



Appeal Decision

Site visit made on 2 July 2024

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/P0240/W/23/3333240

Land to the south of Faynes Court, Sandy, SG19 1HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Kavanagh against the decision of Central Bedfordshire Council.
 - The application Ref is CB/22/01057/FULL.
 - The development proposed is construction of 8 dwellings with associated car parking and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whether any part of the site lies within the Sandy Conservation Area is a matter of dispute between the parties. The plans that I have been provided with are unclear, as the appeal site is not clearly marked on the council's Conservation Area Plan, and the Conservation Area boundary is not marked on the appellant's submitted drawings. If any part of the appeal site does fall within the Conservation Area it is only a very small part of one end of the site. For the purposes of this appeal I have taken it that the site lies completely outside, but within the setting of, the Conservation Area.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including any effect on the historic significance of the Sandy Conservation Area,
 - The effect on trees on neighbouring land, including any effect on protected species and biodiversity,
 - Whether it makes sufficient provision for the management of surface water flows,
 - Whether it has been designed to be resilient to the impacts of climate change; and,
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

4. The appeal site is a vacant piece of land on the edge of Sandy town centre. The immediate area is characterised by residential development principally comprising flats with some individual houses.
5. As the site lies next to the boundary of the Sandy Conservation Area (the CA) I have had regard to the effect of the proposed development on the significance of the CA.
6. The site is opposite Faynes Court. The proposed houses would face that development of two- and three-storey buildings across its existing parking court. The development would comprise short terraces of 2.5 storey houses with dormer windows to their front roof slopes.
7. The CA derives its significance principally from its pattern of development, and the character of and relationship between the buildings within it. As a vacant piece of land the appeal site makes little contribution to either the setting or significance of the CA. The council's CA map encourages the enhancement of the area between the appeal site and the CA. The flats and houses along Pleasant Place and along the Sunderland Road create an active frontage with doors and windows facing towards Faynes Court and the appeal site. This provides a sympathetic transition between Faynes Court and the surrounding area, and the CA.
8. Within this context the appeal site would be dominated by a large parking court. This would substantially extend the existing parking area for Faynes Court and create an expanse of hardstanding unsympathetic to its surroundings.
9. The general form of the houses would be simple, with the front dormers creating a point of interest within the roofscape. The overall scale of development would be similar to Faynes Court and the houses along Pleasant Place. The simpler design overall in comparison to those houses is appropriate given the location outside of the CA.
10. However, the side elevation to the house on plot 8 would present a blank face to the proposed parking court. This would contrast with the more active frontage along Pleasant Place and its neighbouring flats, as well as the expansive windows to the facing elevation of The Afnan Library on the opposite side of the parking court. This would be an unsympathetic element in the area that would further detract from its character and appearance.
11. There is an established sycamore tree, graded as Category B in the submitted Arboricultural Survey dated 30 October 2023, next to the site. The plans indicate that this tree would be removed to facilitate access to the site. This tree makes a significant positive contribution to the character and appearance of the surrounding area. While replacement planting is indicated on the proposed plans, the replacement planting suggested in the Preliminary Ecological Appraisal dated August 2021 (the PEA) would be of modest height. Given the size of the sycamore it is likely that it would take a considerable time for any new planting to contribute as much to the area.
12. The Arboricultural Survey states that it is likely that arboricultural impacts can be addressed with arboricultural methodology or minor amendments to the

- proposal. It recommends the preparation of an arboricultural impact assessment, an arboricultural method statement and a tree protection plan drawing to ensure that there are no irrevocable issues to the proposed retained trees. None of these recommended documents have been provided with this appeal.
13. The Arboricultural Survey also identifies 3 Category C trees off site but close to the site boundary and a group of Category C sycamores within the site. The group of sycamores would be removed to accommodate the proposed development. They are of modest value in the wider area, and I am satisfied that they could be replaced with suitable landscaping if I were to allow the appeal.
 14. However, the Arboricultural Survey indicates that the root protection area (RPA) for each of the 3 individual Category C trees would fall partly within the appeal site. While the indicated RPA for the holly tree only slightly crosses the site boundary, those of the apple and sycamore trees on neighbouring land extend further into the site. While individually of limited value they do make some contribution to the character and appearance of the area. No information has been provided to show how these trees would be protected during construction if I were to allow the appeal.
 15. Overall, therefore, the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with policies HQ1 and EE4 of the Central Bedfordshire Local Plan (the Local Plan). These policies require, amongst other criteria, that all developments be of the highest possible quality and respond positively to their context, and that any removal of trees is justified and replacement with appropriate planting.
 16. The appeal proposal would also therefore cause some harm to the contribution that the site makes to the historic significance of the CA. Given the relatively small scale of the appeal site relative to the CA and the limited contribution it makes this would amount to less than substantial harm to its significance as a designated heritage asset.
 17. Policy HE3 of the Local Plan requires, amongst other things, that development proposals preserve, sustain and enhance the significance of designated heritage assets. It also requires that development that would lead to harm to such assets be assessed against the relevant criteria in the National Planning Policy Framework (the Framework). This states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Framework further states that great weight should be given to the conservation of designated heritage assets, irrespective of whether any potential harm amounts to less than substantial harm.
 18. The appeal proposal would deliver 8 new houses, supporting the government's objective of significantly boosting the supply of homes. It would involve the redevelopment of previously developed land which is now vacant, so would be a more efficient use of this windfall site. The appeal site is in a sustainable location within easy walking distance of local shops and facilities. Taken together these benefits attract considerable weight in favour of the appeal proposal.

19. However, it would cause less than substantial harm to the significance of the CA as a designated heritage asset. In accordance with the Framework this harm attracts great weight which in this instance outweighs the benefits that would arise from the development.
20. The appeal proposal would therefore also conflict with policy HE3 of the Local Plan and the aim of the Framework of conserving and enhancing the historic environment.

Trees and biodiversity

21. The Category B sycamore is identified in the PEA as having some potential for supporting roosting bats, which are a protected species. While this potential is identified as low, the PEA recommends that the sycamore be retained and protected during the course of development. It does not consider the removal of the tree but recommends that a Preliminary Tree Roost Assessment be carried out on any mature or semi-mature tree to be removed. No such assessment has been provided with the appeal. I further note that the PEA is now more than 2 years old, and it recommends that after that time a further site assessment is undertaken. I have not been provided with any updated assessment for the site.
22. I recognise that the PEA states that it would be possible to achieve an overall enhancement for biodiversity at the site. However, this was based on the retention of the Category B sycamore and on an assessment carried out more than 2 years ago. It is not possible to say at this time what impact the development would have on biodiversity, including whether there would be any loss of an established bat roost.
23. The appeal proposal therefore conflicts with policies EE2 and EE3 of the Local Plan. These states, amongst other things, that development proposals will be permitted where they provide a net gain in biodiversity and that up to date ecological surveys will be required to support and inform development proposals that would affect protected species.

Surface water management

24. Policy CC5 of the Local Plan states that for previously developed land all development that results in increase in hard standing area or impacts on surface water flow paths will be required to use sustainable drainage measures to reduce surface runoff, to reduce overall flood risk through the reduction in discharge rates and volumes to pre-development levels.
25. The appeal proposal would introduce 8 houses and a car parking area to the site, creating substantial hard surfacing. The submitted Sustainable Drainage Strategy indicates that expected greenfield drainage rates can be met through use of appropriate sustainable drainage measures. Detailed drainage measurements have not been provided for the existing site. Rather, the calculations are based on a lowest infiltration rate scenario for the typical underlying geology at the site. This indicates that it is likely that the site could accommodate acceptable infiltration rates allowing for a 1 in 100 year plus 40% rainfall event. If not, the Drainage Strategy indicates that flow of up to 2 litres per second would be discharged to a nearby public drain.
26. Nevertheless, in the absence of details on present infiltration rates at the site it is not possible to be certain that the proposed development would achieve the

required rates. I have considered whether this could have been addressed by an appropriately worded condition, had I otherwise been minded to allow the appeal. However, in this case the uncertainty means that this would not be appropriate.

27. The proposal therefore conflicts with Policy CC5 of the Local Plan, the relevant requirement of which are set out above.

Climate change

28. Policy CC1 of the Local Plan requires that all new development incorporate measures to address climate change. These include, amongst other measures, the incorporation of renewable energy technologies and achieving the higher water efficiency standard of 110 litres per person per day.
29. No information has been provided to show how the appeal proposal would address these requirements. I have considered whether, had I been minded to allow the appeal, an appropriately worded condition could have been imposed to secure suitable measures. However, it is not clear what such measures would entail. Such a condition would consequently not be precise.
30. The appeal proposal would therefore conflict with the identified requirements of Policy CC1 of the Local Plan.

Highway safety

31. The proposed development would provide 8 new houses with 18 additional parking spaces for future occupiers. There would be an attendant increase in vehicle traffic using the junction with Sunderland Road.
32. Visibility westward from the junction is restricted by the building occupying the corner plot and its established landscaping, together with a large highway sign. The road curves significantly as it approaches the town centre, and traffic from that direction would therefore be concealed from view as it approaches the site. The Technical Note dated July 2022 provided by Waterman Infrastructure & Environment Limited confirms that the standard 2.4x43 metre visibility splay is therefore not achievable.
33. However, this is an existing access and approaching traffic from that direction would be on the far side of the road. A visibility splay of 2.4x43m would be achievable from the centre of the Faynes Court carriageway. Traffic approaching the junction from the parking area would be travelling at a slow speed given the short distance between the two.
34. On balance, therefore, and having regard to the relatively modest increase in traffic that would be likely to result from the development I am satisfied that the appeal proposal would not result in unacceptable harm to highway safety at this junction. It would therefore accord with policy T2 of the Local Plan which requires that new development must not have a detrimental effect on highway safety.

Other Matters

35. The main parties agree that the appeal proposal would not be harmful to the setting of Nos 10 and 11 Pleasant Place, a pair of Grade II listed 18th century cottages. I find that the significance of these cottages derives principally from their age and character. Given the separation and lack of existing or identified historic relationship between the appeal site and these properties, I am

satisfied that there would be no harm to this significance from the proposed development.

Conclusion

36. The appeal proposal would cause less than substantial harm to the significance of the CA. which would not be outweighed by the benefits arising from it. In addition there is insufficient evidence to show that the appeal proposal would be acceptable with regards to its effects on biodiversity, climate change and surface water drainage. It would also cause harm to the character and appearance of the area beyond the CA. The proposed development therefore conflicts with the development plan. There are no material considerations to lead me to find otherwise than in accordance with it. Accordingly, for the reasons set out above, the appeal is dismissed.

M Chalk

INSPECTOR