



Appeal Decision

Site visit made on 25 May 2021

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11/06/2021

Appeal Ref: APP/K0235/W/20/3264533

Land rear of 14-20 Northhill Road, Cople MK44 3TU

- 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 & Mrs Moss; The Shuttleworth Trust; Mrs S Mousley; Mrs N Parrish; and Mr & Mrs C Porter against the decision of Bedford Borough Council.
 - The application Ref 19/02702/OUT, dated 2 December 2019, was refused by notice dated 6 July 2020.
 - The development proposed is outline application with all matters reserved for residential development of up to 5 dwellings on land rear of 14-20 Northhill Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application was made in outline with all matters reserved. There are no indicative drawings of the development itself, but I have had regard to drawing A|32503|18 which shows details of the proposed access point onto Northhill Road as well as other supporting documents. The development is for up to 5 dwellings and so I have assessed the appeal on the basis that up to this number of dwellings could be provided.

Main Issues

3. The main issues are:
 - (a) the effect of the development on the character and appearance of the area;
 - (b) the effect of the development on the significance and setting of non-designated heritage assets (the Duke of Bedford cottages, 14-20 Northhill Rd);
 - (c) the effect of the development on highway safety;
 - (d) whether the development would make adequate provision for waste storage and collection;
 - (e) the effect of the development on biodiversity;
 - (f) whether the development would make adequate provision for outdoor sport space and equipped play areas; and
 - (g) whether the development would make adequate provision towards the creation of the Forest of Marston Vale.

Reasons

Character and appearance

4. The village of Cople is focused on Willington Road and Northhill Road. There are examples of backland and cul-de-sac development off these main roads including at Burrsholt and Woodlands Close. However, the section of Northhill Road where the appeal site is located contains residential properties that mostly front onto the road giving a strong linear form to this part of the village. This includes the terrace of properties at 14-20 Northhill Road in front of the site and the neighbouring terrace of similar age and design at Nos 8-12. There is a generous gap between these two terraces that provides a spacious and green setting to this part of the village.
5. The appeal site includes an access onto Northhill Road between the two terraces and a large area of overgrown green space where the proposed dwellings would be located. The existing informal access track serves the small rear gardens and outbuildings of the properties at Nos 14-20. The green space connects to the wider countryside with a large adjoining agricultural field and footpaths around the western side of the village. Due to width of the gap between the terraces, there are clear views of the green space from the road. As a consequence, the site provides an informal and rural backdrop and contributes positively to the setting of the village.
6. As an outline proposal with all matters reserved, the exact siting, scale and appearance of the dwellings is not yet known and I do not have any indicative drawings. The proposal is for up to 5 dwellings, which means that potentially only 1 or 2 dwellings could be provided. The density of development with fewer dwellings could fall within acceptable guidance limits set out within the Council's supplementary planning guidance and could avoid an overdeveloped site with no change to the size of the existing rear gardens at Nos 14-20.
7. However, a development of up to 5 dwellings would result in the erosion of the green space to the side and rear of the terrace. Even if the design and scale of the buildings was simple and modest, it is likely that dwellings would be visible from the road between the gap. In addition, the access track would need to be upgraded to provide sufficient access to the dwellings. While this would not necessarily need to be of an adoptable standard (subject to waste collection requirements) and could use sympathetic surfacing materials, the access would likely be widened with the loss of green space in the gap between the terraces. As a consequence, the dwellings would represent backland development not in keeping with this part of the village, harming the spacious and green setting in this location.
8. While I do not have detailed information on the housing at Burrsholt and Woodlands Close, I note comments from the Council and interested parties that these developments were built on previously developed land. Furthermore, these and other locations of backland development in Cople are located some distance from the appeal site. Therefore, they do not set a precedent or provide sufficient justification for the proposal.
9. The previous appeal decision¹ dealt with a 7 dwelling proposal in outline. While the Inspector found that number and density of dwellings would be

¹ APP/K0235/W/19/3220852

unacceptable, she also found that the backland form of development would be at odds with the established settlement pattern along this part of Northhill Road. While the number of dwellings are fewer in this appeal, I have also found that the development would not be in keeping with this part of the village. It does not appear that there are policies restricting all forms of backland development, but each case must be assessed on its own merits.

10. Concluding on this main issue, the development would have a negative effect on the character and appearance of the area. Therefore, it would conflict with Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 (BLP). Amongst other things, these policies require development to have a positive relationship with the surrounding area, respect the context within which it will sit, and have regard to design quality.

Heritage assets

11. The Duke of Bedford cottages at Nos 14-20 have historic interest as estate workers' cottages that are replicated elsewhere in the village. They also have architectural interest in terms of their detailing with multiple gable roofs and a consistency of materials including brick and roof tiles. They occupy a prominent position on Northhill Road and contribute positively to the overall street scene alongside the neighbouring terrace at Nos 8-12. These qualities contribute to their heritage interest and significance and so they can be regarded as non-designated heritage assets.
12. The appeal site in its current form provides a large green space to the rear of the cottages as well as generous space to the side between Nos 14 and 12. This informal and rural backdrop makes a positive contribution to the significance of the cottages as part of their setting.
13. As noted with the previous main issue, the development of up to 5 dwellings would erode the green space. It is likely that dwellings would be visible between the gap, while the widened and upgraded access would have an urbanising effect. The development would reduce the informal and rural backdrop and so would result in harm to the significance and setting of the cottages. The Council's conservation officer indicated that sufficient mitigation could be provided in the detailed designs at the reserved matters stage. However, he still had concerns regarding the effect of the access.
14. In conclusion, the development would have a harmful effect on the significance and setting of the non-designated heritage assets at Nos 14-20. Therefore, it would conflict with BLP Policies 28S, 29, 30 and 41S. Amongst other things, these policies seek to sustain the historic environment, protect and where appropriate enhance heritage assets and their settings, reinforce local distinctiveness, and take into account the effect of proposals on the significance of non-designated heritage assets.

Highway safety

15. Northhill Road is not a major road, but it provides local access from Cople to villages further east and is situated on a bus route. Interested parties also refer to vehicles using the road as part of an alternative route between Bedford and the A1 if there are problems on the main roads. The road past the site is wide enough for two-way traffic although on-street parking can impede flows. The

speed limit is 30mph. There is a pavement on the opposite side of the road to the site that links the village centre with properties to the south.

16. The existing access track into the site is narrow and bounded by vegetation along the boundary with No 12. There is no pavement at the point that the access track meets Northhill Road with fenceposts and hedging either side restricting views in either direction along the road. Based on the current condition, there would be highway safety concerns for vehicles entering and leaving the site as a result of the development.
17. While access is a reserved matter, the appellants have provided a drawing showing the proposed access point onto Northhill Road. It would necessitate the provision of a footpath either side of the access in order to incorporate visibility splays. The measurements used in the visibility splays have been informed by the appellants' speed surveys and fall within the guidance set out in Manual for Streets for a 30mph road. Although the survey was carried out during a period of lockdown connected to the Covid-19 pandemic, it does not follow that fewer vehicles on the road equals lower speeds. The lack of consultation with the local highway authority (LHA) before carrying out the survey is unfortunate but it has not been demonstrated that the survey is insufficient or inaccurate. The proposed access works have been subject to a Stage 1 Road Safety Audit which has raised no concerns with the proposals.
18. However, the visibility splays would appear to clip neighbouring third party land which the appellants or LHA have no obvious control over. Moreover, while vehicles may avoid parking within 10 metres of the access in line with the highway code, there would be no parking restrictions to prevent them parking on the road further away but still within the visibility splays even with a narrower roadway. These issues cast doubt on whether the splays would be kept free from obstructions that could prevent adequate visibility from the access. Furthermore, parked cars on the road would limit the ability of drivers to see the access point whilst travelling past the site. Some car parking might be displaced either side of the access, but I have limited information that this would cause parking stress elsewhere in the village.
19. The existing access track is already used by vehicles including the occupants of Nos 14-20. However, two of these properties have off-road parking at the front, meaning that fewer cars are likely to be parked at the rear. The proposed trip generation for up to 5 dwellings would not be significant. However, there would be more traffic turning onto the road than at present which presents a risk to highway safety given the visibility issues.
20. The new footway would narrow the road to approximately 5.5m. This would not prevent two-way traffic past the site, including larger vehicles, but the dimensions would be tighter and any parked vehicles would further hamper the flow of traffic. Only a small section of the footway north of the access would be raised with a kerb line. The remainder would comprise a white line delineating the footway which would then link to a layby used for parking. As a consequence, it would not provide a very safe route for pedestrians who would be at the same level next to moving traffic along a narrower road.
21. I note that previous applications and discussions between the appellants and the Council did not identified highway safety as key area of disagreement. Consistency of advice is important in the planning process. However, I have

insufficient information on what was proposed previously and I can only respond to the evidence before me. As such, this does not alter my findings.

22. Concluding on this main issue, the development would have a significant negative effect on highway safety. Therefore, it would not accord with BLP Policy 31 which seeks to avoid significant adverse impacts on access to the public highway taking into consideration matters such as highway capacity, parking provision, and the suitability of access arrangements.

Waste storage and collection

23. There is some uncertainty as to whether the Council's supplementary planning document (SPD) on managing waste in new developments remains extant or not. Building Regulations requirements are not part of the development plan or any SPD unless adopted by the Council. Therefore, the stipulation in Section H6 of the Building Regulations that waste containers should be sited within 25m of the waste collection point specified by the waste collection authority is not a local planning requirement as far as I can tell.
24. Nevertheless, the proposed dwellings are likely to be more than a reasonable distance from the road for residents to move their bins to a collection point next to the road. Moreover, there also appears to be little room for a collection point next to the road. This would necessitate refuse vehicles having to enter the site to collect bins, although the road would need to be of an adoptable standard which could have a greater impact on its character and appearance. The access into the site would be long and narrow, but given the overall size of the site it should be possible to provide sufficient space for a refuse vehicle to turn around and leave in a forward gear. Such information could be provided at the reserved matters stage.
25. In conclusion, the development would make adequate provision for waste storage and collection. Therefore, it would accord with BLP Policies 29, 30, 31 and 32 which, amongst other things, require development to integrate functional needs such as waste storage and collection points, ensure the quality of public spaces and the suitability of access arrangements for service vehicles, and minimise disturbance.

Biodiversity

26. The appellants have provided a preliminary ecological assessment (PEA) which seeks to address the Council's fifth reason for refusal. The PEA recommends further survey work to confirm whether or not protected species such as reptiles and great crested newts are present within the site. Such survey work has not been carried out. Where protected species are adversely affected, BLP Policy 42S requires applications to demonstrate how proposed mitigation will reduce the adverse effects. This indicates that sufficient information on the protected species should be provided before planning permission is granted. Therefore, it would not be appropriate to deal with surveys via the reserved matters stage or a planning condition.
27. The appellants refer to a district licencing scheme for great crested newts which enables developers to take appropriate mitigation measures to prevent harm to such species if they are present on site. However, I have little detail on how such a licence would be secured and tied to any planning permission or

the likelihood of it being granted. Therefore, this would not resolve the lack of information relating to protected species.

28. The PEA sets out a number of ecological enhancements which could be secured as part of the development. Further details could be provided at the reserved matters stage. However, without sufficient information on protected species, it is not possible to say that the development would result in a net biodiversity gain.
29. In conclusion, it has not been demonstrated that the development would have an acceptable effect on biodiversity. Therefore, it would not accord with BLP Policies 42S and 43 which seek to protect and enhance biodiversity.

Outdoor sport space and equipped play areas

30. Policy AD28 of the Bedford Borough Allocations and Designations Local Plan 2013 (ADLP) seeks the provision of open space where new housing development is of a type likely to create demand. The Open Space SPD 2013 clarifies that Policy AD28 applies when there is a net increase in 5 or more dwellings. The SPD explains that for developments of 5 or more dwellings that are below the thresholds for on-site provision, a financial contribution in lieu of on-site provision is expected. The contribution is based on the number of dwellings and their size.
31. Given the description of the development, it is possible that fewer than 5 dwellings might be delivered. It is also not certain how large each dwelling would be until the reserved matters stage. However, any financial contribution would need to be secured via a planning obligation attached to the grant of planning permission at this stage. The obligation could be worded in a way that the contribution is only triggered if 5 dwellings are provided. There is no such planning obligation before me. Therefore, there is no mechanism to secure the financial contribution in the event 5 dwellings are provided.
32. It is clear from the Open Space SPD that the contribution is in addition to on-site provision of amenity green space in the form of wider grass verges. The response of the Council's landscape officer relates to a different planning application reference number. In any case, the lack of request from the landscape officer for a financial contribution does not prevent the Council from seeking adequate provision in line with the policy and the SPD.
33. In conclusion, the development would not ensure adequate provision for outdoor sport space and equipped play areas, contrary to ADLP Policy AD28.

Forest of Marston Vale

34. The site is located within an area where new development should contribute to and support the creation of the Forest of Marston Vale. BLP Policy 36S requires proposals to show, amongst other things, how they will deliver 30% tree cover across the site. The policy does not specify that financial contributions in lieu of on-site provision will be sought, and the Council has yet to adopt an SPD relating to the application of this policy. Moreover, it is not clear how a financial contribution would be spent towards achieving 30% tree cover.
35. Nevertheless, the site is sufficiently large to accommodate up to 5 dwellings and provide 30% tree cover in the form of individual trees and hedgerows. This can be established at the reserved matters stage relating to layout and

landscaping. Therefore, I am satisfied that the development would make adequate provision towards the creation of the Forest of Marston Vale and so it would comply with BLP Policy 36S.

Other matters

36. The site is located within the Settlement Policy Area for Cople. While BLP Policy 5S states that development is acceptable in principle within such boundaries, the policy also requires proposals to be consistent with other policies in the development plan. As I have identified a number of policy conflicts, the development does not benefit from any support from BLP Policy 5S.
37. Pre-application discussions are an important part of the planning process as set out in paragraph 39 of the National Planning Policy Framework (NPPF). It is apparent that the Council indicated that the general principle of development of this site was acceptable, but also noted that a number of detailed issues needed to be addressed.
38. The development would deliver additional housing supply as a windfall site that could be developed relatively quickly. It would also make a more effective use of land where large parts are not in any meaningful use. Both of these benefits are supported by the NPPF. However, the Council can demonstrate a 5 year housing land supply and it has not been demonstrated that the site would be suitable for up to 5 dwellings. Therefore, only moderate weight can be afforded to these benefits. They would be insufficient to outweigh the harms and policy conflicts I have identified. Therefore, the proposal would not represent sustainable development.
39. Interested parties have raised a number of other concerns relating to this development. However, given my overall findings on the main issues, it has not been necessary to consider these in any detail.

Conclusion

40. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR