

Appeal Decision

Inquiry opened on 31 January 2017

Site visit made on 9 February 2017

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 29 March 2017

Appeal Ref: APP/K0235/W/16/3147287

Land to the south and west of Whitworth Way, Wilstead, Bedfordshire MK45 3EF

- 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 Catesby Estates (Developments) Ltd against the decision of Bedford Borough Council.
 - The application Ref 15.02712/MAO, dated 12 November 2015, was refused by notice dated 25 February 2016.
 - The development proposed is the erection of up to 70 dwellings, provision of new internal access roads and footpaths, public open space and landscaping, surface water attenuation and associated infrastructure.
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Preliminary matters

1. The application was submitted in outline with all matters reserved except access. The Inquiry sat for 6 days.
2. Prior to the Inquiry, a revised concept masterplan No. CATQ3005_3003_Concept Diagram_ Rev E was prepared revising the boundary treatment of the site by showing only one pedestrian access. This was subject to public consultation. I decided that no persons interests would be prejudiced if this plan was taken into account at the Inquiry.

Decision

3. The appeal is allowed and planning permission is granted for the erection of up to 70 dwellings, provision of new internal access roads and footpaths, public open space and landscaping, surface water attenuation and associated infrastructure on land to the south and west of Whitworth Way, Wilstead, Bedfordshire MK45 3EF in accordance with the terms of the application, Ref 15.02712/MAO, dated 12 November 2015, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

4. The Council advised that, had they retained jurisdiction over the application, planning permission would have been refused for 6 reasons relating to the sustainability of the location in the open countryside, access to public transport, the effect on the character and appearance of the area, the provision of on-site play and green space, the effect on a nearby County Wildlife Site and provision of affordable housing.
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5. A signed S106 Agreement is dated 17 February and makes provision for, amongst other things, amenity green space and the provision of affordable housing. The Council has accepted that access to public transport would be acceptable and I do not disagree. The main issues are therefore as follows:
- The appropriateness of the site's rural location, having regard to the effect on the character and appearance of the area;
 - Whether there is a 5 year supply of housing land within the Bedford Borough Council area;
 - The effect on biodiversity and wildlife, having regard to the nearby Wilstead Meadows County Wildlife Site (CWS); and
 - The concluding balance to be struck in respect of the above issues.

Reasons

The site and surroundings

6. Wilstead is a village surrounded by open countryside about 6 kilometres (km) south of Bedford, just off the main A6 trunk road. Ribbon development along Cotton End Road has been extended with a large development of varied late 20th century housing around Whitworth Way. The site consists of about 2.7 hectares (ha) in one agricultural field south of Whitworth Way and would be accessed from that road alongside the existing telephone exchange. The site is generally flat and has existing housing on its northern and much of its eastern side. A public footpath runs down the western edge and gives access to countryside to the south including the CWS and wooded land on the Greensand Ridge, a prominent raised landscape feature running south west/north east.

Policy background

7. The development plan for the area includes saved policies of the Bedford Borough Local Plan (LP) of 2002 and policies of the Core Strategy and Rural Issues Plan (CSRIP) of 2008. The CSRIP identifies the Bedford Growth Area comprising Bedford, Kempston and the northern Marston Vale, and a Rural Policy Area within which lies Wilstead. The Allocations and Designations Local Plan of July 2013 (ADLP) identifies sites for development up to 2021. Whilst the appeal site is not identified as a site for development in these documents, the Local Plan Consultation Paper published in 2015 envisaged an indicative figure of 75-100 new dwellings in Wilstead. The site is included along with others around Wilstead in a report on the emerging Local Plan (eLP) published on 14 February 2017 for consideration by the Council's Executive. This followed a call for sites in 2015 and a revised Strategic Housing Market Assessment (SHMA) in 2016. However the eLP has not been subject to any consultation as yet and cannot be given any significant weight at the present time.
8. Wilstead is a Rural Key Service Centre in terms of policy CP15 of the CSRIP, identified as a settlement in the rural area most appropriate for accommodating housing and employment needs. A Local Plan 2032 Settlement Hierarchy background paper¹ published in September 2015 identifies Wilstead as the fifth most sustainable settlement within the Rural Policy Area in terms of services and facilities. The site lies in countryside outside the Settlement Policy Area (SPA) for Wilstead defined in 2002 and continued in subsequent adopted

¹ Core Document E14

development plan policies. The supporting text in the CSRIP notes that SPAs *promote the sustainability of the countryside and rural communities by protecting the countryside for its own sake, preventing the coalescence of settlements, ribbon development and the piecemeal extension of villages and promoting rural restraint; and focusing development needed to sustain rural communities on the built-up areas of villages.*

Rural location, character and appearance

9. CSRIP policy CP1 sets out the general strategy seeking sustainable levels of development but is linked to the East of England Plan and the Milton Keynes & South Midlands Sub-Regional Strategy, both now revoked. It is now out of step with the NPPF which places the strategic role firmly at the local level and has a presumption in favour of sustainable development at its heart.
10. Policy H26 of the LP referred to in the putative reasons for refusal has the effect of preventing any housing in the countryside except in certain limited circumstances. It reflects national policy at the time which sought to protect the countryside for its own sake, which is now withdrawn. Policy CP13 of the CSRIP expresses similar aims, indicating that development in the countryside will only be permitted if it would be consistent with national policy, particularly that in Planning Policy Statement 7. That guidance is also now withdrawn. Current national policy, as set out in a core principle of the National Planning Policy Framework (NPPF) is to recognise the intrinsic character and beauty of the countryside and to support thriving rural communities within it. That suggests a balance is to be sought between the benefits of development and any harm caused. Paragraph 215 of the NPPF says that *due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).* Policy H26 of the LP and CSRIP policy CP13 are out-of-date with respect to the aim to protect the countryside and attract only limited weight insofar as that is relevant.
11. Paragraph 109 of the NPPF seeks to protect and enhance valued landscapes. Whilst the term 'valued landscapes' is not defined, it must include designated areas such as National Parks and Areas of Outstanding Natural Beauty. Many areas of countryside are understandably valued by local residents, but to be considered 'valued' in the context of current policy, there would need to be something 'special' or out of the ordinary about it that could be defined. It is accepted by the Council that the appeal site is no more than an ordinary agricultural field and no special qualities have been attributed to it by local occupiers.
12. Policy CP14 of the CSRIP says that in circumstances where there is a proven need for development to be located in the Rural Policy Area, most new development will be focused in or around the edge of key service centres where employment, housing (including affordable housing), services and other facilities can be provided. The Council has always acknowledged a need for development including housing in the rural policy area. Wilstead has the school, public transport, local facilities and connectivity justifying its designation as a Key Service Centre. This indicates that in the event of a proven need for housing being demonstrated, Wilstead is a sustainable location in principle, providing the appeal site is acceptable in terms of character and

appearance. Having said that, the proposal would be contrary in principle to the policy aim of restricting housing in countryside outside settlement policy boundaries.

13. Wilstead is rather spread out. One key defining characteristic of the village is the occasional glimpses of open countryside available particularly from Cotton End Road. This permeability, aided by public footpaths which cross the village into the surrounding fields, imparts a strongly rural feel and is a reminder of the farming history of the village.
14. Development of the appeal site would extend an existing urban estate form further away from the village centre than any existing area of development except for the Briar Bank Home Park, an area of mobile homes, but it would not seriously affect any of the identified views out from the village. There would be places where the development would be noticeable, on the Dragon's Wood walk (FP5) and parts of FP6. However the increase in built form would not affect perception of countryside from the village generally. Views from the school or the playground would not be affected because the intervening bulk of the telephone exchange is prominent. There is very little sense of permeability along Whitworth Way because houses there are very close together, presenting a clearly visible line of similar bulk effectively preventing any views through except at one corner, across private land. I do not consider that the effect on public views of the countryside from this road would count against the scheme.
15. The appellant has suggested that the maximum height of new dwellings could be reduced from the 9m indicated in the Design and Access Statement to 7m. This would make the overall height of development hard to distinguish from existing dwellings on Whitworth Way. As the density would be not very dissimilar to areas of existing development², it is reasonable to assume that the proposed scheme could be successfully assimilated in townscape terms. Importantly, looking towards the village from surrounding countryside, particularly from points on high ground on the Greensand Ridge, the site is very well screened by existing vegetation which would be enhanced as part of the proposal. If limited in height as suggested, roof tops and some masonry would be visible, but the proposed development would not appear prominent or noticeably extend the area of built form. The dense boundary vegetation would screen views of the rear of many of the closely sited houses in Whitworth Way and would, on balance, represent an improvement in the character of the existing urban edge seen from further afield. There would be no conflict with the design quality and countryside conservation aims of LP policy BE30 and BE35 or CSRIIP policies CP21 and CP24, the objectives of which are in concert with the NPPF.

Housing supply

16. A statement of common ground on the Fully Objectively Assessed Need for Housing (FOAN or OAN) and the 5 year housing land supply was prepared for the Inquiry in November 2016³. In a constantly changing situation, helpful data on the most up to date agreed position and points of difference was provided during the Inquiry on completions, deliverable sites, trends on house prices and affordable housing supply⁴. The base date for the 5 year supply period is not

² Doc 20

³ CD D11

⁴ Docs 2,5,6,7,9,16,17,18,29 and 31

disputed as being 31 March 2016 extending to 31 March 2021. It is further agreed that an additional 20% buffer is appropriate given a record of persistent under delivery of housing⁵. The Council disagrees with the appellant's view on both OAN and the 5 year supply. The matters remaining in dispute are as follows:

- *The annual housing requirement used to calculate the 5 year supply.* The appellant considers that the starting point should be 1200 dwellings per annum (dpa) whereas the Council considers that 950 dpa is sufficient as set out in the latest SHMA update of October 2016⁶. Respectively, these figures equate to 7483 or 5683 homes over the plan period.
- *The extent of the shortfall or over-delivery.* Using the appellant's figure of 1200 dpa, the current shortfall is over 2000 homes amounting to a supply of under 3.5 years. Using the Council's requirement of 950 dpa, there is a current surplus of 462 units amounting to 5.42 years supply.

The OAN

17. The Government aims to boost significantly the supply of housing. The NPPF says that *local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.... and identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.* Planning Practice Guidance (PPG) sets out the methodologies for assessing need and land availability. Household projections published by the Office for National Statistics (ONS) for the Department for Communities and Local Government⁷ should provide the starting point estimate of overall housing need. The Council's recently updated SHMA prepared by ORS⁸ assumes baseline household numbers will increase by an average of 865 pa between 2015-2035. I do not find the approach taken to establish the baseline figure by the professional firm appointed by the Council has been shown to be unreasonable and on being asked directly, whilst he queried the approach, the appellant's witness did not disagree.
18. The PPG recognises that establishing the OAN is not an exact science⁹. Moreover, it is not my role to process the information that comes together in a OAN in the way a Local Plan Inspector needs to do. My opinion on the OAN in this case follows from the information provided by the parties relevant to this particular case and the unique areas of disagreement, which may differ from recent and other contemporary cases.
19. The appellant prefers short term population migration growth trends based on the mid-year estimate for the period 2009-2014, but Figure 31 of the SHMA¹⁰ shows an unpredictable pattern over a longer period. Short-term changes in migration patterns can significantly affect the projected population growth.

⁵ Agreed by an Inspector in April 2016 at the Box End appeal ref APP/K0235/W/15/3005128

⁶ CD D7

⁷ Most recent figures published in 2014

⁸ Opinion Research Services

⁹ In considering this I have had regard to PPG and 'Making sense of the new English household projections (Town and Country Planning April 2015) Mr Lee's appendix 7

¹⁰ CLG Household Projections for Bedford (Source: CLG Household Projections). Also graph p5 in Mr Lee's rebuttal proof showing cyclical population growth 1991-2015

During this period, substantial urban extensions at, Kempston, Wixams and Great Denham also skewed migration rates, which PPG recognises affects migration rates. The need to plan for a forward period of 20 years suggests that a period longer than 5 years would be a more reliable indicator of trends. 10 years is reasonable and is an approach consistent with advice from the Planning Advisory Service.

20. The SHMA update assumes population growth of 18.4% between 2015 and 2035. This is not unreasonable, having regard to the ONS figures¹¹ nationally. There is very little evidence to show that the appellant's preferred rate of increase of 1.7% pa over 20 years could be sustainable or is realistic. It would be approaching double the national average and contrasts markedly with the SHMA prediction of a 1.3% increase in households, which is in any case 30% higher than the average rate of growth across 86 other Local Plans¹². The appellant's witness confirmed this could be a reasonable uplift in all the circumstances¹³. This factor alone accounts for 123 dpa of the difference between the parties.
21. Whilst relatively small in number (15 dpa) the likely diversion of people from residential care to extra care housing is a reasonable assumption which has not been counted by the appellant's consultant. Without this adjustment, the appellant's estimate of OAN would be higher.
22. With regard to suppressed household formation and market signals, the appellant's methodology contrasts with that adopted by ORS and was exhaustively analysed at the Inquiry. The suggested proposed upward adjustment is equivalent to 17% of the DCLG household projections, is higher than Luton and Central Bedfordshire (10%) and near to the 20% uplift proposed in Camden, where market signals on affordability are significantly worse¹⁴. The effect of basing household representative rates on the Stage 2 data published by the DCLG is to exaggerate rates of growth. It is the stage 1 data which establishes the number of households as it is based on 5 previous 10 year census points and prevents atypical recessionary periods distorting formation rates. ORS propose an overall uplift of 5% in response to market signals and is based on actual growth in concealed families and homeless households and recognition of suppressed household formation. This approach is fully explained in the SHMA update. The appellant could not show that the methodology or the judgments made were unreasonable. On these points, the Council's evidence is to be preferred¹⁵.
23. To conclude on the OAN, the SHMA update of October 2016 represents a robust and rational conclusion on housing need in Bedford based on statistical data and conforms to national guidance and advice. A 'sense check' puts it in a position comparable with similar areas affected by the proximity of London. The suggested FOAN of 950 dpa in any case represents an average increase in the dwelling stock of 1.3% each year over the 20-year plan period, notably higher than the 1.0% growth required across England. There is no conflict with the requirements of the NPPF in this respect.

¹¹ Lee rebuttal, chart at paragraph 13

¹² NLP April 2016 Early Adopters and the Late Majority- from Mr Lee's Rebuttal para 11

¹³ In CX

¹⁴ Lee proof of evidence, graph on page 25

¹⁵ In this I do not come to different conclusions from the Inspector in the appeal at Box End, ref APP/K0235/W/15/3005128

The supply position

24. The Council acknowledges past performance from 2002 to 2011 has been lacklustre. This appears to have occurred in large part because necessary infrastructure to support urban extensions in Bedford, an area designated for growth in the then relevant structure plans, was not in place. The position has changed in the last 7/8 years, in particular the diversion and dualling of the A6 and provision of the Bedford western by-pass, the final section of which was opened in April 2016. Under-delivery also occurred, as in many other parts of the country, immediately following the 'credit crunch' of 2007/8 when the market was set back nationally. Since then, annual monitoring indicates completions accelerating from around 400 dpa in 2008/9 to 964 dpa in 2015/16, a level that the Council considers will be at least maintained and up to 2021, significantly exceeded. All this time there has been a consistent level of around 8000 permissions in place.
25. The appellant considers that only 5135 dwellings are deliverable in the next 5 years¹⁶. The Council considers that there is a reasonable prospect of completions being achieved on the following sites and the 5 year supply figure of 5683 would be met. They consist of 5 sites in the Rural Policy Area (52 dwellings), 119 dwellings at Bedford Melbourne House, 175 at Wixams, 54 at Shortstown Phase 2, 234 at Great Denham, 41 at Wootton, 14 at Britannia Works, 355 at Eastcotts and 42 at Charter House (totalling 611 units).
26. The Council notes that overall, completions are proceeding ahead of forecast, at 980 in the first 3 quarters of 2016/17. They are expected to reach 1272 in the full year¹⁷. Discussion at the Inquiry on the latest position revealed ongoing resolution of reserved matters on the larger sites and a healthy market generally, encouraged by the 'right to buy' stimulus.
27. 14 dwellings are agreed to be lost at Britannia Works. There is doubt about the future ownership of land parcels at Eastcotts and Shortstown¹⁸ and there is uncertainty about whether new applications will be found necessary here. In any event, 200 at Eastcotts may not be completed until 2022. For various reasons, reserved matters on the Western Land Parcel (105 dwellings) have been with the Council for consideration for 6 years which does not auger well- a new application may be necessary with updated ecology reports. The Council agreed in evidence¹⁹ that there was some doubt that 210 dwellings at Great Denham/Kempston would be achieved. On the other hand, a new permission at Melbourne House was granted in October 2016. The Council says there is no evidence to doubt that these will proceed, but the failure of the previous owner to progress the scheme indicates there must be some uncertainty.
28. There will always be unexpected events and unforeseen hiccups in delivery that make forecasting difficult and a degree of flexibility is desirable. Altogether, there is reasonable uncertainty that around 314 dwellings of the anticipated 6145 may not be completed within 5 years, leaving a potential margin over the 5683 threshold of 148 dwellings. If only one large scheme such as Melbourne House fails to make progress, there would be only a small surplus over the 5 year supply threshold.

¹⁶ Doc 5

¹⁷ Barnes rebuttal appendix 6

¹⁸ See Doc 10

¹⁹ In CX

29. I conclude on housing supply that the Council has made very significant progress indeed towards providing for housing need in its area and there is a healthy market but at the present time, it can only positively demonstrate a relatively small margin over the required 5 year supply in terms of the definition in the NPPF (available now, achievable with a realistic prospect of housing being delivered in 5 years, and viable).
30. The proposal would be contrary to the locational requirements of CP14 of the CS RIP. Having regard to the NPPF and the current supply of housing land, whilst that policy can be regarded at the present time as being up to date in that respect, there is a relatively small surplus.
31. Turning to affordable housing, the SHMA takes account of the need in identifying 5326 dwellings or 275 dpa (rounded up) equating to 29% of the overall OAN. I do not doubt from the evidence that this proportion is likely to be delivered over the plan period. However, in Wilstead, there has been no affordable housing provided for 15 years. I note that 231 affordable units have been provided in the same parish as part of comprehensive new development at Wixams. This is about 1.5km away and fairly easily accessed on foot, but it is an objective of national policy that communities should be mixed and balanced. I heard that there is a demand for smaller properties for those downsizing within the village of Wilstead as well as young families. Affordable housing is a longstanding priority in Bedford Borough as expressed in successive development plans.
32. The appellant proposes 28 affordable homes, 10% more than the policy requirement. This is a significant benefit of the scheme.

The effect on the CWS

33. The remaining field that is still designated as a CWS is crossed by the same footpath that passes by the appeal site. The Council's objection arises from the perceived likelihood that walkers, in particular dog walkers, would increase in number to the extent that unacceptable harm would occur to biodiversity by means of trampling and dog fouling, which increases the fertility of the grassland and creates an environment hostile to rare species. The path is popular with local dog walkers from all over the village, but most dogs appear to relieve themselves shortly after leaving the settlement on the footpath or on an unofficial route by the side of the footpath, before reaching the CWS. No dog faeces were seen on the CWS itself at the site visits I undertook.
34. The proposed revision to the masterplan would effectively prevent walkers from accessing the CWS directly. The route taken would have to be the same as existing dog walkers at the end of Whitworth Way. I conclude that it is unlikely that the CWS would suffer an unacceptable impact from dog excrement. There would be an increase in the potential for trampling, but it has not been shown where a threshold may lie between an acceptable degree of trampling and where it becomes a threat. It became apparent during the Inquiry that the existence of the CWS and its biodiversity value may not be well known in the village. There are no information boards or notices explaining its extent or the needs of rare species that visitors may wish to cherish and protect. The Wildlife Trust has a number of sites where information is provided. Their witness agreed that involvement of the local population and schools has a positive impact.

35. The appellant has made provision for a sum of money by means of the S106 Agreement for the purposes of educational opportunities over 25 years. This is likely to substantially assist in protecting biodiversity interest. Some of the money would be used to create an information board on land under the control of the appellant on the south western corner where it adjoins the footpath. A condition would ensure its provision and retention. On this issue I conclude that the proposed development would not conflict with the biodiversity protection objectives of CSRIP policy CP25.

Other matters

36. A signed S106 Agreement has been provided dated 17 February 2017²⁰ which is intended to ensure that affordable housing would be provided, management and maintenance of the public open space would take place and contributions made towards the educational opportunities referred to above, designed to prevent harm to the CWS, which include the maintenance of the informative notice board. I consider that the provisions of the Agreement are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in paragraph 204 of the NPPF and Regulation 122 of the CIL Regulations (2010). As such I give it significant weight.
37. The area suffers from poor surface water drainage due to the heavy clay subsoil. Drainage ditches along the western and eastern boundaries ultimately discharge into watercourse B23 to the north. Occupiers of properties to the northeast suffer from surface water flooding in their gardens after heavy rain. During investigations carried out as part of the applicant's flood risk assessment, it was found that a 150 mm diameter drain leading under houses in Whitworth Way is partially collapsed a short distance in from the existing surface water outfall headwall.
38. Any surface water falling on the appeal site will be dealt with by means of a sustainable urban drainage system or SUDS which incorporates on site storage in the form of an attenuation basin in the north eastern corner of the proposed development with 1 in 4 banks along with a small section of box culvert. This will accommodate surface water that currently drains northwards towards the north eastern ditch. The scheme would be suitable for conveying flows up to and including the 1 in 100 year + 30% for climate change event and will protect third parties as surface water will be intercepted and not be allowed to run-off at an uncontrolled rate. This is a considerable improvement on the current position.
39. I have had regard to the points made in respect of traffic congestion and parking. Cotton End Road is congested at certain times of the day associated with school traffic, public transport and parking. However this is no different to many other locations outside schools. Given the close proximity of the site to the school and the availability of a pedestrian entrance off the footpath, it seems unlikely to me that many parents will choose to use cars for the school trip to Wilstead Lower School. I do not consider the likely increase in congestion at other times resulting from an additional 70 potential homes would add an intolerable burden on the local highway network or lead to any unacceptable highway safety risks.

²⁰ Doc 25

Balance and conclusion on main issues

40. Wilstead is a Rural Key Service Centre where the CSRIP anticipates housing and other development will take place as part of the economic and social development of areas outside the Bedford Growth Area. There would be no conflict with the design quality and countryside conservation aims of LP policies BE30 and BE35 or CSRIP policies CP15, CP21 and CP24. LP policy H26 and CSRIP policy CP13 are out of date with respect to the aim to protect the countryside and attract only limited weight. If read in the manner suggested by the Council's planning witness in cross examination, CP13 supports development in accordance with current national guidance, in other words, the NPPF. The PPS7 requirement quoted in the policy 'to protect the countryside for its own sake' does not appear in the NPPF, which requires recognition of the intrinsic character and beauty of the countryside. The appeal scheme has to be considered on the basis of the balance between the benefits of development and any harm caused.
41. The purpose of policy CP14 is to focus development in or around key service centres such as Wilstead. In this case, the development is well located relative to the settlement boundary. Subject to the approval of the reserved matters of layout, scale, appearance and landscaping, the proposal would not detract from the qualities of the wider countryside or the rural character of the settlement as a whole, and would enhance the character and appearance of the southern edge of the built up area. The benefits of 70 new houses in a sustainable location include 28 affordable units, would greatly assist the Council in meeting its housing requirements. There are visual advantages arising from the improved settlement edge. There would be local social and economic benefits because of construction activity and support for local retail shops and services. The advantage in terms of avoiding flooding at the rear of Whitworth Way due to water draining off the appeal site adds to the advantages of the scheme. There would be distinct advantages in the educational opportunities that the development would provide in respect of the CWS. Taken together, these factors clearly outweigh the moderate harm that would be caused by virtue of the conflict with H26 and CP13, policies which attract limited weight. I consider that the development would comply with the development plan read as a whole and the first limb of paragraph 14 of the NPPF applies. The proposal would represent sustainable development as defined in the NPPF.
42. Moreover, the margin of supply over the OAN is small. This project would provide useful headroom for the Council in its efforts to ensure that future housing needs are met. No housing allocations have been made in Wilstead since the CSRIP was adopted. Moreover, no affordable homes have been provided in the village for some time. I give significant weight to the social and economic benefits associated with this scheme. For all these reasons, I conclude that planning permission should be granted.

Conditions

43. I have considered the suggested conditions in the light of paragraph 206 of the NPPF, planning guidance and Appendix A to Circular 11/95 *The Use of Conditions in Planning Permission: Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances*. They have been adapted in accordance with the recommendations therein where appropriate, to ensure the wording is

precise, necessary, relevant and enforceable. The wording has also been altered in accordance with comments received at the Inquiry.

44. The usual conditions are imposed to control the submission of the reserved matters. A restriction is placed on the total number of dwellings in the interests of maintaining a reasonable density similar to other parts of Wilstead. The access to Whitworth Way needs to be completed before any occupation as does the informal pedestrian crossing of Whitworth Way, in the interests of highway safety.
45. The height of the dwellings is limited to 7 metres as discussed at the Inquiry to avoid the scheme appearing out of keeping. A design code is to be submitted and agreed in order to ensure a high quality development. No contamination risks have been highlighted on the site and national legislation is sufficient to ensure safety risks are addressed if any arise.
46. Other conditions are necessary at this stage to control flood risk, drainage and the discharge of surface water (such that no surface water from the site will affect adjacent properties), parking and turning within the development. Conditions are required to control landscaping, tree protection and ecological improvements and the protection of habitats during construction (including the CWS informative notice board). A construction method statement needs to be submitted in the interests of the amenity of neighbouring occupiers and the community in general. Archaeological interest on the site requires a programme for investigation and assessment. The future management of the open space is covered by the S106 Agreement. A proportion of the dwellings need to be constructed in accordance with Bedford's mobility standard, in accordance with development plan policy.
47. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR

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 begins. The details submitted shall be generally in accordance with the indicative plans received on 13 November 2015 and drawing ref CATQ3005_3003_Concept Diagram_ Rev E. The development shall thereafter be implemented in accordance with the approved details.
- 2) Application for approval of the reserved matters must be made not later than the expiration of 3 years from the date of this permission and the development must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved

- 3) The development hereby permitted shall comprise no more than 70 dwellings.
- 4) No dwelling that forms part of the approved development shall have a ridge height higher than 7 metres above adjacent ground level.
- 5) No development shall take place and no trees or hedgerows shall be removed until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscape works, which shall include details of the following:-
 - a) Confirmation that the submitted 'Baseline Arboricultural Assessment (Incorporating Arboricultural Impact assessment and Tree Protection Measures)' shows trees, shrubs and hedges to be retained and those to be removed (or revised details if not);
 - b) Details of the boundary treatment which will prevent direct access from the site to the Dragons Wood footpath and the CWS;
 - c) The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services;
 - d) Areas of grass turfing or seeding and other surface materials;
 - e) Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period;
 - f) Details of all hard works, paving materials, street furniture; bollards/bins etc;
 - g) Location and details of all play areas including equipment type, surfacing, fencing, seating etc;
 - h) Details of the long-term management and maintenance of the new planting; and
 - i) A plan showing details of alterations to existing ground levels and proposed route of excavations for underground services that may affect the root protection area.

All planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding season following first occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

- 6) No development shall take place until a scheme for works for protective fencing of the retained tree(s) and hedges identified within the assessment approved pursuant to condition 4 including the appropriate working methods in accordance with BS 5837 2012 (Trees in Relation to Design, Demolition and Construction – Recommendations; or similar replacement standard) has been approved in writing by the Local Planning Authority. The protection works shall be carried out in accordance with the approved scheme and no development shall take place without the works pursuant to the approved scheme having been completed. No equipment, materials, plant, machinery or other

structures shall be placed within an area bounded by the protective fencing or attached to or supported by the retained tree(s) or hedges within that area. No mixing of cement or other contaminating materials or substances shall take place within or close to such area in such a way that seepage or displacement could cause them to enter such area.

- 7) No development shall take place until a scheme for the provision and implementation of surface water drainage and attenuation and associated water storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a hydrobrake with bypass door fitted to allow drain down of the system if blocked, the flow from the balancing facility shall be restricted to 5.5l/s and shall demonstrate that the sewer surface water drainage system can satisfactorily accommodate the additional flows from the site. The development shall thereafter be implemented in accordance with the approved scheme.
- 8) No dwelling shall be occupied until the sewage disposal and surface water drainage works for that part/phase of the development have been completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.
- 9) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted and approved in writing by the Local Planning Authority and the development shall not proceed otherwise than in accordance with the approved scheme. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied.
- 10) No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted and approved in writing by the Local Planning Authority. The CMP shall include information on:
 - (A) The parking of vehicles;
 - (B) Loading and unloading of plant and materials;
 - (C) Storage of plant and materials;
 - (D) The erection and maintenance of security hoarding / scaffolding affecting the highway if required;
 - (E) Wheel washing facilities;
 - (F) Measures on site to control the deposition of dirt / mud on surrounding roads during construction;
 - (G) Footpath/footway/cycleway or road closures needed during the construction period;
 - (H) Traffic management needed during the construction period;

- (I) Times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site).

The development shall be carried out in accordance with the approved CMP.

- 11) Notwithstanding the details shown on the application drawings, no development shall take place until plans and details of the road junction of the site access road and Whitworth Way has been submitted to and approved in writing by the Local Planning Authority. The junction shall take the form of a T-junction with a minimum 4m radius on the south west side. No dwelling shall be occupied until the junction has been constructed in accordance with the approved details.
- 12) No development shall take place until details of an informal pedestrian crossing on the eastern side of the access road junction with Whitworth Way have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until the crossing point has been constructed in accordance with the approved details.
- 13) No development shall take place until a scheme for on and off-plot car parking and long and short-stay cycle parking (with access thereto) in accordance with Bedford Borough Council's Parking Standards for Sustainable Communities: Design and Good Practice 2014 has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use as each phase of the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.
- 14) No construction works audible beyond the site boundary shall be undertaken except between the hours of 08:00 and 18:00 Monday to Friday and 09:00-13:00 on Saturdays. No such works are to be undertaken on Sundays or Bank Holidays.
- 15) The reserved matters under condition 1 shall make provision for 10% of the total number of dwellings to be constructed in accordance with the Mobility Standards set out in the Borough Council approved document 'Mobility Housing'. Details are to be submitted and approved in writing by the Local Planning Authority before construction begins including which properties are to be constructed to these standards. The development shall be carried out in accordance with the approved details.
- 16) Prior to the submission of any reserved matters application an energy audit shall be submitted to and approved in writing by the Local Planning Authority. The Energy Audit shall demonstrate the measures proposed by the development to achieve a 10% carbon emission reduction below the 2013 Building Regulations. The development shall be carried out in accordance with the approved energy audit unless otherwise agreed by the Local Planning Authority.

- 17) No dwelling shall be occupied until details of bin storage/collection points are submitted to and approved in writing by the Local Planning Authority. The details are to be in accordance with Bedford Borough Council SPD 'Managing Waste in New Developments April 2006'.
- 18) Notwithstanding the details on the application drawings the development shall be served by means of roads and footpaths including sightlines which are to be laid out in accordance with a scheme which is to be approved in writing by the Local Planning Authority in accordance with the principles and guidance of *Manual for Streets* and Bedford Borough Council's *Traffic Calming: Streets for People* SPD 1996 and Highway Design Guide 1995 and or other such documents that replace them. No dwelling shall be occupied until the relevant phase of which it is part has been completed in accordance with the approved scheme.
- 19) No part of the development hereby granted (including demolition, ground works and vegetation clearance) shall take place until an Environmental Management Plan (EMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The EMP: Biodiversity shall ensure that the biodiversity protection measures recommended in the Ecological Appraisal dated September 2015 by Aspect Ecology are carried out in accordance with an approved programme. The EMP must also contain measures to ensure the provision of an informative and durable notice board relating to the CWS placed on the southern corner of the site facing Dragons Wood Walk. No dwelling shall be occupied until the approved EMP: Diversity has been implemented in accordance with the approved programme.
- 20) No development shall commence until a programme of archaeological work, in accordance with a Written Scheme of Investigation for evaluation and where necessary excavation, has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved scheme and programme.

The Written Scheme of Investigation shall include an assessment of significance and research questions and shall include:

 - A programme and methodology of site investigation and recording.
 - A programme for post investigation assessment.
 - Provision to be made for analysis of the site investigation and recording.
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 21) As part of the reserved matters submitted pursuant to condition 1 a document setting out the design principles (hereafter referred to as a 'Design Code') for the development hereby approved shall be submitted to the Local Planning Authority for approval. The Design Code shall set

out how the principles and objectives of the Design and Access Statement dated October 2015 shall be met by the development hereby approved and shall include the following matters:

- The design, form and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
- The hierarchy for roads and public spaces;
- The colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
- The design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
- The design and layout of street furniture.

The development shall be carried out in accordance with the approved Design Code.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Simon Bird	Queens Counsel, instructed by the Head of Legal Services, Bedford Borough Council
He called	
Peter White BA MA Dip TP MRTPI	Bedford Borough Council
Katharine Banham MSc MA (Cantab)	The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire
Jonathan Lee BSc (Hons)	Opinion Research Services
Carolyn Barnes BA MPhil MRTPI	Bedford Borough Council

FOR THE APPELLANT:

Christopher Young	Of Counsel, instructed by Turley
He called	
Charles Mylchreest BA (Hons) CMLI AIEMA	Environmental Dimension Partnership
Alistair Baxter BA (Hons) MA (Oxon) MSc CEcol CEnv MCIEEM	Aspect Ecology
Stephen Hinsley BA (Hons) MRTPI	Tetlow King Planning, speaking to the evidence of James Stacey BA (Hons) Dip TP MRTPI
Antony Pollard BA (Hons) MTPL MRTPI	Turley
Jeffrey Richards BA (Hons) MTP	Turley
Matthew Jones BSc (Hons) Dip TP	Turley

INTERESTED PERSONS:

Nigel Jacobs	Wilshamstead Parish Council
Vivien Riddle	Local resident
Mary Koukoulis	Local resident
Mark Brooks	Local resident

DOCUMENTS

- 1 ADLP policy AD40, supplied by the appellant
- 2 Table showing further common ground on affordable housing provision
- 3 Aerial view and plans showing Longmeadow Drive and FP4, supplied by the appellant
- 4 Clarification on foul drainage provision, supplied by the appellant
- 5 Further common ground on deliverable sites, supplied by the appellant
- 6 Note on affordable housing delivery in Wilstead, supplied by the appellant
- 7 Note on differences between completions figures in Wilstead, supplied by the appellant
- 8 PPG extract *Housing and economic development needs assessments*

- 9 Table JRT15 showing Council 5 YRHS supply tested against Turley OAN figures, supplied by the appellant
- 10 Invitation from Knight Frank dated 25 January 2017 to bid for land parcels at Cardington, together with brochure and application from Rapleys dated 1 December 2016 to Bedford Borough Council seeking to vary conditions
- 11 Appeal ref APP/A0665/A/14/2224763 Nether Peover, Cheshire, supplied by the appellant
- 12 Copy of email from Greg Logan of BBC to Rapleys dated 1 February 2017 regarding the suggested removal of conditions (ref 16/03458/M73) relating to condition 38, pursuant to 11/02685/EIA (see Doc 10)
- 13 Note on calculation of a biodiversity contribution to be incorporated into a S106 Agreement, supplied by the appellant
- 14 PPG extract *Housing and economic land availability assessment*, supplied by the appellant
- 15 Policies Map, supplied by the Council
- 16 Agreed comparative table of housing supply updated 3 February 2017
- 17 Agreed comparative table of affordable housing forecast for 5 year period, updated 3 February 2017
- 18 Schedule of properties completed in Great Denham, quarters 1-3 2016/17
- 19 Technical Briefing Note 4: Protected Species – Great Crested Newts, supplied by the appellant
- 20 Plans showing site development density compared with other parts of Wilstead, supplied by the appellant
- 21 Catesby track record of sales and first completions, supplied by the appellant
- 22 High Court case ref [2016] EWHC 103 (Admin) (Edward Ware Homes Ltd)
- 23 Bedford Planning Committee Item ref 14/00443/MAO (20 October 2014) Land at Roxton Road, Great Barford
- 24 Bedford Borough Council Local Plan 2035 *Planning for the future* Consultation Paper April 2017, and Council response
- 25 S106 Agreement
- 26 Statement from Vivien Riddle
- 27 Bedford Borough Council note on Mobility Housing of 2002, submitted by the Council
- 28 Briefing note on mobility standards relating to potential condition 16, submitted by the appellant
- 29 Note on trends in house prices and ratio of house price to income in Bedford, submitted by the appellant
- 30 Note relating to the status of Mr Eric Grove, submitted by the appellant
- 31 Note responding to comparison of trends in completions in Bedford and England, submitted by the appellant in response to a note from ORS responding to data clarification by Mr Pollard in evidence
- 32 Technical Note: Supplementary Flood Risk Information, 10 March 2017, submitted at the request of the Inspector