



Appeal Decision

Inquiry held on 20 June 2023

Site visit made on 20 June 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 24th July 2023

Appeal Ref: APP/K0235/W/23/3316823

Land at Station Road, Oakley, Bedford MK43 7RB

- 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 Bedfordshire Charitable Trust Ltd. and Bedfordia Developments Ltd against the decision of Bedford Borough Council.
 - The application Ref 21/02394/MAO, dated 31 August 2021, was refused by notice dated 4 October 2022.
 - The development proposed is outline application (all matters reserved other than access) for the development of up to 40 dwellings, vehicular and pedestrian access, green infrastructure including open space and landscaping, and related drainage and other infrastructure works on land off Station Road, Oakley.
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Decision

1. The appeal is allowed and planning permission is granted for outline application (all matters reserved other than access) for the development of up to 40 dwellings, vehicular and pedestrian access, green infrastructure including open space and landscaping, and related drainage and other infrastructure works on land off Station Road, Oakley at Land at Station Road, Bedford MK43 7RB in accordance with the terms of the application, Ref 21/02394/MAO, dated 2 September 2021, subject to the attached schedule of conditions.

Preliminary Matters

2. No postcode was provided on the application form accompanying the proposal. I have, therefore included the postcode provided by the appellants in their Unilateral Agreement (UU) in my banner and decision to assist in locating the development.
3. The application was submitted in outline form with all matters except access reserved for future consideration. Submitted plans for determination at this stage include an access strategy overview and a proposed site access arrangement. There are also three illustrative Masterplan options and illustrative layouts shown for the purposes of noise modelling. I have taken any details on submitted plans relating to appearance, landscaping, layout (other than that of the site access) or scale as being indicative and have determined this appeal on that basis.
4. A copy of Drawing No BE1564-35PD-002 Revision D: Proposed Site Access Arrangements, was submitted at the Inquiry. This was a revision of a plan submitted previously. All parties have had access to the previous version of the plan, Revision C. The change to Revision D was to indicate visibility splays for the proposed mini-roundabout, in accordance with the requirements set out in

a draft condition and at my suggestion to clarify the requirements of that condition. As such I do not consider that any party would suffer injustice by my acceptance of the plan.

5. Prior to the Inquiry the appellants submitted a draft planning obligation in the form of a UU under Section 106 of the Town and Country Planning Act 1990. Prior to closing the Inquiry, the appellants provided signed and dated copies of the UU to myself and the Council. The UU seeks to provide affordable housing; provide public open space and noise attenuation works; secure the adoption of the principal roads and path within the site and contributions to healthcare infrastructure, off site sports facilities, waste facilities and any appropriate traffic regulation orders. There was discussion of the UU at the Inquiry and the Council have made comment. I have taken account of the UU in my decision.
6. I have received three signed Statements of Common Ground (SoCG) between the Council and the appellants relating to general planning matters, noise and highways. I have taken the SoCGs into account in my decision.
7. Mention was made at the Inquiry of the draft revisions to the National Planning Policy Framework. This document is currently in the process of consultation and the 2021 version of the National Planning Policy Framework (the Framework) forms current Government Policy. I therefore afford the draft revisions no weight.

Background and Main Issue

8. Following negotiations between the Council and the appellants it is a point of common ground between them that the appeal scheme is acceptable, and this is set out within the SoCGs. However, interested parties have raised concerns, particularly regarding compliance with development plan policy and highway matters. I have considered these in turn to ascertain whether they justify the refusal of planning permission and this forms the main issue in this appeal.

Reasons

Local and national policy for the delivery of housing

9. The appeal site lies within the village of Oakley, which is identified within the Bedford Borough Local Plan 2030 (2020) (the Local Plan) as a Rural Service Centre. Policy 4S of the Local Plan identifies an overall housing growth figure of 260 dwellings for Rural Service Centres, with 25-50 homes to be provided within Oakley.
10. Policy HG1 of the Oakley Neighbourhood Plan (2020) (the NP) identifies the site, referred to as Site 170 for about 30 dwellings and provides, within Annex 4, a Housing Site Design Brief to which the policy advises any proposal should have regard.
11. The Council can demonstrate a healthy supply of housing land, of some 6.8 years, and this is not in dispute. However, the thrust of government policy is to substantially increase the delivery of housing and the figures set for the supply of housing within the development plan, which includes the NP, are not maximum figures. I am further mindful of the aim of the Framework to make efficient use of land. There is no evidence before me to suggest that a small increase in the scale of proposed development of up to 40 dwellings, in the context of about 30 having been identified in the NP, would result in a

significant oversupply of housing in the area. The issue, therefore, is whether the number of dwellings proposed would cause unacceptable harm in planning terms.

12. The proposal is in outline form, with all matters reserved for determination later, except access. Whilst the detailed proposals will still be considered against the requirements of the development plan and national planning policy, I must determine whether there are any matters that would, in principle, be contrary to planning policy.
13. I have had regard to the wording of the NP and the supporting background documents relating to its making that are before me. Policy HG1 of the NP does not set out any specific maximum number of dwellings for the site but contains a degree of flexibility. This reflects the Independent Examiner's concerns identified in her Report on Oakley Neighbourhood Plan (2019) that the original wording used an approach which would be over prescriptive and in conflict with national policy.
14. I find that, whilst the reserved matters proposals will need to demonstrate compliance with regard to policy, given the flexibility in regard to the capacity of the site for housing provided by the policy as it is written, there is no conflict, in principle, with Policy HG1 of the NP in regard to the outline proposal before me.

The safe and efficient operation of the public highway

15. Station Road is fronted by two schools, a primary and a secondary school and suffers high demand for parking during pick-up and drop-off times.
16. During my site visit I saw the operation of the road during the pick-up period. School Road is a single carriageway road subject to a 30 MPH speed limit. I observed that it is monitored by traffic enforcement cameras and zig-zag lines serve to regulate stopping in front of the schools. A bus route also runs along the road.
17. My observations are that, particularly during pick-up for the primary school, there was high demand for parking by persons collecting children, whilst at the end of the secondary school day there were large numbers of children walking along the road.
18. Interested parties observed that the situation may have been affected by industrial action. Nonetheless I observed that the demand for parking was heavy, although generally parking restrictions were observed.
19. The parking at these times reduced the width of available carriageway outside of the parking restrictions so that traffic flowed in a give and take pattern. However, traffic flows were low and I did not observe significant delays to vehicles.
20. Whilst pedestrian flows were high, during a short period of time, pedestrians were generally able to flow along the footways without the need to walk along in the carriageway.
21. Paragraph 11 of the Framework advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road

network would be severe. No significant history of personal injury accidents has been identified in the vicinity.

22. The proposal before me is in outline form and appropriate parking provision could be secured within the site in accordance with development plan policies by use of a suitably worded planning condition. There is no substantive evidence before me to show that the proposal would significantly increase demand for on-street parking on Station Road, particularly as the site lies within walking and cycling distance of the schools and suitable links are provided.
23. Whilst there would be likely to be a degree of overlap between the morning drop off and peak traffic flows, the afternoon peak would usually lie outside of the picking up period.
24. There would be an increase in vehicular traffic on Station Road, particularly during peak hours, following development. However, there is no substantive evidence before me to demonstrate that there would be a significant increase in congestion or delay on the network.
25. Pedestrian flows would be likely to increase between the site and the schools. However, the proposal would make provision for pedestrian linkage and to augment the existing traffic management on Station Road with speed management measures.
26. Bringing these matters together, I find that it has not been shown that delays on the network would be significantly increased or that there would be a significant increase in risk of injury on the network as a result of this proposal. I therefore find no conflict at this stage in the planning process with Policy 31 of the Local Plan, which seeks to avoid significant adverse impacts on the public highway, or national policy in regard to its impact on the safe and efficient operation of the public highway.

Other Matters

27. Two Grade II listed buildings, the Goods Shed and the Coal Offices (the LBs), lie a short distance to the north of the site. There are also two non-designated heritage assets, Station House and Railway Cottages (the NDHAs) in the vicinity. The main parties are agreed that the site forms part of the setting of the LBs and the NDHAs and that the proposed development would change the character of the site from arable land to suburban residential development. There is further agreement that this change to their setting could adversely affect the LBs and NDHAs. However, there is no dispute between the main parties that any harm to the heritage assets would be likely to be, at worst, less than significant, whilst there is potential for mitigation during the detailed design of the proposal. They agree that the public benefits would outweigh any foreseeable harm to the setting of the heritage assets. I have no evidence before me to disagree with their conclusions.
28. In considering the principle of development, there is no reason for me to believe that any harm would be other than less than significant regarding the important features of the heritage assets. Further, given the separation and existing features of the setting of the heritage assets, any harm would be likely to be very minor.

29. Whilst the detailed scheme would still need to be assessed in terms of any harm that would result from it, and this balanced against public benefits, there is no justification for me, at this stage, to find that the principle of housing on the site is unacceptable.
30. On the basis of the information before me the northbound bus stop will be unaffected by proposed works within the public highway. The location of the southbound bus stop would be very close to the proposed mini-roundabout and would need to be moved. However, its relocation can be secured by condition.
31. The application is in outline with all matters reserved except access. However, the appellants have provided various indicative layout options that show a public open space and, within their UU, make provision for its delivery and maintenance. Whilst concerns were raised by the interested parties regarding future maintenance of the public open space by a management company, this matter lies outside of the scope of this appeal. The indicative plan indicates the retention of the hedge on the Station Road frontage and provision of hedging around the site.
32. I have no substantive evidence before me to indicate that there would be an unacceptable impact on any species afforded specific protection or other biodiversity.
33. Concerns have been raised regarding the potential for archaeological remains to be contained within the site, the impact of construction traffic, including the safety of highway users and flooding from the site. I note that the Council's Heritage Officer also identified potential for the proposed development to affect archaeological remains.
34. On the basis of the evidence before me these matters could be addressed by the attachment of suitably worded planning conditions to any permission that I am minded to grant.
35. There is no substantive evidence before me to demonstrate that the proposal would result in unacceptable harm regarding increased air pollution and difficulties for emergency vehicles to access the area.
36. My attention has been drawn to a recent appeal decision¹. That appeal related to a site that was, unlike the proposal site before me, not allocated within the NP. I therefore give that decision very limited weight in my deliberations. I have, in any case, determined this appeal on its own merits.

Conditions and Planning Obligation

Conditions

37. I have had regard to the various conditions suggested by the appellants and the Council, as set out in their SoCG.
38. The suggested conditions included a condition limiting the scale of the proposal to a maximum of 40 dwellings. However, this limit is set out in the description of the development and is, therefore, unnecessary.

¹ PINS REF: APP/K0235/W/3306542

39. Condition 1, which identifies the approved plans in accordance with which the development must be built, is necessary to provide certainty in what this permission authorises.
40. Condition 2 identifies those matters which are for approval at a later date, the reserved matters, for clarity as to what information is required prior to commencement of the development and to accord with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning Compulsory Purchase Act 2004. Conditions 3 and 4 limiting the time within which the application for approval of reserved matters must be made and the application begun following their approval are necessary to comply with the requirements of that legislation, and to prevent the accumulation of unimplemented planning permissions.
41. Condition 5 requires the submission of a strategy to evaluate the potential of the site to contain archaeological remains and take appropriate actions to record and preserve any such remains. This is required so that the development would conform with Policy 41S of the Local Plan and the aims of Section 16 of the Framework. The potential for archaeological remains to be harmed by any construction work within the site necessitates that this evaluation be carried out prior to commencement of any development. The necessity for this condition and its wording has been agreed with the appellants.
42. Conditions 6, 7, 13, 28 and 30 requires the provision of the main access prior to commencement of the development, and internal access prior to occupation of dwellings that they will serve, to a suitable standard as these are necessary for highway safety and to secure appropriate levels of accessibility. The conditions also secure the provision of parking for future residents so as to protect their amenity. The provision of the suitable access into the site prior to any start of development is necessary to ensure that the site can be accessed safely, with minimum risk to the public. The appellants have agreed the necessity for this condition and its wording.
43. Similarly, Conditions 31 and 32 are required to ensure that internal roads are constructed and maintained to a sufficiently high standard as to ensure that they are safe to use, provide a suitable level of amenity for future occupiers for the life of the development and encourage the use of more sustainable modes of transport where appropriate. Together these conditions are necessary to ensure that the development meets the aims of Policies 2S(iii), 29 (v) , (viii), 31 (i), (ii), (iii), (iv) and (vi) and 53 of the Local Plan and those parts of the Framework which seek to ensure that safe and suitable access to the site can be achieved for all users, create places that are safe, inclusive and accessible with a high standard of amenity for future users and promote sustainable transport.
44. Condition 17 ensures that dwellings within the proposal will provide a suitable degree of accessibility for future occupiers. This would accord with the aims of Policy 59S of the Local Plan and Part 12 of the Framework.
45. Whilst the other works within the public highway are shown on the approved plans and their location and form have been secured thereby, it is necessary to secure the relocation of the southbound bus stop and ensure that it is accessible, and Condition 29 does this. This is necessary in the interests of highway safety and to encourage the use of sustainable transport in

accordance with Policy 31 (i), (ii) and (iii) of the Local Plan and those parts of the Framework which have similar aims.

46. The proximity of the site to the nearby railway line makes it necessary to ensure that the proposed development would provide an appropriate living environment for future occupiers, both within the dwellings and within any external amenity space. Conditions 25, 26 and 27 have therefore been included to secure this. These require the provision, approval by the Local Planning Authority (the LPA) and implementation of a noise impact assessment and mitigation strategy to control levels of noise that would be experienced by the future occupiers of the dwellings. This accords with the aims of Policies 32 and 53 of the Local Plan and Part 12 of the Framework.
47. Condition 8 is required to establish the existing and proposed levels within the development so that the effects of the proposal in regard to levels and associated impacts can be fully assessed and addressed, as is required by Policies 29, 30 and 32 of the Local Plan. As this information has potential to affect the design of the proposal this information is required prior to the commencement of any works on site. The necessity for this condition and its wording has been agreed with the appellants.
48. It is necessary to establish that an appropriate scheme can be provided to drain the site of surface water and that such a scheme would accord with the Council's adopted Sustainable Drainage Systems (SuDS) Supplementary Planning Document (2018). This is required to prevent flooding and ensure the satisfactory storage and disposal of surface water from the site in accordance with Policies 50S and 93 of the Local Plan and is secured by the imposition of Condition 9. As this may dictate elements of the detailed design, the scheme needs to be identified prior to the commencement of works on site and the necessity for this condition and its wording has been agreed with the appellants.
49. Condition 10 requires the submission of details of the foul water drainage for the proposal to be submitted to and approved by the LPA. This is to ensure that the foul water drainage from the site is appropriately dealt with so as to prevent environmental and amenity problems for the public and future occupiers. As, again, proposals would have potential to impact upon other aspects of design, it is necessary that these are secured before any other works commence on the site. The appellants have agreed the necessity for this condition and its wording.
50. Condition 11 requires the provision of a Construction Method Statement (CMS) to safeguard the living conditions of local residents and the safety of users of the public highway during the construction phase. There was discussion at the Inquiry as to whether it was necessary to control hours of operation of the site through this condition, given the proximity to neighbouring residential properties and schools. The Council explained that this aspect of the works could be controlled to their satisfaction through their existing Environmental Health procedures and current legislation. I have no reason to disagree with this approach and so the inclusion of measures to control the hours of operation of the site within Condition 11 is not necessary. To control the works during the construction phase it is necessary that the CMS is in place prior to the start of any works on site. The necessity for this condition and its wording has been agreed with the appellants.

51. To effectively plan for the minimisation of waste and that waste is treated appropriately and is compliant with the aims of Policy 49 of the Local Plan, Condition 20 is necessary to secure a waste audit, for submission to and approval by the LPA. This information, which would affect the way in which the development is constructed, would need to be provided before any works commence and the appellants have agreed the necessity for this condition and its wording.
52. In the interest of amenity and highway safety and in accordance with Policies 29 (viii) and 31 (vi) of the Local Plan it is further necessary to ensure that adequate provision is made for the collection of waste from the site, including the means of storage and a strategy for collection that ensures access for refuse vehicles. Condition 12 secures this.
53. To safeguard public health Condition 21 requires that an assessment be made of the potential for the land to be contaminated and, if contamination is found, a strategy to address this. This assessment and strategy must, as it is necessary to find out this information and have measures identified to deal with it prior to any disturbance of the ground that could lead to the release of contaminants, be in place before the commencement of any works on site that could do so. The appellants have agreed the necessity for this condition and its wording.
54. Condition 15 is required to ensure that a scheme of fire hydrants is provided within the development, and maintained thereafter, to ensure the safety of the public and future occupiers by ensuring that fires can be fought effectively, in accordance with the aims of Policies 29S, 30, 33 and 86S of the Local Plan.
55. To support the installation of, and allow the future upgrade and maintenance of, fibre optic broadband technology in accordance with Policy 94 of the Local Plan and the aims of Chapter 10 of the Framework, the future occupiers of the proposed development should be served with an appropriate open access fibre optic infrastructure. This is secured by Condition 23.
56. Condition 16 requires the submission and approval by the LPA of a Landscape and Ecological Management Plan (LEMP) to accompany the first reserved matters application. This is necessary to ensure the survival and protection of any important species and those protected by legislation that could be adversely affected by the development and to secure a biodiversity net gain across the site in accordance with Policies 42S and 43 of the Local Plan and Part 15 of the Framework.
57. It is necessary, to satisfy the aims of Policies 28S, 30 (iii), 38, 39, 40, 42S and 43 of the Local Plan and Parts 12 and 15 of the Framework, that details of landscaping and protection measures for existing planting that will be retained are secured within the reserved matters applications. This would ensure that the appearance of the proposal enhances the site, retained trees and hedges are appropriately protected during the development and appropriate ecological mitigation and enhancements are achieved. This is secured through the imposition of Condition 18 setting out the details required at submission of reserved matters for approval by the LPA.
58. Conditions 14 and 19 set out what is required for submission of materials, finishes and other details within the reserved matters applications, in the

interests of visual and neighbour amenity and so that any development will accord with Policies 29 and 30 of the Local Plan and Part 12 of the Framework.

59. Condition 22 is required to limit water consumption of the new dwellings to accord with the higher water efficiency standard set out in the Building Regulations. Whilst the Building Regulations already set out a standard requirement for water efficiency, a condition is necessary where the LPA seeks to impose more stringent limits on water consumption in line with development plan policies. In this case, Policy 52 of the Local Plan contains such a requirement and so the condition is necessary for good planning.
60. The site lies adjacent to a main railway line and has potential for glare from light to dazzle train drivers, which could have safety implications. For this reason, and to accord with the aims of Policy 32 of the Local Plan it is necessary to minimise light pollution. This is achieved through Condition 24, requiring the submission and approval by the LPA of an external lighting scheme. Given the specific concern of Network Rail regarding safety I have worded this condition so as to require the LPA to consult with them prior to approving the scheme.
61. The Officer's Report recommended the imposition of conditions requiring the provision of a Residential Travel Plan and electric charging points for vehicles. At the Inquiry the Council advised that Chapter 8 of the Parking Standards for Sustainable Communities: Design & Good Practice (2014) sets a threshold of 50 dwellings for residential development before a travel plan is required. The Building Regulations recently changed to require the provision of electric charging points for electrically powered motor vehicles. Thus, such conditions are not considered necessary.
62. I agree that a condition is not necessary to require electric vehicle charging points as these are secured by other means. I further find that, as the scale of the development is relatively small, the resources required for the provision of a site-specific Residential Travel Plan would not be proportionate to any identified harm and thus it is not reasonable to require one, nor is there a basis for doing so in regard to development plan policy.
63. I have amended some of the requested wording of the Council's conditions for clarity.

Planning obligation

64. There was no dispute between the main parties that the UU would provide affordable housing, public open space and noise attenuation works, contributions to healthcare infrastructure, off site sports facilities, waste facilities and any appropriate traffic regulation orders in accordance with development plan policy so as to mitigate any harms resultant from the development from additional demands on public infrastructure.
65. Further, the UU makes provision for the future adoption of the principal roads and path within the site, so as to ensure that the future occupiers and public would have a secured means of access to links within the site, particularly the footpath paralleling Station Road.
66. At the Inquiry, the Council confirmed that it was on the basis of such provision, together with the provision of additional information to address their concerns

in regard to other matters, that they were able to withdraw their objections to the proposal.

67. On this basis, and on the basis of the evidence before me, I consider that the provisions of the UU are necessary to make the development acceptable in planning terms, directly related to those harms that would otherwise result from the proposed development and fairly and reasonably relate in scale and kind to those harms.

Conclusion

68. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications is undertaken in accordance with the development plan, unless material considerations indicate otherwise.
69. I have found no conflict between the proposed outline development and the development plan. There is no dispute between the parties that the policies most relevant to the determination of this appeal are up to date and carry full weight, nor is there dispute that the Council is able to demonstrate a five-year supply of housing land.
70. The development would provide public benefits in terms of the provision of up to forty new dwellings, including a proportion of affordable housing. There would also be likely benefits to the local economy in terms of short-term employment in the construction industry and longer term support of local businesses. There would be further public benefits in the form of the provision of public open green space and the provision of traffic management measures to reduce vehicular speeds in the vicinity of two schools. These are substantial public benefits which, together, attract moderate weight and which, at this stage, outweigh the risk of any less than substantial harm to heritage assets in the vicinity of the site.
71. There are thus no material considerations that dictate that a decision should be made other than in accordance with the development plan when read as a whole and so for the reasons given I conclude that the appeal should succeed.

I A Dyer

INSPECTOR

APPEARANCES

For the appellants

Peter Goatley KC	No 5 Chambers
instructed by DLP Planning Ltd, who called: -	
Mr Gary King	Sharps Redmore Partnership
Ms Anna Meer	DLP Consultants
Mr Simon James	DLP Consultants
Mr John Priest	DLP Consultants

For the Council

Mr John Fitzsimons	Cornerstone Barristers
instructed by Bedford Borough Council, who called: -	
Mr Alister Wren	Bedford Borough Council
Mrs Kim Healy	Bedford Borough Council
Neil Polden	Bedford Borough Council

Interested Parties

Mrs Jane Walker	Bedford Borough Council and Oakley Parish Council Speaking against the development proposal on behalf of Oakley Parish Council.
Mrs Pat Olney	Oakley Parish Council Speaking against the development proposal on behalf of Oakley Parish Council and Oakley Neighbourhood Plan Development group.
Mr Gerry Sansom	Local resident Speaking against the development proposal on behalf of Oakley Neighbourhood Plan Development group.

DOCUMENTS SUBMITTED AT THE INQUIRY

By the appellants

Plan No BE1564-35PD-002 Revision D

Unilateral Agreement dated 20 June 2023

Closing submissions

By the Council

Notification of Inquiry

List of consultees

Site notice and confirmation of posting

Closing submissions

By Interested Parties

Mr G Sansom

Written transcript of oral statement

Mrs P Olney

Written transcript of oral statement

SCHEDULE OF CONDITIONS

1. The development shall be carried out in accordance with the following plans, unless required otherwise by a separate planning condition of this permission:

BE1564-35PD-001 Rev C (Highways)

BE1564-35PD-002 Rev D (Highways)

Location Plan PL01 Rev G
2. Development shall not commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to and approved in writing by the Local Planning Authority:
 - (1) the external appearance of the development;
 - (2) the landscaping of the site;
 - (3) the layout of the development;
 - (4) the scale of the development.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
4. The development hereby permitted shall be begun before the expiration of 2 years from the date of the last of the reserved matters to be approved.
5. No development shall take place until an archaeological strategy for evaluation and, if necessary, a further mitigation strategy, based on the outcome of the evaluation, have been submitted to and approved in writing by the Local Planning Authority.

The archaeological mitigation strategy shall include a timetable and the following components (the completion of each to the satisfaction of the Local Planning Authority will result in a separate confirmation of compliance for each component):-.

- a) Fieldwork and/or preservation "in situ" of archaeological remains;
- b) A post-excavation assessment report (to be submitted within six months of the completion of fieldwork);
- c) A post-excavation analysis report, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork).

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

6. There shall be no development on site until the junction of the proposed vehicular access with the highway has been constructed to base course level in accordance with the approved details (drawing nos.BE1564-35PD-001 Rev C and BE1564-35PD-002 Rev D). No dwelling shall be occupied until the

raised table mini-roundabout site access junction with Station Road and Reynes Drive and associated footways with suitable informal pedestrian crossing points along with the zebra crossing on Station Road indicatively shown on the approved plans nos. BE1564-35PD-001 Rev C and BE1564-35PD-002 Rev D have been constructed to surface course in accordance with the approved details.

7. The main vehicular access shall not be brought into use as a mini-roundabout until visibility splays have been provided at the junction in accordance with approved plan no. BE1564-35PD-002 Rev D. All parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriageway level.
8. No development shall take place until detailed drawings showing the pre-development ground levels and the proposed ground levels have been submitted to and approved in writing by the Local Planning Authority unless the existing and proposed levels details are submitted and approved as part of any reserved matters application. The development shall be implemented in accordance with the approved details or particulars.
9. No development shall take place until a surface water drainage scheme for the site which accords with the Council's adopted Sustainable Drainage Systems (SuDS) SPD 2018, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is occupied and maintained thereafter.
10. No development shall take place until a scheme for on-site foul water drainage, including connection point and discharge rate to the public network, has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling, the foul water drainage works must have been carried out in accordance with the approved scheme and these shall be maintained thereafter.
11. No development shall take place until a Construction Management Plan, has been submitted and approved in writing by the Local Planning Authority which will 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) Measures on site to control the deposition of dirt/mud on surrounding roads during the development.
 - f) Footpath/footway/cycleway or road closures needed during the development period (to include all proposals of road closures or traffic diversions prior to the completion of roads within the development).
 - g) Traffic management needed at the interface with the public highway during the development period.

- h) Times, routes (to include specific measures such as delivery ticket instructions and location of signage) 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).
 - i) The construction access junction with the public highway shall not be brought into use until visibility splays have been provided at the junction. The splay lines shall be not less than 2.4m measured along the centre line of the proposed access from its junction with the channel of the carriageway and not less than 43m measured from the centre line of the proposed access along the line of the nearside channel of the carriageway. All parts of the splays shall be kept free of all obstructions above the adjacent carriageway level until the proposed mini-roundabout access junction on Station Road/Reynes Drive is first brought into use.
 - j) The Construction Methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The approved Construction Management Plan associated with the development of the site shall be adhered to throughout the development process.
12. The submission of reserved matters for landscaping, appearance and layout shall include full details of bin storage and collection points in accordance with Bedford Borough Council guidance 'Waste & Recycling Operational Policies' or any superseding guidance. Storage and collection of bins shall be provided in accordance with the approved details and thereafter retained.
13. The submission of reserved matters for layout and landscaping shall include a scheme for motor vehicle and cycle parking (with access thereto) in accordance with Bedford Borough Council's Parking Standards for Sustainable Communities: Design and Good Practice 2014. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.
14. The submission of reserved matters for layout, appearance and scale shall include plan details with dimensions, materials, finishes and colours of all boundary treatments, screen walls and fences to the perimeter and individual plot gardens, including a timetable for carrying out the works. The works shall be carried out in accordance with the approved details and timetable and maintained thereafter.
15. No dwelling shall be occupied until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority and has been provided in accordance with the approved details prior to the occupation of any dwelling and provision is to be made for their maintenance thereafter.
16. As part of the first reserved matters submission a Landscape and Ecological Management Plan (LEMP) shall be submitted for written approval by the local planning authority. The plan shall include a detailed scheme and timetable for the enhancement of the site demonstrating that a minimum of 10% biodiversity net gain and ecological enhancement will be achieved across the

site. The proposed ecological and biodiversity enhancement and protection measures shall be implemented in accordance with the approved scheme prior to the occupation of the dwellings and shall be retained thereafter.

The content of the LEMP shall include the following: -

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The plan shall also set out a monitoring scheme to be implemented on completion of the dwellings and where those results show that conservation aims and objectives of the LEMP are not being met shall identify how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

17. The submission of reserved matters for appearance and layout shall include a scheme demonstrating the provision of 49% of the total number of dwellings are to be built in accordance with the Building Regulations 2010, Volume 1, M4(2) (accessible and adaptable dwellings) or such replacement document or policy which exists at the time of the development commencing. The submitted details shall specifically indicate which dwellings are to be built to these standards and the relevant dwellings shall be built and retained in accordance with the approved details.
18. The submission of reserved matters for landscaping shall include details of the following:
 - a) Planting proposals giving location, species, number, density and planting size;
 - b) The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services;
 - c) Areas of grass turfing or seeding and other surface materials;
 - d) Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period;
 - e) Details of all hard works, paving materials etc;
 - f) Details of the long-term management and maintenance proposals for the new planting;

- g) A scheme for works for protective fencing of the retained trees and hedges including the appropriate working methods in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations; or similar replacement standard);
- h) A timetable for implementation of the landscape works.

The development shall thereafter be carried out in accordance with the approved details or particulars and all planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in accordance with the timetable. Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

19. The submission of reserved matters for appearance shall include details of the external materials to be used (to include walls, roof, doors, windows and external gutters and pipework) in the construction of the dwellings and any associated buildings. The development shall thereafter be carried out in accordance with the approved details or particulars.
20. No development shall take place until a waste audit has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall demonstrate that both during construction and when occupied the waste that is generated by the development will be managed in an appropriate manner having regard to the waste hierarchy. In particular the waste audit should include:
- a) Anticipated nature and volumes of waste generated;
 - b) Steps to be taken to ensure effective segregation of wastes at source, including provision for waste sorting, storage, recovery and recycling facilities;
 - c) Any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once the development is complete.

The development shall be carried out in accordance with the approved waste audit.

21. No development shall take place until a contaminated land assessment and, if necessary, associated remedial strategy, together with a timetable of works, has been submitted to the Local Planning Authority for approval. The details shall be submitted and approved in separate phases, taking full account of the following:
- a) The Contaminated Land Assessment shall include a desk study and site reconnaissance exercise to produce a conceptual model of the site. This shall be used to propose a site investigation strategy, which shall be approved by the Local Planning Authority prior to the investigations commencing on the site.
 - b) The site investigation shall include relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports

as well as other appropriate guidance where necessary. This shall include risk assessment based on the Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use.

- c) The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy. The Local planning Authority shall approve this remedial strategy as proposed prior to any redemption commencing on site. The work shall be of such a nature so as to render harmless the identified contamination, given the proposed end use of the site and surrounding environment including any controlled waters. Any laboratories used for sampling shall be compliant with United Kingdom Accreditation Service or an equivalent approved accredited quality control scheme.
 - d) The remediation work as outlined in the approved strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works, contamination is encountered which has not previously been identified, including new hotspots uncovered by demolition; then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval. All works will be made available for witnessing by an appropriate Council Officer.
 - e) Upon completion of works, this Condition shall not be discharged until a validation report has been submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post remediation sampling to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. No part of the development shall be occupied until such works have been completed.
22. The new dwellings shall achieve and maintain the higher water efficiency standard in the Building Regulations as set out in Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition, DCLG October 2015 (or similar replacement standard) unless suitable evidence is submitted to and approved in writing by the Local Planning Authority that achieving the higher water efficiency standards would render the development economically unviable.
23. Prior to occupation the new dwellings shall be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless evidence is submitted which demonstrates that providing the required infrastructure is not feasible or economically viable.
24. No external lighting shall be installed within public areas of the site except in accordance with an external lighting scheme submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail.

25. As part of the first reserved matters submission a noise impact assessment shall be submitted to and approved in writing by the LPA. The noise impact assessment shall assess the effect of noise on living conditions, for the internal environment, and shall comprise a strategy of mitigation and protection measures designed to achieve noise levels at each unit of residential accommodation to: -

- Between 0700-2300 hrs: -
 - in Living Rooms 35 dB $L_{Aeq16hr}$,
 - in Bedrooms 35 dB $L_{Aeq16hr}$,
- Between the hours of 2300 and 0700 hrs: -
 - in Bedrooms the internal noise levels shall not exceed 30 dB L_{Aeq8hr} , 45 dB L_{Amax} .

26. As part of the first reserved matters submission a noise impact assessment shall be submitted to the LPA. The noise impact assessment shall assess the effect of noise on external living conditions in private enclosed gardens and shall provide where required a strategy for mitigation and protection measures designed to achieve external noise levels which should not exceed 50 dB $L_{Aeq,16hr}$.

Where it is not possible to achieve 50 dB $L_{Aeq16hr}$ it shall be demonstrated in accordance with the guidance in BS 8233:2014 that all steps have been taken to reduce noise levels to a level as low as possible and in any case shall not exceed 55 dB $L_{Aeq,16hr}$ and shall be limited to no more than 10% of the total number of the properties.

27. The noise strategy and mitigation and protection measures required by Condition 25 and 26 shall be based on the fundamentals of good acoustic design and the hierarchy of noise management measures to achieve suitable conditions for living (as outlined within ProPG: Planning & Noise – Supplementary Document 2 Good Acoustic Design, May 2017 or any superseding guidance). The strategy shall also incorporate an assessment of over-heating as it relates to ventilation requirements and the mitigation of the overheating condition.

The agreed upon strategy of mitigation and protection measures required by Condition 25 and 26 shall be implemented prior to occupation of each phase of the approved development and shall remain in perpetuity.

28. Notwithstanding details of access shown within the site, the submission of reserved matters for layout shall include details of the site's internal roads and paths which shall be designed in accordance with national and local design standards and best practice. The layout shall include within the site:

- Connected through-roads as far as practicable;
- Raised and continuous footways along the spine road at side road junctions;
- Lengths of any shared private drives limited to 15m;

- Streets (that have footways) designed to constrain vehicle speeds to 20mph;
- Any streets without raised and kerbed footways designed to constrain vehicle speeds to 10mph, along with suitable alternative means of navigation for sight-impaired pedestrians;
- A path along the western edge contained within the site to connect into the existing street network at both ends and directly into on-site roads

No building shall be occupied until the roads and footways/paths which provide access to the building have been laid out and constructed to base course in accordance with the approved plans. No more than 80% of houses in any street shall be occupied before the roads and footways/paths have been completed to surface course in accordance with the approved details.

29. There shall be no development above slab level until a detailed scheme of off-site highways works for the following has been submitted to and approved in writing by the local planning authority:

- The relocation of the southbound bus stop to the north of the site on Station Road to have a raised kerb and linking footway

No building shall be occupied until the off-site highways works have been completed in accordance with the approved plans.

30. The submission of reserved matters for layout shall include details for triangular pedestrian visibility at all vehicular accesses within the site that cross a footway. The splays on both sides of each access shall measure 1.8 metres x 1.8 metres within the land being accessed adjacent to the rear edge of the footway. The splays shall be provided before the access to which the splays relate is first brought into use. All parts of the splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above ground level.

31. The submission of reserved matters for layout shall include details of surfacing to be in a stable and durable manner with bonded materials of all proposed roads and paths and on-plot pedestrian and vehicular areas. Public car parking spaces shall be in a contrasting colour. Surface water from the private accesses must not drain to the public highway. No building shall be occupied until the surfacing of the associated on-plot access and parking areas have been surfaced in accordance with the approved plan.

32. The submission of reserved matters details for layout shall include details of the proposed arrangements for future management and maintenance of the proposed streets and paths within the development. The streets and paths constructed shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

END OF CONDITIONS