



Appeal Decision

Inquiry Held on 20, 21, 22, 27, 28 and 29 April 2022

Site visit made on 21 April 2022

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2022

Appeal Ref: APP/P0240/W/21/3289675

Land to the South of The Ridgeway, Potton, SG19 2PS

- 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 Tilia Homes Ltd (formerly Kier Living Ltd) against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/04672/FULL, dated 17 December 2020, was refused by notice dated 1 July 2021.
 - The development proposed is 97 residential units and 0.5ha of allotments together with associated infrastructure on Local Plan allocation HA9.
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Decision

1. The appeal is allowed and planning permission is granted for 97 residential units and 0.5ha of allotments together with associated infrastructure at Land to the South of The Ridgeway, Potton, SG19 2PS in accordance with the terms of the application, Ref CB/20/04672/FULL, dated 17 December 2020, subject to the conditions in the annexe at the end of this decision.

Preliminary Matters

2. The appellant submitted a Unilateral Undertaking signed on 19 May 2022 for affordable housing, biodiversity, self build and custom build, education, library, community halls, open space and play space areas and healthcare. These are detailed and considered latterly in this decision.
3. Subsequent to the Council's decision notice the appellant submitted an 'Updated Landscape Masterplan'¹ showing a landscaping concept, which was different to the earlier landscaping plan. It was confirmed at the Inquiry that this was illustrative to show possible additional planting, for which the details would need to be the subject of a condition. It also did not change the form of the physical development proposed. The Council had no objection to its submission. I have accepted it on the basis that nobody would be prejudiced.
4. Subsequent to the Council's decision notice the appellant submitted revised internal floor plans for several houses to allow wheelchair use. No changes were made to the external appearance. The Council had no objection to its

¹ Figure 13 Mr Holliday appendices

submission. I have accepted it on the basis that nobody would be prejudiced.

The most relevant policies

5. The Development Plan consists of saved policies from the Central Bedfordshire Site Allocations (DPD) adopted April 2011, the Central Bedfordshire Local Plan (LP) adopted in July 2021 and Pottton Neighbourhood Plan (NP) adopted in August 2019.
6. The DPD includes saved Policy HA9 which allocates the site for a minimum of 90 houses. The allocation is then confirmed in the more recently adopted Local Plan, without any new site specific policy. The site is also identified in the NP as an allocated development site². The NP has a vision 'for controlled, proportionate and uniform growth over the period of the Plan with sustainable developments that meet the needs of the town and its residents'.
7. The NP Policy HO-1 requires housing development to be appropriate in terms of scale, location and design.
8. Policy HA9 has several criteria for the development of this site. At the Inquiry both parties confirmed that only one policy criterion was in dispute: the provision of satisfactory buffer landscaping to the south to minimise the impact of development on the open countryside.
9. Subsequent to the issuing of the decision notice, the Local Plan was adopted. Policy H2 of that Plan requires a proportion of newly built dwellings to be accessible and adaptable. Similarly, Policy H6 requires some of the dwellings to be for self-build and custom builders. These requirements were raised by the Council as issues at the Case Management Conference on 7 March and were reflected as such in the Council's evidence. I leave the detail on these for later.

The appeal site and proposed development

10. Pottton is a town surrounded by extensive countryside. It has an attractive, compact Georgian town centre with outlying newer residential estates. The NP describes Pottton as having a 5,000 population and also notes that the town has an extensive range of shops and facilities. The appeal site is on the southern edge but close to the town centre.
11. Both the main parties agree that the site is in an accessible location³ for the intended occupants without dependency upon private vehicles. Similarly, the principle of residential use was not disputed. Whilst the proposal was supported by the Council officers it was refused by the committee.
12. Neither Policy HA9 nor the 2021 Local Plan make reference to where the intended access should be taken from. One criterion of HA9 requires a detailed study to provide adequate access to the site.
13. On three sides of the appeal site are existing residential areas. The east side is Biggleswade Road, off which is the Market Reach development which extends beyond the appeal site boundary towards the surrounding

² Development and Green Infrastructure and Potential Development Sites plans

³ Statement of Common Ground

countryside. To the north the houses on The Ridgeway are slightly older and closer to the town centre.

14. The appeal proposal would access the site at two points from the north off existing residential areas at The Paddocks and The Ridgeway. Whilst the proposal is for 97 houses, two existing houses at The Paddocks would be demolished to create one of the new accesses.
15. The proposal provides 0.5ha of allotments with car parking, which is one of the requirements of Policy HA9. The proposal also includes an open space along the southern edge of the development, which faces the countryside.
16. Both parties agreed that the site is not covered by any national, regional or local landscape designations.

The main issues

17. Given that the appeal site is allocated for housing in the statutory development plan, the principle of residential development is already settled, in these circumstances, and in the light of submissions made, the main issues are as follows.

Having regard to the site's allocation for residential development under Policy HA9, whether the scheme now proposed would be acceptable in terms of:

- its effects on the character and appearance of the area;
- its effect on biodiversity;
- the effects of traffic on existing occupiers in surrounding roads;
- the effects on green infrastructure;
- whether the development would reasonably contribute to accessible and adaptable housing and;
- whether the proposal would reasonably contribute to self-build housing.

Reasons

The effects of the proposal on the character and appearance of the area

18. Policy EE5 of the LP requires development to respect local context and local distinctiveness. It also requires consideration by landscape character assessment and resists development which would have an adverse impact on important landscape features or highly sensitive landscapes. Policy EV5 of the NP seeks where practical development enhances the existing landscape. However, these must be considered in conjunction with Policy HA9, and the allocation for a minimum of 90 houses. The critical consideration is its criterion: the provision of satisfactory buffer landscaping to the south to minimise the impact of development on the open countryside.
19. The site is largely self-contained and visually appears distinct from the wider landscape, except for the viewpoints below.

Sutton Mill Road/bridleway (to the west/southwest)

20. Sutton Mill Road is a lane with housing on one side before it turns into a bridleway. This is the closest and most prominent public viewpoint of the development. It has open views towards the appeal site and the adjoining countryside on the south side of the appeal site. These views become more limited shortly after the appeal site due to an intervening line of trees and shrubs.
21. The layout shows two rows of houses would be sited adjacent to this lane. These houses would be close to the lane and at such proximity would curtail the open view abruptly. The concept landscaping plan shows a new hedge along the road which would soften the impact but would not fully screen it bearing in mind the width of the houses. However, the development would be sited towards the Potton end of the site so that thereafter the openness would remain across the open space and allotments.
22. The layout shows that the development would have a broken and wavering building line along the boundary with the open space which would soften its appearance.
23. There are trees on the appeal site towards the Sutton Mill Road boundary of the appeal site. Whilst none of these trees are notable as individual specimens, they are collectively, particularly in full leaf, an attractive expanse. It is proposed to remove some of these trees although the concept plan shows replacement planting largely around the open space, which would be an improvement once they reach semi-maturity.

Footpath and bridleway (to the south)

24. Off the Sutton Mill Road bridleway is a footpath in a transverse direction and to the south of the appeal site. There is another bridleway parallel to this footpath, further to the south. Both have views towards Potton and the hills to the east and the appeal site is also discernible. From here the proposed houses would be closer to the viewpoint than those on The Ridgeway but only slightly so. Moreover, the existing Market Reach houses, to the side of the appeal site, are closer to these viewpoints so would be more prominent.
25. The proposed houses would follow a falling slope and so would not appear any higher than The Ridgeway. Similarly, the appeal site being in a dip means it would not be prominent in these views.
26. The appeal site would also be seen against The Ridgeway and Market Reach houses. Against the context and the distance away, I find that the proposed houses would not feature significantly in the expanse of the views and therefore would not be harmful.

The Ridgeway and The Paddocks

27. The residents of The Ridgeway and The Paddocks currently overlook the appeal site and have an outward aspect of extensive countryside to the south. However, some have limited outlook due to the existing boundary fences.

28. Views of the countryside that some of the residents of these dwellings currently enjoy would be obscured by the proposed houses, which would hinder their outlook and appreciation of the landscape. However, the planning system does not protect private views. Moreover, some loss of private views would be inevitable from the allocation of a minimum of 90 dwellings on this particular narrow shaped site adjoining an established residential area. I therefore give this impact very limited weight.

The effect on the Greensand Ridge

29. Policy EE8 requires protection of the Greensand Ridge, in respect of its topography and landscape, protection of existing trees and new planting to enhance character.
30. Although the site is in National Character Area Bedfordshire Greensand Ridge and within local character area 6C Wooded Greensand Ridge, both parties agreed that the appeal site shows little characteristics of those specified under these typologies. Therefore, logically the site contributes little to the character of the Greensand Ridge. Indeed, the Figure 4 map in the appendix of Mr Holliday's proof of evidence shows that the appeal site is on the edge of this designation.
31. At the Inquiry both parties agreed that the 'ridge' is not pronounced in the appeal site area, whereas to the west in particular it is more evident. Indeed, the Figure 5 plan, from the same appendix shows that the site is relatively low lying in relation to the surroundings, which indicates it would not be a significant part of a ridge.
32. This view is consistent with that of the Inspector allowing the appeal⁴ for the Market Reach site in 2018 who did not find the Greensand Ridge significant in this immediate vicinity: 'It is clear that the approach within the LCA [landscape character area] is that of a broad 'washed over' one; which includes settlements such as Pottton as much as recognisable areas of countryside'.
33. The Greensand Ridge is largely obscured by the buildings on the west side of Pottton. The development proposed would not change this perspective significantly. I therefore find its value would not be undermined.

Overall landscape impact

34. The effect of the proposal would manifest itself in three aspects. Firstly, the current view of the appeal site as open grassland would be lost. Secondly the collective appearance of the trees would be lost. Thirdly the new houses would be very close to the Sutton Mill Road viewpoints, and therefore abrupt. However, this impact would be very localised and only from a narrow view corridor, largely experienced in public views only from Sutton Mill Road, consequently the harm would be minor.
35. Both parties agreed that the site has capacity to accommodate significant residential development and that the allocation is inevitably going to change the landscape. Similarly, there was consensus that the effects would be local and would be minor once the planting has established.

⁴ APP/P0240/W/17/3176444

36. Whilst the proposal would lead to the loss of openness and green space that would be inevitable with any scheme for a minimum of 90 houses.
37. The overall density is given as 27.4ha on page 10 of the Design and Access Statement. This does include the open space and allotments, but these are part of the proposal and would be seen together. I find that this density would not be an intensive development. Indeed, the proposed 97 houses would not be significantly different from 90 minimum allocated in Policy HA9. The layout also shows a discernible lessening of buildings towards the south which would be the most visible side in the countryside views.
38. The aerial photograph in Figure 6 from Mr Holliday shows the spread of trees. They cover a wide area so could not be retained whilst also allowing for the allocated number of new houses. No evidence was produced to the Inquiry that an alternative scheme could be designed to show a minimum of 90 dwellings with a larger or more landscaped open space.
39. Policies EE5 and EE8 of the LP and Policy EV5 of the NP have to be considered with the allocation in Policy HA9. The proposal minimises the impact of the housing and therefore collectively it would not conflict with these policies.
40. Paragraph 174 of the Framework states that decisions should contribute to and enhance the natural and local environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 requires developments to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. LP Policy HQ1 is similar, promoting high quality development, reflecting the local context. Reference is made to density, sympathy with the natural environment, new landscaping, and efficient use of land available. Whilst HA9 allocates the extent of the site for development, the detailed layout is sympathetic to the surroundings and therefore would not be in conflict with the above.
41. Paragraph 133 of the Framework highlights the importance of trees to the character of a place and LP Policy EE4 is similar also emphasising the importance of hedges. The proposal would not be in conflict because of the amount of new tree and hedge planting.
42. I conclude that there would be limited, localised minor harm, from the proposal. However, the site is allocated for development in the local plan by Policy HA9 and some harm to the landscape is inevitable from an allocation of a minimum of 90 dwellings. The proposal would minimise the harm that would be attributable to such an allocation. Therefore, even with some minor harm, the scheme would be acceptable in the light of relevant policies including HA9.

The effects of the proposal on biodiversity

Background

43. LP Policy EE2 seeks to enhance biodiversity through the conservation, restoration, enhancement and creation of ecological networks. Adverse impacts must be mitigated. Similarly, Policy EE3 requires that important habitats are protected, maintained and enhanced. Surveys and mitigation

will be sought. Policy EE8 seeks to enhance the ecological value of the Greensand Ridge. However, these must be considered together with Policy HA9 and the allocation of a minimum of 90 houses, which both parties accepted would inevitably lead to some adverse biodiversity impact.

44. The appeal site consists of three fields, forming an acid grassland habitat which supports common lizards. The appeal site is bordered on three sides by modern housing but the fourth side borders paddocks which are intensely used by horses.
45. The UK Biodiversity Action Plan (BAP) identifies 65 Priority Habitats on terrestrial, freshwater and marine environments. Lowland heathland and its acid grassland is one such habitat. This often has an abundance of grasses and whilst historically this habitat was widespread, it is now very limited.
46. The site is also part of the Greensand Ridge ecological area. LP Policy EE8 highlights it as a nature improvement area, by measures including restoring habitat and creating wildlife networks.
47. The site has not been designated as a 'County Wildlife Site'. It was disputed at the Inquiry whether it potentially could be, but it was evident that it has not been put forward for such consideration despite the Council's ecologist being in receipt of survey information.
48. Walkover ecological surveys of the appeal site were conducted in 2018 and 2020. The three fields were found to be of varying significance as acid grassland, the most notable area being towards the middle and east side of the site. The results were forwarded to and accepted by the Council's ecologist at the time.
49. At the Inquiry it was disputed by the appellant whether this was significant enough to constitute priority habitat. However, acid grassland is potentially a priority habitat. Moreover, the quality in parts of the site was also acknowledged by both ecologists as a good representation of this type of habitat. Its scarcity also adds to its significance. In addition, the Inspector for the Market Reach appeal acknowledged that that site was priority habitat as acid grassland. I find that there are very similar characteristics to this site, in terms of its proximity, soil conditions, topography, extent and vegetation. Consequently, I conclude that the appeal site is priority habitat.

The acid grassland

50. The housing and roads would lead to the removal of a significant part of the acid grassland. This would reduce the habitat for lizards.
51. The proposal provides open space stretching across the southern boundary. The proposal considered at the application stage and this appeal is for 0.41 ha of grassland to be translocated. Whilst the Council suggest this is too small, it would nonetheless encompass the best acid grassland and the June 2020 survey⁵ confirms that the remaining grassland is poorer in terms of species type and mix.

⁵ CSA environmental: Ecological Impact Assessment

52. The grassland would be translocated into the open space in accordance with a detailed method statement to optimise its success as various parameters such as time of year, watering and laying out process need careful consideration. The parties agreed that a method statement is capable of being the subject of a condition.
53. The Council expressed concern about its likelihood of success. However, the translocation would only involve a very short distance so that it could be done quickly and efficiently without degradation. It would also have a very similar microclimate and soil conditions. Such translocation was also found acceptable by the Inspector for the Market Reach development.
54. The acid grassland has to be maintained in a very specific way to ensure it retains its particular ecological character. Limited grazing is beneficial to maintain the range of grassland species, but overgrazing is damaging. Similarly, broom, gorse and brambles can easily encroach without adequate management and these effectively takeover the grassland, subsuming it. Trees will also cause shadowing impairing growth, and the fallen leaves can affect the nutrient balance, which is critical to the grassland. Fertilisers also impair the grassland as such overly rich nutrients lead to disproportionate growth of some species.
55. If the fields were left in their current use, there is uncertainty whether the acid grassland would be maintained in its optimum conditions as this habitat needs maintenance. Such scrub would potentially takeover the grassland. As I observed on my site visit the fields had had substantial invasion of scrub which was cleared last year. Similarly grazing could be intensified without permission which would be likely to jeopardise the sensitive grassland. Indeed, the adjacent land is used intensively by horses, which indicates potential for such an activity. In addition, herbicides and fertilisers could also be used without permission.
56. Conversely this new translocated habitat could be managed specifically and in a dedicated way to ensure its optimum maintenance. The Council would have involvement in approving both the translocation methodology and the future maintenance of it, thereby helping it's likely success. Potentially the reptiles currently on the appeal site too could be relocated onto the open space.
57. It was discussed at the Inquiry whether the best area of grassland could be left where it is. However, this would result in it being surrounded by residential development as it has not been proved the site could realistically accommodate 90 houses in any other way. This area then would not be connected to the wider countryside to the south and would be under pressure on all sides.
58. The Council expressed concern about the effect of people walking across this open area and the possibility of fly tipping. However, much would depend upon the management of the open space and influencing the behaviour of users. The approved management regime could provide information and advice which would help the appreciation of the users and enhance their responsibility. The open space would also be publicly visible which would help it's perceived supervision. Visitors could be encouraged to keep to paths thereby avoiding damage.

59. The Council felt that this open space was too small. However, the appeal site is allocated for development of a minimum of 90 houses and the potential open space available for ecology would be limited. The proposal would retain an area of grassland purposely managed in its optimum condition rather than the present which could be neglected or undermined by grazing or lack of management. The BAP notes that this type of habitat is prone to degradation by being subsumed from more dominant vegetation (ecological succession).
60. Policy HA9 does require the provision of satisfactory buffer landscaping to the south (along the open space) to minimise the impact of development on open countryside. At the Inquiry, the potential for widespread planting across this open space was considered which would help the appearance of the new houses. However, the ecologists of both main parties agreed that widespread tree planting would impair the nature of the acid grassland. There is therefore conflict between these aims.
61. The concept landscaping plan shows some purposeful landscaping across this boundary. A natural scattering of trees would offer some softening of the development without significantly impairing the acid grassland. In addition, a proposed hedge is shown on the north side of the grassland which would not cause shadowing and would not impact on nutrient levels significantly being only a hedge. This would provide the basis for a solution and a condition on the submission and approval of planting could consider the specific detail.
62. I also note the Council's concern that the long, narrow shape of the open space would be more prone to the pressures of human influence on the ecology. However, that shape is necessary to create a visual buffer commensurate with the site boundary to the surrounding countryside as required by Policy HA9.
63. I therefore conclude that the proposal would provide acid grassland proportionate with the allocation and the measures to maintain it in the future: as the site is allocated for a minimum of 90 dwellings, a degree of impact has already been accepted as such and the proposal makes reasonable provision. The allocated development means the retention of the grassland in situ would not be achievable as I found earlier, and the translocation would be expected to be successful if undertaken with the optimum methodology. Its management thereafter in a dedicated open space to specific measures would offer the best prospects for the habitat.

Other species and habitat

64. The site surveys mention the use of the appeal site by badgers. This was discussed at the Inquiry and the ecologists of the main parties acknowledged a likelihood of foraging, but Mr. Day on behalf of the Town Council suggested a presence on the site. Whilst I did see a blocked hole on my site visit, I was not presented with any conclusive evidence of a badger sett on the appeal site itself and any disturbance would require a license from Natural England. In any event some foraging potential would be maintained by the open space, SUDs area, and allotments.
65. The surveys also show use of the appeal site by bats. At the Inquiry it was confirmed by both parties that this is likely to be limited to foraging.

Replacement foraging would be provided along the open space and the allotments as well as the replacement trees. The existing trees are young and do not have cavities which would support a roost.

66. The concept landscaping plan also shows new hedges which would provide both habitat and connective routes by the countryside fringe of the appeal site. The proposal would involve the loss of 70 trees on the site. However, the ecologists of both parties confirmed that these trees do not have notable ecological value. Whilst a detailed planting scheme would need to be the subject of a condition, 123 new trees are envisaged in the proposal. These can be selected for their ecological and aesthetic value and being managed in a purposeful way would offer a benefit albeit in the longer term once they are established.
67. The proposal also includes 15 bat roosting features, 15 swift bricks and 20 bee bricks; these would provide habitat by or within the open space and contribute towards the mitigation for the development. Similarly, the allotments and SUDS area would connect with the wider open countryside to the south and were accepted by both the main parties as offering habitat and foraging for a wide range of species. In particular the SUDS area would also provide diverse habitat being occasionally wet.
68. Whilst the proposed development of 95 new houses and the accompanying roads would involve the loss of biodiversity, the proposal provides some mitigation on site so that the resulting harm would be limited.

Biodiversity off site contribution

69. Policy EE2 of the LP seeks a net gain to biodiversity. Similarly, Policy EE3 requires that important habitats are protected, maintained and enhanced. Policy EV-6 of the NP requires development to incorporate green space and provide ongoing wildlife management. EN-1 requires net-positive biodiversity. These are consistent with paragraph 174 of the Framework which requires decisions to minimise impacts on and provide net gains for biodiversity. The Natural Environment and Rural Communities Act 2006 similarly has a duty to conserve biodiversity.
70. However, these planning policies and legislation only require an improvement to the existing biodiversity, which could be as little as 1%. The appellant suggests they have strived for a 10% improvement.
71. The DEFRA metric has been used to quantify the effect of the proposal. Both main parties confirmed that it is widely used and respected.
72. The metric is a tool to assist judgement and it is not an absolute calculation particularly as inputs and variables will affect the result. Consequently, it requires interpretive judgement.
73. Indeed, one of the variables is whether the translocation is considered as replacement habitat or new habitat. There was considerable difference between the parties in this respect because it requires a judgement on the value of the existing grassland, which is variable in its condition. Nonetheless, both ecologists broadly agreed that the proposal would lead to around 40% loss of biodiversity value. I find that the metric has been correctly applied.

74. The habitat enhancements in the aforementioned section would be significant towards making up for impacts of the proposed development. However, to create an overall biodiversity gain, habitat enhancement works (biodiversity off-setting) would be needed elsewhere.
75. The appellant approached The Environment Bank last year and more recently in March, to fund biodiversity units outside of the appeal site. It was confirmed at the Inquiry that they are supportive.
76. The unilateral undertaking covenants in Part 6 of the First Schedule that the off-setting scheme is within the Greensand Ridge Nature Improvement Area, thus provision would be close to this appeal site and the impact of development. These details would be subject to agreement of the Council to ensure they would be appropriate.
77. In addition, the undertaking at Part 6 of the First Schedule has a clause whereby if the site is considered as priority habitat, as I found earlier, then an additional bespoke measure will be provided. This measure would also be subject to Council approval and would be likely to be in the Mid Bedfordshire area.
78. The appeal decision⁶ in Milton Keynes accepted a substantial offsetting measure for an extensive development on agricultural land. This is fairly recent in 2020 and is a relevant corroboration to the situation here.
79. Whilst the Council suggests that offsetting is a last resort, it must be borne in mind that the site is allocated for residential development, and to meet this quantum of houses leaves little space for sufficient ecological works to create an enhancement. Consequently, I conclude that some offsetting would be necessary and would be an acceptable solution in this case.

Biodiversity: overall conclusion

80. The proposal would provide proportionate mitigation on the appeal site itself, bearing in mind that a minimum of 90 dwellings are allocated, which would take up considerable space and the remaining area would be limited.
81. As the existing site is a priority habitat the unilateral undertaking under clause 6 must require that the biodiversity offsetting scheme shall include an appropriate compensation measure in addition to the biodiversity net gain contribution to be agreed and approved by the Council.
82. I therefore conclude that the overall proposal would result in a gain to biodiversity.
83. Policy EE8 seeks to enhance the ecological value of the Greensand Ridge, which the proposal does.
84. As the proposal is a net gain, it would not be in conflict with Policies EE2 and EE3 of the LP, and Policies EV-6 and EN-1 of the NP and paragraph 174 of the Framework and the Natural Environment and Rural Communities Act 2006.
85. Paragraph 179 of the Framework seeks to protect and enhance biodiversity. It also seeks to promote the conservation, restoration and enhancement of

⁶ APP/Y0435/W/20/3251121

priority habitats. Similarly, paragraph 180 of the Framework states if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort compensated for, then planning permission should be refused. The proposal would not be in conflict as it avoids significant harm. The site is allocated for development and therefore alternative sites have been discounted. The proposal also makes partial mitigation on site and compensates the remaining impact off site and so would not conflict.

86. Paragraph 180 of the Framework also promotes biodiversity improvements in and around developments to be integrated into the overall design. The proposal makes provision for open space and allotments along the southern edge of the site, incorporated into the scheme and so would not conflict. I therefore conclude that the scheme would be acceptable in the light of relevant policies including HA9.

The effects of traffic on existing occupiers in surrounding roads

87. The proposed development would join the existing residential areas at The Ridgeway and The Paddocks which is also linked to Sutton Mill Road. Traffic from the 95 additional houses would pass through the existing residential areas.
88. The Council confirmed that their concern was not on highway safety grounds, and they accepted the results from the Transport Assessment. Their concerns relate to nuisance to drivers passing along already congested roads, the nuisance to the parking provision and additional disturbance to residents.
89. At the Inquiry it was confirmed that pollution and air quality were not of concern and evidence was not produced on these grounds.
90. The Statement of Common Ground states that both parties agree that the noise would not be a concern. During the Inquiry Mr. Hughes on behalf of the Council, confirmed that this second reason for refusal should be considered as supporting the first reason rather than warranting refusal in its own right.
91. Both parties at the Inquiry confirmed that traffic speeds would be low due to the nature of the roads. Logically, the noise emanating from traffic would be reasonably expected to be low, commensurate with such speeds.
92. The Transport Assessment accepted by both parties foresees that traffic generation would be typically 26 between 8:00-9:00 as the morning peak and 27 between 17:00-18:00 as the afternoon peak on The Ridgeway and less on Sutton Mill Road. The increase in vehicles would be low, typically amounting to a vehicle every three to four minutes, which would be insignificant in terms of disturbance.
93. Moreover, both parties also agreed that the noise from a vehicle would only be audible at any particular house for the very short duration of that vehicle passing: this disturbance from a passing car would only amount to several seconds duration. As a result, disturbance would be minimal.

94. Mr. Hughes on behalf of the Council also advanced the issue of the nuisance for drivers having to wait at passing points along the existing road. However, such nuisance would only be momentary whilst another vehicle passed. Whilst a delay of even a few seconds may be frustrating, it would nonetheless not manifest itself materially in any other way and in planning terms would be of very limited significance.
95. Whilst there is concern that the development would lead to parking pressures through the displacement of spaces by the access and increased demand, the proposal would provide sufficient net spaces. Visitor spaces and specific parking for occupants has been identified. The existing parking situation has been the subject of representational surveys and the projected need of the new residents is based on established requirements.
96. The County Highways Officer had no objection on the adequacy of the parking provision. However, this is dependent upon a condition for works to of Sutton Mill Road, one of the connecting roads. Currently there is no parking restriction here and cars are often parked on one side of this road as the adjacent houses have no off-road parking. This leaves a through route of only one vehicle width, so that passing vehicles may have to wait, reverse or manoeuvre so that an oncoming vehicle or cyclist can pass.
97. The appellant disputes the necessity for these road works as there are no recorded traffic accidents and peak flow would be an additional vehicle every few minutes.
98. However, currently vehicles have to reverse to make room and passing spaces are distant. Visibility is also impaired by the parked cars and there are junctions at both ends of this road. Manoeuvring in the vicinity of these junctions is hazardous due to the range of other users' movements occurring. The pedestrian pavements are narrow which has the potential to lead to some stepping out onto the road and equally pedestrians may cross the road in the vicinity of the parked cars. Similarly, the road is likely to be used by cyclists taking advantage of the flat topography and the bridleway connection. In addition, the route is close to the local schools, and would be likely to be used as a connection.
99. The existing situation as above is hazardous. This would be compounded by traffic from the proposed houses off The Paddocks. Whilst it may well only lead to a moderate increase in traffic, any more vehicles reversing would be hazardous given the nature of the roads. Whilst there are no currently recorded accidents, nonetheless that potential exists.
100. A scheme showing 7 new car parking spaces⁷ on the eastern side has been produced by the appellant, which is advocated as a compromise and allowing the retention of the western cultivated verge. However, these parking spaces would only be 1.5m wide, substantially less than the width of 2.4m, a commonly used yardstick. Moreover even 2.4 m wide spaces can be challenging for the size of some modern vehicles and additionally, vehicles may not always be parked precisely and aligned within a space. Consequently, there would be a likelihood that parked vehicles would protrude into the carriageway, reducing its operating width to a single vehicle. This would therefore not remedy the existing situation and would

⁷ Drawing 13129-POTT-5-202 March 2021

be unsafe for the additional traffic. Consequently, I find that there is a need to provide full width parking on this road.

101. There was a suggestion at the Inquiry that the development would be better if accessed through Market Reach. An indicative master plan for Market Reach at its outline stage was submitted to the Inquiry, which shows two potential points for such an access.
102. However, there is no condition on the Market Reach development to require such a through access. Indeed, there is boundary planting across this route which would be prejudiced by the width of the likely access road and its pavements. It would also have to cut through the appeal site's southern boundary and open space, which would conflict with the purpose of the open space as reflected in Policy HA9. An access off Biggleswade Road would have a similar effect on the open space and in any event would also require demolition to gain the space for an access. No party mentioned the potential use of Sutton Mill Road as an access, and I would not consider it safe. I find that there is no evidence of any realistic prospect of an alternative access.
103. Therefore, I conclude that in planning terms the proposal would not harm the residential amenity of the neighbouring residents. Indeed, as this is an allocated site, some disturbance has been accepted already as the access would have to go through one of the surrounding residential areas.
104. LP Policy HQ1 seeks to avoid an unacceptable impact in terms of privacy, noise or air quality. Paragraph 92 of the Framework supports health and wellbeing. As I have found no harm in material planning terms the proposal would not be in conflict with these policies.

Green Infrastructure (GI)

GI: on the appeal site

105. Policy EE1 of the LP seeks a net gain in green infrastructure. NP Policy HQ1 promotes pedestrian activity and NP Policy HQ10 seeks to safeguard verge and landscape strips which contribute to the visual amenity and/or ecological networks unless environmental or economic benefits outweigh this need. Policy EN-1 of the NP requires a promotion of biodiversity. Paragraph 98 of the Framework promotes access to open space and paragraph 92 promotes provision of accessible green infrastructure.
106. The glossary of the Framework has a definition of GI and its purpose. This refers to the environmental, economic, health and well being benefits for nature, climate, local and wider communities and prosperity. It utilises a network of green and blue spaces and other natural features, urban and rural.
107. The site currently provides a setting for the adjacent residents and an outlook for the Sutton Mill Road/bridleway as well as the more distant footpath and bridleway to the south. However, there is currently no public access to the site. However, these aspects only offer limited green infrastructure value.
108. The proposal provides an open space where the public would be able to walk. There is also a potential public right of way through the development

to Sutton Mill Road. Whilst the landscape concept plan shows a hedge along the entirety of this boundary, it was confirmed at the Inquiry that a gap would be left for such connectivity.

109. In addition, 0.5 hectares of allotments would be provided which would provide the benefits of informal recreation, social interaction and cultivation.

110. Thus, in terms of providing public access to green space, the proposal would be a notable improvement.

111. There are a large number of young trees on the site which particularly during summer contribute to the setting of Potton. The majority of these would be lost in the proposal but would be compensated by more and purposely selected species. This would result in a gain albeit in the longer term once the trees get to semi-maturity.

112. The site's ecological value has been described above. Whilst it provides acid grassland habitat the future retention of this sensitive habitat is dependent upon very specific management and currently cannot be guaranteed. The proposal makes dedicated provision for acid grassland.

113. As I have found above the measures would result in a biodiversity improvement. The open space and allotments would link to the countryside to the south. I find that the proposal would increase the green infrastructure value of the appeal site.

GI off site: loss of highway verge

114. The second reason for refusal refers to the loss of 'community garden space', which is the verge of Sutton Mill Road, which would be needed in provision of works to alleviate the parking situation as considered above.

115. These works would result in the loss of a verge which has been cultivated by the community, which would reduce green infrastructure. The verge is cultivated with herbs and a range of flowering plants and is a credible testament to the community spirit of Potton. At the Inquiry it was evident that this cultivated space is cherished by the community and is an endearing feature.

116. However, the loss of this cultivated space needs to be considered against the safety and need for parking. With such a balance, the safety of motorists, cyclists and pedestrians and ability of residents to park safely and conveniently, must be the overriding factors.

117. Moreover, the cultivated space is not enhanced by its setting against the road and car parking. It is also only a narrow space, which restricts the scope of planting. These environs do not provide the ideal location that reflects the commitment in the work required in planting and maintenance. The appeal proposal provides allotments and open space, and an alternative area could be found for this community initiative.

118. The planted verge of Sutton Mill Road does contribute to the character of the area providing a pleasant outlook for residents. However, as I have found earlier this would not outweigh matters of highway safety and conducive parking.

GI: overall effect of the proposal

119. Taken as an overall whole, I find that the proposal would improve green infrastructure by providing managed open space, improved public accessibility, allotments and landscaping.
120. Policy EE1 of the LP and Policies HQ1 and HQ10 of the NP seek to promote Green Infrastructure, similarly, paragraphs 98 and 92 of the Framework. The proposal would not be in conflict with the above policies. I therefore conclude that the scheme would be acceptable in the light of relevant policies including HA9

Adaptable and accessible housing

121. Policy H2 of the recently adopted local plan requires that all new build dwellings deliver at least 5% as wheelchair adaptable homes commensurate with requirement M4 (3) of the Building Regulations. Policy H2 also requires at least 35% of all new build to be adaptable commensurate with MA (2) of the Building Regulations. Similarly, Policy HO-4 of the NP promotes the need for lifetime homes, the needs of the elderly and those with mobility challenges and again the conflict would also be very limited.
122. The lower-case text to the H2 policy explains the number of people with such challenges and the projected increase. It adds that adaption to stay in the individual's home can be difficult or expensive.
123. The planning application was submitted in full with detailed plans of each house. However shortly before the Inquiry, the appellant submitted revised internal floor plans to show wider door openings and circulation areas allowing the use of wheelchairs within the dwelling for visitors and residents. These revisions show that 3 bungalows can be adapted to meet such needs, but the 5% policy requirement is for 5 accessible dwellings.
124. The inability to provide a further 2 dwellings as wheelchair accessible housing would not provide the extent of the opportunity to help those with challenging mobility. The shortfall would be 2 dwellings.
125. Policy H2 also requires at least 35% of all new build dwellings to be adaptable commensurate with MA (2) of the Building Regulations.
126. The appellant submitted revised internal floor plans which shows that four house types can be amended to meet the requirement for adaptable homes in policy H2.
127. I therefore conclude that the proposal would be contrary to Policy H2 on wheelchair accessible housing, as only 3 units would be provided instead of 5. Similarly, there would be conflict with Policy HO-4 of the NP. In terms of adaptable housing, provision can be made in accordance with policy H2. Paragraph 62 of the Framework supports the provision of housing for those in particular need and the proposal would similarly conflict.

Self-build housing

128. Policy H6 of the newly adopted local plan requires a large development to provide a minimum of 10% self- build and custom housing.
129. The unilateral undertaking provides the potential quantum of such units and the mechanism for their delivery.
130. However, as the application was submitted in full the plans for those dwellings are already finalised in detail. This would limit the potential for a self-builder to devise and build out their own design.
131. The appellant pointed to the definition of self-build in the glossary of the Framework which makes no such requirement for the self-builder to oversee the design. This was countered by the Council who advanced the definition in the PPG, which reflects the intention of the self-builder to realise their own design. Logically an already approved design would constrain the freedom of a self-builder for a customised design.
132. I therefore conclude that the proposal would conflict with Policy H6.

Other matters

133. The nearby engine shed is a grade II listed building. It is surrounded on several sides by existing residential development and its associated train tracks have been removed. The proposal would place allotments close to it, and such a setting would not be harmful as it would maintain the sense of openness and not compete with the structure. The proposed houses would be further distanced too. The proposal would therefore not harm the setting of this heritage asset.
134. Mr. Day on behalf of the Town Council highlighted a drainage problem on Sutton Mill Road for which a SUDS scheme has been devised. There was a request for contributions towards this problem however the appeal proposal would attenuate surface water run off on the site itself and accordingly a request for contributions towards this problem would not be reasonably justifiable.
135. Richard Fuller MP, Town Council, CPRE's and other submissions argue that Potton has had considerable development, and more is not warranted. However, the site is allocated for development, and this amount of housing has been formally established as appropriate for the size of the town, its facilities and environs. Both parties accept that the site is in an accessible location and the planning system is plan led.
136. Some of the local residents express concerns about the access and disruption during construction works. However, a condition could require appropriate measures to matters including access, dust, dirt, traffic and disturbance, to be submitted and agreed by the Council which would minimise nuisance. Concerns are also made about the pressures on community infrastructure; however, the proposal makes provisions in the planning obligation which is considered latterly.
137. I have been presented with numerous appeal cases from both parties. I have made reference in this decision to the most relevant and have considered the others, but they do not lead me to a particular decision.

The benefits of the proposal: affordable housing

138. The proposal would provide 29 affordable houses, which would equate to 30% of the 97 proposed. Two houses which would have to be demolished to create the access into the development are affordable houses under the control of a housing association. The unilateral undertaking provides the delivery mechanism for 21 dwellings for rent and 8 for shared ownership. The Statement of Common Ground confirms that both sides accept that provision would meet the requirements of LP Policy H4.
139. Both parties agreed on the benefit and need for affordable housing; the dispute between the parties was how much weight they suggest it should be given. The appellant highlights several parameters which they suggest show an overtly pressing need for affordable housing. These include the number of people on the housing waiting list seeking housing in Potton. However, at the Inquiry it transpired that the relevant forms from which the statistics were taken ask a preference for a particular location rather than that location being a necessity. Consequently, this can only be taken as an indication of an aspiring location rather than a precise need in Potton. Indeed, when questioned at the Inquiry whether the houses would be for a general rather than local need, the parties were not clear: the unilateral undertaking requires the nominations process to be agreed in the future.
140. Another indication of suggested need was the number of people on the housing waiting list and the rising cost of houses. The Council countered these parameters by referring to the figure of 405/year in the current local plan which was accepted by that Inspector. As this is recent and has been considered as part of a formal planning process, I am more inclined towards this figure rather than interpreting broader indications.
141. The DLUHC tables indicate that in some of the recent years the Council has met the 405 target, albeit reasonably leaving aside the pandemic era. The appellant points to a previous backlog which needs to be addressed. Nonetheless the delivery rates are very significant and place the Council towards the top of delivery compared with other Councils nationally.
142. It was suggested by the Council that as the site is allocated for development and 30% provision would be expected as a matter of course, then the proposed 29 affordable houses should only be given moderate weight.
143. However, the appellant points to an appeal decision⁸ in South Gloucestershire whereby that Inspector gave policy compliant affordable housing 'substantial' weight. Additionally, the appellant highlights a Secretary of State decision⁹ in Nantwich whereby even where a five-year supply of housing land was present, the affordable housing was given 'substantial' weight. This is countered by numerous decisions¹⁰ presented by the Council in their borough whereby lesser weight was given to its provision. Overall, these decisions are conflicting and do not therefore provide a conclusive gauge to the weight that should be accorded.

⁸ APP/P0119/W/17/3191477

⁹ APP/R0660/A/13/2197532 and APP/R0660/A/13/2197529

¹⁰ APP/02040/W/16/3152707, APP/P02040/W/18/3218992, APP/P0240/W/19/3236423, APP/P0240/W/18/3204513, APP/P0240/W/18/3219213, APP/P0240/W/16/3164961, APP/P0240/W/18/3206485

144. There was also a suggestion at the Inquiry that the appellant might provide more affordable housing here in addition to the 29 dwellings proposed. However, that was not part of the formal proposal and as such I have not given that eventuality any consideration.
145. Undoubtedly the proposed affordable houses would contribute towards an ever-pressing need with the rising cost of living. In addition, they would be well located, within an area with facilities and set within an established community.
146. Collectively considering the above, the affordable housing provision would be a moderate benefit. The proposal meets the requirements of the Policy H4 and similarly Policy HO-2 of the NP which also promotes local needs affordable housing.

The benefits of the proposal: additional housing in general

147. The Council suggests that it has a 5.6 years housing land supply using its latest figures. However, the appellant argued that there was only a 3.9 years supply.
148. It is evident that the Council is significantly dependent upon large development sites for its housing delivery. Inevitably these are prone to the vagaries of the market, development constraints and problems, which may be unforeseen. Whilst the Council's liaisons with the house builders suggest a prospect of unimpeded delivery, these large sites can have the potential for slower than hoped building rates and it would only take a few sites to slow to become a significant reduction in delivery. I also note the appeal decision¹¹ in Great Torrington which found a need for clear evidence of deliverability, which I did not find clearly shown at the Inquiry on every site.
149. In their letter¹² dated 14 March 2022, Natural England highlighted the recreation pressures on the Chilterns Beechwoods Special Area of Conservation, with the effect that new housing within that catchment area will have to provide some form of mitigation. Currently there is no mitigation strategy even drafted, and this would have to be the subject of consultation and then adoption. Inevitably this will discourage some sites coming forward and delay others. Consequently, I find that the suggested 5.6 years housing land supply figure to be optimistic.
150. At the Inquiry it was confirmed that the appeal site is not included in the housing land supply delivery figures. This proposal would provide 95 additional houses, which would be a very welcome boost to the housing land supply situation particularly in the light of the above. Indeed, the houses would also be likely to be deliverable within 5 years given that this is a full application, and the scale is not overly large and the site is not particularly constrained.
151. The construction of the 95 additional houses would also provide a short-term economic boost to the area. Moreover, the occupants of the houses would also be well placed to use and support the local shops and facilities

¹¹ APP/W1145/W/19/3238460

¹² Titled: Developments to the emerging evidence relating to the recreational impacts upon Chilterns Beechwoods Special Area of Conservation (SAC) and the need for a Mitigation Strategy

as very evidently illustrated on page 5 of the Design and Access Statement. The support for these local facilities is particularly important here as the town centre has a good range of local shops which contributes greatly to its character and identity. Indeed, Policy CI-2 of the NP seeks to maximise connectivity to the town centre to help vitality and viability.

152. The 95 new houses would also be a social benefit, by providing new homes. Overall, I consider that the additional houses would be a moderate benefit.

Planning obligation

153. The unilateral undertaking (UU) was discussed at a round table in the Inquiry at which both main parties were in agreement. The finalised document was subsequently signed after the event on 19th May 2022.
154. The UU provides £82,439.91 for early years 'enlargement/enhancement' at Potton Lower School, £384,719.58 for Potton Lower School and Potton Middle School (primary education) and £505,674.19 at Sandy Secondary School. These are based on the projected number of school aged children arising from the 95 houses and would be used to meet their needs in the locality.
155. £20,370 would be provided for Potton library towards 'refurbishment works, new equipment and book stock'. This again is based on the needs of the projected number of new users and this library is close to the development. Similarly, £87,012 is provided for Saxon Pool Leisure Centre 'changing room refurbishment' which is a close facility and likely to attract new demand from the development. £43,906 would be provided for improvements to facilities at the football and cricket club [or bowls club], which would meet the increased pressures on formal sports. Similarly, a £106,273 community halls contribution is identified for local halls as the new residents would need such informal recreation/social facilities. £102,771.50 is provided for healthcare, principally to Potton doctors surgeries. This would again meet the additional need for the new residents by expanding the local facilities. A £19,500.00 sustainable transport contribution is also payable for bus infrastructure which would promote the service and support low carbon local transport.
156. The UU provides for the transfer of the open space and play area as well as management with an agreed scheme. Litter bins and play equipment would also be provided. The proposal would therefore provide adequate open space in accordance with Policy HA9.
157. The above are based around mitigating the needs and impact of the intended occupants of 95 additional houses which would avoid placing undue pressure on the existing community facilities. The requirements were based on calculating the resulting new residents and the likely need for the particular facilities. LP Policy HQ2 requires developer contributions to mitigate the impact of proposals. The policy advocates the use of planning obligations as there is no Community Infrastructure Levy in place. Similarly, Policy HQ3 requires provision of social and community infrastructure and Policy HQ4 has a similar requirement of indoor sport and leisure facilities.

158. The CIL Compliance Statement submitted at the Inquiry sets out how each obligation would meet the tests in the CIL Regulations and the Framework. I am satisfied that each obligation contained in the agreement would meet the tests in that they are all necessary to make the development acceptable, directly related and fairly and reasonably related in kind and scale.
159. The UU sets out the measures for biodiversity improvements, which as I found earlier are necessary to mitigate the impact of development. In the event that I found that the existing site was a priority habitat the additional mitigation measures would be warranted. As I also found earlier the existing site is a priority habitat and an additional measure is warranted. Therefore, under First Schedule Part 6 of the UU the biodiversity offsetting scheme would need to include the appropriate compensation measure in addition to the biodiversity net gain contribution to be agreed and approved by the Council.
160. Therefore, I am satisfied that the additional measure provided by First Schedule Part 6 of the Unilateral Undertaking, dated 19 May 2022 is necessary to make the development acceptable.

Planning balance

161. The site has been allocated for residential development in the previous and current local plans. The site is in an accessible location, whereby the occupants would have ready access to facilities and services without dependency on use of private vehicles.
162. The long-standing Policy HA9 identifies the site for a minimum of 90 houses and this proposal being 97 houses would not unduly exceed it. The development is therefore compliant in terms of its scale, whilst in terms of its extent, it is within the allocated area.
163. There was only one criterion of Policy HA9 which was in dispute: the provision of satisfactory buffer landscaping to the south to minimise the impact of development on the open countryside. The proposal would provide a landscaped open space alongside the surrounding countryside, which I have found earlier complies with the above requirement. In this regard Policy EE5 which requires respect for local character, and Policy EE8 which protects the character of the Greensand Ridge, must be read alongside HA9.
164. The detailed proposal provides ecological mitigation as far as reasonably possible on site and additional biodiversity measures off site. Accepting that some harm will come from any development, the proposal minimises that harm on site and provides an overall gain taking into account off-site measures. Therefore, the proposal meets the requirements of the biodiversity Policies EE2, EE3, EE4, EE8. The provision of open space, allotments and footpaths would overall improve Green Infrastructure and meet the requirements of Policy EE1.
165. In planning terms, I found that no material harm would result in the living conditions of nearby residents. The proposal would not conflict with Policy HQ1.

166. The most pertinent policy is HA9, since that is the one which specifically allocates the site for development and provides detailed criteria for the consideration of the particular scheme; meeting those requirements is very significant in consideration of the overall Plan.
167. I have found earlier that the proposal would conflict with Policy H2 of the Local Plan in that it falls short of the provision of wheelchair housing and Policy HO-4 of the NP. However, this shortfall would only be 2 dwellings to which I subscribe very limited weight. There is conflict with Policy H6 on self-build and custom housing. However, when the Development Plan Policies are taken as an overall whole, I find that the proposal would be in accordance.
168. The five-year housing land supply position was questioned at the Inquiry, and I find that the suggested 5.6 years housing land supply figure to be optimistic. In any event the land supply situation would not lead me to a different conclusion as the proposal is in compliance with the Development Plan. Irrespective of the land supply position, the 95 net houses would be an additional benefit to which I give moderate weight. The provision of the affordable housing would also warrant moderate weight: both these considerations support the merits of the development.
169. Policy HA9 allocates the site for development and some adverse impact must be expected with such an allocation. The proposal is a detailed scheme, addressing the policy requirements and minimises such impact.
170. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. This is re-iterated in paragraph 2 of the Framework. Paragraph 11 (c) of the Framework states that decision taking means approving development proposals that accord with an up-to-date development without delay. The proposal accords with the development plan and material considerations do not indicate otherwise. I therefore find the proposal acceptable.

Conditions

171. Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. There was considerable agreement between the parties on conditions albeit with a couple of exceptions.
172. The suggested condition 7 requires the submission of a scheme for parking restrictions on The Ridgeway. This road is changing from a cul-de-sac to a through road and as such some parking restrictions would be necessary in the interests of safety as the nature of the road would change.
173. The appellant disputes the need for off-site highway works on Sutton Mill Road and has submitted a Transport Assessment which indicates that the additional traffic generation from the appeal proposal would not be substantial. However, as I found earlier there is potential for backing up around the junctions due to parked vehicles preventing the two directional use of the road. The resulting movements would be hazardous to motorists as well as cyclists and pedestrians crossing the road. Whilst the loss of the cultivated verge is regrettable, as I have found earlier, the works are

necessary for highway safety. The suggested condition 8 would require off-site works and changes to the highway which are necessary to the development being acceptable.

174. Whilst these works in conditions 7 and 8 are within the public highway they would be expected to be deliverable and are worded as pre-commencement to ensure measures are confirmed as achievable and programmed. In addition, conditions on new junctions and visibility are also all necessary in the interest of highway safety.
175. The timing and approved plans conditions provide clarity and certainty. The approved plans conditions include the amended internal layouts for wheelchair and accessible houses which were submitted at the opening of the Inquiry. This is agreed by both the main parties¹³ as clearer than a separate condition requiring provision irrespective of the approved plans. This reflects the advice in the PPG, and I impose the condition accordingly.
176. A condition on compliance of materials is necessary for the appearance of the scheme, albeit with the words 'unless otherwise agreed' removed. The approval of boundary treatments is also necessary as this will influence the appearance and will need to sympathise with the open space and countryside setting. For similar reasons the approval of the landscaping details is necessary as only a concept was produced for the Inquiry. An implementation clause is also necessary. The submission of existing and proposed levels is required to ensure that the new houses respect the surroundings, particularly as the site is sloping and this could affect the prominence of the houses in the landscape.
177. Conditions on the management/translocation of the grassland are essential to ensure that its establishment and maintenance are undertaken in the optimum ways to re-create this priority habitat. Other habitat enhancement is necessary to promote the biodiversity on site and the merits of the open space buffer as required by Policy HA9. A condition on external lighting is necessary to protect the biodiversity of the area, particularly in terms of bats which would be likely to use the open space. Additionally, this would avoid light pollution into the countryside, to maintain a 'dark landscape' as promoted in paragraph 185 of the Framework. This condition has been re-worded in the interests of clarity and simplicity. Protective fencing is necessary around the retained trees and hedges to ensure their retention during construction in the interest of ecology and the final appearance as well as promoting green infrastructure.
178. The PPG advises that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The suggested condition would prevent garages being used for any other purpose. The Town Council have raised concern about parking pressures which I observed on the several occasions I visited the site. In these very particular circumstances, I consider that the condition is both reasonable and necessary as sufficient parking needs to be retained as a reduction would lead to indiscriminate parking jeopardising highway safety. The surfacing and retention of parking spaces is similarly necessary. A condition is also required on construction traffic to

¹³ E-mail 6 May 2022

ensure the safety of the adjacent residential areas otherwise there would be a potential conflict with pedestrians and construction vehicles.

179. Cycle parking is necessary to promote non-vehicular transport and, given the easy topography and nearby facilities, would have considerable potential. Similarly, the requirement for pedestrian connections is necessary to promote walking in the interests of health, social mixing, avoidance of use of vehicles and use of local services/facilities. The condition on electric charging points is necessary to support low carbon transport by ensuring that residents and their visitors can make use of charging, particularly considering these facilities are scarce and the potential range being limited. The conditions on the water and energy efficiency of the dwellings are also necessary in the interests of the wider environment and the efficient use of scarce resources.
180. Condition 25 as suggested would have required the upgrading of a footpath adjacent to the site. However, it is not clear what would be the extent of such works, which could be construed to be beyond the appeal site. The condition is therefore changed to require submission a scheme to provide footpaths through the site and their junctions with the adjacent network. This would promote walking in the interests of health, social mixing, avoidance of use by vehicles and use of local services/facilities.
181. The condition requiring implementation of drainage works is necessary to ensure provision of this basic infrastructure to support everyday needs, albeit without the words unless otherwise agreed. Similarly details of maintenance thereafter is necessary. A condition is also warranted on the provision of fire hydrants as this basic infrastructure is also necessary for essential safety of the residents and visitors within the houses and vehicles.
182. A condition is required on acoustic fencing to limit noise disturbance to 14 and 16 The Paddocks. These garden areas would be adjacent to one of the new accesses and such measures are necessary to ensure that they are reasonably shielded from disturbance. Conditions are necessary to ensure that any land contamination is addressed to avoid impairing health as the site has been used for agriculture and there would be potential for contaminants. As I found earlier a condition on the details of the construction management would be necessary to protect the living standards particularly as there are established homes in the vicinity and consequently is added. The suggested condition on approval of the access provision for construction traffic is included in this requirement.

Conclusion

183. I therefore conclude that the appeal should be allowed, subject to the conditions in the conditions annexe below, and the Unilateral Undertaking, dated 19 May 2022, including the requirement under First Schedule Part 6 that the biodiversity offsetting scheme shall include an appropriate compensation measure due to the site being a priority habitat in addition to the biodiversity net gain contribution to be agreed and approved by the Council.

John Longmuir

INSPECTOR

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Mrs Munns

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Director Emery Planning

Senior Director Tetlow King Planning

Associate Director Woods Hardwick

Director Woods Hardwick

Potton Town Council/local resident
CBC councillor and local resident
CBC councillor and local resident
Local Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

INQ1: Counsel Opening Statement on behalf of the Local Planning Authority (CBC)
INQ2: Counsel Opening Statement on behalf of the Appellant
INQ3: Amended internal floorplans
INQ4: Landscape concept plan
INQ5: Ecology Round Table Agenda
INQ6: Mr. Neil Harvey (Ecology Witness on behalf of LPA) – Defra Metric User Guide Extract
INQ7: Neil Harvey (Ecology Witness on behalf of LPA) – Proof of Evidence Appendices errata document
INQ8: Housing Land Supply Round Table Agenda
INQ9: CBC DM Highways email dated 19.04.2022
INQ10: Mrs Munns photographs of community landscaping on Sutton Mill Road.
INQ11: CIL compliance statement
INQ12: Site layout plan that forms part of the Reserved Matters Approval (ref. CB/19/00085/RM dated 2 May 2019) for the land adjacent to the Appeal site at 64 Biggleswade.
INQ13: Master Plan by Gladman/Fisher German for Market Reach.
INQ14: Mr Day written copy of oral submission
INQ15: Cllr Wye written copy of oral submission
INQ16: Signed statement of Common Ground
INQ17: Closing submissions on behalf of the Local Planning Authority
INQ18: Closing submissions on behalf of the Appellant

CONDITIONS ANNEXE FOR Appeal Ref: APP/P0240/W/21/3289675

1. The development hereby permitted shall begin not later than three years from the date of this permission.
2. The external surfaces of the buildings hereby permitted shall be carried out in materials as set out on plan RDC11000-106A.
3. A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary to be erected. The boundary for each particular dwelling shall be completed in accordance with the approved scheme before that dwelling is occupied and shall be retained as such thereafter.
4. No development shall take place above slab level until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of the dwellings the fire hydrants serving that development shall be installed as approved. Thereafter the fire hydrants shall be retained as approved in perpetuity.
5. A habitat management plan, for the translocation and retention of Acid Grassland shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The plan shall include:
 - description and evaluation of the features to be managed;
 - ecological trends and constraints on site that may affect management;
 - aims and objectives of management;

- appropriate management options for achieving the aims and objectives;
- prescriptions for managements options;
- preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- personnel responsible for the implementation of the plan;
- monitoring and remedial/contingency measures triggered by monitoring.

All works shall be carried out in accordance with the approved details. The works shall be undertaken in accordance with a time scale previously agreed in writing by the Local Planning Authority.

6. No development shall commence until an on-site Ecological Enhancement Strategy which shall be in accordance with the mitigation measures within Section 5 of "Ecological Impact Assessment 18.12.20" has been submitted to and approved in writing by the local planning authority. The Ecological Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed works; b) review of site potential and constraints; c) detailed design(s) and/or working method(s) to achieve stated objectives; d) extent and location/ area of proposed works on appropriate scale maps and plans (including elevation plans); e) type and source of materials to be used where appropriate, e.g. native species of local provenance; f) timetable for implementation demonstrating that works are aligned to the proposed phasing of development; g) persons responsible for implementing works; h) details of after-care and long-term maintenance and management of all soft landscaping and ecological enhancement measures; i) details for monitoring and remedial measures; j) details for disposal of any wastes arising from works. The approved Ecological Enhancement Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

7. No development shall commence until a scheme for parking restrictions on The Ridgeway has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented as that approved by the Local Planning Authority.

8. Notwithstanding the submitted details, no development shall commence until a scheme for 7 parking bays to be provided along Sutton Mill Road (between the B1042 and The Paddocks junction) has been submitted to and approved in writing by the Local Planning Authority. No dwelling which is to be accessed from The Paddocks shall be occupied until the scheme to provide parking has been fully constructed in accordance with the approved details.

9. The access roads shall not be brought in to use by occupiers of the proposed dwellings until the junctions of the proposed vehicular access with the highway (The Ridgeway and The Paddocks) have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

10. No occupation of any of the dwellings hereby authorised shall take place until the visibility splay at the junction of the access with the public highway shown on the approved 18129-POTT-5-502 Rev B Proposed Paddocks Access has been provided. All parts of the splays within The Ridgeway and The Paddocks shall thereafter be kept free of all obstructions above the adjacent carriageway level.

11. No works above slab level shall commence until a scheme for the details of secure and covered parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

13. Prior to the occupation of any dwelling, all drainage works relating to the dwelling shall be carried out in accordance with approved details as set out in the following: 18129 - FRA and Drainage Strategy Rev D Part 1 18129 - FRA and Drainage Strategy Rev D Part 2.

14. No building shall be occupied until the vehicle parking spaces for that dwelling have been properly surfaced and marked out/provided in accordance with the approved drawings: Site Layout RDC-1100-101 Rev E and Coloured layout RDC-1100-105 Rev A. The spaces shall thereafter be kept available for parking at all times.

15. No building/dwelling shall be occupied until the finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, has been submitted to and approved in writing by the local planning authority and that the approved surface water drainage scheme has been correctly and fully installed as per the approved details. The discharge from the development shall be infiltrated as per the detailed design based on the agreed drainage Strategy (Ref: Woods Hardwick 18129/FRA and DS Rev C Oct 2020) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented and maintained as approved.

16. No works above slab level shall commence until details of an acoustic fence or other suitable scheme for protecting the outside private amenity space of nos. 14 and 16 The Paddocks from noise, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details, and it shall be retained in accordance with those details thereafter.

17. Prior to the construction of vehicular parking areas associated with the proposed development, a scheme for the charging of electric and ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following: - Details of active charging points / posts or passive provision such as cabling and electricity supply for the approved dwelling. No dwelling shall be occupied until vehicle charging facilities in accordance with the approved scheme have been provided. The charging facilities shall thereafter be permanently retained.

18. No development approved by this permission shall take place until a Phase 3 Remediation Strategy, to address the contamination risks identified in the previously submitted Paddock Geo-Engineering Ground Investigation report dated October 2017 (Ref: P17-063gi), has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options

appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing detail of how the remediation works shall be judged to be complete and arrangements for contingency action. The works shall be undertaken in accordance with the approved strategy prior to any dwelling being occupied.

19. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

20. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

21. No external lighting shall be installed on the site, other than that submitted to and approved in writing by the Local Planning Authority beforehand.

22. All dwellings hereby approved must comply with the water efficiency standard of 110 litres per person per day as detailed by Regulation 36(2)(b) of Part G of Schedule 1 and Regulation 36 to the Building Regulations 2010 (as amended).

23. No equipment, machinery or materials shall be brought on to the site for the purposes of development until full details of the fencing for the protection of any trees, hedges or other such landscaping feature to be retained on site, has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in the positions shown on the approved drawing. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

24. No works above slab level shall be undertaken until a Sustainability Statement, to promote the energy efficiency of each dwelling has been submitted to the Local Planning Authority for approval in writing. The Statement shall demonstrate the development's compliance with policies CC1, EE2, EE4, CC3, CC5 and HQ1 of the Central Bedfordshire Local Plan (Adopted July 2021) as minimum and shall include those measures to be incorporated into design to meet policy requirements. The details thereby approved shall be installed within each particular dwelling prior to its occupation.

25. Prior to the commencement of development, a scheme showing details of footpaths through the appeal site and their connections with other public rights of way, shall be submitted to the Local Planning Authority for approval. The footpaths shall be wholly formed in accordance with the approved details prior to occupation of the 95th house.

26. No development shall take place above slab level until a landscaping scheme to include details of all hard and soft landscaping and a scheme for landscape

maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during the maintenance period shall be replaced during the next planting season.

27. No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such 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. Thereafter the site shall be developed in full accordance with the approved details.

28. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: access provision to and from the site for construction traffic, the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

29. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

Site location plan RDC-1100-102

Site Layout RDC-1100-101 Rev E

Coloured layout RDC-1100-105 Rev A

Materials Plan RDC-1100-106 Rev A

Cycle store plan RDC-1100-107 Rev A

Street Scenes RDC-1100-108 Rev A

Character Plan RDC-1100-109 Rev A

Storey heights plan RDC-1100-110

Design and Access Statement (June 2021)

Statement of Community Involvement

Ground Investigation and Site survey: Site survey Drawing 18129-7-851B, Site survey Drawing 18129-7-852B, Site survey Drawing 18129-7-853B, PGE Ground Investigation P17-063gi

House types- contained in house type pack:

RDC1100-200 - Rosedene V1 Rev B
RDC1100-201 - Rosedene V2 Rev B
RDC1100-202 - Rosedene B Rev B
RDC1100-203 - Bradley V1 Rev B
RDC1100-204 - Ashdown V1 Rev A
RDC1100-205 - Ashdown R Rev A
RDC1100-206 - Coleridge V1 Rev B
RDC1100-207 - Coleridge V2 Rev B
RDC1100-208 - Ambleside V1 Rev B
RDC1100-209 - Ambleside V2 Rev B
RDC1100-210 - Ambleside B Rev A
RDC1100-211- Arlington V1 Rev A
RDC1100-212 - Arlington V2 Rev A
RDC1100-213 - Arlington R Rev A
RDC1100-215 - Ashleworth V2 Rev A
RDC1100-216 - Ashleworth R
RDC1100-217 - Selsdon V1
RDC1100-218 - Selsdon V2 Rev A
RDC1100-219 – Selsdon B Rev A
RDC1100-221 - Potton 2
RDC1100-222 - Potton 3 Rev A
RDC1100-225 – Affordable 2BHA Rev A
RDC1100-226 – Affordable 3BHA v1 Rev A
RDC1100-227 – Affordable 3BHA v2 Rev A
RDC1100-228 – Affordable Maisonette Rev A
RDC1100-229 – Apartment Elevations Rev A
RDC1100-230 – Apartment Floor Plans
RDC1100-231- Garage Plans
RDC1100-232- Refuse Storage and Bike Storage
RDC1100-233 - Coleridge R
Landscaping Plans:
KIER22742 10 Landscape Masterplan Rev C

KIER22742 Landscape Management Plan Rev B

KIER22742 Landscape Specification Plan

KIER22742-11Rev C Soft Landscape Proposals (5 sheets)

KIER22742-12Rev C Hard Landscape Proposals (5 sheets)

BHA_681_01 Cut and Fill Tree Removals Plan

SJA374 Arb Schedule

Ecology and Archaeology:

Preliminary Ecological Appraisal CSA/3937/01

Ecological Impact Assessment CSA/3937/02 Rev E

Ecological Addendum

P7159 R5570 Geophysical Survey and Heritage Statement 260418 CR

Archaeological Written Scheme of Investigation

Archaeological Evaluation Report

Highway Reports and Access Tracking and Forward Visibility Plans:

Green Travel Plan Rev E

Transport Assessment Rev E (2 PARTS)

Visibility Splays - 18129-POTT-5-102 rev D

Refuse Vehicle Tracking -18129-POTT-5-500 Rev G

Fire Appliance Tracking-18129-POTT-5-501 Rev F

18129-POTT-5-502 Rev B Proposed Paddocks Access

18129-POTT-5-202 Proposed Parking Provision Off-Site

Drainage Strategy and Earth Works:

18129 - FRA and Drainage Strategy Rev D Part 1

18129 - FRA and Drainage Strategy Rev D Part 2

18129-POTT-5-SK001 Preliminary Earthworks Assessment – Rev C

18129-POTT-5-SK002 Preliminary Earthworks Sections Rev B

18129-POTT-5-SK003 Preliminary Earthworks Sections Rev B

Utility Search

End of conditions