



Appeal Decision

Site visit made on 29 August 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2019

Appeal Ref: APP/P0240/W/19/3224750

Land west of Church Street, Langford, Bedfordshire SG18 9NE

- 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 Mr Daniel Hatcher of Rosconn Strategic Land against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/02373/OUT, dated 20 June 2018, was refused by notice dated 8 February 2019.
 - The development proposed is outline planning for up to 95 dwellings and associated public open spaces with all matters reserved except for access.
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Decision

1. The appeal is allowed and outline planning permission, with all matters reserved except access, is granted for up to 95 dwellings and associated public open spaces at Land west of Church Street, Langford, Bedfordshire SG18 9NE in accordance with the terms of the application Ref CB/18/02373/OUT, dated 20 June 2018, subject to the schedule of conditions attached at the end of this decision.

Procedural Matter

2. The application to which the appeal relates was made in outline, with all matters reserved with the exception of access. I therefore regard the plans, apart from those relating to the site access, as illustrative only although they provide a useful guide as to how the site could be developed.
3. The Council has confirmed that the reference to the 'adopted Local Plan' in the reason for refusal should be the Core Strategy and Development Management Policies - North 2009.
4. A duly executed Section 106 Agreement dated 14 August 2019 has been submitted with the appeal, under section 106 of the Town and Country Planning Act 1990 (the S106 Agreement). It provides for 35% affordable housing, and contributions towards education, improvements to Langford Surgery, outdoor sport and leisure facilities, a portable speed sign and refurbishment and improvement of the Church Hall. It would also ensure provision of access to the Riverside area and the transfer of the open space to the Council. I consider such an agreement would meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010) as amended as it would be necessary, relevant and fairly related to the proposed development.

Main Issue

5. The main issue is the effect of the access and scale of proposal on the living conditions of residents in Tithe Farm Close, and in particular existing occupants of 14 Tithe Farm Close (No.14).

Reasons

6. The site is largely a pasture field subdivided with temporary fencing, and horses were grazing in part of it on my visit. There are a number of agricultural buildings on the site that would be removed. The site is located in the centre of Langford on its north western edge, behind properties that front Church Street. Residential development adjoins the site along Vicarage Close, Tithe Farm Close and Mill Meadow. The site lies outside the Langford settlement envelope, although the village is identified in the development plan to receive new housing. The River Ivel lies to the west of the site and the site falls within Flood Zone 2.
7. The proposal is an outline scheme for the erection of up to 95 dwellings. The Illustrative 'Development Framework' plan shows that residential development would occupy approximately half of the site, the part furthest away from the river. The western part is indicatively shown as open space/parkland with children's play area and a sustainable drainage pond. There would be footpath links across the open space to a County Wildlife Site on the banks of the River Ivel.
8. A single access point would serve the new dwellings. It would be created off Tithe Farm Close, a cul-de-sac, on a bend approximately halfway along its length. It would cross an area of open grass between Nos.14 and 16 Tithe Farm Close. The new road would be approximately 5.5m wide with 2m wide pavements either side. A new junction would be formed on the bend of Tithe Farm Close giving priority to vehicles exiting and entering the site.
9. The first half of Tithe Farm Close would become busier due to the additional traffic that would use it. The appellant submitted a Transport Assessment with the application, which the Highway Authority considered. At the am peak there would be 72 vehicle movements and at the pm peak 65 movements, which averages 1 vehicle a minute leaving or entering the site at peak hours, and less at other times. The road is double width so that vehicles can pass each other and the Highway Authority has not raised any highway safety or technical concerns. Residents would also be likely inconvenienced by noise and disturbance from some construction traffic for the duration of the build. Whilst this is an inevitable consequence of most development, the disruption would be for a limited period of time. In light of the above and in the absence of substantive evidence to the contrary, I am not persuaded that the proposed development would cause undue noise and disturbance to residents of Tithe Farm Close.
10. However, the occupants of No.14 would be most affected. The property would directly face the proposed new access road. The front bay window serves the living room, a main habitable room, and would be approximately 3.7m away from the edge of the new pavement. Between the proposed new road/pavement and the bay window is an existing small front garden and a low picket fence.

11. All traffic and pedestrians entering and exiting the proposed housing site would use this access and pass directly in front of No.14 and its living room window. Drivers and in particular pedestrians would be able to look towards the property. However, the relationship and distances are not an uncommon design arrangement. It would not be dissimilar to the relationship of some bay-window properties along Church Street and their close proximity to the pavement and the main road through the village, which I saw on my visit.
12. There would be some increased noise and disturbance from vehicles serving up to 95 dwellings, who could come and go past No.14 at any time without restriction, and this would be a change for the existing occupiers. However, the Council's Pollution Officer has not raised any objection regarding the impact upon neighbouring residents and there is no substantive evidence before me to indicate noise levels would be increased to unacceptable levels or that mitigation measures would need to be put in place.
13. Plans for the site access show an area between the back edge of the pavement and the front garden boundary of No.14. It should be possible to accommodate some screen hedge planting at reserved matters stage to provide some visual screening and increase the sense of separation.
14. Based on the evidence before me and the reasons above, I find that the new access road and the increase in traffic along Tithe Farm Close would not cause significant harm to the living conditions of the occupants of No.14 nor to the residents of Tithe Farm Close. Accordingly, the proposal would not be in conflict with Policies CS14 and DM3 of the Core Strategy and Development Management Policies – North 2009. These seek to ensure that development respects local context and the amenity of surrounding properties. Nor do I find particular conflict with the National Planning Policy Framework ('the Framework').

Other considerations

15. Interested parties raise a series of other concerns about the proposal, but in view of the refusal reason and my conclusions on the main issue there is no need for me to address these in the current decision.

Conditions

16. I have considered the conditions put forward by the Council against the advice in the Framework and Planning Practice Guidance and the appellant has not objected to these. As a result, I have amended some of them for consistency and clarity.
17. Since the application is in outline, I have included conditions relating to the submission and timing of reserved matters applications and the commencement of development. I have not imposed conditions to secure details which would be addressed at the reserved matters stage including materials and landscaping.
18. I have included a number of pre-commencement conditions relating to archaeology, minerals, drainage and ecology as these are not reserved matters but are necessary, reasonable and relevant to ensure a satisfactory form of development. Furthermore, as some involve underground works it is necessary to establish both the principle and details at an early stage so that they can be properly designed and installed before building works start in

earnest. Drainage conditions are also important to prevent the increased risk of flooding as the site lies within the flood zone.

19. Highway and phasing conditions are necessary to minimise danger, obstruction and inconvenience to users of the highway. The upgrade of the existing Zebra crossing is also necessary mitigation in the interests of road safety and increased pedestrian movements. Requirements for charging points and compliance with the submitted Travel Plan will exploit opportunities for the use of sustainable transport modes in accordance with Section 14 of the Framework.

20. However, I have omitted the condition requiring dwellings to be protected from noise. I have no substantive evidence to indicate that noise levels are of concern and I have not found undue noise concerns in relation to the siting of the access.

Conclusion

21. Having regard to all matters raised, I conclude that the appeal should succeed, and planning permission should be granted subject to conditions.

K Stephens

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 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 begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: DWG-02 Rev C (Site Access), DWG-04 (Site Access Forward Stopping Sight Distance), DE322_003 Rev C (red line plan) and DE322_005 (Parameters Plan).
- 5) No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.
- 6) No development shall take place until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Sustainable Drainage Statement (June 2018) and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall also

include details of how the system will be constructed, including any phasing, and how it will be managed and maintained after completion. The scheme shall be implemented in accordance with the approved final details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

- 7) No development shall take place until an Ecological Enhancement Strategy (EES) has been submitted to and approved in writing by the Local Planning Authority. The EES shall contain the following:
- a) Review of the site potential and constraints as informed by species survey;
 - b) Purpose and conservation objectives for the proposed works;
 - c) Detailed working methods to achieve stated objectives including locations of integrated bird and bat boxes to be erected in accordance with RSPB and BCT guidelines on appropriate scale maps and plans;
 - d) Details of lighting considerations to prevent disturbance to bats;
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) Timetable for implementation demonstrating that works are aligned with proposed phasing of development;
 - g) Persons responsible for implementing the works; and
 - h) Details of initial aftercare and long-term maintenance.

The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

- 8) No development shall take place until a written scheme of archaeological investigation that includes provision for post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.
- 9) No development shall take place until an estate street phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.
- 10) No development shall take place until a Minerals Recovery Plan (MRP) has been submitted to and approved in writing by the Local Planning Authority. The MRP shall be followed at all times during construction.
- 11) No development shall take place, including any works of demolition, until a Construction Management Plan, associated with the development of the site, has been submitted to and approved in writing by the Local Planning Authority and which will include information on:
- a) the parking of vehicles;
 - b) loading and unloading of plant and materials used in the development
 - c) storage of plant and materials used in the development;
 - d) the erection and maintenance of security hoarding / scaffolding affecting the highway if required;
 - e) footpath/footway/cycleway or road closures needed during the development period;
 - f) traffic management needed during the development period;

- g) 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) during the development of the site;
- h) details of the responsible person who can be contacted in the event of a complaint;
- i) mitigation measures in respect of noise and disturbance during construction including piling techniques, vibration and noise limits, prior notification to the occupiers of potentially affected properties, monitoring technology, screening, a detailed specification of plant and equipment to be used, and construction traffic routes;
- j) a scheme to minimise and monitor the emission of dust and dirt during construction and to prevent the burning of materials on site; and
- k) measures for controlling the use of site lighting whether required for safe working or for security purposes.

The approved Construction Management Plan associated with the development of the site shall be adhered to throughout the development process.

- 12) No development shall take place above ground level until details of electrical wiring to accommodate facilities for charging plug-in and other ultra-low emission vehicles for dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 13) No dwelling shall be occupied until the junction of the proposed vehicular access (altered road priority layout) with the highway has been constructed in accordance with the approved details on Drawing DWG-02 Rev C and retained thereafter.
- 14) No dwelling shall be occupied until a speed table (circa 10m from the centre line of the new T junction layout) shall have been submitted to and approved in writing by the Local Planning Authority. The approved speed table shall be constructed in accordance with the approved details, prior to the occupation of the first dwelling, and retained thereafter.
- 15) No dwelling shall be occupied until the visibility splay at the junction of the access with the public highway, as shown on the approved drawing (DWG-02 Rev C), shall be provided. All parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriageway level.
- 16) No dwelling shall be occupied until details of a PUFFIN signalled crossing (which would upgrade the Zebra crossing in near vicinity to Langford Village Academy on Church Street) shall have been submitted to and approved in writing by the Local Planning Authority. The PUFFIN signalled crossing shall be installed in accordance with a timescale to be agreed between the applicant and the Local Planning Authority and retained thereafter. Any Statutory Undertakers' equipment or street furniture shall be re-sited to provide an unobstructed footway to the crossing.
- 17) No dwelling shall be occupied until a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall be maintained in accordance with the approved details thereafter.

- 18) The development shall be served by means of roads and footpaths which shall be laid out and drained in accordance with the Central Bedfordshire Design Guide September 2014 or other such documents that replace them, and no building shall be occupied until the roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the above-mentioned Guidance.
- 19) The development shall be implemented in accordance with the approved Travel Plan (June 2018).