexible approach which takes account of the prevailing conditions is the best way forward.
17. An example of this flexible approach is the Council's concession that the amount of employment land on the site could now reasonably be reduced from 6.8ha (LP policy WS1's figure) to 3ha. The appellant, as a result of its

own marketing exercises and in the light of the GVA Grimley study commissioned by the Council, believes that 3ha is too much. In its view, 1.3ha is all that is needed.

18. LP policy E1 seeks to protect allocated employment land unless, amongst other things, there would be no significant reduction in the provision of local employment opportunities. There is nothing to suggest that such a reduction would occur. Unemployment in Woburn Sands is low, and there is about 283ha of available employment land in Milton Keynes. Some of this is within the Eastern Expansion Area and could provide accessible employment opportunities within about 4km of Woburn Sands. Moreover, policy EC2.1(h) of *Planning Policy Statement 4: Planning for Sustainable Economic Growth* advises that existing site allocations should not be carried forward without evidence of need and without a reasonable prospect of take-up. There is nothing to suggest that more than 1.3ha of employment land is needed or, indeed, if more were to be provided, that it would be quickly taken up.
19. I have therefore reached the view that 1.3ha of employment land would be a reasonable provision for this site, notwithstanding the fact that LP policy WS1 advocates a much larger area of 6.8ha. Furthermore, an area of 1.3ha would still provide job opportunities within Woburn Sands, in line with the Council's objective of providing a dispersed pattern of employment across the Borough.
20. I now turn to the amount of housing proposed in the appellant's Comprehensive Master Plan. Using figures that stem from the South East Plan, the Council and the appellant agree that there is a Borough-wide requirement of 10,460 dwellings, but developable land for only 8,398 dwellings. However, the Secretary of State's revocation of the South East Plan on 6 July 2010 has thrown these figures into doubt and they are soon to be reassessed by the Council's LDF Advisory Panel. Even if the amount of housing proposed for the Borough is reduced, I consider it reasonable to suppose that the appeal site would continue to be favoured for residential development. Its brownfield status and its sustainable location make it eminently suitable.
21. LP policy WS1 indicates a site capacity of 270 dwellings. This has already been exceeded by the 280 dwellings in Phases 1 and 2. The appeal proposal would add another 303. This substantial increase in the number of dwellings is a matter of great concern to the Town Council. According to its calculations, there are 888 dwellings in "old" Woburn Sands. The 280 dwellings of Phases 1 and 2, together with the 303 dwellings currently proposed, would increase the number of dwellings in the town by more than 50%. I share the Town Council's view that this represents a substantial influx of dwellings and people; something that has the potential to materially harm the equilibrium and identity of the town and its community.
22. As currently proposed, just under half (46%) of the 303 dwellings would be flats. This is about three times more than the proportion of flats (14%) in "old" Woburn Sands and, to my mind, it would be disproportionately high for a small rural town such as this. In my experience, those who live in flats tend to be more transitory than those who live in houses, and a high proportion of flats has the potential to weaken or destabilise a community. I also accept the Town Council's view that 2-storey homes for young families and single-

storey homes for old people are more likely to sustain the community than a heavy preponderance of flats, because they provide an opportunity for existing residents to remain in Woburn Sands when their accommodation needs change. For these reasons I consider that the mix of dwelling types is too heavily weighted in favour of flats. Furthermore, if some of the flats were replaced by houses, the total number of dwellings would fall. I see this as a positive benefit, notwithstanding the fact that there would still be many more dwellings than the 270 indicated in LP policy WS1.

*Conclusion on the first issue – the balance between employment and housing*

23. I have concluded that 1.3ha of employment land is sufficient. The area set aside for housing is also sufficient, but the number of dwellings is too high, largely because of the high proportion of flats.

**The second issue - the effect of the proposed development on the character and appearance of the site itself and the area surrounding it**

*The legibility and hierarchy of streets*

24. Despite the fact that a main route through the development is a Key Principle of LP policy WS1, and a feature of the Brief's Drwg No 756-015d, the appellant's Comprehensive Master Plan does not show one. Instead, a network of spine roads and shared-surface roads would surround the blocks of dwellings and open spaces, and legibility would be provided by prominent features such as the lake and the higher buildings. The north/south route through the site would be convoluted and slow. However, I see this as a positive feature because, to my mind, a well-defined main route would encourage additional traffic and faster speeds. This would make the residential environment less safe and pleasant, particularly for children, pedestrians and cyclists.

*The scale and massing of buildings*

25. At the eastern edge of Phase 3, there would be some 4-storey buildings overlooking the lakeside park and the lake itself. Further to the north, Phase 4 would have 4-storey buildings overlooking the lakeside park and the spine road. Phase 5 would be entirely 4-storey and would overlook the same stretch of spine road.
26. In my opinion, this concentration of 4-storey buildings in the northern portion of the site would be a significant departure from the Brief. In paragraph 3.7.2 it advises that 4-storey buildings would be appropriate "in the centre of the site, adjoining the large scale employment uses and on Station Road". I am particularly concerned about the crescent-shaped building of Phase 5 which would be in none of those locations. In my opinion, its scale and massing, particularly when seen in conjunction with the nearby 4-storey buildings of Phase 4, would fail to reinforce the character of the site and that of Woburn Sands itself.

*The density of development*

27. The net density of development within the site covered by Appeal A would be about 49dph. If the appeal site and Phases 1 and 2 are taken as a whole, the density would be about 46dph. Both of these densities are higher than the

40dph indicated in LP policy WS1. They are also higher than the average density of 35dph sought for new housing in Woburn Sands (LP policy H8), and much higher than the current density of 28dph in Woburn Sands as a whole.

28. In my view, the high proportion of flats is the principal cause of the 49dph density. I have already stated that I consider this proportion to be too high. If the number of flats were to be reduced, the density of development would fall in the direction of the 40dph indicated in LP policy WS1.

*The provision of open space*

29. I consider the provision and location of open space to be generally acceptable. However, I have 2 concerns. Firstly, the Comprehensive Master Plan shows a 3m wide landscape buffer between the Phase 4 housing and the employment land. This would barely be enough for a hedge or a row of trees. The nearest Phase 4 dwellings would be within a few metres of the parking spaces and units on the employment land, and there would be minimal opportunity for screening. I consider this to be unnecessarily cramped, and not conducive to a high quality living environment.
30. Secondly, I consider that the proposed location of the MUGA is inconvenient and potentially unsafe. Its peripheral location within the site, and within Woburn Sands as a whole, would make it an inconvenient distance from the majority of dwellings. Furthermore, it would be only about 30m from the level crossing, and on the "wrong" side of Station Road for the recreation ground and the youth club. I anticipate that this could give rise to safety issues. To my mind, there are better options for the location of the MUGA which have not yet been fully explored.

*The setting of the Grade II listed Station House*

31. Station House is currently vacant. The railway lies to its north, Station Road to its east, and the vacant appeal site to its west and south. In my view, the quality of its setting is currently poor.
32. The appellant's Comprehensive Master Plan shows car parking and employment units to the west of Station House, and the MUGA and open space to its south with the 4-storey crescent-shaped flats of Phase 5 about 40m further away. To my mind, whilst not an ideal setting for this listed building, it would be better than its current setting. There would therefore be compliance with LP policy HE5 which seeks to protect the setting of listed buildings.

*Conclusion on the second issue*

33. I have concluded that the proportion of 4-storey buildings is too great, particularly at the northern end of the site. I have also concluded that the buffer strip between Phase 4 and the employment land is too narrow, and that a better location could be found for the MUGA. For these reasons I have reached the view that the proposed development would have a harmful effect on the character and appearance of the site and the area surrounding it.

**Interim conclusion on Appeal A**

34. I have identified several shortcomings in the appellant's Comprehensive Master Plan, including the high proportion of flats, the large amount of 4-storey buildings in the northern portion of the site, the restricted width of the buffer strip between Phase 4 and the employment land, and the inconvenient and potentially unsafe location of the MUGA.
35. I accept that the Comprehensive Master Plan is illustrative but, in my view, these shortcomings are too great to overlook. I have therefore concluded that the proposed mixed use development is unacceptable.
36. By reaching this conclusion I have not swept away the development potential of the site. The allocation in LP policy WS1 still stands, as does the Brief. Furthermore, a dismissal of Appeal A does not automatically mean that the appellant's proposal for Phase 3 (the subject of Appeal B) is unacceptable.

## **APPEAL B**

### **The main issue – the effect of the proposed development on the character and appearance of the site itself, and the area surrounding it.**

#### *The legibility and hierarchy of streets*

37. In common with the layout of Phases 1 and 2, the dwellings proposed for Phase 3 would be arranged within blocks separated by spine or shared-surface roads. A similar layout in Phases 1 and 2 has proved to be generally popular and successful.
38. The spine roads and shared-surface roads are designed to deter through traffic, encourage slow speeds, and be user-friendly for children, pedestrians and cyclists. I see this as a positive design feature. I have already expressed my view, in connection with Appeal A, that a through route would make the residential environment less safe and pleasant. I accept that navigating through the network of spine and shared-surface roads might be confusing for newcomers but I consider that the presence of the lake and other landmark features would soon make way-finding a pleasant 3-dimensional experience.
39. LP policy D2A (iv) and (v) require safe, attractive and convenient routes that give priority to walking and cycling, together with recognisable streets, junctions and landmarks to help people find their way around. In my view, the layout and hierarchy of streets in Phase 3 would achieve the required level of legibility.

#### *The scale and design of buildings*

40. I accept that there are no 4-storey dwellings in Woburn Sands, apart from those that have recently been built by the appellant in Phases 1 and 2. The Brief suggests that taller buildings would be appropriate in the centre of the site. This is where the three 4-storey buildings proposed for Phase 3 would be. Only one of the buildings would be entirely 4-storey, the other two would be a combination of 3- and 4-storeys. They would be landmark buildings, overlooking the lake and the lakeside park. Moreover, I consider that they would complement and respond to the other 4-storey buildings on the opposite side of the lake, some 110m away. The Council has calculated that about 45% of the lakeside frontage of Phase 3 would be 4 storey buildings. I

do not consider this to be excessive in view of their central position and the variations in their roof heights.

41. There are dwellings of many ages and styles within the Woburn Sands Conservation Area and the rest of the town that surrounds it. However, the prevailing character is one of 2-storey terraced brick houses, with steeply pitched roofs, dormer windows and projecting bays.
42. LP policy D2A requires, amongst other things, that development should reinforce locally distinctive design elements. In my view, the proposed dwellings in Phase 3 would satisfy that requirement. They would be built in brick, with projecting bays, dormer windows and a varied roofscape. Lintels, rainwater goods and other architectural detailing would all reflect features that are commonly seen in the rest of Woburn Sands. Furthermore, their short front gardens and varied building lines would be reminiscent of the pattern of development in the older parts of the town.

#### *The balance between flats and houses*

43. I have already concluded in respect of Appeal A that the proportion of flats to houses throughout the whole scheme is too great. In Phase 3, 43% of the 112 dwellings would be flats. This, too, is a high proportion but one that I find acceptable not least because the future development of Phases 4 and 5 would provide an opportunity to lower the proportion of flats in the scheme overall.

#### *Open space*

44. In addition to housing, Phase 3 includes the linear park and the lakeside park, both of which are large areas of structural open space. There would also be a play area beside the lake. In my view, these would enhance the setting of the Phase 3 dwellings, and improve the living environment for the existing residents of Phases 1 and 2.

#### **Interim conclusion on Appeal B**

45. I have concluded that the legibility and hierarchy of streets, the scale and design of buildings, the balance between flats and houses and the provision of open space are all acceptable.
46. As an additional means of assessment, I have tested the proposal against the requirements of paragraph 69 of *Planning Policy Statement 3: Housing*. I have found that it would provide high quality housing, 30% of which would be affordable, the site is suitable for development and in a sustainable location, and the land would be used effectively and efficiently. Furthermore, from the evidence before me, it would not conflict with the Council's wider housing objectives.
47. I have therefore concluded that the proposed development for Phase 3 would not have a materially harmful effect on the character and appearance of the site itself or the area surrounding it.
48. Furthermore, I have concluded that it would not materially prejudice the future successful development of the remainder of the land to the north.

## **OTHER MATTERS**

### **Section 106 Agreements**

49. The appellant has submitted 2 Section 106 Agreements, one for each of the appeals. They secure financial contributions amounting to over £3.76 million. The money would largely be spent on improvements to community and education facilities in Woburn Sands, improvements to the railway station and the level crossing, and the provision of open space and a MUGA. The Agreements also ensure that 30% of the dwellings throughout the site would be affordable housing; a key principle of LP policy WS1 and a target of LP policy H4.
50. I share the appellant's and the Council's view that both Agreements pass the 3 statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010/958. Without the Agreements the development would be unacceptable, particularly in respect of the provision of affordable housing (the first test); the financial contributions are directly related to the development (the second test); and they are fairly and reasonably related in scale and kind (the third test). I therefore give considerable weight to both Agreements.

### **Traffic**

51. The Highway Authority does not object to the development proposed in Appeals A or B, a matter of considerable disappointment for Woburn Sands Town Council. In the Town Council's view, additional dwellings would worsen the existing congestion that frequently occurs in Station Road when the level crossing barriers are down.
52. Congestion in itself is not necessarily a bad thing. It can slow traffic down and make a road safer. It can also encourage people to make alternative travelling arrangements, for example by travelling less frequently or by avoiding peak times. I have seen no evidence to suggest that highway conditions in Station Road are dangerous, or that they would become more dangerous if additional dwellings were to be built. Whilst I accept that the congestion in Station Road might be an inconvenience, to my mind this is not enough to make the appeal proposals unacceptable.

### **OVERALL CONCLUSION**

53. I have decided that the appellant's Comprehensive Master Plan for the whole site is unacceptable because of the number of flats, the amount of 4-storey buildings, the restricted width of the buffer strip between Phase 4 and the employment land, and the location of the MUGA. I have therefore dismissed Appeal A.
54. However, I have concluded that the development proposed for Phase 3 is acceptable, and I have therefore allowed Appeal B.
55. Planning conditions were discussed at the Inquiry. In accordance with the Council's suggestions, and to ensure a high quality development, I have imposed conditions relating to building materials, landscaping (including boundary treatments), finished floor levels and overhead wires. In the

interests of highway safety, there are conditions about the construction, drainage and retention of roads, footways, car parking areas and manoeuvring spaces. As a deterrent to crime, there is a condition about the lighting of parking courts.

56. Because of former industrial activities there is a possibility of ground contamination. I have therefore imposed a condition requiring further investigation of this. I have required fencing to be erected around existing trees and hedges in order to protect them during building works. There are also conditions that require surface water drainage and building practices to follow sustainability objectives. I have required a Construction Environmental Management Plan, and I have limited the hours of work, in order to minimise disturbance of residents in Phases 1 and 2. In the interests of safety, there is a condition about the provision of fire hydrants. Finally, for the avoidance of doubt, I have required the development to be carried out in accordance with the approved plans listed in Schedule B.
57. In reaching my decisions on both appeals I have taken into account all other matters raised. None is sufficient to outweigh the considerations that have led me to dismiss Appeal A and allow Appeal B.

*Ruth V MacKenzie*

INSPECTOR

## **SCHEDULE A**

### **PLANNING CONDITIONS IN RESPECT OF APPEAL B**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until a detailed hard and soft landscaping scheme, together with a timetable for its provision, has been submitted to and approved in writing by the local planning authority. The scheme shall show the numbers, types and sizes of trees and shrubs to be planted, biodiversity measures, details of any hard surfacing, details of all boundary treatments, street furniture and other structures or equipment and their location in relation to proposed buildings, roads, footpaths and drains. The landscaping scheme shall be implemented in accordance with the approved details. Any tree or shrub that is removed, dies or is severely damaged or diseased within 5 years of planting shall be replaced in the next planting season with a tree or shrub of the same size and species.
- 4) No development shall take place until full details, including representative site cross-sections of finished floor levels for each house and ground floor flat, and

- finished site levels for all hard-surfaced and landscaped areas in relation to existing site levels and the level of the adjacent highway and floor levels of adjacent buildings, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No overhead lines, wires or cables, whether for telephones, electricity, television or any other purposes, shall be erected on, over or across any part of the site.
  - 6) No development shall take place until details of the adoptable estate roads and footways, including the disposal of surface water from the highway, have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the part of the estate road and footway which provides access to it has been constructed in accordance with the approved plans.
  - 7) The access, parking and manoeuvring spaces for each dwelling hereby permitted shall be laid out and available for use prior to the first occupation of the dwelling they are intended to serve. Thereafter, the access, parking and manoeuvring spaces shall not be used for any other purpose.
  - 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no gates, walls, fences or other means of enclosure shall be erected within 5m of the carriageway on any plot with a car port.
  - 9) No development shall take place until a lighting scheme for the 4 parking courts has been submitted to and approved in writing by the local planning authority. The lighting scheme for each of the parking courts shall be implemented prior to the occupation of any dwelling whose parking space lies within that parking court.
  - 10) No development shall take place until the developer has carried out an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination of the site in accordance with BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of Practice*. The results of the survey, together with a scheme for any remedial action deemed necessary, shall be submitted to and approved in writing by the local planning authority. Any remediation deemed necessary shall be carried out in accordance with the approved scheme prior to the first occupation of the development.
  - 11) No site clearance or building operations shall begin until protective fencing of at least 1.5m high has been erected around all trees and hedgerows to be retained, in accordance with details to be submitted to and approved in writing by the local planning authority. The areas thus enclosed shall be kept clear of all excavated material, building materials, plant and rubbish for the duration of construction.
  - 12) No development shall take place until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and it shall be implemented in accordance with the approved details before the development is completed.

- 13) No development shall take place until a Sustainability Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of all the sustainable development practices to be included in the design of the buildings and the development of the site, including construction practice, the sourcing of materials and the measures to minimise carbon emissions. The development shall be constructed in accordance with the approved Sustainability Statement.
- 14) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include Noise Action Levels (based on a noise survey) and other measures to minimise disturbance by noise and vibration.
- 15) Construction work should be limited to the following hours: 08.00hrs to 18.00hrs Mondays to Fridays and 08.00hrs to 13.00hrs on Saturdays. There shall be no construction work on Sundays or Bank Holidays.
- 16) No development shall take place until details of fire hydrants and their connection to the water mains have been submitted to and approved in writing by the local planning authority. No part of the development served by the hydrants shall be occupied until the hydrants have been connected to the water mains in accordance with the approved details. Following occupation of all the dwellings, confirmation shall be made in writing to the local planning authority that all hydrants have been installed in accordance with the approved details.
- 17) The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule B below.

## **SCHEDULE B**

### **LIST OF APPROVED PLANS**

15543/2018 Rev B - Phase 3 detailed scheme (red line/location plan)

1074/SK/101 Rev C - Phase 3 layout

06/840-SK04 Rev H - Proposed site layout showing 1.8m brick walls

CSA/1166/108 Rev A - Phase 3 Landscape strategy drawing

CSA/1166/110 - Detailed areas Phase 3

**House Type A** (all drawing numbers prefixed by 06/840-SK)

200, 201, 202, 203 Rev A, 204, 205 Rev A

**House Type B**

206 Rev A, 207 Rev A, 208 Rev A, 209 Rev A, 210 Rev A, 211 Rev A

**House Type C**

212 Rev A, 213 Rev A, 214 Rev A, 215, 216 Rev A, 217, 218 Rev A

**House Type C Option**

219 Rev A, 220 Rev A, 221 Rev A, 222 Rev A, 223 Rev A, 224 Rev A, 225 Rev A

**House Type D** 226, 227

**House Type E** 228 Rev B, 229 Rev B

**House Type G** 230, 231, 232

**House Type H** 233 Rev B, 234 Rev B

**House Type I** 235, 236

**House Type J** 237 Rev A, 238 Rev A, 239 Rev A

**House Type K** 240, 241, 242

**House Type L** 243 Rev A, 244 Rev A, 245 Rev A

**House Type P**

246 Rev A, 247 Rev A, 248 Rev A, 249 Rev A, 250 Rev A, 251 Rev A, 252 Rev A

**House Type Q** 253 Rev A, 254 Rev A

**House Type R** 255, 256, 257

**House Type S** 258, 259 Rev A, 260 Rev A

**Single garage** 280

**Tandem garage** 281

**Double garage** 282

**Single car port** 283

**Double car port** 284

**Single buildover** 285

**Street elevations**

SK.300 Rev B (amended in part by SK300.5 Rev B), 301 Rev A, 302 Rev A, 303 Rev A, 304 Rev A, 305 Rev A, 306 Rev A, 307 Rev A, 308, 309, 310 Rev A, 311 Rev A, 312 Rev A, 313 Rev A

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mark Westmoreland Smith, of Counsel	Instructed by Phillip McCourt Head of Legal Services Milton Keynes Council (MKC)
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He called:

Michael Moore MRTPI	Senior Planning Officer, MKC
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Matthew Clarke BA(Hons) MRTPI BA(Hons) DipTP Dip Urban Design	Senior Urban Designer, MKC
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Alan Mills MRTPI	Team Leader Major Applications, MKC
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### FOR THE APPELLANT:

Peter Village QC	Instructed by Jeremy Woolf of Woolf Bond Planning
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He called:

David Boswell BSc CEng MICE FConSE	WSP Development and Transportation
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Clive Self DipLA CMLI MA(Urb Des)	CSA Environmental Planning
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John Littman FRICS DipTP MRTPI	JL Planning
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Jeremy Woolf MA DipTP MRTPI	Woolf Bond Planning
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### INTERESTED PERSONS:

Michael Geddes	Woburn Sands Town Council
Paul Alexander	Woburn Sands and District Society
Iain Stewart MP	Member of Parliament for Milton Keynes South
Helen Dollimore	Resident of Woburn Sands
Jacky Jeffreys	Woburn Sands Town Council
Fran Fry	Woburn Sands and District Society
Dave Burns	Resident of Woburn Sands
Maria Allen	Resident of Woburn Sands
Rev Chris Batten	Resident of Woburn Sands

### **DOCUMENTS HANDED IN AT THE INQUIRY**

- 1 Opening submissions on behalf of the appellant
- 2 Opening submissions on behalf of the Council
- 3 Additional Town Planning Statement of Common Ground
- 4 Statement of Common Ground in respect of 4-storey flats to lakeside frontage
- 5 Agreed density figures
- 6 Section 106 Agreement in respect of Appeal A
- 7 Section 106 Agreement in respect of Appeal B
- 8 Briefing Note in respect of the Section 106 Agreements
- 9 List of suggested conditions in respect of Appeal A
- 10 List of suggested conditions in respect of Appeal B
- 11 Letter from Steve Quartermain, Chief Planner CLG dated 6 July 2010
- 12 Estimated heights of lakeside dwellings Phases 1-5, submitted by the Council
- 13 Summary of past and future completion rates, submitted by the Council
- 14 Results of customer satisfaction surveys, submitted by the appellant
- 15 Letter from Environment Agency dated 8 July 2010
- 16 Appeal decision APP/N4720/A/09/2100097 submitted by the appellant
- 17 Letter from Dr Barbara Senior dated 19 July 2010
- 18 Statement of Michael Geddes
- 19 Statement of Paul Alexander
- 20 Bundle of documents from Woburn Sands Town Council
- 21 Statement of Jacky Jeffreys
- 22 Statement of Fran Fry
- 23 Extract from Hansard, submitted by the appellant
- 24 2001 Travel to Work figures for MK wards submitted by the appellant
- 25 Closing statement on behalf of the Council
- 26 Closing statement on behalf of the appellant

### **PLANS HANDED IN AT THE INQUIRY**

- A Amended street elevations Drwg No 06/840-SK300 Rev B
- B Area of Woburn Sands used for the Council's calculations of density
- C Proposals Map (Sheet 4) of the Milton Keynes Local Plan