
Appeal Decision

Site visit made on 27 September 2016

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 14 November 2016

Appeal Ref: APP/P0240/W/16/3154220

Land off Greenfield Road, Flitton MK45 5DR

- 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 Ms P Kakar and Mr M Chaudhary against the decision of Central Bedfordshire Council.
 - The application Ref CB/15/03958/OUT, dated 15 October 2015, was refused by notice dated 14 January 2016.
 - The development proposed is a residential development of up to 24 dwellings and associated open space and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for a residential development of up to 24 dwellings and associated open space and landscaping at Land off Greenfield Road, Flitton MK45 5DR in accordance with the terms of the application, Ref CB/15/03958/OUT, dated 15 October 2015, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The application form provides the grid reference for the appeal site, but does not include the site address. The address above is taken from the appeal form and reflects that on the Council's decision notice. I consider that this address accurately reflects the location of the appeal site.
3. The application is in outline with all matters reserved, except for access. However, an indicative masterplan was included as part of the application to illustrate how the proposal could be accommodated on the site.
4. At the time the application was determined the Council considered that it was able to demonstrate a 5 year supply of housing land. In the light of the most recent Land Supply Report (April 2016) it now concedes that this is not the case.
5. The second reason for refusal referred to the absence of affordable housing and infrastructure contributions. The Council accept that the proposal would include a policy compliant proportion of affordable housing and are satisfied that this could be secured by either a S106 agreement or a planning condition. The Council also confirmed that it would not be seeking any other infrastructure contribution. I have therefore considered the appeal accordingly.

Main Issues

6. I consider the main issues to be :

- The effect of the proposal on the character and appearance of Flitton;
- Whether the proposal would make satisfactory provision for surface water drainage;
- Whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to odour, noise and smoke; and
- Whether the development is acceptable having regard to the location of the appeal site outside of the Flitton Settlement Boundary and the housing land supply position.

Reasons

7. The development plan includes the Central Bedfordshire Core Strategy and Development Management Policies (adopted 2009) and the Site Allocations Development Plan Document (adopted 2011). I am aware that it is intended to prepare a neighbourhood plan, but the plan is at a very early stage in its preparation and therefore I am unable to accord it any significant weight.

Character and Appearance

8. The appeal site is located adjacent to the defined settlement boundary, at the southern end of the village of Flitton. It is a roughly rectangular parcel of agricultural land, about 1.5 hectares in area. It is bisected by an agricultural ditch and bound on three sides by mature hedgerows and trees. There are existing residential properties opposite the site on Greenfield Road. To the south of the site is the Oakley Brothers Bacon Curing and Wholesale unit.
9. The proposal would comprise a mix of house sizes and tenures, with access from Greenfield Road. The masterplan indicates bungalows adjacent to the northern boundary. It is intended that the existing trees and hedgerows surrounding the site will be retained, other than those it is required to remove to accommodate the access. Additional planting to the site boundaries is proposed together with an area of open space located towards the rear of the site, which will include attenuation ponds which form part of the drainage strategy for the site. It is intended that this area of open space will support the creation of new habitat, provide opportunities for informal play, and provided an attractive setting for the proposed dwellings.
10. Policy CS1 of the Core Strategy sets out the Council's development strategy for the area. It identifies Flitton as a small village where development will be limited in overall scale and states that the Site Allocations DPD will make small scale allocations for new homes that reflect the size and character of the community. Policies CS14 and DM3 require new development to be of a high quality design that reflects local context, is appropriate in scale and design to its setting. These policies are broadly consistent with the National Planning policy Framework in so far as they relate to the settlement hierarchy and seek high quality design. I therefore afford them substantial weight.
11. Flitton is focused around the junction of High Street and Brook Lane, but extends a considerable distance to the north, south and east beyond the village centre. Although the Council describe Flitton as having a linear character,

there is a considerable amount of development at depth, particularly in the vicinity of the appeal site. Notwithstanding this, the southern part of High Street and Greenfield Road include numerous gaps in development occupied by agricultural fields similar to the appeal site, and these contribute to the rural appearance of the village.

12. The appeal site is located at a lower level than the road and is separated from it by a ditch and a mixed hedgerow which limits views of the site from Flitton Road and contributes to its rural character. The hedgerow and trees to the rear limit views from the west. The proposed dwellings would be located behind the hedgerow which would be retained other than in the vicinity of the access. The indicative layout shows a row of dwellings to the rear of the hedge, although some would face towards the access road, rather than Greenfield Road. I consider that the proposal would reflect the frontage development opposite, albeit at a much lower density. The retention of the hedge to the front of the site would help to assimilate the proposal into its surroundings and would maintain the rural character of this part of Flitton Road. Whilst the proposal would introduce development at depth this is not uncommon within the village and there is an example of such development close to the appeal site on the opposite side of Greenfield Road.
13. The open space towards the rear of the site, together with the retained hedgerow, would provide a landscaped buffer between the proposed dwellings and the open countryside beyond. The masterplan indicates that the dwellings towards the northern boundary would take the form of bungalows and this would limit the impact of the proposal in views from the north.
14. Flitton Conservation Area lies about 200 metres to the north of the site. St John the Baptist Church is a focal point in distant views from Greenfield Road towards the conservation area. The proposal would be set back from the road and would not harm views of the Church or the setting of the conservation area.
15. The proposed development would not alter the existing field pattern. The retention and enhancement of the existing hedgerows, particularly those to the rear of the site would limit views of the development from the surrounding countryside. Views of the proposal would be localised and would not have any significant effect on the wider landscape character. Some residents suggest that the site forms part of a gap between Flitton and Greenfield. However, it is not designated as such, and there is no substantive evidence before me to suggest that it would result in the coalescence of these settlements.
16. Overall, I consider that the proposal would deliver the high quality design sought by development plan policies, and would be appropriate in scale and design to its setting. I therefore conclude that the proposal would not harm the character and appearance of the settlement and would comply with policies CS14 and DM3.

Surface Water Drainage

17. Policy CS13 requires new development to incorporate measures to take account of climate change. Amongst other matters it aims to minimise the risk of flooding and encourages the use of sustainable drainage. The appellants submitted a Flood Risk Assessment (FRA) with the application. The FRA proposes the use of the existing drainage ditch across the site as an integral

- part of the surface water drainage strategy. In addition two attenuation ponds will allow surface water run-off rates to be controlled as necessary.
18. The Council is concerned that the proposal provides insufficient information in relation to the maintenance and management of the proposed drainage systems to ensure that there would be no adverse effect in terms of flooding. In particular it is concerned that the proposal may not provide adequate easement to allow for maintenance of the drainage ditch and that culverting maintenance of the ditch, giving rise to blockages and perhaps flooding; that culverting could have an adverse effects on biodiversity; and that the proposal may not provide adequate space to allow the ditch at the front of the site to be maintained.
19. The agricultural ditch runs adjacent to an existing sewer. The six metre easement required in respect of the sewer would provide an adequate buffer to allow the ditch to be maintained. Since this an outline proposal final details of the drainage strategy would need to be submitted for approval. The appellants suggest that about 10-15% of the length of the ditch would need to be culverted. This would take the form of short lengths and would be unlikely to give rise to any significant maintenance issues or be detrimental to biodiversity. In the context of a more recent application in relation to the appeal site the Internal Drainage Board did not object to the proposed culverting subject to conditions in relation to maintenance and the replacement of any lost habitat. Therefore on the basis of the submitted evidence I see no objection in principle to the use of a culvert over part of the ditch.
20. The ditch and hedgerow at the front of the site are both existing landscape features and appear to be longstanding. There is no substantive evidence to indicate that there are any maintenance issues associated with the ditch. I therefore consider that there is no compelling evidence to justify the removal of the hedge.
21. I agree with the Council that the drainage strategy for the site needs to make satisfactory provision for future maintenance and management. Notwithstanding this, the proposal is an outline application, for a relatively low density scheme, and taking account of the submitted information I am satisfied that there would be adequate space within the site to accommodate the proposed number of dwellings and allow for the adequate maintenance of any future drainage system. I am content that the maintenance and management of the scheme can be adequately secured by way of an appropriate condition.
22. I conclude that the proposal would make satisfactory provision for surface water drainage and would comply with policy CS13.

Living conditions

23. Core Strategy policy DM3 aims to secure high quality development. Amongst other matters it requires proposals to respect the amenities of surrounding properties and comply with current guidance on noise, odour and airborne pollution. The Council is concerned that neighbouring smokehouse could have an adverse effect on future occupants due to noise, odour and smoke.
24. The Planning Practice Guidance Reference (ID: 30-003-20140306) sets out local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider: whether or not a

- significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; whether or not a good standard of amenity can be achieved.
25. The appellants submitted a report to assess whether noise emanating from the neighbouring smokehouse would be likely to have an adverse effect on the living conditions for future occupants. I understand that the smokehouse generally operates on Mondays between 8am and 4pm for the majority of the year. However, smoking may take place on other days towards Christmas. The Council's concern relates to noise from the fan above the smoke room and vehicles using the site.
26. The report was carried out in accordance with *BS:4142:2014- Methods For Assessing And Rating Industrial And Commercial Sound* and the Council does not dispute the methodology used. The report concludes that at the nearest point of the development to the smokehouse, the difference between the background noise level and the noise level during operation is just 2dB and therefore would be unlikely to have an adverse impact on future residential occupiers.
27. The Council submits that an interpretation of the report indicates that the noise level at the closest dwelling will exceed the background noise level by about 8dB and therefore could have an adverse effect on future occupants. This conclusion appears to be based on a comparison of the 'Background Sound' (47dB) to the 55dB reading noted in the report taken from the site boundary (Point C) to enable calculation of the specific sound. BS:4142:2014 explains that the ambient sound is the totally encompassing sound in a given situation at a given time, usually composed of sound from many sources near and far. It comprises the residual sound and the specific sound when present. The residual sound is the ambient sound remaining at the assessment location when the specific sound source is suppressed to such a degree that it does not contribute to the ambient sound. In the case of the smokehouse operation the ambient and residual sound levels were both 54dB. Therefore noise from the smokehouse would not be audible at the approximate location of the nearest proposed dwelling shown on the indicative plan. My observations at the time of my site visit, when the smokehouse was in operation, concur with this finding.
28. The appellants commissioned Aerquality to model the impact of odour and particulate matter (smoke) on the appeal site and the surrounding area. Smoke and the associated odour are by-products of the operation of the smokehouse, where meat is hung and smoked from a fire lit from sawdust and oak shavings.
29. The report concluded that without mitigation, the benchmark odour criteria at all 'high sensitivity receptors' at the development site will not be exceeded. The peak odour impact from the smokehouse would exceed the benchmark criteria at the adjacent footpath (a low sensitivity receptor) and at 87-91 Greenfield Road (the residential properties to the immediate south of the smokehouse).
30. The Council appointed a consultant to review the appellants' report. This considered that there was insufficient information in terms of the methodology used to demonstrate that odour emissions would not have an adverse impact on the amenity of future occupants. It also questioned the benchmark against which the offensiveness of the odour was judged, and suggested the odour

from burning wood shavings to smoke meat should be classed as '*moderately offensive*' rather than '*less offensive*', as submitted by the appellants. Less offensive odours include breweries, confectionery and coffee, whilst moderately offensive odours include fat frying and sugar beet processing. At the time of my visit, during the afternoon the odour emitted by the smokehouse was not particularly strong and was confined to the area closest to the boundary. In my view the odour is comparable to domestic wood burning and not the moderately offensive odours referred to above. I therefore consider the use of the less offensive benchmark to be appropriate.

31. If the smell were '*moderately offensive*', it is probable that there would have been a history of complaints from local residents, and the Council confirm that it does not have a record of any complaints although there are existing dwellings closer to the smokehouse than those proposed.
32. The appellants' report assessed the deposition of particulate matter in order to assess the potential nuisance from smoke on future occupants. The Council suggest that this is not an appropriate method to assess the impact of smoke on either nuisance or health, however, it would appear that this approach was previously agreed with the Council's Environmental Health Officer. On the basis of the appellants' report it would seem that the maximum total particulate deposition concentrations in the vicinity of the proposed development do not exceed the '*suburban/small town noticeable level*' value. Therefore when considered against recognised standards used to judge the impact on amenity, neither the odour or particulate matter exceeds the standard whereby amenity is harmed.
33. The Council state that when officers visited the site lingering smoke containing an odour was observed to linger in the immediate area. Photographs submitted by the Parish Council also show smoke emerging from the smokehouse.
34. The appeal site boundary is some 30 metres from the stack with the nearest proposed dwelling on the indicative masterplan a further 30 metres away. It is separated from the smokehouse by trees and a hedgerow. Photographs taken by the appellants show the wind was taking the smoke away from the site across Greenfield Road. This would appear to be broadly consistent with the photographs submitted by the Parish Council. It is evident that the smoke is emitted at relatively low levels and will depend on the wind direction. Whilst it may on occasion move in the direction the appeal site it would be filtered to some extent by the boundary hedge and trees. At the time of my visit some smoke was drifting in the direction of the appeal site, but it was fairly light and did not extend far beyond the site boundary.
35. It is apparent that the smoke does at times drift in the direction of existing residential properties in the vicinity. The Council does not have a record of complaints in respect of smoke from the Oakley Bros. premises. Therefore in the light of my observations at the time of the site visit and the technical information submitted by the appellants, I am satisfied that the smokehouse would not have a significant effect on the living conditions of future residents.
36. I therefore conclude that the proposal would provide satisfactory living conditions for future occupiers and would comply with policy DM3.

Housing Land Supply

37. Based on the housing requirement within the SHMA and the five year housing requirement, including an allowance for previous under delivery and a 20% buffer in accordance with paragraph 47 of the National Planning Policy Framework (NPPF), there is a five year housing requirement of 9,586 dwellings.¹
38. The Council states that it has sufficient land to deliver 9,223 dwellings over the five year period up to 30 June 2021. This would mean a shortfall of 353 dwellings and equate to 4.82 years supply. The appellants consider the housing requirement to be higher than that put forward by the Council and the housing land supply to be less than suggested and submits that the Council has a housing land supply equivalent to about 2.84 and 3.37 years.
39. The appellants submitted a Five Year Housing Land Supply Report with the planning application. This concluded that based on the most recent household projections the requirement should be at least 1,750 dwellings per annum for the period to 2020. Neither this figure, nor the SHMA has been tested at examination. The Council's figure is derived from the SHMA which was undertaken to establish the OAN for housing across the Luton and Central Bedfordshire Housing Market Area and involved cooperation with the neighbouring authorities.
40. PPG² states that where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. In the case of Central Bedfordshire, the most recent assessment of housing need is the 2015 SHMA. Therefore on the basis of the submitted information, I agree with the Henlow inspector³ that at the present time the SHMA, which has been subject to a degree of scrutiny, represents a reasonably robust assessment of housing need and I have assessed the five year housing land supply on this basis.
41. The housing land supply report was based on the previous housing trajectory which covered the period 1 April 2015 to 31 March 2020. This has been superseded by the trajectory published in July 2016. The differences between the parties relate to the rate of delivery and some of the allocated sites. As acknowledged by the appellants the situation with regard to some of these sites has changed since the submission of the housing land supply report. I have therefore assessed only those sites specifically referred to by the appellants.
42. *Land North of Houghton Regis – Land West of Bidwell (site 1)* The Council suggest that 440 dwellings will be delivered in the next five years, whilst the appellants consider that no dwellings will be delivered. The site is expected to deliver 2,440 dwellings by the end of the plan period. Outline planning permission has been granted and the Council anticipate the first reserved matters application will be submitted in early 2017 and the first dwellings will

¹ Central Bedfordshire Five Year Land Supply Statement (July 2016)

² ID 3-030-20140306

³ APP/P0240/W/15/3003634

be delivered 2018/19. The site is part of a much larger site, and as noted by the Henlow inspector, it is being promoted by a consortium of 10 landowners. At the time of the Henlow appeal there was no named house builder involved, the appellants state that this is still the case. No information to the contrary has been submitted. Moreover, there is no evidence to suggest that an equalisation agreement has been completed. In these circumstances I consider that the completion of 80 dwellings by 2018/19 to be unduly optimistic given the absence of information regarding the number of outlets, phasing and a programme for the delivery of infrastructure. Therefore whilst I do not share the appellants' view that the site will not deliver any dwellings within the five year period, in the light of the lack of any progress in relation to reserved matters, the absence of any house builder involvement and the need to provide infrastructure, I consider that the first dwellings on the site are unlikely to be delivered until 2019/2020. Therefore the number of dwellings likely to be delivered on this site should be reduced by at least 175.

43. *Land North of Houghton Regis – Land west of Bidwell (site 2)* The Council anticipate that this site will deliver 440 dwellings over the next five years, with the first dwellings completed by 2017/18. The site is part of a larger site expected to deliver 1,900 dwellings over the plan period, and benefits from outline planning permission, which includes a fixed masterplan and a detailed permission for drainage and infrastructure. Based on the submitted information a reserved matters application has not yet been submitted and there is no named house builder involved. As with Site 1 above, the delivery of these dwellings is likely to require the provision of significant infrastructure, I therefore consider the trajectory put forward by the Council to be unrealistic and I consider that about the housing land supply should be reduced by about 110 dwellings.
44. *Land at Stewartby, Houghton Conquest* The Council's trajectory indicates that 120 dwellings will be provided on this site during the year 2019/20. This is the third phase of a larger scheme and construction of phase 1 has commenced. The site benefits from outline planning permission and whilst I agree with the appellants that it seems unlikely that all 120 dwellings will be completed in a single year, on the basis of the submitted information I consider that it is possible that the dwellings could be delivered within the next five years.
45. Overall, I consider that the Council's housing trajectory should be reduced by at least 285 dwellings, reducing the supply to 8938, which would be 4.66 years supply and an overall shortfall of about 638 dwellings.
46. The Council states that in the short term there will be sufficient development coming forward to make up this shortfall. The published trajectory includes an allowance for 380 dwellings on windfall sites, and it is unclear whether these other developments are in addition to the windfall allowance. Nonetheless, footnote 11 to the NPPF states that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Therefore if these sites are not available now they cannot form part of the 5 year supply.
47. Evidence within the appellants' Five Year Housing Land Supply Report suggests that each outlet will deliver no more than 40 dpa and where there is more than one outlet this figure should be reduced. This view is based on a review of

evidence submitted in respect of other appeals. Notwithstanding this, insufficient information has been submitted to demonstrate how the rates in the Council's most recent trajectory compare with this figure. Nevertheless, I consider that the housing land supply figure above is likely to represent the upper end of the Council's supply. I therefore conclude that the extent of the shortfall is likely to be greater than that suggested by the Council, but less than that put forward by the appellants.

Principle of Development

48. Core Strategy policy DM4 states that within the settlement envelopes of small villages, development will be limited to small-scale housing and employment uses. The accompanying text to policy DM4 explains that outside of settlement boundaries, where the countryside needs to be protected, development is restricted to particular types of development, in accordance with national guidance.
49. The settlement boundaries on which policy DM4 relies were drawn up to meet the housing requirement within the Core Strategy which undertook to deliver 17,950 dwellings over the plan period (2001-2021). The Council acknowledge that this requirement is out of date and rely on the housing requirement within the Strategic Market Assessment Update (Summer 2015) (SHMA). Therefore it is probable that the settlement boundaries established by the Core Strategy will need to be revised in order to accommodate the housing requirements within the emerging Local Plan.
50. The NPPF states at paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). National planning policy in relation to housing is set out in the NPPF. This seeks to significantly boost the supply of housing. Paragraph 49 states that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
51. I accept that policy DM4 is consistent with the NPPF in that recognising the intrinsic character and beauty of the countryside is one of the core planning principles at Paragraph 17 of the NPPF. Nevertheless, it is out- of- date on its own terms and because the Council cannot demonstrate a five year supply of housing land. Therefore the weight to be accorded to it is reduced.
52. Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be unless 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. The Council acknowledges that policy DM4 and that the settlement boundaries within the Core Strategy have the effect of constraining development, including housing.
53. There are three dimensions to sustainable development: economic, social and environmental. The proposal would contribute to the economic dimension of sustainability through the creation of jobs during the construction period. It would also support the long term viability of Flitton and Greenfield by providing additional population to support existing village services and facilities.

54. The CBC Settlement Hierarchy Technical Study (June 2014) ranks Flitton 53 out of 120 settlements across Central Bedfordshire. It is one of six 'small villages' across Central Bedfordshire within the catchment of a Major Service Centre. The village benefits from a village hall, public house, church, play area and sports pitch. There are daily buses to and from Flitwick, with a journey time of around 10 minutes. The daily service to Flitwick is supplemented by a separate service which runs on Monday, Wednesday and Friday. Some residents suggest that the local road network would be unable to accommodate the amount of traffic generated by the proposal, however this view is not supported by either the Highway Authority or the submitted transport assessment.
55. Some residents are concerned that the existing school is oversubscribed and that the proposal would add to pressure on existing services. No evidence has been put forward by the Council to support this view. Therefore on the basis of the available evidence I afford it limited weight. The proposal would provide a mix of market and affordable housing, including a number of bungalows to meet an identified housing need. It would therefore contribute to the social role of sustainability through the supply of housing to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services.
56. Whilst the proposal would encroach upon the countryside, it would not harm the character or appearance of the surrounding area. The site is currently an undeveloped field, and as such provides a habitat for a variety of wildlife. The Ecological Phase 1 Report submitted by the appellants found that the proposal would have no significant adverse impact on protected species. The report proposes a number of measures to enhance habitats to benefit biodiversity on the appeal site. It would also facilitate the enhancement of the ecological value of the site through the introduction of native planting within the site and to the boundaries and the establishment of ponds. In addition, it would provide an opportunity to enhance the effectiveness and management of surface water through the development of a Sustainable Urban Drainage system. I am satisfied that these measures can be secured by way of an appropriate condition and therefore the proposal would not have a detrimental effect on wildlife.
57. Although the proposal would encroach upon the countryside, the weight to be afforded to the settlement boundary established by policy DM4 is reduced for the reasons given above. The proposal would not give rise to any substantive to the character and appearance of the countryside or the surrounding area and would provide satisfactory living conditions for future residents, and make satisfactory provision for surface water drainage. The proposal would contribute to the social, economic roles of sustainability and would be in accordance with the development plan as a whole. I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I therefore conclude that the appeal proposal would amount to sustainable development in the terms of the Framework and that the principle of the proposal is acceptable.

Conditions

58. I have considered, and where necessary amended, the Council's suggested conditions in the light of national policy and guidance. Details of access are

required in interests of highway safety. For the same reason visibility splays at the junction of the access road and Greenfield Road should be provided. Given that the appeal site is situated at a lower level than Greenfield Road details of the road, including the gradient should be submitted. In addition the proposed dwellings should not be occupied until the relevant section of the road is provided in the interest of safety. The footway at Greenfield Road should be widened in the interests of sustainability and pedestrian safety.

59. In order to safeguard the amenities of surrounding residents and to limit the impact on the surrounding road network a construction method statement is necessary. I agree that a tree protection plan including details of protective fencing is required, together with an arboricultural method statement in order ensure that the trees and hedgerows on the site are safeguarded in the interest of visual amenity and biodiversity. Details of the proposed boundary treatment should be submitted in order to safeguard the visual amenities of the area.
60. The Council has suggested a condition requiring the provision of integral bat/bird boxes to each dwelling. The phase 1 Ecological Report submitted by the appellants recommends the provision of 3 bat boxes and 5 bird boxes across the site, together with other measures including bumblebee boxes, insect hotels and buffers of rough grass. Although there is insufficient justification for the number of bird/bat boxes sought by the Council, I consider that the proposal should be implemented in accordance with the recommendations within the submitted ecological report. A scheme encompassing these measures should be submitted for approval in the interests of biodiversity. The reptile habitat on site should be protected, for this reason the proposal should be implemented in accordance with the recommendations within the submitted Reptile Survey.
61. Although the submitted FRA outlines the strategy for the disposal of surface water, a detailed surface water drainage scheme and proposals for its maintenance and management is necessary in order to safeguard the site from flooding. A condition is required to secure the provision of affordable housing in line with national and local policy.
62. Details of materials will form part of the reserved matters and therefore a separate condition is not necessary. Based on the submitted evidence, and for the reasons given above, I do not consider that a scheme to protect the occupants of the proposed dwellings from noise, odour, or fumes from the nearby smokehouse is necessary.
63. The submitted masterplan is for illustrative purposes only and the layout of the site is a reserved matter. Separate conditions in relation to ecological matters and the protection of the trees on the site are addressed above. Therefore a condition requiring the proposal to be implemented in accordance with the submitted plans, tree survey, design and access statement and ecological reports is unnecessary.

Conclusion

64. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

Appeal Ref: APP/P0240/W/16/3154220

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until details of the junction between the proposed estate road and the highway have been submitted to and approved in writing by the local planning authority. The permitted dwellings shall not be occupied until that junction has been constructed in accordance with the approved details.
- 5) Prior to the occupation of the dwellings visibility splays of 2.4 metres x 43 metres shall be provided at each side of the proposed site vehicular access with the public highway. The splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above adjoining carriageway level.
- 6) No development shall commence until detailed plans and sections of the proposed access road, including gradients and the method of surface water disposal have been submitted to and approved by the local planning authority. No dwelling shall be occupied until the section of road which provides access to it has been constructed in accordance with the approved details.
- 7) Prior to the first occupation of the dwellings the footway on the north western side of Greenfield Road shall be widened to 2.0 metres between the uncontrolled crossing atop the speed table to the south west of the site and the junction with Sand Road.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the hours of construction work and deliveries;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities;
 - vi) construction traffic routes; and
 - vii) details of the responsible person who can be contacted in the event of a complaint.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) Prior to the commencement of development a tree protection plan showing the location of protective fencing in accordance with the specification within *BS5837 2012: Trees In Relation To Design, Demolition And Construction Recommendations* shall be submitted to and approved by the local planning authority. Fencing in accordance with the approved details shall be erected prior to the commencement of development and shall be retained for the duration of the construction period.
- 10) Prior to the commencement of development an arboricultural method statement shall be submitted to and approved in writing by the local planning authority. The method statement shall be adhered to throughout the construction period.
- 11) Details of the proposed boundary treatment, including the position, design and materials shall be submitted and approved in writing by the local planning authority. The boundary treatment shall be implemented in accordance with the approved details.
- 12) Prior to the commencement of development, or any preparatory works, an Ecological Enhancement Scheme shall be submitted to the local planning authority. The scheme should be based on the recommendations at section 15 of the Arbtech Preliminary Ecological Appraisal, submitted with the application. The development shall be implemented and maintained in accordance with the approved scheme and a programme of implementation
- 13) The proposal shall be implemented in accordance with the principles set out in paragraph 5.4 of the Flitton Ecology Reptile Survey Report dated October 2015.
- 14) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to BRE digest, and the results of the assessment have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) include a timetable for its implementation; and,
 - ii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 15) No development shall take place until a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing

in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Housing Provider is involved;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.