
Appeal Decision

Site visit made on 9 March 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/K0235/W/20/3263447

Land off Roxton Road, Great Barford, Bedfordshire

- 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 Red Eagle Securities Ltd against the decision of Bedford Borough Council.
 - The application Ref 19/02831/OUT, dated 19 December 2019, was refused by notice dated 29 May 2020.
 - The development proposed is outline planning application with all matters reserved except access for the change of use of the existing open vehicle storage site (Use Class B8) and the erection of 5 residential dwellings (Use Class C3).
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Decision

1. The appeal is allowed and outline planning permission with all matters reserved except access is granted for the change of use of the existing open vehicle storage site (Use Class B8) and the erection of 5 residential dwellings (Use Class C3) at Land off Roxton Road, Great Barford, Bedfordshire in accordance with the terms of the application, Ref 19/02831/OUT, dated 19 December 2019, subject to the conditions in the conditions schedule at the end of this decision.

Application for costs

2. An application for costs has been made by Red Eagle Securities Ltd against the decision of Bedford Borough Council. This is the subject of a separate decision.

Procedural Matter

3. Subsequent to the Council's decision, the appellant has submitted further details on the visibility at the access and the Council is satisfied that this meets their concerns on the third reason for refusal of the decision notice.

Main Issues

4. The main issues are:
 - the location of the site in relation to services and facilities and whether the occupants would be dependent on private car use;
 - highway safety at the Roxton Road entrance and within the site and;
 - the effects of the proposal on biodiversity

Reasons

The location in relation to services and facilities and car dependency

5. The appeal site has an unusual shaped, having a narrow point of access onto Roxton Road which then widens to a triangular shape element of open grassland. The end of the triangle is connected by a narrow access to a much larger and more rectangular shaped element.
6. There is a neighbouring dwelling to the side of the site nearest the centre of the village and the other side has a frontage of several long established houses. Beyond these houses and extending substantially to the rear is a new residential development nearing completion called Nightingale Way/ Road. This extends up to and beyond the rear of the appeal site.
7. Opposite the entrance to the appeal site at Brook Lane is a large area of late twentieth century housing.
8. Roxton Road connects the appeal site to the centre of the village, and is lined on both sides by pedestrian pavements and street lights.
9. The Council in their statement have quantified the site as 350m away from the centre of the village. The appellants in their statement elaborate that the site is 350m away from a post office, 550m from a convenience store and 330m from a restaurant, with other facilities including a school being nearby. On my site visit I walked from the site to the facilities, noting the broadly level and amenable pedestrian environment. Bearing in mind the above, the intended residents would be readily able to access the village's facilities.
10. The appeal site is also close to bus stops. The submitted timetables show a reasonable frequency of services to larger centres.
11. I noted that the substantial new development at Nightingale Way/ Road, is further away from the village centre than the appeal site. The Council state it was granted permission for development as previously being a plant hire operation and provided a considerable amount of affordable housing. However, now built it appears to show the built-up confines of the village. Moreover, the case officer's report also describes Nightingale Way/Road as being well related to the village. The housing at Brook Lane opposite the appeal site also confirms the village's extent. Accordingly, as the site is adjacent and opposite significant residential development, I find that it is part of the settlement.
12. The Bedford Borough Local Plan (LP) is the Development Plan and is newly adopted. The appeal site is regarded as open countryside in the Local Plan Policies Map, being excluded from the settlement policy area boundary. Policy 7S applies which prevents residential development outside settlement boundaries, albeit with certain exceptions which are not commensurate with this proposal. However, the accessibility of the appeal site to local facilities/services and the nature of the surrounding development, demonstrate that the site would be suitable for development. Whilst the proposal would be contrary to policy 7S, the material considerations do not support the Plan. I return to this conflict latterly in the planning balance.
13. Policy 3S aims to support the vitality of rural communities and allows limited development in rural service centres. Policy 4S promotes housing growth in Bedford and Great Barford. I note that the policies map shows development

elsewhere on the southern edge of the village, however the further 5 houses proposed here would not accumulatively overwhelm the village but would make an appropriate contribution to local housing. Indeed, it would help support the village's life and services. Policy 2S promotes healthy communities and the occupants would be able to perceive themselves as part of the village and able to walk to facilities. I therefore conclude that the proposal would not conflict with these policies.

Highway safety

14. The site has an existing access onto Roxton Road, at a narrow point. Looking, north east away from the village, there is very good visibility across an open tarmac frontage, whilst in the other direction, the alignment of the road helps the visibility.
15. The Council in their statement confirm that a 2.4m x 70m visibility splay is achievable as shown in the revised details, which they now accept as satisfactory following speed monitoring. I concur that the splays would be acceptable.
16. Concern has been expressed that fire tenders, refuse collection and large vehicles would be unable to turn within the site. The site has two parts. The deeper one is substantial and could readily accommodate an adoptable standard turning head if it was essential, which is where the houses would be likely to be sited.
17. Whilst there is a long access approach to this developable area it has good visibility and passing bays could be provided. Although this access has a narrow pinch point, it is not long, and vehicles and pedestrians would be readily seen as there is minimal surrounding vegetation at this point.
18. The appellants also indicate that the proposal is only for 5 dwellings which would be served by a non-adopted road arrangement, thereby alleviating the need for extensive turning. The layout is also a reserved matter at which stage the arrangements for bin collection could be designed.
19. I noted on my site visit, some of the site was being used for vehicle storage. Indeed, it is evident that there have been various uses previously, which would have led to some traffic generation. The extent of the storage use has not been clarified, but in any event, it does not lead me to a different conclusion.
20. I therefore conclude that the proposal would not jeopardise highway safety.
21. Policy 29 of the LP requires the integration of refuse/recycling storage into a development. Policy 31 of the LP seeks to avoid any significant adverse impact on the public highway. Paragraph 109 of the National Planning Policy Framework (the Framework) seeks to prevent unacceptable impact on the highway or severe residual cumulative impacts. The proposal would not be in conflict.

Biodiversity

22. The vegetation within the appeal site is limited to rough grass, in between the concrete access drive and some hardstanding. Some of the appeal site's boundaries have trees and shrubs, but these are not extensive except for a row of conifers towards the site entrance. I note that the Council requested bat

surveys. However these boundary trees appeared too sparse to me to offer significant potential bat and bird habitat or foraging. Moreover, the only non-residential sides face an intensively planted field, which would not assist the movement of wildlife. I have not been provided with any records of notable species or habitats.

23. The existing site therefore offers minimal foraging or habitat and the proposal would not result in the loss of any significant trees.
24. The proposal has the potential to provide a SUDs pond which would diversify the habitat in the area. There is also potential for new tree and shrub planting both within the site and on the site's boundaries.
25. The landscaping would be a reserved matter and there is scope for enhancement of the site. I therefore conclude that the proposal would not harm biodiversity and offer potential improvement. Policies 42S and 43 of the LP require assessment of the site's value and its surroundings and that development proposals should provide a net increase in biodiversity. The proposal would not be in conflict.

Other matters

26. The site is set back from the Roxton Road and is therefore not prominent. At the points where it is visible, the new development would be seen in conjunction with the existing houses. The proposal would not therefore harm the character and appearance of the area.

Planning Balance

27. The site is not identified in the Local Plan settlement policy area boundary and the proposal is contrary to that accompanying policy. Nonetheless I have considered the accessibility of the site and the nature of the surroundings, and these material considerations indicate that the decision can be made otherwise than in accordance with the relevant development plan policy. The proposal would provide appropriate housing growth in an accessible location, without causing any harm.
28. Paragraph 8 of the Framework sets out that achieving sustainable development involves three overarching objectives. The economic objective would be met by the construction benefits of the new houses, the social objective is met by the addition of new homes and the ability of the occupants to use community facilities and the environmental objective would be satisfied by the location of the new homes in an accessible location.
29. The Council suggests it has a 5+ years housing land supply and has produced a very recent corroborative appeal decision¹. However, that is disputed by the appellants. I do not have all the evidence before me to quantify the land supply, but it would be very desirable to achieve an increase and these 5 dwellings would be a significant contribution. In any event, paragraph 60 of the Framework states housing land supply policies determine the minimum number of homes needed. Paragraph 59 confirms the Government's objective of significantly boosting the supply of homes without causing harm.

¹ APP/K0235/W/20/325998

30. Whilst there is conflict with one Local Plan Policy, I have considered the Development Plan as a whole and the Framework. The merits of the development outweigh the conflict with the Development Plan policy.

Conditions

31. Paragraph 55 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. The Council has suggested conditions and the appellants have confirmed their agreement except for the need for flexibility of waste collection arrangements in the condition and clarification on the apportioning of accessible/adaptable dwellings. These are adjusted accordingly.
32. The timing/submission of reserved matters provides clarity. The vehicle parking, cycle parking, turning, road surfacing, street lighting and bin collection all help safety and are warranted. The energy efficiency, water efficiency, electric charging points and fibre connection all help reduce carbon emissions and climate change. The landscaping, boundary treatments and biodiversity plan all help the appearance and are therefore necessary. The contamination land measures are a necessary precaution. The use of SUDs and the CEMP protect the conditions of the neighbouring dwellings.

Conclusion

33. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions schedule below.

John Longmuir

INSPECTOR

CONDITIONS SCHEDULE

1. Development shall not commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to and approved in writing by the Local Planning Authority:
(1) access within the development; (2) the external appearance of the development; (3) the landscaping of the site; (4) the layout of the development; (5) the scale of the development. The development shall be carried out in strict accordance with the approved details.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority in writing before the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of 2 years from the date of the last of the reserved matters to be approved.
4. The submission of reserved matters for layout and landscaping shall include a scheme for vehicle and cycle parking (with access thereto) in accordance with Bedford Borough Council's Parking Standards for Sustainable Communities: Design and Good Practice 2014. The approved scheme shall be implemented and made

available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.

5. The reserved matters for layout, access and landscaping shall include details of an area within the site for vehicles to turn. The development shall be implemented in accordance with the approved details and shall not thereafter be used for any other purpose.

6. The submission of reserved matters for landscaping, access, appearance and layout shall include full details of bin storage and collection points. Storage and collection of bins shall be provided in accordance with the approved details and thereafter retained.

7. Concurrent to the submission of reserved matters for layout, external appearance and scale, an energy audit (including timetable) shall be submitted to and approved in writing by the Local Planning Authority. The energy audit shall demonstrate how the development will achieve a 10% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in The Building Regulations Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013) and shall include: An assessment of the predicted carbon dioxide emissions of the development once occupied. A review of alternative methods for reducing the predicted carbon emissions of the development once occupied and their anticipated effectiveness. Proposals for measuring the effectiveness of the chosen methods for reducing the predicted carbon dioxide emissions of the development once occupied. Consideration of how the layout, orientation, design and materials used in the development can affect the consumption and use of energy. The development shall be carried out in accordance with the approved energy audit.

8. The submission of reserved matters for layout, appearance and scale shall include plan details with dimensions, materials, finishes and colours of all boundary treatments, screen walls and fences to the perimeter and individual plot gardens, including a timetable for carrying out the works. The works shall be carried out in accordance with the approved details and timetable.

9. The submission of reserved matters for appearance and layout shall include a scheme demonstrating the provision of three of dwellings are to be built in accordance with the Building Regulations 2010, Volume 1, M4(2) (accessible and adaptable dwellings) or such replacement document or policy which exists at the time of the development commencing. The submitted details shall specifically indicate which dwellings are to be built to these standards and the relevant dwellings shall be built and retained in accordance with the approved details.

10. The submission of reserved matters for landscaping shall include details of the following: a) Planting proposals giving location, species, number, density and planting size. b) The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services. c) Areas of grass turfing or seeding and other surface materials. d) Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period. e) Details of all hard works, paving materials etc. f) Details of the long-term management and maintenance proposals for the new planting. g) A scheme for works for protective fencing of the retained trees and hedges including the appropriate working methods in accordance with BS 5837:2012 (Trees in

relation to design, demolition and construction - Recommendations; or similar replacement standard); j) A timetable for implementation of the landscape works. The development shall thereafter be carried out in accordance with the approved details or particulars and all planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, (or state other period). Any trees or plants, which within a period of 5 years from the completion of the tree planting, 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.

11. The submission of reserved matters for landscaping shall be submitted with a Landscape and Ecological Management Plan for written approval by the local planning authority, which shall include a detailed scheme and timetable for the enhancement of the site demonstrating that biodiversity net gain and ecological enhancement will be achieved across the site. The proposed ecological and biodiversity enhancement and protection measures shall be implemented in accordance with the approved scheme prior to the occupation of the dwellings and shall be retained thereafter.

12. The submission of reserved matters for appearance shall include details of the external materials to be used (to include walls, roof, doors, windows and external gutters and pipework) in the construction of the dwellings and any associated buildings. The development shall thereafter be carried out in accordance with the approved details or particulars.

13. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until part 1 to 3 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, ecological systems, • archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must

include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. 4. Reporting of Unexpected Contamination 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 be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3. 5. Long Term Monitoring and Maintenance. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period agreed with the local planning authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

14. No development shall take place until detailed drawings showing the existing ground levels and the proposed ground and finished floor levels have been submitted to and approved in writing by the Local Planning Authority unless the existing and proposed levels details are submitted and approved as part of any reserved matters application. The development shall be implemented in accordance with the approved details or particulars.

15. No development shall take place until a surface water drainage scheme for the site which accords with the Council's adopted Sustainable Drainage Systems (SuDS) SPD 2018, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed.

16. No development shall take place until a Construction Management Plan, associated with the development of the site, has been submitted and approved in writing by the Local Planning Authority 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) Measures on site to control the deposition of dirt / mud on surrounding roads during the development. (F) Footpath/footway/cycleway or road closures needed during the development period (to include all proposals of road closures or traffic diversions prior to the adoption of roads within the development) (G) Traffic management needed at the interface with the public highway during the development period (H) Times, routes (to include specific measures such as delivery ticket instructions and location of signage) 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 approved Construction Management Plan associated with the development of the site shall be adhered to throughout the development process.

17. No development shall take place until the junction of the proposed vehicular access with the highway has been constructed to base course level in accordance with the approved details. The development shall not be occupied until the junction has been completed in accordance with the approved details.

18. Before the approved vehicular access is first brought into use a triangular pedestrian visibility splay of 1.8 metres X 1.8 metres shall be provided on each side of the vehicular access. All parts of the splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above ground level.

19. No building which is the subject of this permission shall be occupied until the access has been surfaced in a stable and durable manner with a bonded material across the entire width of the access for a distance of 5 metres measured back from the carriageway edge. Surface water from the access must not drain to the public highway.

20. No occupation of any dwelling shall take place until details and specifications of external street lighting and lighting of other public areas (where sought) has been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, quantity, height and location of lighting (including contour plans and technical specifications). The details shall also include an identification of those areas/features of the site and its surrounds that are sensitive for bats including breeding sites, resting places and foraging routes. The development shall be carried out in accordance with the approved details and thereafter retained as such.

21. No building shall be occupied until an energy statement has been submitted to and approved in writing by the Local Planning Authority relating to the development. The energy statement shall include: - An assessment of the actual effect on carbon dioxide emissions demonstrating the measures previously agreed as part of the energy audit have achieved a reduction of at least 10% in carbon emissions below the normal requirement set by the Building Regulations. - A statement of how the layout, orientation, design and materials used in the development have actually been influenced by the energy audit.

22. The new dwellings shall achieve and maintain the higher water efficiency standard in the Building Regulations as set out in Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition, DCLG October 2015 (or similar replacement standard) unless suitable evidence is submitted to an approved in writing by the Local Planning Authority that achieving the higher water efficiency standards would render the development economically unviable.

23. The new dwellings shall be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless evidence is submitted which demonstrates that providing the required infrastructure is not feasible or economically viable.

24. As part of the reserved matters application for layout, a scheme detailing the provision of electric vehicle charging points for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the points have been provided and are operational. The charging points shall thereafter be retained.

End of Schedule.