



Appeal Decision

Inquiry Held on 1-5 & 6 November 2021

Site visit made on 3 November 2021

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2022

Appeal Ref: APP/P0240/W/21/3275720

137-139 High Street and Land to the West of High Street, Arlesey, SG15 6SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by J S Bloor (Northampton) Limited against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/02789/FULL, dated 31 July 2020, was refused by notice dated 25 November 2020.
 - The development proposed is the demolition of 137 and 139 High Street, and the erection of 112 dwellings (Use Class C3), new vehicular and pedestrian access off High Street, public open space, sustainable drainage systems and ancillary infrastructure.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry an application for costs was made by J S Bloor (Northampton) Limited against Central Bedfordshire Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. The Appellant has provided a summary of the amendments and additional documents¹. Re consultation² was carried out on these documents and as such interested parties will have had an opportunity to make further representations in response to the amendments. The Council confirmed at the case management conference (CMC) that procedurally it does not object to the amendments. Having considered the scale of the changes I am minded to accept these plans as part of the appeal on the basis that no parties' interests would be prejudiced by my taking them into account.
4. Since the application was submitted amendments have been made to the scheme as referenced above. Accordingly the description in my banner heading was agreed by the main parties³. In addition the address has been taken from the appeal form as the main parties agreed that it accurately reflects the site location.

¹ letter dated 10 August 2021

² CD11.1a para 1.3.5

³ CD11.1a para 1.3.6

5. Since the decision was issued the Council has adopted the Central Bedfordshire Local Plan 2015-2035 (CBLP) in July 2021. This replaces the policies of the Core Strategy and Development Management Policies DPD referred to in the reasons for refusal. Policy MA8 of the Site Allocations DPD is a saved policy⁴.

Main Issues

6. The appellant provided a planning obligation⁵ which addressed the matters raised in the Council's third reason for refusal. Therefore the Council confirmed that it would not be defending reason three at the inquiry. Accordingly the main issues are:
- The effect of the scheme on the character and appearance of the area;
 - The effect of the scheme on the living conditions of existing occupiers on or close to High Street, with particular regard to noise arising from traffic;
 - The effect of the scheme on the delivery the western relief road as set out in the Arlesey Cross Masterplan.

Reasons

Character and appearance

7. The appeal site is located within a group of sites that form part of the local plan allocation MA8⁶. These sites are located to the west of High Street and residential development areas are identified within the Concept Masterplan⁷. Some of the sites have already been developed or granted planning permission. The sites that have been built out were referred to at the round table discussion regarding design and layout and also included in the site inspection itinerary⁸.
8. At the round table discussion, in response to the amended plans, the Council raised the overall visibility and dominance of parking in the street scene. There is no dispute regarding the amount of car parking⁹ but rather how it manifests itself within the layout of the scheme. The reason for refusal refers specifically to the provision of on street parking.
9. The Arlesey Cross Masterplan (ACMP) refers to parking provision¹⁰. It links provision to the Council's adopted standards and advocates a combination of on plot, off plot and on street solutions. It also sets out the need for parking to be well designed, incorporated into the overall appearance of the street and conveniently related to the plot it would serve. Well-designed inset parking along streets is also recommended. The Council's Design Guide (DG)¹¹ provides examples of how parking could be provided and seeks to strike a balance between the desire of car owners to park near their property and the impact parking provision would have on the quality of the built environment.

⁴ CD11.1a

⁵ CD9.1 and ID10

⁶ CD5.2, ID3 – MA8 is a saved policy, 1.6.1 CD11.1a

⁷ Appendix C CD 6.1

⁸ Appendix 6 Mr Garrett proof of evidence & Appendix SF6 Ms Farrier proof of evidence

⁹ No conflict with CBLP policy T3

¹⁰ CD 6.1 para 4.16

¹¹ CD 6.2

10. The appeal scheme would offer a combination of on plot, off plot and on street parking for future occupants of the development and visitors. The layout shows that where parking would be provided on street that the design would use parking bays to accommodate it from the outset and that the parking on site would be interspersed with green spaces and street trees. It also shows plots would have parking on the frontage across a significant proportion of the scheme. In other places spaces would be tucked between plots. There would also be tandem provision in some cases. The DG does not rule this out but suggests it should not be of more than two cars. Across the appeal scheme the tandem parking would not exceed two car provision per plot where it is shown. However, the plans show that the areas within and between parking areas would not be substantial. For this reason I consider that the parking shown on the plans would appear prominent and thereby dominant in the layout.
11. Figure 6.1 shows formal play areas and the parties agreed¹² that the siting of the play area was no longer in dispute. As such the inquiry evidence focussed on the remaining requirements of the ACMP. Chapter 6 of the ACMP contains the requirements for green infrastructure and is clear that a high quality landscape scheme is crucial to the success of the allocation. In particular it is seeking a variety of linked accessible green spaces, that they are overlooked as far as possible, incorporate suitable street trees and utilise opportunities to create green links alongside the primary route through the development. Figure 6.1 shows a green infrastructure concept for the provision of a wide green buffer and interconnecting green routes to walk or cycle, linking with existing footpaths and cycle paths. The plans show how the appeal scheme would be laid out and consequently the extent of green infrastructure that would be delivered by a scheme for 112 dwellings at the appeal site, which I consider in turn.
12. The access point to the site, which is shown as secondary, is also annotated as a green pedestrian and cycle path along the northernmost edge of the appeal site. Figure 6.1 shows it as an 'interconnecting green route' which would be part of the wider network shown in the ACMP. This road would provide access from the High Street. The plans show some parking bays, there are about six shown on the plans interspersed with street trees and verges along each side. At the point the road turns a footpath continues along the boundary. The plans show green space either side of the footpath and street trees. Beyond the relief road the area of green space narrows substantially.
13. The ACMP describes the relief road as being about 7.3m in width and with a footpath and cycleway on either side. The aim being to achieve a design speed of no more than 30mph and that it should be kept clear of parked cars. Positions on this were narrowed at the round table discussion with the Council's witness acknowledging that the southernmost part of the road could be characterised as a green route, adjacent to the play areas, open space and attenuation area. In contrast to this the remainder of the route shown on the plans indicates that there would be a footpath on each side, verges would be provided and parking interspersed within the verge areas. This portion of the road would be between the housing in the scheme. The appeal site would eventually connect to other sites where provision of parts of the relief road has been made. On those schemes the layout is similar to that proposed in the appeal scheme. Nonetheless, based on the plans I do not consider that these

¹² CD11.1a page 10

elements of the appeal scheme would be perceived as part of a green route but rather as a road with paths and cycleways. Therefore, overall, the appeal scheme would not fully accord with the principles of the masterplan.

14. The Council's witness at the inquiry acknowledged that there was no longer an issue with the amount of green space in the western area and that the revised plans make it more closely aligned to the masterplan. The remaining matter in dispute relates to the position of the footpath. The concept plan shows an indication of where the footpath could be located. This would be within an area intended to provide a semi natural buffer between the site and the County Wildlife Site (CWS) beyond the railway line. The ACMP does not suggest that this area should be devoid of activity. I understand the Council's concern regarding the provision of this pathway and a further pathway to the frontage of plots 62-76. Nonetheless, had I been minded to allow the scheme I am satisfied that this could reasonably be dealt with through a detailed condition for the layout of this wider area. As such I do not consider that the scheme should fail on this point.
15. The scheme includes the provision of a number of street trees. The detail of these trees is set out on the plans¹³ and all of the trees would be provided within landscape areas¹⁴. This is something that the ACMP supports alongside the retention of existing trees where possible. It sets out that to incorporate suitable street trees throughout the development would break up the built form. The relief road and access route from the High Street would both contain new trees. The open space areas around the attenuation basin and play area would too. There would be an area of the connecting road (from near plots 2 and 108 through to the relief road) where trees are not shown on the layout plan. As such there are areas of the layout where there would be limited relief to the built form of the layout.
16. The specification plans for the trees detail both a 'plot tree' and a 'POS tree' planting detail¹⁵. this includes a detailed specification for the planting of the trees. In particular details of irrigation, mulching, guards, fertiliser and how the root system would be protected and kept undisturbed. This approach would make suitable provision to ensure that the trees would be given the best possible chance to survive and then ultimately thrive. The arboricultural report is clear that deciding on suitable tree species would depend on a number of factors. In particular that species should be carefully selected to avoid future pressures and nuisance. The submitted evidence does not point to any concerns regarding the details on the specification plans. I understand the concern that the trees could be hemmed in by roads, parking and new dwellings. Nonetheless, the plans show that trees can be accommodated within the roadways, open spaces and plots of the scheme and if necessary any additional final detail could be agreed by condition.
17. What comprises a green route that would meet the requirements of the ACMP is a matter of judgement. Any scheme would need to provide housing, meet policy requirements and also make provision for soft landscaping, open and green space. The ACMP provides clear guidance for the development of the sites to the west of High Street. In addition to this a number of schemes have

¹³ SM546-LS-012b

¹⁴ CD 4.12 and CD 4.13

¹⁵ SM546-LS-012b

been consented or built out¹⁶ which I note contribute to establishing a character for the area west of the High Street. Nonetheless I have considered the appeal scheme on its individual merits and the requirements of the ACMP.

18. The ACMP provides a series of bullet points setting out what the scheme should provide under the heading of green infrastructure. The scheme goes some way to meeting those requirements in so far as it does include some street trees, a play area in an appropriate location and an area of green space to the west of the site. Some of the areas of green space would soften the impact of the car parking provision and provide some setting and relief to the housing. However, there are areas where the green infrastructure would be limited, cursory and to my mind would not result in a verdant layout envisaged by the ACMP. Overall, I consider that this scheme would undermine the aims and purposes of the ACMP set out in section 6.
19. I therefore conclude that the appeal scheme would harm the character and appearance of the area and would be overly urbanising. It would be in conflict with CBLP policy HQ1 in so far as it seeks proposals which provide high quality landscaping to integrate built form, saved policy MA8, the ACMP and ARL2 of the Arlesey Neighbourhood Plan (NP) which seek a high quality in new design.

Living conditions of existing occupiers

20. The Council's decision notice refers to the effect of the additional traffic, due to the absence of the relief road in full, on residents living on or close to the High Street. The main sources of noise are identified as being from vehicular movements, include accelerating and decelerating. The Council's reason for refusal refers to residents living close to High Street. The Council's statement focuses the concern on the access corridor between No 135 and 141 High Street. There is also a property to the rear, No 141a.
21. There is agreement that ultimately the provision of the relief road would provide a positive impact in terms of noise. However, until such time as the relief road is provided all traffic/vehicle movements from the appeal scheme would use the access from the High Street.
22. I understand that the dwellings are located within Arlesey which is generally suburban in character. Nonetheless, neither party referred me to evidence regarding the existing noise environment for the dwellings that would be exposed to the new access to the site. The key change would be the introduction of a source of noise that would run along the boundaries of these properties. The Council refer to the tranquillity currently experienced by these properties but this is not quantified. Nonetheless, occupants of 135, 141 and 141a currently enjoy a high degree of peace and quiet at the rear of their properties.
23. The appellant has undertaken noise assessments. There is an initial Noise Impact Assessment¹⁷ which considers the potential noise impacts from transportation on the proposed dwellings. In particular it focuses on the treatment of facades of the new dwellings closest to the relief road or mainline railway. Two further noise addendum documents have been provided¹⁸ following the determination of the application by the Council. The most up to

¹⁶ CD15.2 SF6

¹⁷ CD1.70

¹⁸ CD4.4a and CD4.4b

date of these being CD4.4b which provides as assessment of the noise impact of increased road traffic in the event the western relief road is not constructed by the time the appeal scheme would be occupied.

24. The main source of noise that would impact on existing occupiers of nearby dwellings would be traffic from the development coming forward. It would lead to a significant number of comings and goings, specifically all traffic from the scheme using this route until such time as the relief road comes forward. It is clear that traffic along the High Street would increase due to the development of the various parcels of land located west of it. The magnitude of this change is addressed in CD4.4b. This sets out that the increase in noise on the High Street due to these traffic movements arising due to the absence of the relief road would be 0.6dB. This assessment considered the cumulative impacts from the consented schemes on High Street traffic flow. However, as the Council point out, and acknowledged by the appellant's witness in cross examination¹⁹ the baseline noise conditions have not been assessed for the existing dwellings which are noise sensitive receptors.
25. Highway trip rates and the traffic flows are not in dispute²⁰ and existing traffic flows on the High Street were recorded and agreed as a valid baseline for the assessment of the significance of the change along the High Street. This is a linear movement along the High Street. That is if all existing traffic plus that from the appeal scheme and committed developments used the High Street that the appellants evidence suggests that the change would be 0.6dB. The appellant considers that it can be categorised as being 'negligible'.
26. The technical evidence was provided by the appellant's witness which considered the increase in noise that would result from an overall increase in vehicles along High Street, assuming the relief road has not been delivered. There is no dispute that the DMRB is a recognised methodology for recognising road traffic noise. The results indicate that noise from additional traffic would be similar in character to noise from other vehicles on the High Street. Nevertheless, fundamentally this information does not address the effect of the secondary access point, namely its sole use to access the appeal site.
27. The acceleration and deceleration of cars is identified as a non continuous source of noise. Therefore the number of these events and the frequency and pattern of these movements would also be relevant. There was no dispute that over an 18 hour period the scheme would lead to an additional 610 two way movements and during the AM and PM peaks it would generate an additional 55 and 57 two way movements respectively. I note that the appellant describes this as being less than one additional car movement per minute. However, again I have no evidence regarding the effect of these on the existing dwellings at the junction with the High Street.
28. The current approach is a departure from what the ACMP envisaged. As such it is not unreasonable for the Council to want to be satisfied that, until the relief road is built, the timing of which is not known, that the use of this access point in a different manner to what the ACMP envisaged would not have an adverse effect on the living conditions of the occupiers of existing dwellings. The provision of the relief road is considered separately, in so far as what provision the appeal scheme should make. Based on the information before the inquiry

¹⁹ See para 31 of the Council's Closing submissions

²⁰ Transport SOCG CD11.2

it is clear that the worst case scenario would be that the appeal scheme would be built and occupied without the relief road being completed in full. As a result the new road to access the appeal scheme would be the primary route for the traffic from the High Street to enter and exit the site and therefore move along the shared boundary with the existing dwellings.

29. Traffic coming from the development to the High Street and vice versa would have to use the access until the relief road is completed. The appellants witness acknowledged that the noise from the access road that would go along the boundary with the adjoining properties has not been assessed. Even if I adopt the appellant's data from the High Street itself this does not alter the proximity of the access to the garden areas of the existing dwellings. The close proximity of these dwellings to the access means that they would be aware of the significant level of comings and goings of vehicles that would use the access as the only route into the appeal site.
30. It may be that the magnitude of change would also be negligible here or that the effects could be mitigated. However, I do not have this evidence before me for consideration. Therefore, in the absence of an assessment of the effects of the use of the access point as a sole access for the scheme on occupiers of existing dwellings, I consider that the appeal scheme would potentially lead to unacceptable harm to the living conditions of the occupiers of existing dwellings.
31. The inquiry evidence included the comments of the Council's pollution officer²¹ who considered that to have a significant impact from noise traffic along the High Street it would have to double as a result of the appeal scheme. However, these comments consider the noise addendums and not the specific matter of the new access route from the High Street in relation to existing dwellings. I note that these comments also referred to conditions but these relate to measures for the proposed dwellings within the scheme²², which is also reflected in the suggested conditions²³.
32. The appellant raises that there is a lack of objection from occupants of the properties themselves and that the appeal site would be part of the suburban a wider allocation. I acknowledge that there is a lack of objections but this does not alter or outweigh my findings on the main issue.
33. I therefore conclude that the appeal scheme would harm the living conditions of existing occupiers and would be in conflict with CBLP policy HQ1 in so far as it sets out that all proposals for new development should respect the amenity of surrounding properties and comply with current guidance on noise.

The delivery of the western relief road

34. In this case the main area of dispute is whether the relief road should be provided in full or early in the allocation process, in particular should the appeal scheme be resisted on this basis?
35. Policy MA8 of the Site Allocations DPD²⁴ sets out the vision for the growth of Arlesey in the form of a mixed use development scheme. The appeal scheme

²¹ CD4.79

²² CD13.3

²³ ID9

²⁴ CD5.2

- would be within this allocation, which is for a minimum of 1000 dwellings and 10ha of employment land. Within MA8 there is a requirement for the provision of a relief road. It also sets out the requirement for the production of a masterplan to guide mixed use development.
36. The ACMP²⁵ sets out access principles for the area at section 5. The access and movement plan shows the access route that would be part of this scheme as a secondary route for the overall allocation. It envisages that the relief road would be a 7.3m wide vehicular carriageway with footways and cycleways on either side with the aim to make it the quickest north/south route and therefore most desirable to motorists. It is clear that the secondary streets will be designed for slow vehicle speeds with a narrower carriageway.
 37. Part 9 of the masterplan specifically addresses the delivery of the relief road. Sections 9.1-9.4 cover the topic of phasing. 9.1 acknowledges that the scheme would inevitably be built out in phases. It goes on to outline the need for a coordinated approach if there is more than one application covering the masterplan area. Paragraph 9.3 describes the relief road as the main critical infrastructure item that must be provided and 9.4 refers to the situation where the site comes forward in more than one planning application. However, it goes on to say that this relates to ensuring that the Council is satisfied regarding the impact on the road network. More specifically ensuring that unacceptable levels of traffic do not enter the road network until the relief road can be provided in full. This impact was considered by the appellant within the submitted transport assessment²⁶. There is no evidence or indeed objection from the Council on the highway impacts of the scheme²⁷.
 38. Paragraph 9.6 makes a specific reference to infrastructure that is essential and what should be provided. It confirms the need for co-ordinated programmes for essential infrastructure where there is more than one application covering the masterplan area. The Council's clear preference expressed in the masterplan and at the inquiry was for an outline planning application that would govern the overall strategic principles for the development of the wider allocation for the land west of the High Street. I was told at the inquiry that the Chase Farm area of the allocation has outline planning permission in place²⁸. The factual position is that there is no governing outline planning permission for the area west of the High Street and there are other schemes consented and/or built out.
 39. The appeal site is located within the area to the west of the High Street which the Council's evidence highlights as having a capacity of about 350-400 dwellings²⁹. Planning permission has been granted for a number of sites already which the Council confirm were assessed on their own merits³⁰. Overall the Council's evidence confirms that a total of 124 dwellings have already been permitted within the area west of the High Street. Each of the applications that has been granted has made provision for its relative section of the relief road. Indeed these other schemes have not been resisted on the issue of the delivery of the relief road.

²⁵ CD6.1

²⁶ CD1.72

²⁷ Officer report CD3.1

²⁸ CB/17/01158/OUT

²⁹ SF Proof of evidence para 5.1 and Appendix SF4

³⁰ SF proof para 5.2 CD8.1-CD8.22

40. The appeal scheme would make provision within its layout for a section of the relief road. MA8 is not explicit that the whole relief road should be provided. In this regard the scheme would meet the requirement of MA8 in so far as it would contribute as far as it practicably could to the provision of the relief road.
41. I understand that the aim of the policy is to avoid piecemeal development and that the Council's view is the appeal site as a crucial piece of the overall delivery of the allocation. However, the reality is that a number of the sites have either got planning permission or have been built out. Indeed the Council's own internal reports regarding the relief road acknowledge that it would not be viable to deliver the relief road upfront. Furthermore one of the reports acknowledges that the road would be funded through the sale of houses³¹.
42. The Council identified five barriers to the delivery of the relief road. Four of those were unresolved at the time of the inquiry as it was agreed that the fifth was addressed by a financial contribution towards environmental improvements to the High Street as part of the planning obligation. The remaining identified barriers³² are all matters that are within the gift of the landowners collectively but relate to areas outside of the appeal site. As such I have considered carefully whether it is reasonable to resist the appeal scheme on this basis.
43. Evidence to the inquiry referred to the history regarding seeking an agreement across all of the land parcels. Reference was made to the Arlesey consortium which ultimately fell apart and promotion of the western parcel ceased. I have no evidence to suggest that other schemes have been required to provide contributions for highway improvement works or permission was withheld based on the delivery of the relief road. I appreciate that the Council consider that it would be easier for some land parcels to deliver their section of the relief road than others. However, the envisaged collaboration has not come to fruition. The Council's own witness acknowledged that, she also noted the Arlesey consortium fell apart and ceased promoting the land west of High Street, of which the appeal site is part. It could use its Compulsory Purchase powers as a last resort but this is not an option that the appellants/landowners have requested that the Council pursue.
44. There is no dispute that the masterplan should be read as a whole. However I am mindful that the appeal scheme should also be considered on its individual merits. The relevant policy is MA8 which sets out the need to produce a masterplan to guide and mixed use development. The masterplan provides key overarching design principles for the whole allocation and makes reference to the provision of an outline planning permission for the whole site. There is no dispute that planning permission has already been granted on a number of other sites and that some have been built out. There is no doubt that the relief road is a critical piece of infrastructure as expressed in para 9.3 of the masterplan. Nonetheless the straightforward provision of MA8 for the appeal scheme to provide the relief road is met. MA8 does not make any reference to when it should be provided. However, the delivery elements of the masterplan would not be met in full by the appeal scheme. Therefore consideration is required as to whether it would be reasonable to require this scheme to fulfil a requirement beyond its own layout which would be applicable to the whole allocation west of the High Street.

³¹ Proof of Evidence of Mr Garrett Appendix 5

³² Outlined at para 24 of the Council's closing submissions

45. The eventual connection of the relief road would require upgrades to the 'Fiveways' junction. This would form the key southern access to the relief road³³. The scheme for the junction already has planning permission³⁴. There is no dispute that the delivery of the full relief road would also require development of the relief road through 'the White Land' and also through the safeguarded land within the St John's Road estate. If the current scheme were to go ahead then the majority of the dwellings on the west side of the High Street would be consented without any mechanism for the delivery of the relief road being in place. The appeal site is not reliant upon the relief road for access and it is agreed that there would be no highway safety issues arising from the access taken from High Street. The section through the appeal site is shown to be provided to the relevant specification. There would not be any barriers within the layout shown to the future connection of the appeal site to other parts of the relief road. In this context I consider that the appellant has done all that could reasonably be expected regarding the provision of the relief road.
46. The Council acknowledge that previous schemes have not given consideration to or provided funding or means of delivering the relief site in totality. I appreciate the Council's view that to allow the appeal scheme would compound a piecemeal approach and that the Council's witnesses at the inquiry consider that this site should not follow that approach. Nonetheless, it is my view that there is no policy basis for withholding planning permission for the appeal site on this issue.
47. I therefore conclude that the appeal scheme would not have a harmful effect on the delivery of the western relief road, the ACMP provisions on this point and saved policy MA8.

Other material considerations

Housing policies

48. Whilst not reasons for refusal on the decision of the Council a number of issues were raised at the inquiry regarding the application of housing policies in the CBLP. Policy H2 relates to housing standards and in particular the need for the provision of adaptable and accessible homes in new development. In particular there is a requirement for the delivery of at least 5% category 3 M4(3) compliant homes. There was no dispute that, as submitted, the scheme would not comply with this requirement. Furthermore, the amended plans submitted as part of the appeal did not address this requirement either. Nonetheless, the appellant did provide a further drawing at the inquiry³⁵. These plans demonstrate that the requirements of H2 could be met. I appreciate that the Council is concerned that to secure this the plans would need to be listed in the conditions, which would present conflict. However, as I am dismissing the appeal for other reasons I have not pursued this further and I am satisfied that in principle the layout could accommodate dwellings to meet the requirement of H2.
49. Policy H3 seeks provision of housing for older people and aligns with national policy in so far as it sets out that the need to provide housing for older people

³³ CD6.1, p39 figure 5.1, p40 para 5.9

³⁴ Para 6.5 Ms Farrier Proof of Evidence, CD8.49, CD8.50, CD8.37, CD8.38, CD8.39, CD8.40

³⁵ ID6

is critical. This policy requirement is linked to H1, Housing Mix and NP policy ARL3 which seek a mix of housing types and sizes. The general dwelling mix as set out in H1 is not disputed.

50. Policy H3 does not include a numeric requirement for the provision of older persons units rather it refers to the provision of bungalows, low density flats and level access accommodation as part of the mix of housing. The scheme would provide three level access dwellings. I understand that the policy does not set a minimum requirement. However, it does refer back to H1 and the need to respond to the housing mix set out in the SHMA. The Council consider that the requirement for 26 suitable units³⁶ would be necessary and the appellant's have not provided any alternative evidence on this matter. As such the scheme would not meet the requirements of H3. However, as I am dismissing the appeal for other reasons I have not pursued this further and attach limited weight to this conflict.
51. Policy H6 seeks a minimum of 10% serviced plots for self build custom homes. The appellant has proposed that this provision is made through the planning obligation where a marketing strategy would be submitted and approved for 12 plots. The parties agreed a method for the imposition of the plans condition and allow the planning obligation to take effect. In principle it is evident that the scheme could provide the plots within the layout.

The planning obligation

52. The interim transport assessment (ITA)³⁷ was undertaken at the master planning stage. However, the masterplan clearly sets out the requirement for a comprehensive transport assessment (TA) at each stage of the development of the allocation. The TA demonstrates that there would not be any capacity issues arising from the scheme. Therefore it suggested that it would not be necessary to provide highway improvement works as part of the appeal scheme over and above the traffic calming measures. Other than traffic calming along the High Street the Council had not requested s106 contributions for highways although the view given at the inquiry was that they would be reasonable and necessary³⁸. There is no evidence regarding the amount that would be required from either party or how these contribution levels would be established. As I am dismissing the appeal for other reasons and taking into account my in principle conclusions on the provision of the relief road by this scheme I have not considered this matter any further.
53. The appellants evidence does not contest the provision of the infrastructure referred to in reason for refusal 3. It sets out the need for '*...infrastructure impact, including, education, recreation, and the provision of affordable housing and highway mitigation*'. The submitted obligation includes provisions for Education, Healthcare, Libraries, Rights of Way, Sports Hall, Sports and Leisure, Community facilities and Improvements to the High Street. The Council provided a CIL Compliance Statement³⁹ which addresses the applicable planning policy for each provision. The Council has confirmed that the provision of the obligation resolves their concerns regarding reason three and I have no reason to reach a different conclusion. Given I am dismissing the

³⁶ CD3.1 CBC MANOP comments

³⁷ Appendix B to CD6.1

³⁸ para 18 Council's closing submissions

³⁹ CD9.2

appeal for other reasons it has not been necessary to consider each matter in any further detail. The benefit of the affordable housing provision is addressed in the planning balance.

Planning Balance and Conclusion

54. The appeal site is part of the saved allocation MA8 to which the requirements of the ACMP are applicable. Therefore it is common ground that there no in principle concern about development of the site for housing. Nonetheless, there are detailed requirements from the allocation, ACMP and other development plan policies, specifically HQ1, H1, H2, H3, H7 and ARL2.
55. I have found that the scheme would harm the character and appearance of the area and the living conditions of the occupiers of existing dwellings. In this regard there would be conflict with CBLP policies HQ1 and ARL2, parts of saved policy MA8 and the ACMP. There would also be some limited conflict with H1 and H3, specifically provision of housing for older people. As such there would be conflict with the development plan as a whole.
56. The schemes provision of the relief road would not conflict with MA8 and the scheme would also make provision for affordable housing. These are both material considerations that weigh in favour of the scheme.
57. The scheme would be in conflict with the development plan on two main issues and the totality of other material considerations would not justify making a decision other than in accordance with the development plan.
58. Therefore, for the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Alexander Greaves of counsel

He called

Philip Hughes BA (Hons) MRTPI FRGS Dip Man
MCIM
Sian Farrier BSc (Hons) MSc PGDip MRTPI

FOR THE APPELLANT:

Paul Cairnes QC
Sioned Davies

they called

Chris Garratt BSc (Hons) MA MSc MRTPI PIEMA
Greg Jones BA MSc MCIHT
Adam Bamford BSc (Hons) DipIOA MIOA

Also present:
Odette Chalaby
Laura Hughes
David Joseph
Paul Doyle

INTERESTED PERSONS:

Lesley Elliott
Roger Watson
Lyn Hess
Gordon Clarke
Steve Maddox
Hayden Dicker

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 Opening statement on behalf of the Appellant
- ID2 Opening statement on behalf of the Council
- ID3 Extracts MA8 – Council’s Site Allocations DPD
- ID4 Agreed list of plans
- ID5 Plans comparison from the Council
- ID6 Plans (a-e) re adaptable dwelling provision submitted by Appellant
- ID7 S106 chronology - Appellant
- ID8 Chronology Custom Self Build – Council
- ID9 Updated list of suggested conditions v3

DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED

- ID10 Completed Planning obligation