



Appeal Decision

Site visit made on 22 March 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/P0240/W/21/3279343

91 London Road, Sandy SG19 1DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mr P.S. & M.K. Sandhu against the decision of Central Bedfordshire Council.
 - The application Ref: CB/19/04298/OUT, dated 5 December 2019, was refused by notice dated 2 July 2021.
 - The development proposed is outline application for the erection of 9 dwellings following demolition of the existing house (all matters reserved except access).
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 9 dwellings following demolition of the existing house (all matters reserved except access) at 91 London Road, Sandy SG19 1DH in accordance with the terms of the application, Ref: CB/19/04298/OUT, dated 5 December 2019, and the plans submitted with it, subject to the conditions set out in the attached Schedule A.

Preliminary Matters

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) has been published. Also, the new Central Bedfordshire Local Plan 2015-2035 (LP) was adopted in 2021, superseding the previous Central Bedfordshire Core Strategy and Development Management Policies within the local development plan. The parties have had opportunity to comment on the engagement of these new policy documents in relation to the appeal, and so will not be disadvantaged by my consideration of them.
3. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access. I have assessed the proposal on this basis and treated the illustrative site layouts as simply being an illustration of how the proposal could ultimately be configured.

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of its future occupants, with particular regard to noise, air quality and odour from sources in the locality.

Reasons

5. The appeal site comprises a detached dwelling and its garden areas. It is located adjacent to the northbound side of the A1 road corridor.

6. I observed during my site visit, albeit a snapshot in time that the four-lane A1 corridor which passes near the eastern edge of the appeal site is an apparently busy stretch of road, with a steady flow of southbound and northbound traffic. This flow comprises mainly cars, with a noticeable proportion of lorries too. The rumble of lorries approaching at speed on the nearer northbound side of the road was noticeable, in addition to the 'whoosh' of other passing vehicles.
7. That said, the Noise Impact Assessment (NIA) by the appellants' acoustics consultant indicates that traffic noise reduces towards the rear of the site¹. The NIA indicates the potential for outdoor garden space towards the rear of the site to be below the recommended upper guideline value of LAeq 55dB². The NIA also indicates the potential for detailed acoustic design of dwellings on the site, utilising, for example facade sound insulation, to achieve suitable internal sound levels within the new residential dwellings.
8. Judging by the response of the Council's Environmental Health Practitioner (EHP)³ to the NIA, some restriction on opening of windows may well feature in a detailed scheme, and high standards of workmanship and a robust ventilation strategy would be necessary. Subject to this, the EHP considers that noise aspects could be addressed by mitigation measures, and I find no reason to take a different view on this point.
9. Drawing the strands together, I anticipate that future detailed layout, design and landscaping of the scheme would need to take a diligent and sensitive approach to noise matters, including holistic integration with building ventilation and cooling. To this end, planning conditions are attached regarding reserved matters including layout and landscaping, and also noise protection and ventilation and cooling schemes, to secure detailed solutions. As such, noise is not an impediment to the outline permission, with all matters reserved except access, which is sought in this case.
10. The eastern boundary of the appeal site is within the No 4 Sandy Air Quality Management Area. Within this context, The Air Quality Assessment (AQA) by the appellants' air quality consultant indicates potential for dwellings to be situated safely within the appeal site, in locations with nitrogen dioxide levels around a third lower than the ceiling specified in the national Air Quality Strategy (AQS), and particulate levels lower than AQS ceiling levels⁴. Moreover, the AQA and the illustrative site layout together indicate potential for a planted buffer strip of substantial width, with associated air quality mitigation value for future residents of the site, along the front of the site, between housing on the site and the A1.
11. I do not underestimate local concern about future highway-related air quality. However, the evidence before me does not decisively demonstrate that future vehicle emissions in the vicinity of the appeal site would increase to such an extent as to specifically expose future residents of the appeal scheme to harmful standards of air quality.
12. Furthermore, planning conditions are attached to help secure appropriate detailed design solutions regarding layout, landscaping and electric vehicle

¹ NIA section 4, page 11.

² NIA paragraph 6.

³ As set out in the EHP's Planning Appeal statement, pages 1-2.

⁴ As per AQA section 5.2.

charging, which have air quality dimensions. As such, air quality is not an impediment to the outline permission which is sought in this case.

13. The Odour Assessment (OA) prepared by the appellants' air quality consultant indicates that odours from the Sandy Sewage Treatment Works (STW) would on occasions be detectable by occupants of the envisaged residential development⁵. However, that said, the appeal site would be beyond the contour that Anglian Water have previously indicated to be an appropriate odour benchmark for sensitive development close to this particular STW⁶. The OA indicates that the STW would be unlikely to result in significant odour impacts much beyond 110m from its boundary⁷, whereas the envisaged development would be located around 180m away, with intervening trees presenting some barrier to odour dispersion. Also, judging by the OA, occasions when sewage odours would be detectable by future occupants are likely to occur only on very warm days with light winds from the west to west-northwest, and so be quite rare.
14. On this basis, I am persuaded that the overall risk of unacceptable odour effects on occupants of the proposed development would be insignificant. As such, the proposal is not likely to result in a complaint burden contrary to 'agent of change' responsibilities set out in paragraph 187 of the Framework.
15. I therefore conclude that the proposal would not harm the living conditions of its future occupants. As such, it would not conflict with Policies HQ1 and CC8 of the LP which together seek to ensure that development provides healthy living conditions for residents.

Other Matters

16. Concerns have been expressed by some members of the local community about the proposed development's sustainability in terms of relationship to the main body of Sandy and its facilities, highway safety and security lighting on a nearby car storage yard. These matters go beyond the reasons for refusal. Given the site's accessibility to the A1, regular private car use by future residents is likely. While private car use is not ideal, the proposed development would be a sufficiently short drive from Sandy town centre for future residents to contribute towards sustaining facilities there, with relatively limited journey length and associated environmental impact.
17. Also, the scale of proposed development would not significantly increase traffic volume and movements on and off this stretch of the A1, such as to harm highway safety. This is reflected in the 'no objection' position of Highways England and the Council's Highways team. Furthermore, the evidence before me indicates that lighting of nearby car storage is sufficiently contained in its spread and operation to not harm future living conditions in this case. As such, these matters do not constitute grounds for dismissing this appeal.

Conditions

18. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance.

⁵ As per OA paragraph 2.16.

⁶ As set out in OA paragraph 2.9.

⁷ As per OA paragraph 2.5.

I have found them to be broadly reasonable and necessary in this case. I have made minor drafting changes to suggested conditions, for precision.

19. Conditions relating to approved plans, the submission and implementation of reserved matters and associated time limits are necessary to provide certainty. I attach conditions relating to site access and construction management in the interests of highway safety. A condition relating to housing mix and type is necessary to provide an inclusive mix of housing. I attach conditions regarding housing numbers, ground levels, noise insulation, ventilation and cooling, and contaminated land to safeguard residents' living conditions. A condition about fire hydrants is attached in the interests of fire safety. A condition regarding electric vehicle charging infrastructure is required in the interests of air quality. A condition relating to ecology is attached in the interests of biodiversity. Conditions regarding drainage are necessary to ensure sustainable water management.

Conclusion

20. The proposed development would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

William Cooper INSPECTOR

Schedule A) Conditions

- 1) No development shall commence until details of the appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall have been submitted to and approved in writing by the local planning authority. 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 commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development shall be carried out in accordance with the following approved drawings, insofar as they relate to site access: 19/016/K0006/B Site Layout Plan As Proposed; 19/016/L0101/C Location Plan; 19/016/L0201/A Site Layout Plan As Existing; 61140-PP-003 Revision C, Proposed Priority Junction and Refuse Vehicle Tracking.
- 5) Prior to first occupation of the development, the works as detailed on drawing 61140-PP-003 Revision C, Proposed Priority Junction and Refuse Vehicle Tracking shall have been completed to the satisfaction of the local planning authority.
- 6) No site clearance or development works shall commence until there shall have been submitted to and approved in writing by the local planning authority a construction management plan (CMP). The CMP shall be carried out as approved.

- 7) Reserved matters submission shall include confirmation of the mix of housing types and sizes, and shall demonstrate how the proposed mix and tenure types meets identified housing needs.
- 8) The total number of dwellings on the site shall not exceed 9, following the demolition of the existing dwelling.
- 9) Reserved matters submission shall include details of existing and final ground and slab levels of the buildings. These details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the local planning authority. The details shall be implemented as approved.
- 10) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for protecting the proposed dwellings from noise from road traffic. The scheme shall have regard to the recommendations identified in the ACA Acoustics Noise Impact Assessment report (Ref: 191002-R001B), dated 15th November 2019 and associated documentation. None of the dwellings shall be occupied until the scheme has been implemented as approved and shown to be effective. Once implemented and shown to be effective, the measures shall be retained thereafter.
- 11) No above ground building work shall commence until there shall have been submitted to and approved in writing by the local planning authority a ventilation and cooling strategy (VCS) for any dwelling needing windows to be closed to achieve the internal noise criteria of BS8233:2014, and suitably protect future occupiers of the new housing from exposure to noise ingress, in conjunction with adequate ventilation and prevention of overheating. Within the VCS shall be addressed how it impacts on acoustic conditions, and the strategy for mitigating overheating impacts. Where necessary this should be informed by a detailed overheating assessment. The VCS shall be produced by appropriately experienced and competent persons. The approved VCS shall be implemented prior to first occupation of the development, and retained thereafter.
- 12) No development shall commence until an investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site, and a written report of the findings submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. This investigation and risk assessment must be undertaken by competent persons and 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). Remedial works shall be carried out as approved.

- 13) Reserved matters submission shall include a detailed scheme for fire hydrants serving the development. The approved scheme shall be implemented prior to occupation of any building forming part of the development, and retained thereafter.
- 14) Reserved matters submission shall include a plan showing a) the location of electric vehicle charging points (EVCPs) for 20% of the car parking spaces and b) specification of passive provision for the remaining 80% of the spaces in the development, so that the spaces are capable of being readily converted to electric vehicle charging points. The measures as approved shall be implemented prior to first occupation of the development, and retained thereafter.
- 15) Reserved matters submission shall include an ecological enhancement strategy (EES) for the site. The EES shall include provision for new wildlife features such as tree, hedgerow, shrub and wildflower planting/establishment, hibernacula, integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences. The content shall be informed by an up-to-date ecological appraisal of the site and include the following: a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) details of initial aftercare and long-term maintenance. The scheme, its aftercare and maintenance shall be carried out as approved.
- 16) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a) a detailed scheme of surface water drainage to manage surface water runoff from the development for up to and including the 1 in 100 year event (+40%CC), and b) a maintenance and management plan for this scheme, to ensure that the system functions as designed for the lifetime of the development. The discharge rate from the development shall be limited to that set by the water authority. The final detailed design shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018). The scheme shall be implemented and maintained as approved.
- 17) No building shall be occupied until: a) there shall have been submitted to and approved in writing by the local planning authority a maintenance and management plan (MAMP) for the surface water drainage system. The MAMP shall include any adoption arrangements and/or private ownership or responsibilities; and b) the approved scheme has been fully installed.