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# Appeal Decision

Inquiry held on 3 to 5 and 10 May, and 13 to 17 June and 23 June 2022

Site visit made on 6 May 2022

**by O S Woodward BA(Hons.) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 August 2022

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**Appeal Ref: APP/P0240/W/21/3289401**

**Land South of Arlesey Road, Stotfold, SG5 4HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by ukland.com against the decision of Central Bedfordshire Council.
  - The application Ref CB/21/01248/OUT, dated 17 March 2021, was refused by notice dated 21 June 2021.
  - The development proposed is a development of up to 181 dwellings to include 35% affordable, an integrated Care Village (C2 use) with ancillary community facilities, 9.88 ha of public open space comprising parkland and woodland extension, Pix Brook flood mitigation proposals, extensive new landscaping, play areas, creation of biodiversity habitat, new access arrangements and all ancillary works.
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## DECISION

1. The appeal is allowed, and planning permission is granted for a development of up to 181 dwellings to include 35% affordable, an integrated Care Village (C2 use) with ancillary community facilities, 9.88 ha of public open space comprising parkland and woodland extension, Pix Brook flood mitigation proposals, extensive new landscaping, play areas, creation of biodiversity habitat, new access arrangements and all ancillary works at Land South of Arlesey Road, Stotfold, SG5 4HD, in accordance with the terms of the application Ref CB/21/01248/OUT, dated 17 March 2021, subject to the conditions set out in Annex C.

## PRELIMINARY MATTERS

### Transport reason for refusal

2. Additional information was also submitted with regard to transport matters, in response to the second reason for refusal. This included an addendum to the Transport Assessment, a further Response Note, and other documentation. The Highways Authority and the National Highways have both confirmed they no longer object to the proposal, and a Highways Statement of Common Ground has been produced confirming that the Council do not object to the proposal on transport or highways grounds. This is not, therefore, a main issue for the appeal although Stotfold Town Council (STC) maintain some concerns, which were discussed at the inquiry and which I deal with in my Decision below.

### Ecology reason for refusal

3. Further additional information was submitted with regard to ecological matters, in response to the third reason for refusal. The Council has confirmed that the

additional information responds to their concerns and no longer contest the appeal in relation to this reason for refusal, subject to suitable controls being secured by condition and s106 Planning Obligation. Ecology is therefore not a main issue for the appeal although STC maintain some concerns, which were discussed at the inquiry and which I deal with in my Decision below.

### **Local infrastructure reason for refusal and the s106 Planning Obligation**

4. The fourth reason for refusal is in relation to the effect on local infrastructure in the absence of a completed s106 Planning Obligation. The final s106 Planning Obligation, dated 14 July 2022, (the s106) responds to these concerns. The s106 secures:

- 35% affordable housing;
- contributions towards improvements to community and sports facilities, including the Saxon Leisure Centre, Greenacres Memorial Hall, Roecroft Centre, Stotfold Football Club, library facilities, and Hitchin Road Recreation Ground;
- contributions towards the provision of a new early-years school, a new two-form entry primary school or other education project, and Pix Brook Free School to provide middle and upper school places;
- a contribution towards the provision of fire hydrants within the vicinity of the proposed development;
- contributions toward the provision of a new NHS facility, and also to acute, community and mental health services, both either on-site or within the vicinity of the proposed development;
- an area of 9.88 ha to be provided as public open space, including a play area, and secures a scheme to be agreed regarding the detail and specifications for these areas. The staged provision of this spaces is also secured, linked to specific occupation percentages for the housing. A minimum size and equipment provision are secured for the play area;
- the creation of a management company responsible for the on-going maintenance of the communal open space and play area, and also the main proposed road if not adopted by the Council. It also secures a management scheme in these regards; and,
- a monitoring fee.

5. The Council's CIL compliance statement sets out the detailed background and justification for each of the obligations. I am satisfied that the provisions of the submitted agreement would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the tests at paragraph 57 of the National Planning Policy Framework (the Framework), and I have taken them into account. This reason for refusal is not therefore a main issue for the appeal. I return to matters of weight and detail of the s106 throughout my Decision as appropriate.

### **Revised and additional drawings and documentation**

6. In the lead-up to the inquiry, the appellant made amendments to the proposal, including omitting an area of land adjacent to the Fox and Duck Public House,

changes to the red line to accommodate adjustments to the access road to the southern parcel of land, and amendments to the proposed layout including to the location of affordable housing. The description of development was changed to reflect the amendments. The relevant supporting documentation and drawings were all updated. An additional drawing clarifying the approach to be taken to the access to Hitchin Road was also submitted.

7. All of the revised drawings and documents were consulted upon before the inquiry opened. The Council agreed to the changes. A number of other submissions were received prior to, during and after the inquiry, as set out in Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the revised and additional documents and drawings.

### **Planning policy**

8. At the time of determining the original planning application, the Development Plan included the 2009 Core Strategy and Development Management Policies document. However, before the inquiry started, this document was replaced by Central Bedfordshire's Local Plan 2035, published July 2021 (the LP). The main parties agreed, through a Statement of Common Ground, which are the relevant policies in the LP in relation to the appeal. I have reflected this throughout the Decision.

### **Application type**

9. The application the subject of the appeal was made in outline with all matters reserved apart from access. A number of illustrative drawings and parameters plans have been submitted in support of the proposal. I have had regard to these as appropriate, whilst acknowledging the outline nature of the proposal.

### **MAIN ISSUES**

10. Taking into account all of the above, the remaining main issues are:
  - the effect of the proposed development on the character and appearance of the area, including on landscape character; and,
  - whether or not the Council can demonstrate a five year supply of housing land.

### **REASONS**

#### **Character and appearance**

##### *The appeal site and surroundings*

11. The appeal site comprises open fields with a stream, called Pix Brook, running across the horizontal spine of the site. It is fairly flat, although with a shallow valley either side of the brook. The majority of the site is in agricultural use and, at the time of my site visit, some of the fields appeared to be fallow, and some had been ploughed. There is an intermittent tree belt along the brook, and some further hedgerows and trees to the borders of the site. However, the southern border is fairly open and only separated from further fields by a

footpath or insubstantial fencing. A number of classified and unclassified footpaths cross the site or run along its borders.

12. The northern part of the appeal site fronts onto Arlesey Road, sitting between existing housing and the nearly complete Linden Homes development to the east and a pub and the Etonbury Academy school and associated playing fields to the west. The southern part of the site is to the south of the brook and is open land, abutting the existing south western edge of Stotfold, and with further agricultural open land to the south. To the west, and partially to the south, is a substantial existing tree belt, beyond which lies the A507, the ring-road for Stotfold and a fairly substantial road with embankments and hedgerows to both sides. Further afield to the west, beyond the road and further separated by more open, agricultural land, lies the settlement of Arlesey. It is common ground that the site lies outside the defined settlement envelope of Stotfold.

#### *Existing landscape*

13. The site lies within the Upper Ivel Clay Valley Landscape Character Area (LCA), as defined in the Central Bedfordshire Landscape Character Assessment 2015. It demonstrates some of the key characteristics of the LCA, specifically medium scale agricultural fields bounded by hedgerows and pastures along the brook. However, the appeal site is a fairly nondescript area of open countryside with no specific landscape designations. It is in a distinctly urban fringe location and character, heavily influenced by the existing built form of Stotfold which lies directly to the north and east, and the school and pub to the west. The A507 road to the south is also an important part of the setting of the site, which creates noise pollution as well as a strong, urban, linear feature.
14. There are some, albeit limited, views from medium distance over the appeal site's farmland towards Fairfield, which is also a key characteristic of the LCA. It can be viewed intermittently from both drivers and pedestrians along Arlesey Road, and from nearby from the footpaths that run both near and through the site. However, overall, the appeal site is fairly visually self-contained by Stotfold itself, the tree belts to the west, and the A507.
15. It is common ground that the appeal site is not within a valued landscape, as defined by paragraph 174 of the Framework. I acknowledge that the lack of landscape designation does not necessarily mean lesser landscape value. However, the landscape must have some properties that take it out of the ordinary. This is not the case at the appeal site.

#### *The proposal*

16. It is proposed to develop three parcels of land within the appeal site, the northern parcel would be for residential development and would be accessed directly from Arlesey Road, the middle parcel would be to the south of the brook and would also be for residential development and would be accessed from an extension to the under construction access road for the Linden Homes scheme from Arlesey Road, and the southern parcel on a field directly adjacent to the existing eastern boundary of Stotfold and would be for a care village accessed through the middle parcel.

### *The effects of the proposal*

17. The proposal would introduce substantial built form, including likely fairly substantial lighting and a raised road above the brook, to a largely agricultural, open area. This would result in the loss of agricultural fields, including medium scale geometric fields as identified as key characteristics of the LCA. The proposal would extend the built form of Stotfold and there would be no particular landscape-led definition to the newly created edge to Stotfold that would be created. However, development of the site of any type would result in the loss of the existing fields. The appeal site is also already heavily influenced by its urban fringe nature.
18. In a previous appeal decision<sup>1</sup>, the existing urban edge was found to be a character forming line in the sand. However, the newly created settlement edge would be of similar appearance to that as existing, with houses and gardens and a landscaped boundary. The details of this, and therefore its attractiveness and appropriateness, could be controlled through reserved matters submissions and by condition.
19. The proposal would result in the partial curtailment and urbanising influence on views over level arable farmland from Arlesey Road south towards Fairfield. However, a viewing corridor is proposed to partially maintain this view, albeit the outline layout suggests this would be infringed upon. However, some views to the south would still be afforded and the views as existing are not of great value in any event.
20. The northern parcel would enhance the character and appearance of Arlesey Road by knitting in the existing pub and Etonbury Academy school to Stotfold, and both community facilities would no longer be separated from the community that they at least partially serve. It would also respect the southerly extent of development already created by the Linden Homes development.
21. There would be some further enhancements to the character and appearance of the area from the proposed extensive landscaping, including a substantial parcel of land to either side of the brook, an open buffer to the west, a new woodland extension, and new tree and hedgerow planting to the southern boundaries. This would be particularly helpful at partially mitigating the harm caused to the users of the existing footpaths from the introduction of built form into a currently open landscape, albeit one experienced in the context of the existing backdrop of built form of Stotfold and the existing noise pollution and urbanising influence of the A507. These features may have been largely proposed as a response to the flooding considerations along the brook but that does not negate the benefits they would bring to the character and appearance of the area.

### *Coalescence*

22. Coalescence between settlements is highlighted as a potential future harmful change in the LCA. In this regard, there would be no physical coalescence between Stotfold and Arlesey as a result of the proposal. The wide existing tree belt, A507 and open fields beyond separate the appeal site from Arlesey. These would not be affected, and in addition an extension to the tree belt is proposed

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<sup>1</sup> Ref APP/P0240/W/17/3184967, dated 7 June 2018

along with a substantial area of landscaped open land as a further buffer. The clear delineation of the edge of Stotfold is the A507 and the proposal would not meet this road. The extent of the retained and proposed open land and other non-urban elements would mean that there would not be a meaningful perception of coalescence with Arlesey.

### *Conclusion*

23. Overall, there would be some harm to the landscape and character and appearance of the area through the imposition of built form on open countryside. However, the key feature of the woodland gap would be retained. The landscape value of the existing site is low and is heavily influenced by its urban fringe location. The proposal would replace an existing edge treatment with a very similar treatment, albeit moved slightly forward. The extensive proposed landscaping and the extension of Stotfold's built form along Arlesey Road to join up with the school would be beneficial features and would partly mitigate the harm. In addition, the site is visually self-contained and there would be no material harm from medium and long distance views, therefore any harm would be limited to localised effects. The harm would therefore be limited.
24. Nevertheless, the proposal would harm the character and appearance of the area, and therefore fails to comply with Policy EE5 of the LP, which requires proposals to respect, retain and enhance the character and distinctiveness of local landscape. It fails to comply with Policy HQ1 of the LP, which requires high quality design including appropriate landscaping, and Policy SP7 which, insofar as it relates to character and appearance, recognises the intrinsic character and beauty of the countryside outside settlement envelopes. It also fails to comply with chapter 12 of the Framework, which requires high quality design, and paragraph 174 which recognises the intrinsic character and beauty of the countryside. However, the proposal complies with Policy SP5 of the LP, which resists development that would result in visual or physical coalescence.

### **Housing land supply**

25. There is disagreement between the Council and the appellant regarding the housing land supply. A topic-specific Statement of Common Ground was produced, narrowing the areas of conflict.

### *Requirement*

26. The LP is less than five years old and sets a housing requirement of 39,350 homes over the plan period. Paragraph 74 of the Framework confirms that where an adopted LP is less than five years old, the housing requirement should be based on the LP. Footnote 39 to the Framework only comes into effect when the LP itself is more than five years old, not the evidence base which informed it, so the fact that the Strategic Housing Market Assessment 2017 (SHMA 2017) was used as a key part of the evidence base does not change this. The LP requirement figure should therefore be adopted for the purposes of calculating housing land supply. However, there is dispute regarding how Luton's unmet needs effect the annual calculation(s) and how over-supply should be counted.
27. Central Bedfordshire has a requirement to provide housing not only to meet its own needs, but also to meet part of Luton's unmet needs, which are included in

the LP requirement figure. However, should those unmet needs be met over the course of the entire plan period, or by 2031? Policy SP1 of the LP does not have an annual requirement for Luton. Table 6.1 does not relate the unmet need for Luton to a specific timeframe. Figure 7.1 of the LP shows a linear delivery trajectory. The overall dwellings per annum (dpa) figure of 1,942 is the same for every year of the plan. However, Policy SP1 explicitly states that Luton's unmet need should be met by 2031, and this was specifically introduced by Main Modification 14 of the Examination in Public to ensure that the policy reflected the Luton Local Plan time period through to 2031.

28. The timing of the provision of Luton's unmet need is therefore ambiguous. However, an important consideration is that it should be met close to where it arises, as set out in the Spatial Strategy Approach to the LP. The appeal site is not in nor near the Luton Housing Market Area. None of the sites identified to meet Luton's unmet need in Policy SP1 are in or close to Stotfold. In this context, whilst I do not reach a conclusion on the overall methodology for calculating Luton's unmet needs for the LP as a whole, I am comfortable to conclude that the housing requirement does not need to be adjusted in relation to Luton's unmet needs for this specific appeal proposal, because the appeal site would not meet them in any event.
29. Over-supply of housing during the plan period to date, whatever level it is at, should not be discounted from the overall housing requirement. I acknowledge that it was taken into account when setting the housing requirement figure for the LP. However, now that the LP is adopted, the housing requirement it sets is expressly set as a minimum, as set out in Policy SP1, and discounting to account for over-supply would represent an incorrect framing of the requirement as a maximum rather than a minimum target.
30. An Enabling Strategy 2019 document concludes that the need is 925 dpa. However, the document has methodological concerns, including the calculation of housing benefit, which can have significant influence on housing need calculations. It was also not relied upon in the examination of the LP. It is common ground, and I agree, that the document has limited weight.
31. I therefore conclude that the housing requirement is 39,350 homes to be split evenly over the plan period, which equates to 1,967.5 dpa. It is common ground that a 5% buffer should be added to ensure choice and competition in the market for land, as set out in paragraph 74 of the Framework. The five year housing requirement is therefore 10,329 dwellings, at 2,066 dpa.

### *Supply*

#### Windfall

32. The Council has adopted a windfall allowance at a maximum of 140 dpa. The windfall element is calculated by 'topping up' any year where the small sites committed delivery is fewer than 140 dwellings. This ensures there is no double counting in the sense of counting the same dwelling twice. However, it raises a methodological problem because a discount is not provided when committed delivery is above 140 dwellings. The result is that the combined committed small site and windfall delivery allowed for in the Council's land supply figure is 171 dpa.

33. Paragraph 71 of the Framework requires compelling evidence that windfall sites will provide a reliable source of supply. In this regard, windfall delivery over the past 14 years has been 194 dpa on average, and the trend has been for an increase, year on year, of housing delivery on small sites. There is therefore no reason to believe that the combined small site commitment and windfall delivery should not continue at or above the 194 dpa average of the past 14 years. Therefore, whilst I have misgivings about the methodology used by Council, the overall number it adopts is reasonable and realistic. I therefore adopt the Council's figures in this regard.

#### Individual sites

34. A number of the sites relied upon by the Council to inform its housing land supply were contested at the inquiry. The definition of a deliverable site that can count towards the housing land supply is provided in the Framework, which states that sites should have a *realistic prospect* of housing being deliverable within five years (emphasis mine). The Framework definition of deliverability explicitly states that for outline permissions and site allocations, sites should only be considered deliverable where there is *clear evidence* for the delivery (emphasis mine). In addition, my attention has been drawn to appeal decisions where the inspectors found that the evidence must include a realistic assessment of deliverability including technical, legal and commercial aspects<sup>2</sup>, and must not rely on scant evidence on whether the house completions can realistically be achieved<sup>3</sup>.

35. I assess the disputed local plan allocated sites below, in the context of the above:

- Site HT206 'Marston Vale New Villages' – this is a huge site for c.5,000 homes. Sites of this scale often take a long time, both during the application process and then through site preparation and construction. The site promoter has provided a trajectory for the delivery of housing, starting in 2024/25. This is plausible, if permission were to be granted imminently, because the site has no particular infrastructure constraints. However, although an outline application was submitted in 2018 it has not yet been determined. Significant progress has been made on the application, including an endorsed development brief and progress on a s106 Agreement, however there remains an outstanding objection from National Highways and it is not clear when, or even if, permission will be granted. No evidence has been provided of the involvement of a house builder(s). The 354 units should therefore be removed from the housing supply;
- Site HT208 'East of Biggleswade' – this is for c.1,500 homes. The Council are relying on delivery beginning in 2024. This is plausible and I particularly note that the site benefits from grant funding, which should help with delivery. However, although an outline application has been made it is not yet determined. Importantly, significant work for the s106 Agreement is still required, and the Heads of Terms have not yet been agreed. A previous s106 for an expired permission would have been agreed under a different planning policy and political context. There is therefore doubt regarding the time it may take for a s106 Agreement to be finalised. Consequently, there

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<sup>2</sup> Appeal Ref APP/W1145/W/19/3238460, dated 18 March 2020, paragraph 57

<sup>3</sup> Appeal Ref APP/R3650/W/19/3227970, dated 16 September 2019, paragraph 13



is no clear evidence of the delivery of these homes. The 287 units should therefore be removed from the housing supply;

- Site HT213 'Land to the east of Barton le Clay' – this is for c.500 homes. An outline application has been submitted and it is programmed to be taken to planning committee in summer 2022. A house builder, Taylor Wimpey, is on board. The Council's trajectory of 223 units, starting in 2023 is slightly behind that provided by the applicant. It is therefore realistic, but only on the assumption that permission is granted relatively quickly. The application has an outstanding objection from the Parish Council and there is therefore no guarantee that permission will be granted even if the application is taken to committee over the summer of 2022. There is therefore no clear evidence of the deliverability of these homes, and the 223 units should be removed from the housing supply;
- Site HT218 'Land south of Fairground Way' – Phase One, for 20 dwellings, is under-construction. Phase Two, which only has outline permission, does not have a house builder on board, although one is in negotiations to purchase the site. This is a modestly sized site, with only 45 dwellings to come forward, including the 20 already under-construction as part of Phase One. I therefore view it as a realistic prospect that Phase Two is likely to come forward and be delivered within the five years, and these units should be retained in the supply;
- Site 256a 'Henlow Greyhound Stadium, Lower Stondon' – this is part of a larger site. The relevant phase has outline permission. No evidence has been provided that the reserved matters application for the relevant phase has been submitted. However, unlike with an outline application, it is reasonable to assume that a reserved matters approval will be forthcoming within a reasonable time period even if it is delayed, because the principle and some level of detail of the proposed development has already been established through the outline permission. A known house builder is on board. Some pre-commencement conditions have already been discharged. Phase One is nearing completion, by Bloor Homes. There is therefore clear momentum for the delivery of the relevant phase. I therefore view it as a realistic prospect that it is likely to come forward and be delivered within the five years, and these units should be retained in the supply;
- Site HT209 'Land adjoining Lewis Lane, Arlesey' – outline permission has been granted. A named house builder, Taylor Wimpey, are on board. A reserved matters application has not yet been submitted but is likely to be imminent. This is a relatively small site, at 80 units. As with above, there is reduced risk to significant delays to delivery when the outline permission has been granted. The units should be retained in the supply;
- Site HT117 'Wixams, Village 3' – this is part of a large, multi-phase development. This site has outline permission and a reserved matters application has been submitted but is not yet determined. As with above, there is reduced risk to significant delays to delivery when the outline permission, and therefore the principle, has been granted. However, there is an additional area of dispute related to this site, regarding the projected build out rates. Past delivery at Wixam Villages has been 48 dpa at Village 4, 90 dpa at Village 1 and 136 dpa at Village 2. The Council's assumptions in the trajectory are for delivery to peak at 210 dpa, and average 153 dpa

across the final four years of delivery. This is higher than the delivery at the other villages. However, the other villages were delivered by smaller house builders than those on board for Village 3, which are Barratt Homes and David Wilson Homes. It is difficult to unpick the delivery rates further. The adopted average of 153 dpa is not unreasonable in the context of the house builders on board. The units should therefore remain in the supply; and,

- Site HT237 'Wixams Southern Extension' – outline permission has been approved. One reserved matters application has been submitted and the others are likely forthcoming in 2022. As with above, there is reduced risk to significant delays to delivery when the outline permission, and therefore the principle, has been granted. The Council's adopted delivery rates are no higher than 100 dpa and do not begin until 2023/24. This is a reasonable position to adopt. The units should therefore remain in the supply.

36. I now turn to the disputed unallocated sites:

- Site HT157f 'Land south of Lower Stondon' – this is a medium sized site for 111 dwellings. It has a named house builder on board, Redrow Homes. A reserved matters application has been submitted and is due imminently to go to planning committee. I acknowledge that there remains an outstanding objection from the Parish Council. However, as set out above, when the outline permission, and therefore the principle, has already been granted, it is reasonable to assume that a reserved matters approval will be forthcoming within a reasonable time period even if it is delayed. The trajectory only assumes 10 dwellings in 2023/24, then 45 dwellings in the following years, which could accommodate some delays in the granting of planning permission. Overall, there is clear evidence of delivery and the units should be retained in the supply;
- Site HT057 'North of Houghton Regis (all sites)' – this is a very large site, for over 5,000 dwellings. The site has outline permission, parcels 1, 2 and 3 of Phase 1 have full permission, and reserved matters applications have been received for parcel 4, Phase 1 and parcels 1 and 2, Phase 2. Multiple house builders are on board. A delivery timetable has been provided. Some units have already been delivered, and more are under construction, in Phase 1. There is some concern regarding mitigation for likely significant effects on the Beechwoods Special Area of Conservation (SAC). However, meetings are being held with Natural England and there appears to be a reasonable prospect of a solution being found and implemented relatively quickly, with a strategic mitigation strategy anticipated within 6 months. The Council's proposed trajectory is slower than the delivery timetable provided by the consortium of developers, so there is headroom to account for delays either from this issue, or others, such as the provision of infrastructure. As with Site HT157f, the key points are that outline permission has been granted, house builder(s) are on board, and the Council's adopted trajectory allows for delays in delivery. These units should be retained in the supply;
- Site HT079 'East of Linslade, Chamberlains Barn' – this is a large site, with outline permission. Some phases also have reserved matters approval and are not disputed. Reserved matters applications have been submitted for the other phases and named house builders, Redrow and Bellway Homes, are on board. The Council's trajectory for housing delivery is more conservative than the evidence provided by the house builders. The site is

affected by the Beechwoods SAC but the same points on that issue apply equally to this site as to Site HT057. These units should be retained in the supply;

- Site HT080 'East of Leighton Linlade, Stearn Land' – this is a medium sized site. Phase One has reserved matters approval. Phase Two has outline permission and a reserved matters application has been submitted. House builders, Taylor Wimpey and Barratt David Wilson, are on board. The trajectory is based on previous delivery rates by the house builders and, at no higher than 60 units per year, appears reasonable. The Beechwoods SAC issues are the same as above. These units should be retained in the supply;
- Site HT125 'Land at Cotswold Farm Business Park' – this is for an extra care village. I acknowledge that the age restriction only applies to the principal occupant and that each flat is a self-contained unit with its own front door. However, Use Class C2 is directly quoted in the description of development. The scheme is explicitly for an extra care village and not residential use. Although not a care home or other institution in that sense, the restrictions on occupancy and nature of the scheme clearly remove it from consideration as traditional residential use. Planning Practice Guidance states that such units should be counted based on the amount of residential accommodation released into the housing market<sup>4</sup>. The Council has adopted a ratio of 1:8 in this regard on other Use Class C2 sites. However, in this instance, the proposal is for self-contained flats with their own front door. I therefore agree with the Council that a 1:1 ratio should be adopted because the occupancy of each flat would likely release a dwelling into the housing market. The 200 units should be retained in the supply;
- Site HT122e 'Land between 19-73 The Hill' – outline permission has been granted. A reserved matters application has been submitted. The site is relatively small, at 26 units. There remains a drainage issue to overcome. However, this is regarding matters of detail. A current, likely soon to be determined, s73 application is seeking to overcome this matter. Given that the principle of development has already been established by the outline permission, and the relatively small scale of the development, I see no reason why these units should not be delivered within the five year period, even if they were to be delayed towards the end of the period. They should be retained in the supply;
- Site HT125i 'Greenvale, Watling Street' – the site has full permission, for gypsy and traveller pitches. Paragraph 74, footnote 38, of the Framework is explicit that housing land supply should be assessed separately for travellers. However, this only applies to travellers pitches as defined in the 'Planning policy for traveller sites', dated August 2015. This document defines gypsies and travellers as persons of nomadic life including those who have temporarily ceased to travel. However, it does not include travellers that have permanently ceased to travel. Condition 5 to the planning permission for this site explicitly includes travellers that have permanently ceased to travel and the permission therefore falls outside of the definition of gypsies and travellers, as relevant to housing land supply. The pitches should therefore be retained in the supply; and,

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<sup>4</sup> Paragraph: 016a Reference ID: 63-016a-20190626

- Site HT126a 'Cranfield University' – the element of this site in dispute is the proposed studio flats. They are for students but each unit has its own kitchen and bathroom facilities, and therefore functions as a separate dwelling. Planning Practice Guidance states that such, independent, units can be counted on a one for one basis towards housing land supply<sup>5</sup>. The units should therefore be retained in the supply.
37. The Council's five year housing land supply figures are based on a housing delivery of 11,142 homes, taken from the January 2022 trajectory, with the reduction of 10 units from two sites which it now concedes are not deliverable within the five year period. As set out above, I have concluded that a further 864 units (354 + 287 + 223) should be removed from the supply. The housing land supply calculation is therefore 11,142 minus 864 equals 10,278 units, equating to 2,056 dpa.

### *Conclusion*

38. The housing land supply calculation is therefore 10,278 divided by 2,066 equals 4.97 years. That I have concluded, for the purposes of this appeal and on the basis of the evidence before me, that the Council cannot demonstrate a five year supply of housing land is important for the appeal and consideration of the overall planning balance. I have undertaken this assessment, both for the requirement and supply sides, forensically and carefully. I am particularly conscious of how close the final figure is to five years and I reflect this in my weighting to the proposed housing in the section below.

### **OTHER MATTERS**

39. There are a number of other important material considerations that inform the overall planning balance.

### **Market housing**

#### *Assessment*

40. 118 market dwellings are proposed. I view it as a realistic prospect that the dwellings would be delivered within five years because, if I were to grant the appeal, then outline permission would have been granted and the same points as I make above regarding the reduced risk of reserved matters submissions would apply. In addition, there is a known house builder involved, Countryside, and a significant proportion of the dwellings would be constructed under Modern Methods of Construction, which should reduce construction times.
41. The provision of housing is one of, if not the, key aim of national planning policy. There is agreement across the industry, and beyond, that we are not building sufficient homes. As set out above, I have found that the Council is already falling behind in delivering housing across some of the LP allocated sites, the result of which is that it cannot demonstrate a five year supply of housing land.
42. There are real world implications of the failure to deliver housing. Evidence was provided that the affordability ratios for housing costs compared to average incomes are extremely high in the borough, at 11x lower and middle quartile incomes compared to 8x nationally. Private rental rates are also high. These

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<sup>5</sup> Paragraph: 034 Reference ID: 68-034-20190722

statistics could be as a result of a number of non-planning related factors, such as mortgage interest rates. Nevertheless, it seems self evident that if more housing is provided it should exert some downward pressure on prices and rents, even if only marginally, due to the forces of supply and demand. The proposed housing would, therefore, help, even if only marginally, to improve affordability ratios and rental rates compared to if the development were not built. Even if it were only to slow the rate of increase.

### *The Standard Method*

43. The LP was adopted in 2021 and it is common ground that it sets the current housing requirement, as set out in the Housing Land Supply section above. However, the housing requirement of the LP was calculated using the Objectively Assessed Need (OAN) methodology, as opposed to the Standard Method (SM), and this is a material consideration regarding the weight to be applied to the proposed provision of housing.
44. The SM would lead to a significantly higher housing requirement. The Council challenges the accuracy of the SM calculation because of inaccuracies of the 2014 household projections as they specifically apply to the Borough. I acknowledge, however, that the use of the SM goes beyond precise housing need figures and is also a political tool, being used to move the country towards providing more housing. The 35% uplift that is applied to urban Boroughs<sup>6</sup>, although not relevant to Central Bedfordshire, illustrates that both data gathering and political elements inform the SM calculation. Planning Practice Guidance is also clear that the SM should be used unless there are exceptional circumstances<sup>7</sup>.
45. Notwithstanding the above, the key point is that there are genuine, substantiated concerns regarding the SM in this specific Borough. Therefore, until the SM methodology is properly assessed as part of any forthcoming Local Plan Partial Review, it cannot be known that there would not be exceptional circumstances justifying a departure from the SM figures, and the SM cannot therefore be relied upon to provide an accurate figure for housing need. It is not the place of an appeal into an individual application to re-open this calculation. I therefore place limited weight on the SM methodology and its implications.

### *Partial Review of the LP*

46. Policy SP1a of the LP requires a Partial Review of the LP – the PPR. The policy states the PPR will investigate opportunities for future growth that can capitalise on new infrastructure provision. This is because Central Bedfordshire lies in the Cambridge-Milton Keynes-Oxford Arc where new strategic road and rail infrastructure is likely to be forthcoming. The PPR is not a response to any inadequacies in the evidence base regarding housing need. It does not relate to the use of the OAN as part of transitional arrangements and it does not mention the SM or any other alternative measures of housing need.
47. In addition, in the event that the PPR does require the allocation of further sites for housing, as a result of the use of the SM and/or general growth considerations, it is for the PPR process to establish what and where those sites should be. It is not the place of this appeal to consider matters that may be

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<sup>6</sup> Planning Practice Guidance - 004 Reference ID: 2a-004-20201216

<sup>7</sup> Paragraph: 003 Reference ID: 2a-003-20190220

considered during the context of the PPR. I am mindful, in particular, of paragraph 15 of the Framework, which states that the planning system should be genuinely plan-led. In this case, the Council has a very recently adopted LP. As it stands, we do not know now what the implications would be from the PPR on the proposed development at the appeal site. Therefore, whilst the future PPR is a material consideration, given the multiple uncertainties surrounding what the outcome of it might be, I give it limited weight.

### *Conclusion*

48. Because the Council cannot demonstrate a five year supply of housing land and because of the importance of providing sufficient housing and the implications that sub-standard housing provision has on housing affordability, I place significant positive weight on the proposed market housing. I acknowledge that the Council is very close to the five year figure but achieving five years, rather than nearly achieving five years, is the most important metric for establishing if a Council is delivering sufficient housing. If the housing supply figure were lower, then the weight to be attributed to the proposed market housing would be higher still. I was presented with several appeal decisions where moderate weight was placed on market housing<sup>8</sup>. However, in all instances, the Council could demonstrate a five year supply of housing land.

### **Affordable housing**

#### *Requirement*

49. The Strategic Housing Market Assessment 2017 (SHMA 2017) sets the affordable housing requirement at 405 dpa. It was discussed in the inquiry whether household income should be measured including or excluding housing benefit. I conclude that it should be measured including housing benefit, because that is the income of the household, however it is derived. This is consistent with the SMHA 2017.
50. The SHMA 2017 proceeded upon the basis of a now superseded definition of affordable housing in the Framework, which now includes those who wish to buy their home but are unable to afford to. In addition, although I place limited weight on the document, the Central Bedfordshire Enabling Strategy 2019 provides an indication that greater affordable housing provision is required than that identified by the SHMA 2017. The future need for affordable housing might, therefore, be higher. However, there is no compelling evidence before me that this will necessarily be the case. In any event, I must determine the appeal on the basis of the need as it stands now, and any future affordable housing requirement should be assessed as part of the PPR. I therefore rely upon the SHMA 2017 affordable housing requirement figure of 405 dpa.

#### *Supply*

51. There was debate at the inquiry regarding the most accurate figures for measuring affordable housing supply during the LP period, either a Live Table sent to the Department for Levelling-up Housing and Communities, or those in the Council's Annual Monitoring Report 2020/21 (the AMR). The points of difference revolved primarily around how affordable housing acquisitions are measured, and the sources of the data. However, I view this as a largely

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<sup>8</sup> APP/P0240/W/18/3219213; APP/P0240/W/19/3236423; APP/P0240/W/18/3204513; APP/P0240/W/16/3152707; APP/P0240/W/20/3262172

academic argument, because both the AMR and the Live Table figures exceed the affordable housing requirement of 405 dpa, at 602 dpa and 491 dpa respectively.

52. There was further debate regarding how to account for new affordable homes acquired by the Council. I believe these homes should be counted towards the affordable housing supply because, even if they are not controlled by a planning obligation, they are still, as it stands today, affordable units and there is no evidence before me that there is any intention that the units change. The net change from Right to Buy losses of 214 units, which is common ground, and the 235 new homes purchased by the Council is therefore +21. This makes no material difference to the supply of affordable housing.

### *Assessment*

53. The s106 secures at least 35% of the proposed dwellings to be affordable housing, equating to 63 units. The split is currently set at 72% affordable rent at no more than 80% of market rents, and 28% shared ownership housing. However, this is open to change, in agreement with the Council, and based on identified affordable housing need. It also secures delivery of the affordable housing by linking its provision to the occupation of market housing. The proposed 35% provision is 5% in excess of that required by Policy H4 of the LP.
54. Evidence has been provided that the number of people on the housing register has grown from 1,680 people to 1,815 people between 2020 and 2021, that the rate of homelessness grew by 12% in the period 2015 to 2020, and that the ratio of lower quartile house prices to lower quartile incomes has increased from 9.79 to 11.01 between 2015 and 2021. Indeed, paragraph 11.4.2 of the LP acknowledges that the worsening of affordability of housing accommodation is a serious problem. I am also conscious that, although the Council is meeting and exceeding its overall affordable housing target, this is at a ratio of 20% of overall housing delivery, below the policy target of 30% for larger sites.
55. Nevertheless, the Council is exceeding its affordable housing requirement, however it is being achieved. Although more affordable housing than the policy requirement is proposed, it would only result in nine additional dwellings above the 30% threshold. Therefore, although the proposed affordable housing would help to tackle an increasingly serious problem with the provision for housing accommodation for those on lower incomes, I only place moderate positive weight on this element of the proposal. This is largely consistent with the weighting that has been applied to affordable housing provision in a number of appeal decisions in the Borough<sup>9</sup>.

### **Extra care**

#### *Need*

56. Planning Practice Guidance describes the need for specialist accommodation for older people as 'critical'<sup>10</sup>. The Council has calculated the current, as of 2020, requirement based on the SHMA 2017 and a bespoke survey, arriving at a need for 1,330 units, of which 300 should be affordable/rented and 1,030 owner-occupied. The appellant has made its own calculations based on a Housing in Later Life 2012 document, as adjusted to account for the existing tenure rates

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<sup>9</sup> APP/P0240/W/18/3219213; APP/P0240/W/19/3236423; APP/P0240/W/16/3152707; APP/P0240/W/20/3262172

<sup>10</sup> Paragraph: 001 Reference ID: 63-001-20190626

in Central Bedfordshire, where there is a higher level of owner occupancy than the national average. The appellant's figures are higher, at 1,541 units, with a variety of different splits between affordable and market units, albeit all of which are heavily weighted towards market provision.

57. It is difficult to accurately assess the precise numbers because of the technical nature of the evidence base and also because of the difficulties in cross-referencing between different forms of elderly person's accommodation, which are rarely defined in the same way between different data sets. Fortunately, however, I do not need to undertake a forensic analysis. The key point is that there is agreement between the parties that there is a significant need for extra care accommodation, and that the demand for private owner occupied units is greater than that for affordable.

### *Supply*

58. It is common ground that the existing supply of extra care accommodation is 201 affordable extra care units and zero market extra care units. The entirety of the existing provision in the Borough is affordable. It is also common ground that there are 193 affordable and 259 market extra care units in the pipeline. A number of other pipeline sites are disputed, and I turn to these below. It is important to note that there is no requirement for clear evidence for the supply of these units, because they are not covered by the same elements of Planning Practice Guidance or the Framework. I have therefore assessed the sites on the balance of probabilities that extra care units are likely to be forthcoming:

- All Saints Court – 168 units are proposed and the Council has stated that 27 of these will be market units. There is no s106 Agreement, because it is a Council-owned site, but I have no reason to doubt the Council's intentions;
- Chase Farm – this is a large allocated site with an outline planning permission for 80 extra care units. This is not secured by a s106 Agreement because it is Council-owned land, but the description of development explicitly references 80 extra care units and the masterplan includes an area of land for those units. 20% of the units are to be for affordable housing as confirmed by the Council at the inquiry. I have no reason to doubt the delivery of these units or the split of affordable/market provision;
- Clipstone Park – the site has outline planning permission. A reserved matters application for the proposed 70 units of extra care has not yet been submitted. The s106 Agreement does not secure specific levels of care or support for future residents. Policy H3 of the LP may now require the provision of extra care units but a reserved matters application would also be considered in the context of the original outline permission. There is significant ambiguity and uncertainty regarding what form of elderly persons accommodation will come forward on this site and it should not be included within the supply;
- Barton Le Clay – an outline planning application has been submitted but not yet determined. The proposal was specifically amended during the course of the application to provide a 60 unit extra care facility. Even though the application has not yet been determined, the test is a balance of probabilities, and I see no reason to doubt that this will not be forthcoming, and at the affordable/market split as set out by the Council;



- Taymer Nursing Home – although planning permission has not yet been granted, there is a resolution to grant and the s106 Agreement includes the proposed extra care units with a care package. On the balance of probabilities, these units will be forthcoming; and,
- Steppingly Road – this is for 12 bungalows on a wider care site. However, there are no on-site care facilities and there is no s106 Agreement to secure such care. These units should not, therefore, be included in the supply.

59. I therefore conclude that the pipeline of extra care provision is currently 925 units, split into 368 affordable and 557 market. With the addition of the 201 affordable units already in the supply, the total supply is 1,126 units, split into 569 affordable and 557 market.

60. However, another important factor to take into consideration is that for all sites of 300 units or more, the recently adopted Policy H3 of the LP requires the provision of extra care accommodation. The policy has already resulted in amendments to the Barton Le Clay application and also to the appeal proposal, to provide extra care units. Additional extra care supply is therefore likely on all large sites moving forward.

#### *Assessment*

61. Up to 135 extra care units are proposed. The s106 secures that all the extra care housing be provided with a care package, including a minimum of 1.5 hours personal care per week per resident, that care facilities such as communal facilities be provided, and that the minimum age of the primary resident be 65 years old. The s106 also secures at least 30% of the extra care units to be for affordable housing and links the occupation of the market extra care units to the provision of the affordable housing.
62. The proposed extra care accommodation meets an identified need for such accommodation. The proposed provision of a 70/30 split between market and affordable accommodation broadly corresponds to the identified greater need for market provision. The total supply and pipeline of market extra care accommodation does not even meet the current day need, either based on the appellant's or the Council's figures. The current day affordable need might be met, depending on how its calculated. However, this does not account for future need.
63. I acknowledge that the future provision of extra care accommodation is likely to rise due to the application of Policy H3. However, the overall current day needs are not being met, and there is a clear benefit to the proposed provision of extra care accommodation. This is particularly the case because when a person requires extra care accommodation it is often in a short timeframe because of a change in personal circumstances and/or health. In addition, the provision of extra care units helps to free-up market housing which increases liquidity in the housing market and helps to increase housing supply.
64. Taking all of the above into account, I place significant positive weight on the proposed market extra care accommodation and moderate positive weight on the proposed affordable extra care accommodation.

### **Self-build/custom build**

65. The Council are under the duty imposed by the Self Build and Custom Housebuilding Act 2015 (as amended) to meet demand for self-build/custom build (SBCB) housing for each Base Period of the Self Build Register, and to do so within three years of the end of each Base Period. The Government's figures are for 744 individuals seeking SBCB plots on the register, at a rate of 124 plots per annum.
66. The Council has failed to meet its statutory obligation for the first three Base Periods. It is highly unlikely to meet it for the current, fourth, Base Period. The Council has a very low historical delivery of SBCB plots, at 0.8% of overall housing units on small and medium site allocations, for example. In addition, many of the permissions for single dwellings relied upon by the Council in their supply are not fully controlled to be SBCB and could be built out by a different person to the applicant.
67. However, a registration fee to be placed on the register was introduced in September 2021. Since the introduction of the fee, the number of registrations has significantly dropped from double digits per month to 18 in a 10 month period. It is therefore highly likely that the number of people on the register over-estimates demand, potentially significantly. In addition, the delivery rate is likely to increase in the future because Policy H6 of the LP has introduced a policy requirement that 10% of units be for SBCB on schemes of 10 or more dwellings. The overall relationship between SBCB demand and supply in the Borough, and how it might change moving forward, is therefore unclear. It is this relationship, rather than the statutory duty, which is most important to me in attributing weight to the SBCB element of the proposal for planning purposes.
68. 18 serviced plots would be provided as part of the proposal, secured by the s106. Balancing the historically low delivery against the likely future demand being lower than the numbers currently on the register, I place moderate positive weight on this proposed accommodation.

### **Flooding**

69. Independently of the proposal, a flood mitigation scheme in relation to the Pix Brook watercourse in Stotfold has already been secured – the Stotfold Scheme<sup>11</sup>. The appellant has confirmed that its flood mitigation strategy has been developed to take into account these works. The detailed design of the proposed works, particularly regarding the culverts underneath the proposed bridge over the waterway, would be important. However, extensive landscaped areas are proposed and there is no reason to believe that suitable flood mitigation measures could not be incorporated at the detailed design stage. The s106 secures funding towards off-site flood mitigation measures in relation to the flood relief measures set out in the Pix Brook Catchment Study, which interact with the on-site measures, and both are required to successfully mitigate flooding on the appeal site. Conditions could control the provision of on-site flood mitigation measures, and their ongoing management.
70. The proposed flood mitigation works for the appeal site would also, therefore, provide wider benefits to the community by contributing to the Stotfold

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<sup>11</sup> See Section 4.4.2 of CD13.16, the Pix Brook Study Report, by BMT, dated September 2019

Scheme. This is a moderate positive benefit of the proposal in the planning balance.

### **Biodiversity**

71. The majority of the appeal site is agricultural land of low existing biodiversity. There are also, though, some mature trees, the Pix Brook watercourse, and hedgerows, which offer higher quality habitat. The watercourse and mature trees would be retained. A bridge would be constructed over Pix Brook but the detail of construction of this could be controlled by condition to limit any effects on habitat and biodiversity. The Pix Brook corridor would be enhanced, overall, through the provision of extensive landscaping either side of the watercourse. The hedgerows are of local importance, and the STC made clear are important to the local community, but limited hedgerow would be lost, to facilitate access. Otters, breeding birds and bats could be affected by the proposal, but suitable mitigation measures could be secured, for example through the Biodiversity Enhancement Strategy as set out in the s106. The overall quality of the habitat for these species would be improved by the proposed landscaping and woodland areas.
72. The s106 secures a Biodiversity Net Gain (BNG) of at least 10%. The s106 defines the baseline as including the grasslands present to the north and south of the appeal site at the time of the Ecological Appraisal. These have since been at least partially lost to agricultural fields but the appellant confirmed under cross examination that the BNG would still be eminently achievable using either baseline. The existing habitat is fairly low quality and there would be proposed enhancements through the proposed landscaping, including mitigation measures that could be secured by condition. The only notable loss would be to sky larks, which rely on agricultural fields. However, the s106 secures specific mitigation in the form of a payment towards a Council scheme for off-site provision of sky lark habitat. The BNG 10% set out in the s106 is therefore a reasonable target BNG for the proposal to achieve.
73. Paragraph 174 of the Frameworks states that proposals should minimise impacts on and securing net gains for biodiversity. The proposed 10% BNG goes beyond the minimum requirement to simply provide 'a' net gain, as set out in the Framework and Policy EE2 of the LP. I place moderate positive weight on this element of the proposal.

### **Accessibility**

74. The s106 secures a contribution towards upgrading bus stops on Hitchin Road and at Etonbury Academy with real time passenger information displays, and a further contribution towards upgrading Bridleway 12 to be more accessible. It secures the agreement of a Travel Plan, to be annually reviewed every year for five years, and a welcome pack including details of walking and cycling routes. This is necessary to encourage journeys other than in the car by future occupants of the proposed development. It accords with Policy T4 of the LP.
75. At the inquiry, the Council advanced the position that, although not a reason for refusal or a main issue, the location of the site should weigh negatively in the planning balance due to relatively poor accessibility to services and facilities. This is in direct contradiction of the Statement of Common Ground, where it is agreed that the appeal site is accessible to key services and facilities, including public transport links. Having reviewed the drawings and the

additional information provided regarding walking distances, I agree with the original position in the Statement of Common Ground. The appeal site is walkable along footpaths and/or pavements to Stotfold, bus stops, schools, and a range of services and facilities. Stotfold is the second highest in the hierarchy of settlements in the Borough and offers a range of services and facilities. The appeal site's accessibility to services and facilities is therefore a positive factor in the planning balance, to which I attribute moderate weight.

### **Public open space**

76. The appeal site currently provides open space and a number of footpaths either run through the site or along its borders. However, it is privately owned and the open space can only be appreciated from the footpaths. It is proposed to provide substantial publicly accessible landscaping through the spine of the scheme, along the banks of the brook. I place moderate positive weight on this element of the proposal.

### **Economic**

77. The proposal would create jobs through construction and also permanent employment opportunities through the operation of the extra care facility, and management of the open space. There would also be an increase in spending on local businesses and services from the future occupants of the proposal. As directed by paragraph 81 of the Framework, and particularly considering that there would be long term on-site job creation through the extra care facility, I place significant positive weight on the proposals support for economic growth.

### **Highways**

78. STC has raised concerns about the proposed access to the northern part of the site because the drawings do not show the differences in height in the area. However, this level of detail would form part of any future application for s278 works. On my site visit I observed that the differences in height are not significant and I have no reason to believe that a suitable design could not be achieved. The access to the Linden Homes scheme to the east is along a very similar part of the highway in this regard and shows that suitable access can be achieved within the topography along the road. This is a neutral factor in the planning balance.

### **Best and most versatile agricultural land**

79. 'Best and most versatile agricultural land' (BMV) is defined in the Framework as agricultural land in grades 1, 2 and 3a of the Agricultural Land Classification, in other words it is the most productive farmland in the country. The appeal site is actively farmed and recently ploughed and it is common ground that the site includes 10.3 hectares (ha) of grade 2 and 7.5 ha of grade 3a agricultural land, equating to 88% of the appeal site as BMV.

80. Paragraph 175, footnote 58 of the Framework states that where significant development of agricultural land is necessary, poorer quality land should be preferred to that of a higher quality, which I take to self-evidently include BMV. The gateway element of Policy DC5 of the LP is to establish if there is significant loss of BMV. In this regard, Policy DC5 finds that the significance of the loss of BMV is a factor of a combination of the grade and size of BMV to be lost considered in the context of the quantum of BMV in the surrounding area.

81. For the appeal proposal, BMV is over the significant majority of the appeal site, and a sizeable overall area of land at 17.8 ha, would be lost. Significantly, over half of this area would be the higher, although not highest, grade 2 land. A relatively high proportion of the BMV to be lost would be to be turned to public open space, rather than built form. However, whether or not this is an efficient use of the BMV land does not go to the core of consideration of this issue. It is the fact that the land is to be lost, not what replaces it, that influences the assessment in relation to BMV.
82. There has been no detailed assessment of the BMV of the agricultural land in the surrounding area. However, given the general quality of the land, the provisional classification, and the results of the detailed assessment of the appeal site, it is likely that the majority of the land is grade 2, albeit with elements of 3a and below. That the majority of the surrounding land is of similar quality BMV to the appeal site might lead to economies of scale and therefore higher economic and production benefits from the appeal site BMV. However, this is negated because the appeal site is relatively isolated from the surrounding agricultural land, whether BMV or not, by the A507. In addition, because there is more BMV in the local area, this lessens the harm from the loss of BMV on the appeal site.
83. Paragraph 174 of the Framework highlights that economic and other benefits must be considered in relation to BMV. The other benefits could include agricultural production and food security. However, this is a hugely complex factor that was not fully explored at the inquiry. The landscaped areas could also be returned to agricultural land in the instance of a food emergency for the country.
84. Overall, the BMV land on the appeal site is relatively isolated from surrounding BMV, lowering its economic and food production value. Although a fairly substantial area it is still a small part of the BMV in the surrounding area. The site area falls below the threshold of 20 ha for consultation with Natural England. I do not, therefore, consider the BMV to be lost as significant, as defined by Policy DC5 of the LP or by footnote 58 of the Framework. The proposal therefore complies with Policy DC5 of the LP and the Framework in this regard. Nonetheless, the proposal would still result in the loss of over 18 ha of BMV. I attribute to this a moderate negative weighting in the planning balance.

### **Carbon emissions**

85. The s106 secures that at least 70% of the proposed dwellings, excluding the extra care units, would be constructed using Modern Methods of Construction (MMC). This equates to at least 127 dwellings.
86. The use of MMC negates the performance gap between built and designed energy use, through increased air-tightness as a result of the high precision manufacture, which is another requirement of Policy CC1. However, it was acknowledged under cross-examination that the proposal would not exceed policy compliance in terms of operational energy efficiency, at a 10% improvement on the building regulations as they apply at the time of application, which in this case, because it is an outline scheme, would be at the time of the relevant reserved matters application(s). It is also common ground that the same applies for the proposed extra care facility. I do not see the 'opportunity cost' of delivering housing now rather than later, when the

building regulations with regard to carbon emissions are likely to be tighter, as a relevant factor. I must judge the proposal on the basis of the policy as it exists today.

87. Importantly, though, uncontested evidence was submitted that MMC dwellings have significantly lower embodied carbon, due to the pre-fabrication process, at approximately 35 tonnes of carbon emissions per dwelling through MMC compared to approximately 50 tonnes for traditional construction techniques. These savings go beyond the policy requirement of Policy CC1, which relates to ongoing emissions, not embodied emissions.
88. Policy HQ11 of the LP encourages but does not require the use of MMC. The carbon savings through lower embodied emissions is therefore a factor for the scheme that goes beyond policy requirements. However, a zero-carbon approach is not proposed. There would still be carbon emissions. This element of the proposal, therefore, weighs negatively in the planning balance, albeit I place limited weight on it, because of the commitment to exceed minimum policy requirements.

## **CONDITIONS**

89. Following a round table discussion at the Inquiry a list of conditions was agreed by the parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity. The appellant has confirmed acceptance of the pre-commencement conditions. I set out below specific reasons for each condition:
- An areas plan condition is necessary to define different parcels of land within the appeal site to allow for the phased delivery of the appeal scheme;
  - The conditions requiring the submission of reserved matters applications, the timing of the submissions, the timing of commencement of development, and specifying the relevant drawings are necessary to provide certainty;
  - The fire hydrants condition is necessary because of low water pressure in the area and the corresponding need to ensure that suitable provision of fire hydrants is secured for future use by the emergency services;
  - The conditions requiring the protection of trees, details of the future design of the self-build/custom build plots, details of public art provision, details of external lighting, details of bin storage/collection areas, management and maintenance of the proposed Estate Road, limits to the number of proposed dwellings, and limits to the heights of the proposed buildings are necessary to ensure a satisfactory standard of development;
  - The s106 does not provide clauses for the ongoing management of the landscaping nor does it cover details such as tree protection. The conditions requiring details of the proposed hard and soft landscaping and a landscape management plan are therefore necessary to ensure a satisfactory standard of development;
  - The conditions requiring the protection of trees, a contamination risk assessment, a Construction Environmental Management Plan (CEMP),

details of the proposed hard and soft landscaping, a landscape management plan, and details of external lighting are necessary to protect and enhance biodiversity;

- The conditions requiring a Written Scheme of Investigation (WSI), a contamination risk assessment, and post archaeological fieldwork assessment are necessary to protect archaeology within the appeal site;
- The conditions requiring a contamination risk assessment, remediation risk assessment (if required), and a watching brief on unexpected sources of contamination are necessary to protect against pollution from contaminated land;
- The conditions requiring a revised site access at the proposed junction with Arlesey Road, a Construction Traffic Management Plan (CTMP), a scheme of junction capacity improvements at the Arlesey Road/A507/Stotfold Road roundabout, details of bin storage/collection areas, management and maintenance of the proposed Estate Road, limits to the number of proposed dwellings, details of refuse collection vehicle turning head(s), the provision and maintenance of visibility splays at relevant junctions, and ensuring the construction of the relevant roads and footpaths are necessary to protect highway safety and the free flow of traffic;
- The electric vehicle charging point (EVCP) condition is necessary to ensure that each dwelling with a dedicated parking space. I acknowledge that Approved Document S of the Building Regulations 2010 has been updated and took effect from 15 June 2022, with Requirement S1 that at least one EVCP must be provided per proposed parking space or per proposed dwelling if there are more parking spaces than dwellings. Any remaining parking spaces must have passive provision. However, there is potential ambiguity regarding the care home units and the condition is necessary to provide certainty on this point. The over-arching advantage of securing the provision is to encourage the use of low carbon sources of travel and to reduce carbon dioxide emissions as a result of the proposal, in accordance with Policy CC1 of the LP;
- The condition requiring details of the on-site flood mitigation works is necessary to suitably mitigate flooding. The condition must be considered in the context of the s106 clauses requiring details and maintenance of the wider, off-site, flood works as part of the Pix Brook Catchment Flood Alleviation Scheme;
- The conditions requiring details of the surface water drainage scheme and its subsequent maintenance are necessary to ensure that suitable mitigation is provided regarding surface water flooding;
- The condition requiring details of the cycle parking is required to encourage the use of low carbon sources of travel and to reduce carbon dioxide emissions as a result of the proposal, in accordance with Policy CC1 of the LP;
- The condition requiring the submission of a Sustainability Statement is necessary to ensure the proposal reduces carbon dioxide emissions, in accordance with Policy CC1 of the LP;

- The condition requiring ducting arrangements to facilitate broadband technology is necessary to ensure suitable broadband infrastructure is provided, in accordance with Policy HQ5 of the LP;
  - The conditions requiring noise protection schemes relating to plant, traffic, commercial, community and leisure noise, details of ventilation and cooling schemes, are necessary to protect the living conditions of the future occupiers of the proposed development; and,
  - The condition requiring details on foul water drainage works is necessary to ensure that adequate provision is made regarding foul water drainage, in accordance with Policy CC6 of the LP.
90. The areas plan, submission of reserved matters, fire hydrants, protection of trees, WSI, contamination risk assessment, remediation risk assessment (if required), revised site access at the proposed junction with Arlesey Road, CTMP, on-site flood mitigation works, surface water drainage scheme, and CEMP conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure(s) which could be used.

### **PLANNING BALANCE**

91. The proposal conflicts with Policy SP7 of the LP, which requires that proposals outside settlement envelopes maintain or enhance the intrinsic character and beauty of the countryside. This is an important policy for the appeal because it relates to windfall development, which is precisely what is proposed. The proposal also fails to comply with Policies EE5 and HQ1, with regard to the harmful effect on the landscape and character and appearance of the area. However, I have found the harm to the character and beauty of the countryside would be limited, and therefore so is the conflict with these policies. I have also found moderate harm from the proposed loss of BMV, and limited harm from the likely carbon emissions.
92. The conflicts I have identified include the primary policy in relation to proposals for windfall development. Consequently, although the conflicts are only limited or moderate in weight, I find that there would be conflict with the Development Plan as a whole. S38(6) of the Planning and Compulsory Purchase Act 2004 states that regard must be had to the Development Plan unless material considerations indicate otherwise. This is reflected at paragraph 47 of the Framework.
93. In this instance, there are a number of other material considerations to weigh in the planning balance. As I have set out above, there would be significant positive benefits from the proposal arising from the proposed market housing, affordable housing, market extra care accommodation, and contribution towards short and long term economic growth. There would also be moderate positive benefits from the proposed affordable extra care accommodation, SBCB plots, contribution towards wider flood relief measures, securing a 10% BNG, and the creation of significant areas of publicly accessible open space.
94. Given my findings in terms of the housing land supply position, the most important policies are deemed to be out of date by virtue of paragraph 11d of the Framework and the 'tilted balance' is technically engaged. However, the benefits of the proposal are many and weighty. The harms and conflicts with



the Development Plan are few and of lesser overall weight. The material considerations therefore indicate that the proposal is acceptable and it is not necessary to engage the 'titled balance'.

**CONCLUSION**

95. For the reasons above, the appeal is allowed.

*O S Woodward*  
INSPECTOR

## **ANNEX A: APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Alex Greaves QC, of Francis Taylor Building. He called:

Phillip Hughes MRTPI	Director, PHD Chartered Town Planners Limited
Carol Newell	Landscape Officer, Central Bedfordshire Council
Jonathan Lee	Managing Director, Opinion Research Services
Sheila Teli	Solicitor, Central Bedfordshire Council

### FOR THE APPELLANT:

Christopher Young QC, assisted by Christian Hawley of counsel, both of No5 Chambers, called:

Tom Francis	Director, Woods Hardwick Planning Limited
James Blake CMLI	Chairman, James Blake Associates Limited
Alistair Field FBIAC PIEMA	Director, Reading Agricultural Consultants Limited
John Freeman CEng MICE MCIHT MIOd	Partner, Woods Hardwick Planning Limited
George Beevor-Reid MCIHT	Associate Director, Woods Hardwick Planning Limited
Colin Morrison	Senior Director, Turley
Russell Gray MRTPI	Director, Woods Hardwick Planning Limited
Alistair Baxter CEng CEnv MICIEEM	Senior Director, Aspect Ecology
James Stacey MRTPI	Senior Director, Tetlow King Planning Ltd
James Donagh	Director, Barton Willmore now Stantec
Ben Pycroft MRTPI	Director, Emery Planning
Andrew Moger MRTPI	Director, Tetlow King Planning
Jessica Buttanshaw	Solicitor, CMS Cameron McKenna Nabarro Olswang LLP

### INTERESTED PARTIES:

Councillor Brian Collier	Planning Committee Chairman, Stotfold Town Council
Councillor Liz Anderson	Planning Committee, Stotfold Town Council

## **ANNEX B: INQUIRY DOCUMENTS**

- 1 List of appearances on behalf of the appellant
- 2 Opening statement on behalf of ukland.com
- 3 Opening submissions on behalf of the Local Planning Authority
- 4 Roundtable Agendas:
  - Landscape;
  - Highways;
  - Flooding; and,
  - Ecology.
- 5 Central Bedfordshire Local Plan 2035, published July 2021 – Arlesey & Fairfield Inset 2 Extract Map
- 6 Photograph of site notice
- 7 Shawmer Farm proposal Information:
  - Site Location Plan Ref 1785\_0105; and,
  - Site Plan Ref 1785\_0100 rev C.
- 8 Errata to the Proof of Evidence and Summary Proof of Evidence of James Donagh, dated 4 May 2022
- 9 Statement of Common Ground on Housing Land Supply, dated 5 May 2022
- 10 Inspector’s Walking Route
- 11 Update Proof of Evidence Phillip Hughes, dated June 2022
- 12.1 Email from Russel Gray, dated 10 June 2022, regarding ecology
- 12.2 Note on Proposed Planning Obligations & Conditions relating to Ecology, undated
- 13 Response of Russell Gray to Update Proof of Evidence Phillip Hughes, undated
- 14 Taymer Nursing Home application Information:
  - Location plan: Existing Ref 3217-D1000-rev02;
  - Illustrative Masterplan Ref 3217-D8000-rev00;
  - Report to Committee; and,
  - 11 May 2022 Committee Minutes.
- 15 Land east of Arlesey Information:
  - Central Bedfordshire Local Plan: SA, Appendix VIIa: Strategic Housing & Employment Allocations; and,
  - Site Assessment Framework for Housing: Site NLP419.
- 16 Statement of Common Ground on Affordable Housing, dated 13 June 2022
- 17.1 Extract from Hansard (column 831), dated Wednesday 8 June 2022, Levelling up and Regeneration Bill
- 17.2 Planning Resource article, dated 10 June 2022, by Chris Caulfield and John Geoghegan
- 18 Response of James Donagh to Update Proof of Evidence Phillip Hughes, dated 10 June 2022
- 19 Note on DLUHC Data Release: Self-Build Register Monitoring 2020/21, undated
- 20 Update Note on Self-Build and Custom Housebuilding Plot Delivery through Small and Medium Allocations, by Tetlow King Planning
- 21 Annual Monitoring Report - For the monitoring year 2020/21
- 22 Changes to Local Authority owned stock table
- 23 Draft s106 planning obligation, dated 15 June 2022, marked-up with inspector comments

- 24 Barton Le Clay Application Ref cb/21/02409 Information:
- Extra Care Travel Plan, dated May 2022;
  - Cover letter, dated 5 May 2022, by Turley;
  - Travel Plan, dated February 2021, by WYG; and,
  - Illustrative Master Plan Ref 18 948 – SK15 rev L.
- 25 Position Statement on Extra Care Supply in Central Bedfordshire, undated
- 26 Arlesey Road Stotfold Phase 2 - Site Land Ownership Plan Ref 18353-1020
- 27 Houghton Regis Centre (former Co-op site) Planning Application Form, dated 29 July 2016
- 28 CIL Compliance Statement by Central Bedfordshire Council
- 29 Conditions Update Table – Arlesey Road Stotfold
- 30 Minor Amendments to Adopted Local Plan - Central Bedfordshire Local Plan 2015 - 2035
- 31 Appellant’s Response to Inspector Comments (s106), dated 21 June 2022
- 32 Updated Draft s106 Planning Obligation, dated 23 June 2022
- 33 Closing Submissions on behalf of the Local Planning Authority, dated 23 June 2022, including:
- *Hallam Land Management Ltd v Secretary of State for Communities and Local Government and Eastleigh Borough Council* [2018] EWCA Civ 1808 - Case No: C1/2017/3339; and,
  - *JJ Gallagher Ltd, London and Metropolitan International Developments Ltd and Norman Trustees v Cherwell District Council, Secretary of State for Communities and Local Government* [2016] EWHC 290
- 34 Stotfold Town Council Closing Remarks, by Brian Collier
- 35 Closing Submissions on Behalf of ukland.com, dated 23 June 2022

## **ANNEX C: SCHEDULE OF PLANNING CONDITIONS**

- 1) No development, excluding works necessary to facilitate archaeological or ground investigations, shall commence at the site until an Areas Plan defining the relevant Areas in which the development be delivered and the relevant part of the site that is included in each area has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Areas Plan.
- 2) No development, excluding works necessary to facilitate archaeological or ground investigations, shall commence in any Area defined under the Areas Plan approved by Condition 1 until details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for the relevant Area have been submitted to and approved in writing by the local planning authority. The development of each Area shall be carried out in accordance with the approved details.
- 3) Application(s) for approval of the reserved matters for any Area defined under the Areas Plan approved by Condition 1 shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) Development in any Area defined under the Areas Plan approved by Condition 1 shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5) The development hereby permitted shall be carried out in accordance with the following approved drawings: 18353-1006 Rev D Site Location Plan; 18353-ARLE-5-200 Rev B Site Access Plan; 18358-ARLE-5-203 Rev A – Site Access South.

### **Pre-commencement**

- 6) No development shall commence in any Area defined under the Areas Plan approved by Condition 1 until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
  - a) a survey of the extent, scale and nature of contamination;
  - b) the potential risks to:
    - i. human health;
    - ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - iii. adjoining land;
    - iv. ground waters and surface waters;
    - v. ecological systems; and,
    - vi. archaeological sites and ancient monuments.
- 7) A) No development shall commence in any Area defined under the Areas Plan approved by Condition 1 where (following the risk assessment

approved by Condition 6) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out before the development in the relevant Area is occupied.

B) Upon completion of the remediation scheme(s) as approved by part A) of this condition, verification report(s) by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

- 8) No development shall commence in any Area defined under the Areas Plan approved by Condition 1 until a construction environmental management plan (CEMP: Biodiversity) for that Area has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:
- a) an update walkover to confirm the validity of existing survey work undertaken to date, and provide any update surveys where necessary;
  - b) all mitigation measures and/or works in that area shall be carried out in accordance with MM1-MM12 contained in the Ecological Appraisal (Aspect Ecology, March 2021) and the Confidential Appendix (Aspect Ecology, February 2021) and ecology addendum letter (Aspect Ecology, June 2021);
  - c) risk assessment of potentially damaging construction activities;
  - d) identification of "biodiversity protection zones";
  - e) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - f) the location and timing of sensitive works to avoid harm to biodiversity features;
  - g) the times during construction when specialist ecologists need to be present on site to oversee works;
  - h) responsible persons and lines of communication;
  - i) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - j) use of protective fences, exclusion barriers and warning signs; and,
  - k) containment, control and removal of any invasive non-native species present on site.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 9) No development, including site clearance and/or preparatory work, shall commence in any Area defined under the Areas Plan approved by Condition 1 until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 10) No development, including site clearance and/or preparatory work, shall commence in any Area defined under the Areas Plan approved by Condition 1 until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority. The WSI for the relevant Area shall include the following components:
  - a) method statements for the investigation of all archaeological remains present at the site;
  - b) method statements for the preservation in situ of any archaeological remains that cannot be fully investigated (if appropriate); and,
  - c) an outline strategy for post-excavation assessment, analysis and publication, including details of the timetable for each stage of the post-excavation works.

Development in an Area defined under the Areas Plan approved by Condition 1 shall only be implemented in full accordance with the approved WSI for the relevant Area.

- 11) No development, excluding works necessary to facilitate archaeological or ground investigations, shall commence in any Area defined under the Areas Plan approved by Condition 1 until a scheme for the provision of fire hydrants within the relevant Area has been submitted to and approved in writing by the local planning authority. Prior to the first occupation of any building in the relevant Area, the fire hydrants serving the property or group of properties in that Area shall be provided as approved. Thereafter the fire hydrants shall be retained as approved for the lifetime of the development.
- 12) No development, excluding works necessary to facilitate archaeological or ground investigations, shall commence in any Area defined under the Areas Plan approved by Condition 1 until a Construction Traffic Management Plan (CTMP), associated with the development of the relevant Area, has been submitted to and approved in writing by the local planning authority. The CTMP shall include information on:
  - a) the parking of vehicles;
  - b) loading and unloading of plant and materials used in the development;
  - c) storage of plant and materials used in the development;

- d) the erection and maintenance of security hoarding / scaffolding affecting the highway if required;
- e) wheel washing facilities;
- f) measures on site to control the deposition of dirt / mud on surrounding roads during the development;
- g) footpath/footway/cycleway or road closures needed during the development period;
- h) traffic management needed during the development period; and,
- i) times and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the relevant Area.

The approved CTMP associated with the development of the relevant Area shall be adhered to throughout the development process in that Area.

- 13) No development, excluding works necessary to facilitate archaeological or ground investigations, shall commence in any Area defined under the Areas Plan approved by Condition 1 until a final detailed design of the flood mitigation works within the boundary of the site, to provide betterment to the existing community, and inclusive of landscaping and planting arrangements, has been submitted to and approved in writing by the local planning authority. The scheme benefits should be demonstrated and shown to be in accordance with hydraulic modelling, reporting and the wider Pix Brook Catchment Flood Alleviation Scheme. The design should be in accordance with the details contained within BMT's 'Arlesey Road Bridge – Flood Risk Modelling' report (March 2021). No more than 75% of the dwellings, including the extra care units, shall be occupied until the scheme has been fully implemented in accordance with the approved details. Thereafter, the flood mitigation works are to be maintained by the landowner. Maintenance responsibilities and arrangements shall be provided for approval for all elements of the flood mitigation works by way of a 'Management and Maintenance Plan' to be provided with the final detailed design and will ensure its long-term functionality. As built drawings should be provided to the local planning authority upon the scheme's completion.
- 14) No development, excluding works necessary to facilitate archaeological or ground investigations, shall commence in any Area defined under the Areas Plan approved by Condition 1 until a final detailed design of the surface water drainage scheme to manage surface water runoff from the development for up to and including the 1 in 100 year event (+40%CC), has been submitted to and approved in writing by the local planning authority. The final detailed design shall be based on the agreed 'Flood Risk Assessment and Drainage Strategy Revision B' (March 2021) and its recommendations, the DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and the CIRIA C753 SuDS Manual (2015). The scheme shall be subsequently implemented and thereafter be maintained as approved.

**Pre-specific trigger**

- 15) No development shall commence in the Area defined under the Areas Plan approved by Condition 1 that is to be served by the site access



shown on drawing Ref 18358-ARLE-5-200 REV B Site Access until revised details of the junction of the proposed vehicular access with the highway (with kerb radii of 10m and with the private access road element provided at 4.8m in width) has been submitted to and approved in writing by the local planning authority. No building in the relevant Area shall be occupied until the junctions have been constructed in accordance with the approved details.

- 16) Prior to the construction of vehicular parking areas associated with any building in an Area defined under the Areas Plan approved by Condition 1, 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 details of active charging posts or passive provision such as cabling and electricity supply for each dwelling (where appropriate). The development of each Area shall be carried out in accordance with the approved details and the relevant part of the scheme shall be implemented prior to the occupation of the relevant dwelling.
- 17) Prior to the construction of the cycle parking associated with any building in an Area defined under the Areas Plan approved by Condition 1, details of the proposed car and cycle parking to be designed in accordance with Central Bedfordshire Design Guide September 2014 or other such documents that replace it, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and made available for use before the relevant part of the development is occupied and the cycle parking areas shall not thereafter be used for any other purpose.
- 18) Prior to the submission of any reserved matters applications for the Area of the development that includes the provision of plots for Self Build and Custom Housing, individual Plot Passport Details for all Self Build and Custom Housing plots shall be submitted to and approved in writing by the local planning authority. The Details shall include:
  - a) an indicative Site Layout Plan for the relevant Area;
  - b) indication of building height, massing and bulk for the relevant Area;  
and,
  - c) indicative plot size and width for the relevant Area.Thereafter, the reserved matters for any individual Self Build and Custom Housing plot in that Area shall accord with the approved Plot Passport Details.
- 19) No above ground development in an Area defined under the Areas Plan approved by Condition 1, excluding works necessary to facilitate archaeological or ground investigations, shall take place until a scheme for the provision of adequate ducting arrangements to facilitate superfast broadband (fire-optic) technology to each residential property in the relevant Area has been submitted to and approved in writing by the local planning authority. No dwelling in the relevant Area shall be occupied until the ducting arrangements to that property has been implemented.
- 20) No development above slab level in an Area defined under the Areas Plan approved by Condition 1 shall commence until a scheme for protecting the future occupants of the development from road traffic, commercial,

community and leisure noise has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied in the relevant Area until the works to protect the dwelling(s) concerned have been completed in accordance with the approved details.

- 21) Prior to operation of any plant, machinery or equipment installed as a result of the development, a scheme for protecting the future occupiers of the development from noise from the equipment, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to occupation of the relevant buildings and shall be retained thereafter.
- 22) A) Within twelve months of the completion of the archaeological fieldwork, a Post Excavation Assessment report and an Updated Project Design (UPD), or a final archaeological report, shall be submitted to and approved in writing by the local planning authority.  
B) Within two years of the approval of the of the archaeological fieldwork, a post-excavation analysis as specified in the approved UPD (if a UPD is prepared), an archive report, and a publication report shall all have been submitted to and approved in writing by the local planning authority, with the archive report ready for deposition at a store as previously approved by the local planning authority.
- 23) Any contamination that is found during the course of construction that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, in the relevant part of the site, is resumed or continued.
- 24) No development above ground level in an Area defined under the Areas Plan approved by Condition 1 shall commence until a ventilation and summer cooling scheme for the dwellings in the relevant Area has been submitted to and approved in writing by the local planning authority. The scheme shall enable appropriate internal ambient noise levels to be achieved whilst ventilation is provided at the minimum whole building rate as described in The Building Regulations Approved Document F. The scheme shall also ensure that the thermal comfort criteria defined in the Chartered Institute of Building Engineers Environmental Design Guide (2015) is achieved with windows closed where required to meet the noise standards for road traffic, commercial and leisure noise. No dwelling shall be occupied in the relevant Area until the approved ventilation scheme has been installed in full accordance with the approved scheme.
- 25) Prior to the commencement of any construction above the damp proof course in each Area defined under the Areas Plan approved by Condition 1, a scheme for on-site foul water drainage works in the relevant Area, including connection point and discharge rate, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling in the relevant Area, the foul water drainage works relating to that dwelling must have been carried out in accordance with the approved scheme.

- 26) No development above slab level shall commence until a scheme of capacity improvements at the Arlesey Road/A507/Stotfold Road roundabout in accordance with the details shown on drawing Ref 18358-ARLE-5-300, has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented prior to occupation of 50% of the dwellings, including the extra care provision, in the development.
- 27) No development above slab level shall commence until a Public Art Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include:
- a) a description of where the public art is to be provided on site;
  - b) a description of the commissioning and procurement process, including detail on budget;
  - c) a timetable for implementation and completion of the public art on the site; and,
  - d) the long term management and maintenance plan.

The Public Art shall thereafter be implemented and maintained in accordance with the approved details.

### **Pre-occupation**

- 28) Prior to the first occupation of the development within the relevant Area defined under the Areas Plan approved by Condition 1, a landscape management plan, including long term design objectives, management responsibilities and maintenance scheme for the relevant area, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall thereafter be carried out as approved, and the landscaping shall be managed and/or maintained in accordance with the approved maintenance scheme.
- 29) Prior to the first occupation of the development within the relevant Area defined under the Areas Plan approved by Condition 1, a written Management and Maintenance Scheme for the Estate Road in the relevant Area, to include details of the replacement programme for any furniture, the maintenance operations specifically identifying the management objective, task and the timing and frequency of the operation for all features of the Estate Road, and details of who is to undertake the ongoing future maintenance of the Estate Road (if the Estate Road is not to be adopted by the Council), shall have been submitted to and approved in writing by the local planning authority.
- 30) Prior to the first occupation of the development within the relevant Area defined under the Areas Plan approved by Condition 1, details of external lighting to be installed in the relevant Area, including the design of the lighting unit, any supporting structure, the extent of the area to be illuminated, and a lighting design scheme for biodiversity within that Area shall have been submitted to and approved in writing by the local planning authority. The scheme shall identify those features in that area that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, lux drawings and technical

specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. This should be in line with Guidance Note 08/18 Bats and artificial lighting in the UK (Bat Conservation Trust and Institute of Lighting Professionals, 2018). Prior to the first occupation of the development within the relevant Area defined under the Areas Plan approved by Condition 1, all external lighting shall be installed in accordance with the approved scheme. Thereafter, the scheme is to be maintained as approved.

- 31) Prior to the first occupation of the development within the relevant Area defined under the Areas Plan approved by Condition 1, details of the bin storage/collection areas for that Area shall have been submitted to and approved in writing by the local planning authority. The bin storage/collection areas shall be implemented in accordance with the approved details and retained thereafter.
- 32) Prior to the first occupation of the development within the relevant Area defined under the Areas Plan approved by Condition 1, a finalised 'Maintenance and Management Plan' for the surface water drainage system within the relevant Area and a 'Verification Report' that evidences that the approved surface water drainage scheme associated with the dwelling(s) to be occupied has been correctly and fully installed as per the final approved details shall be submitted to and approved in writing by the local planning authority. Thereafter, the system is to be maintained as approved. Any responsibilities for drainage conveyed to individual homeowners should be made clear by way of property deeds.

**For observation**

- 33) Excluding the Extra Care Area, the development hereby approved shall comprise no more than 181 dwellings.
- 34) No element of any building on any part of the development hereby permitted shall exceed 10 metres in height as measured from finished floor level.
- 35) The relevant reserved matters application for each Area defined under the Areas Plan approved by Condition 1, shall include details of both hard and soft landscape works. These details shall include:
  - a) ecological enhancement measures;
  - b) planting plans;
  - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
  - d) schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate;
  - e) a plan showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
  - f) a schedule in relation to every tree identified listing:
    - i. information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and

- ii. construction - Recommendations) (or in an equivalent British Standard if replaced); and,  
any proposed pruning, felling or other work;
  - g) in relation to every existing tree identified to be retained on the plan referred to in i) above, details of:
    - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and,
    - ii. all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced); and,
  - h) areas of existing landscaping to be protected from construction operations and the method of protection.
- 36) The relevant reserved matters application for each Area defined under the Areas Plan approved by Condition 1, shall include details of an independent vehicular turning head area(s) for an 11.5m refuse collection vehicle.
- 37) The relevant reserved matters application for each Area defined under the Areas Plan approved by Condition 1, shall be accompanied by a Sustainability Statement. Prior to occupation of the first dwelling in the relevant Area, a Post-verification Report is to be submitted to the local planning authority to confirm that the development achieves the relevant standards in place at the time.
- 38) Prior to the first occupation of the development within the relevant Area defined under the Areas Plan approved by Condition 1, visibility splays at the junction of the estate road with the public highway shall have been provided. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 43m in both directions measured from the centre line of the proposed estate road along the line of the channel of the public highway. The visibility splays shall thereafter be kept free of any obstruction.
- 39) Prior to the first occupation of the development within the relevant Area defined under the Areas Plan approved by Condition 1, visibility splays at all road junctions within the site shall have been provided. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25m measured from the centre line of the side road along the channel of the through road. The visibility splays shall thereafter be kept free of any obstruction.
- 40) Prior to the first occupation of any building, the roads and footpaths which provide access to the building from the existing highway shall have been laid out and constructed in accordance with the Central Bedfordshire Design Guide September 2014 or other such documents that replace it. The roads and footpaths shall thereafter be maintained.

=====END OF SCHEDULE=====