



Appeal Decision

Inquiry held on 20-22 January 2026

Site visit made on 22 January 2026

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 4th February 2026

Appeal Ref: APP/K0235/W/25/3371475

Land to the North of Ford End Road, Bedford MK40 4JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Carta Bedford Limited against Bedford Borough Council.
 - The application reference is 24/01244/MAF.
 - The development proposed is described as erection of 107 residential apartments, together with access, car parking, landscaping and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for 107 residential apartments, together with access, car parking, landscaping and associated works., at Land to the North of Ford End Road, Bedford MK40 4JA in accordance with the terms of the application, reference 24/01244/MAF, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. The site address is given as 'Queen's Works' on the application form. However, Queen's Works has not existed for many years, and the site is currently a piece of vacant land. I have therefore omitted reference to it in the banner heading above.
3. The Council failed to determine the application within the required timeframe. It did however go on to produce a draft officer report which detailed a wide range of concerns and objections raised by consultees. Its overall conclusion was that planning permission should be granted. Whilst the Council has not therefore sought to contest the appeal, the concerns and objections identified warrant further scrutiny. I have defined in main issues accordingly.
4. The appellant's Transport Proof of Evidence contained a revised plan showing modified cycle storage provision and access arrangements on the lower ground floor of the proposed building. This plan therefore post-dated both the officer report and the Statement of Common Ground (SOCG). The Council has confirmed that it has no objection to the plan being accepted. Given that it shows only minor internal modifications to the building, the differences between it and the previous plan are slight. No fundamental change to the scheme is proposed. I am therefore satisfied that I can take the plan into account in my assessment below, without causing prejudice to the interests of any party.

Main Issues

5. The main issues are:

- whether the development would prejudice delivery of further development the site allocation of which it forms part;
- the effects of the development on the character and appearance of the area, including protected trees;
- whether the development would provide acceptable living conditions in relation to outlook and noise;
- whether the development could be appropriately serviced in relation to waste;
- whether the development would provide adequate parking; and
- the acceptability of the non-provision of affordable housing and contributions towards open space/play/sports provision, health and education.

Reasons

Allocation

6. The site forms part of a larger area of previously developed land (PDL) allocated by Policy 12 of the Local Plan 2030 (the Local Plan) for residential, local retail, education and open space uses. Its development will help deliver a broad objective for the redevelopment of such land set out within Policy 46S of the Local Plan. Within this context the first of the 12 key principles Policy 12 sets out is the requirement for a comprehensive planning brief and a design code, to be agreed by the Council in partnership with relevant property owners. The planning brief and design code would play an overarching role in guiding development across the allocation. The supporting text of Policy 12 explains that this is essential in order to ensure that parcels coming forward independently do not prejudice the overall aims of the brief. Within this context the benefits of a planning brief and design code are the overall vision, coordination and certainty they provide. As the scheme has been brought forward in the absence of a planning brief or design code it straight-forwardly conflicts with the requirements of Policy 12.
7. Preliminary work on a planning brief and design code commenced in 2018 with the production of a Masterplan. But this did not progress beyond a consultation exercise held in 2020. Though neither resulted in any formally adopted guidance, the Masterplan is referenced in the supporting text of Policy 12, and this work provides the only detailed urban design analysis and vision of how the allocation might be delivered. This identified the site as falling within a nodal location at a key access point to the town, the railway station, the commercial frontage on Ford End Road, and allocated land towards the south. Though it occupies a peripheral location within the allocation and is separated from allocated land towards the south by Ford End Road, the site cannot therefore be considered 'divorced', or thus worthy of separate treatment.
8. The block pattern, layout and height of the proposed development bear no resemblance to that shown on the Masterplan. Only insofar as the 2020 consultation exercise trailed the suggestion that 'marker buildings' might be located either side of Ford End Road has the design of the proposed building had

any obvious regard to this previous work. The 2020 consultation materials did not however define the attributes of a marker building, as this would have been a matter addressed in a design code had one followed. It was also confirmed at the inquiry that the principal driving force behind the proposed design was the client's brief. It is notable that many of the main issues in this appeal arise from an apparent failure to recognise plan requirements as design parameters.

9. The principal risk of this approach to the allocation is that design choices made in isolation will constrain the options available on adjacent sites. This could undermine the scope to achieve an overall outcome that is both cohesive in itself, and well-integrated with its surrounding context. Indeed, given that the design of development on adjacent sites would need to 'respond' to that on site, the latter would impose an obvious constraint. The proposed development could not therefore fail to cause at least some prejudice to delivery of the wider allocation in urban design terms. Though the extent of potential prejudice would be limited by the peripheral location of the site, it would nonetheless be of some significance given the nodal status of that location.
10. Policy 12 outlines 11 further key principles, many of which are not directly relevant to the site, or which address generic requirements such as remediation of contaminated land. No conflict would arise in these areas, and the scheme would provide some of the housing envisaged. However, as the development it would only offer a single tenure the delivery of an overall 'mix' would be reliant upon the composition of development brought forward on other parts of the allocation. The scheme's general failure to provide contributions is a matter I shall consider separately. However insofar as it is relevant to the principles set out within Policy 12 the Council has provided no indication of what the requirements would be.
11. The process of producing a planning brief and Design Code has been stalled for more than 5 years and the Council has no date for recommencement of the work. Policy 12 does not however indicate that the production of these documents is solely the responsibility of the Council, and this is echoed by paragraph 134 of the National Planning Policy Framework (the Framework). Advancing in the current absence of a planning brief and design code could deliver a range of benefits more quickly than would otherwise be the case. I shall consider these benefits below. The identified risks nonetheless remain.
12. For the reasons outlined above I conclude that in terms of the achievement of cohesive and high-quality design across the allocation the development would cause some degree of prejudice to delivery. This would reflect the conflict with Policy 12 identified above, undermining the planning process. I attach moderate weight to the harm that would potentially be caused.

Character and appearance

13. As noted above, the site is a vacant piece of PDL. Prior to 2009 it was partly occupied by a post-war 6-storey office block. Other vacant and derelict land which similarly falls within the Policy 12 allocation lies immediately towards the west of the site, and on the opposite side of Ford End Road. The railway bounds the east side of the site, whilst the ramp which serves the bridge carrying Ford End Road over the railway bounds much of the south side. Kempster Close bounds the north side, and Bentley Drive the west.

14. Ford End Road is generally characterised by 2-storey terraced development of likely C19th date. More recent development towards the north of the site comprises a mix of predominantly 3-4 storey terraced blocks of flats.
15. The proposed building would be a roughly 'L' shaped rectilinear block aligned with and closely fronting Ford End Road. Its height would generally rise west-east from 5-7 storeys with one section 6-storeys in height. Viewed from the frontage this increase in height would partly reflect the rising incline of the ramp serving the bridge over the railway. It would thus be most appreciable from Kempster Close to the north where ground levels are flatter.
16. The development would be markedly greater in height, scale and mass than existing development within the surrounding setting. The disparity would be most pronounced relative to the 2-storey terraces towards the west, but there would also be a stepping up in height from the 3-storey blocks on Kempster Close. In each case the building would be separated by a reasonably large gap. This would on the one hand provide a buffer, but on the other highlight the lack of direct integration which would be apparent to anyone moving around the area.
17. Other large buildings exist elsewhere in Bedford. Some of these are visible from the railway bridge. That on site would not therefore be alone. But this has little or no direct relevance to the relationship that would exist between the proposed building and its more immediate setting.
18. Aside from the association of size with presumed 'marker' status, part of the rationale for the proposed scale of the building was the 6-storey office block which previously stood on site. This was a more compact structure than that proposed, but it similarly contrasted with the 2-storey development along Ford End Road. The block also briefly coexisted with the 3-4 storey flats to the north. However, it appears unlikely that it served as a cue to their design. In this regard even though memories of the building would have been fresher in 2018 than now, the Masterplan envisaged that development on the north side of Ford End Road would be of a 3-4 storey scale more responsive to that within its setting. Much as the office block which preceded it, the proposed development would instead be viewed more as a 'standalone' building. Consequently, the opportunity to achieve a well-integrated edge to the allocation in this location would be lost.
19. It seems likely that the resulting sense of isolation would change over time as other land within the allocation is developed, and more particularly that directly towards the south. But even if the design response on adjacent sites was to provide the sense of context currently missing, the weak relationship between the proposed building and other development on the north side of Ford End Road would persist.
20. As a standalone building the architectural quality of the proposed design would be higher than that of the office block. The latter was an unattractive concrete structure, albeit one built within the functional context of an industrial works which has since disappeared. There would be nothing particularly distinctive or unique about the proposed design, and no direct 'improvement' can be claimed given that the office block no longer exists. The context would however be acknowledged through choice of materials and finishes, the frontage treatment and detailing would provide some visual interest, and the form of the building would be varied

rather than purely rectilinear. The building would otherwise fill a blighted gap site. As such, some positive attributes can be identified.

21. The development would require the removal of several trees protected by a group tree preservation order (TPO) on the Ford End Road frontage of the site. The amenity value of these trees lies in the green edge they provide to the street. However, they are unmanaged, closely spaced, and not of individually high quality. The proposal to replace them with planting of specimen trees along the Kempster Close frontage would not directly compensate for the loss given both the different location and fact that the trees would be largely invisible from Ford End Road. Some limited harm would therefore arise notwithstanding the quality of new planting which might be achieved.
22. My findings therefore indicate that the development would markedly fail to directly integrate with its current setting, but that it would nonetheless bring some localised improvement to the townscape. Indeed, when taking account of both the relatively recent history of development on site and its current condition, any harm caused by the above failure would be moderate.
23. For the reasons outlined above I conclude that the development would cause moderate harm to the character and appearance of the area on account of its scale. It would therefore conflict with Policy 29 of the Local Plan which amongst other things states that development should respect the context within which it will sit. I attach moderate weight to the harm that would be caused.

Living conditions

(a) Outlook

24. The lower ground floor flats along the south side of the building would face towards the ramp of the bridge carrying Ford End Road over the railway. This rises west to east and is supported by an earth bank which slopes into the site. Given the difference in ground levels, the ramp would increasingly dominate the outlook from flats on the lower ground floor, with that furthest east sitting almost wholly below the level of Ford End Road.
25. Whilst the relationship between the lower ground floor flats and the ramp is shown in various section drawings, most show the bank in no more than an illustrative way. A section provided on the last day of the Inquiry however confirmed that following remediation, which would involve the replacement of 30-60cm depth of soil, the bank would adopt a sharply engineered profile. Viewed from the main living space of the lower ground floor furthest east (R19) the bank would slope steeply up to the edge of the pavement at an angle of around 40°, rising at a distance of 75cm from the face of the building. Though the section suggests that the bank would be topped by a dwarf 45cm hedge, it is unlikely that this would be sufficient to protect pedestrians from the steep drop. It is also contrary to an earlier suggestion that a more substantial boundary treatment would be employed for purposes of privacy.
26. The appellant has sought to model the outlook from R19 and other main living spaces of flats along the eastern end of the lower ground floor. This modelling suggests that from various locations within all, occupants would have a view of the sky. Whilst the source data for this modelling remains unclear, it pre-dates production of the section referred to above. It also fails to take account of the

screening effect of boundary treatments. It may indeed be the case that the proposed floor to ceiling glazing would allow occupants of lower ground floor flats an increasingly narrow glimpse of the sky when turning their gaze upwards. However, the outlook from R19 would be dominated by the ramp, whose height, combined with that of any boundary treatment, together with the close proximity of the bank, could be oppressive in its effect.

27. Whilst the bank would evidently require stabilisation it could presumably be subject to some form of low maintenance ground cover planting. If kept free from litter tossed by passing pedestrians this might eventually offer a more attractive 'view' than that provided by other flats across the surrounding urban landscape. Given that the elevation in question would be south facing, the floor to ceiling glazing would also admit sufficient light. Each could help to alleviate any adverse effect arising from the restricted nature of the outlook. Subject to boundary treatment, the arrangement may also be considered to offer greater privacy than might be enjoyed by other flats. It would otherwise presumably be the case that anyone choosing to live in the easternmost lower ground floor flat would do so mindful of its obvious limitations.
28. Even so, the standard of amenity provided for occupants of the easternmost ground floor flat, and to lesser extent the flat adjoining, would not be high. At very best it would be adequate. The fact that the outlook provided by the vast majority of flats would be better would make no difference to the living conditions of the occupants of the flats in question.

(b) *Noise*

29. Given that the site is located directly adjacent to a main railway line and a main road into Bedford, it is exposed to high levels of noise. Contour diagrams confirm that this washes over the majority of the site. Constructional measures could be taken to safeguard occupants from the adverse effects of noise on elevations of the building facing south and east towards these sources. The appellant has additionally proposed to fit non-opening windows and mechanical ventilation with heat recovery systems (MVHR) to the affected flats.
30. No other solution has been identified which would allow for the site to be fully developed for residential use, the principal of which is acceptable and was envisaged by the Masterplan. Indeed, though habitable rooms in the north and west elevations could be fitted with opening windows, the omission of habitable rooms from the south elevation would provide a dead frontage to the street.
31. Though occupants of some flats would be unable to open their windows, fresh air and cooling would be delivered by the MVHR. Opening the windows would not therefore be necessary to achieve either purpose. Even if the windows could be opened it is questionable how 'fresh' incoming air would be. Here the MVHR would offer additional benefits in terms of improved air quality as well as reduced heat loss. An inability to open windows would not therefore have any unacceptably adverse effect on the living conditions of occupants of the flats in question.

(c) *Conclusion*

32. For the reasons outlined above I conclude that the scheme would not have any adverse effect on the living conditions of occupants in relation to noise, and it would not have a wholly unacceptable effect in relation to outlook. Nevertheless, in

the latter regard it would not deliver the high standard of amenity expected by paragraph 135 of the Framework in the affected flats. Nor would the scheme therefore be of the 'highest' design quality required by Policy 29 of the Local Plan. This is a consideration which I attach moderate weight.

Waste

33. The appellant originally envisaged that waste generated by occupants of the development would be collected fortnightly by the Borough Council. This was despite the fact that the proposed building was only designed with capacity to store around half the number of bins required. Nor was a safe means of unobstructed access for waste vehicles identified or provided.
34. In relation to access the officer report raised the need for an amended Traffic Regulation Order (TRO) suspending on-street parking in Kempster Close. But this was not addressed within either the appellant's evidence or the SOCG. Having raised the matter with the parties in advance of the Inquiry, proposed amendments to the TRO both increasing existing parking restrictions along Kempster Close and extending them both sides of the street, were agreed. This would secure safe and unobstructed access to the site by waste other large vehicles. Funding is secured within a submitted Section 106 Agreement (S106). A weekly collection of waste by a private contractor can itself be secured under the terms of a waste management condition. This would mitigate the lack of adequate waste storage capacity.
35. For the reasons outlined above I conclude that the development could be appropriately serviced in relation to waste, and that subject to an appropriate collection regime being secured by condition, no conflict would arise with the requirement within Policy 29 of the Local Plan to integrate functional needs in relation to waste.

Parking

(a) Cars

36. The Parking Standards for Sustainable Communities: Design and Good Practice Supplementary Planning Document 2014 (the SPD) sets out parking requirements. One of those requirements relates to the dimensions of parking spaces. The parking spaces proposed would be narrower than those required, but their width would not offend the standards set out within Manual for Streets (MfS). The latter pre-dates the SPD, is not specific to Bedford, and the average size of cars has increased since it was published. There is nonetheless evident disagreement within the Council over whether or not its own SPD should attract greater weight than MfS, and no explanation was provided within the officer report or SOCG for favouring the latter. Though this gives rise to some uncertainty, in the absence of further evidence I have no reason to find that the widths of the proposed spaces would be unacceptable.
37. The SPD also sets out parking standards, with scope for flexibility acknowledged. Taking into account census data which indicates that around half of households in the surrounding area owned a car in 2021, the Council's Highway's Officer has identified that the development would generate a need for 'slightly fewer than 67' spaces, and the appellant 62 spaces. The development would provide 31 spaces, one of which would be utilised by a commercial car club operator. As the

development would therefore fail to meet the identified need whichever figure is favoured, it could result in overspill.

38. The surrounding residential area provides a mix of restricted and unrestricted on-street parking space, much of which is heavily used. The restrictions vary in duration and across the day. The most directly available overnight parking is along Kempster Close. As an amendment to the TRO extending parking restrictions along it was only agreed after the submission of proofs, the appellant's evidence contains no consideration of the consequences of the resulting loss of on-street parking space. Though the appellant claimed at the Inquiry that the potential for occupants to park on-street in Kempster Close was not relied upon, the availability of up to 15 overnight spaces was identified during the appellant's parking survey. These spaces in turn appear to account for a large proportion of the 22-25 spaces identified as available for overnight parking within the local area. Even if I was to accept the appellant's claim to the contrary, an insufficient number of overnight spaces have been identified, and the significant loss of on-street parking space along Kempster Close would, on its own, result in the potential displacement of vehicles. The development would therefore inevitably increase competition for parking space within the wider area.
39. As noted above, the development would provide a single space for use by a car club vehicle. The evidence submitted in support of the appeal sought to justify funding of the use of this vehicle by occupants for one year rather than the 5 advocated by the Highway Officer. This offer was however extended to 3 years immediately prior to the Inquiry, following acceptance by the appellant that a single year of funding would be insufficient to attract a commercial operator. It was further confirmed that occupants of the development would not have exclusive use of the car club vehicle. Consequently, the 20 private cars the appellant claims that access to the vehicle would replace would not necessarily be vehicles that might otherwise be driven by occupants of the development, or, for that matter, by residents of Bedford. It is therefore uncertain to what extent access to the car club vehicle would reduce the likelihood of occupants seeking to own, acquire or park private vehicles. Moreover, whilst the S106 would secure the scheme for 3 years, and even provide scope for it to be expanded, there is no certainty that it would operate after that time.
40. Public car parks have been identified in the vicinity, with the largest that adjacent to the railway station. Given its proximity to the station, it is however understood to be well used by rail travellers, and no evidence of its likely capacity to provide parking for future occupants of the development has been provided. The appellant in any case conceded at the Inquiry that the high cost of a season ticket might be considered unaffordable by future occupants.
41. Scope to accommodate overspill parking within the surrounding area therefore appears to be very limited, and given the effect of the TRO, some adverse effects would arise from the development even in the unlikely event that no overspill occurred. In this regard the Highway Officer's concern was that overspill parking could result in highway safety issues. This could be equally true in relation to vehicles displaced from Kempster Close. To the extent that paragraph 116 of the Framework is therefore relevant, both parties have incorrectly applied the tests it contains. Here, whether impacts on highway safety would be unacceptable is the relevant question, not whether the impact on the road network would be severe.

42. In areas where there is high competition for space, and insufficient space to accommodate all vehicles wishing to park, inappropriate parking can be a common consequence. Simple reliance on enforcement to address such issues is unrealistic. As a generality the Highway Officer's suggestion that vehicles might park on pavements or too close to junctions therefore lies well within the realms of possibility. The position adopted by the Council however means that the matter has not been pursued, and I have not been provided with any evidence of precisely where these issues might arise within surrounding streets. Whilst the objection raised by the Highway Officer was therefore quite reasonable, in the absence of any specific evidence I cannot conclude that overspill or displaced parking would necessarily have an unacceptable effect on highway safety. Increased competition for space would however form an obvious source of stress and inconvenience for local residents.
43. The site is located within easy walking distance of the town and railway station, and adjacent to a bus stop. Occupants could also potentially cycle. As each could be conducive to supporting a car free lifestyle, the development could logically attract non-car owners. This could be further encouraged through implementation of a Travel Plan including measures highlighting and encouraging use of sustainable transport options, and through clear messaging during marketing of the accommodation. Whilst these measures could not prevent future occupants from owning, seeking to acquire or to park private vehicles in the area, they could reduce the likelihood, and thus the extent to which overspill would occur.

(b) Cycles

44. As originally proposed, access to the cycle stores provided within the building would be via doorways of standard width. This would be contrary to the standards set out in the Cycle Parking Design Guidance Supplementary Planning Document 2014. As this would have made pedestrian access to the stores whilst wheeling a bicycle challenging it would have limited the likelihood of their use. Though the revised plan provided within the appellant's Transport Proof of Evidence was produced to address the matter, the appellant's position at the Inquiry remained that no such modification was required. This appears to have been partly informed by the Council's conclusion that the resultant impact on the road network would not be severe, which was wholly irrelevant. That aside, given that I have accepted the revised plan, I am satisfied that the matter has been satisfactorily resolved.

(c) Conclusion

45. For the reasons outlined above I conclude that the development would provide adequate cycle parking but fail to provide adequate off-street parking space. The effect would be exacerbated by related loss of on-street parking space. Whilst there is insufficient evidence for me to conclude that this would have any unacceptable effect on highway safety, increased competition for on-street parking space would result in stress and inconvenience for local residents. Conflict would thus once again arise with Policy 29 of the Local Plan insofar as the design of the development would not fully integrate its functional need for parking. I attach moderate weight to the resulting harm.

Contributions

46. The officer report states that the development is required to make financial contributions towards education, health and open space/play/sports provision. The

requirements arise from saved Policy AD28 of the Allocations and Designations Local Plan, and Policy 33 of the Local Plan. That in relation to open space would partly arise due to a failure of the scheme to incorporate adequate useable open green space on site. As the development would additionally fail to provide 30% affordable housing under the terms of Policy 58S of the Local Plan, a contribution would be required towards offsite provision. This expectation aligns with that set out within the Framework, within which no special treatment is identified for build to rent housing. The scheme would not provide any of the above contributions on the basis of non-viability. This position has been verified by the Council.

47. Paragraph 59 of the Framework indicates that it is for the applicant to demonstrate whether particular circumstances justify the need for a viability assessment, and that the weight to be given to a viability assessment is a matter for the decision maker. This is reiterated within the Planning Practice Guidance which sets out a methodology. To the extent that the matter is addressed within the Local Plan, the latter states that exceptional circumstances may be recognised under which the benefits of development outweigh the harm of not providing for infrastructure contributions in full. Contrary to the appellant's view, none of the above indicate that where the inability of a development to provide required contributions has been proven the effect should be considered 'neutral'. Thus, whilst I see no reason to question the scheme's lack of viability, the effects of a failure to contribute require consideration.
48. In relation to education and play areas the appellant states that build to rent accommodation is not typically occupied by families. The proposed 2-bed apartments could nonetheless provide family accommodation. Though a large play area is located a short distance to the north of the site, whether it can suitably support additional use without improvements is unknown. Similar applies in relation to sports facilities. It has however been established that some further funding is required to support local expansion of education and health provision. In all the above regards a lack of necessary funding could increase pressure on facilities and services, thus driving down quality to the detriment of other users. The requirement for affordable housing is more generic, but the Local Plan indicates that a significant local need exists within the Borough. This will clearly persist in the absence of provision by new developments.
49. For the reasons outlined above I conclude that the development's failure to provide required contributions would conflict with the policies identified above. This failure could potentially cause significant harm. The acceptability of this harm ultimately stands to be weighed in the balance.

Other Considerations

Balance

50. The appeal scheme would conflict with the development plan taken as a whole. However, the Council lacks a demonstrable 5-year supply of deliverable housing sites, with this currently standing at only 3.35 years. Whilst the policies most important for determining the application are therefore deemed 'out-of-date', I am satisfied that those with which I have identified a conflict are broadly consistent with the Framework. As outlined above, the various related harms attract moderate-significant weight.

51. Having regard to the key policies identified in footnote 9 of the Framework, the development would occupy a sustainable location and make effective use of land. Within this context paragraph 125 of the Framework more broadly indicates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. As the site is allocated it is clearly suitable in a general sense, albeit within this context the absence of a required planning brief and design code cannot be ignored. The development would also fail to provide affordable housing for which a significant local need exists. In this regard, notwithstanding the fact that the development would play an important role in helping to boost housing delivery within the context of a pronounced shortfall, the overall value of its provision of housing would be less than that of a similar policy compliant scheme. The social and economic benefits of providing 170 new units on remediated PDL within a sustainable location would nevertheless remain significant and they accordingly attract significant weight.
52. The scheme would exhibit a number of design failings when considered against the criteria of paragraph 135 of the Framework, and more broadly in terms of the planning process. These failings and the moderate level of related harms to which they would give rise mean that proposed design is not of the highest quality. However, as my findings are not sufficient to characterise the scheme as a whole 'not well designed', the direction to refuse set out in paragraph 139 of the Framework is not engaged.
53. Whilst the scheme's performance against national policy is therefore mixed, when tilted, the balance falls marginally in its favour. My findings thus indicate that the adverse impacts of allowing the appeal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Paragraph 11 of the Framework therefore indicates that permission should be granted.

S106

54. Alongside provision of the car club scheme and funding of the TRO the submitted S106 secures the proposed accommodation as build to rent. Having regard to my reasons above, I am satisfied that the obligations contained within the S106 meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended), and paragraph 58 of the Framework.

Conditions

55. A range of conditions have been proposed and were subject of discussion at the Inquiry. I shall impose those which are required with modifications to the wording as necessary both to improve precision, and in light of my assessment above.
56. Conditions (1) and (2) are standard conditions setting the timescales for commencement of the development and identifying the approved plans for sake of certainty.
57. Condition (3) secures a remediation design and method statement specifying timetabled works to address the heavy contamination of the site. A pre-commencement condition is required given that a risk to health and safety is likely to arise from the outset of works. Condition (4) further addresses the potential for previously unidentified contamination and secures its remediation.

58. Condition (5) secures the provision of a tree protection plan and arboricultural method statement to safeguard retained trees on site. It is necessarily pre-commencement given that protective measures will need to be implemented from the outset of works.
59. Condition (6) secures provision of a Construction Management Plan, the purpose of which is to safeguard neighbour amenity and highway safety. A pre-commencement condition is required as management measures will need to be implemented from the outset of works.
60. Condition (7) secures details of ground levels and floor heights in the interests both of providing certainty of the way in which the development will sit relative to the surrounding context and topography, including the ramp and adjacent bank along the south side of the site. Sections through the latter are necessary given lack of accurate sections on the approved plans. Whilst it is essential that this information is provided prior to any remodelling of ground levels, a pre-commencement condition has not been imposed given that a range of approved works, including removal of trees covered by TPO, could be carried out in advance of the details being provided.
61. Condition (8) secures a scheme of surface water drainage and subsequent management in order to ensure proper drainage of the site. A pre-commencement condition has again not been imposed given that a range of non-construction works could be undertaken in advance.
62. Conditions (9) secures design details of the site access including visibility splays, and its construction to a safe and serviceable standard prior to its first use, each in the interests of highway safety. Again, a pre-commencement has not been imposed both for the reasons set out in relation to Condition (8), and given that alternative site access arrangement could be secured under the terms of condition (6).
63. Condition (10) secures details of the pedestrian access on Ford End Road in the interests of ensuring both accessibility and pedestrian safety.
64. Condition (11) secures details of measures to safeguard future occupants from noise in the interests of safeguarding amenity.
65. Condition (12) secures a comprehensive landscaping scheme which is required given the absence of finalised or detailed proposals in the interests of securing a high standard of amenity. It in part secures mitigation for loss of protected trees and necessarily includes the principal outdoor amenity space to be provided on the roof of the building.
66. Condition (13) secures further confirmation of building materials in the interests of securing a high quality finish, and a satisfactory relationship with the surrounding context.
67. Conditions (14) and (15) activate optional building regulations requirements relating to water use, accessibility and adaptability in line with local policy.
68. Condition (16) secures further details of arrangements for waste management and servicing in the interests of safeguarding the amenity of future occupants.

69. Condition (17) secures the provision of internal residential amenity spaces, details of the use of which requires clarification, and which are otherwise necessary to deliver an acceptable standard of amenity.
70. Condition (18) secures provision of access, turning, service and vehicle/cycle parking which are necessary to ensure that the development is accessible, can be serviced, caters for some of the parking demand it would generate, and supports sustainable travel.
71. Condition (19) secures provision of a Travel Plan required in the interests of further supporting sustainable travel. I have not included reference to 'incentives' given lack of clarity and fact that the car club scheme has been secured by the S106. I have however added reference both to the car club scheme and the need for clear messaging on the limited availability of parking space in order to help avoid and limit any increase in parking pressure as considered above.
72. There is no need to impose a condition requiring further details of cycle parking, as the matter has been adequately addressed by the submission of an amended plan. Provision of the facilities would otherwise be secured by Condition (18).
73. There is also no need to impose a condition requiring submission of a Biodiversity Net Gain Plan. This is because the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ('the biodiversity gain condition') that development may not begin unless:
- (a) A Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) The planning authority has approved the plan. Based on the information available this scheme is one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply.

Conclusion

74. For the reasons set out above I conclude that notwithstanding the scheme's conflict with the development plan, material considerations indicate that the appeal should be allowed.

Benjamin Webb

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless modified in compliance with the conditions below the development hereby permitted shall be carried out in accordance with the following approved plans:
 - 190044-WCA-A1-00-DR-A-PL100-P12-Proposed Lower Ground Floor Plan
 - 190044-WCA-A1-01-DR-A-PL101-P7-Proposed Upper Ground Floor Plan

- 190044-WCA-A1-02-DR-A-PL102-P6-Proposed First Floor Plan
 - 190044-WCA-A1-03-DR-A-PL103-P6-Proposed Second Floor Plan
 - 190044-WCA-A1-04-DR-A-PL104-P6-Proposed Third Floor Plan
 - 190044-WCA-A1-05-DR-A-PL105-P6-Proposed Fourth Floor Plan
 - 190044-WCA-A1-06-DR-A-PL106-P6-Proposed Fifth Floor Plan
 - 190044-WCA-A1-RF-DR-A-PL107-P6-Proposed Roof Plan
 - 190044-WCA-A1-ZZ-DR-A-PL200-P8-Proposed Building Elevations
 - 190044-WCA-A1-ZZ-DR-A-PL201-P7-Proposed Street Scene Elevations
 - 190044-WCA-A1-ZZ-DR-A-PL301-P7_Proposed Site Sections
- 3) The development hereby permitted shall not commence until a remediation design and method statement specifying timetabled works to remediate previously identified contamination of the site rendering it suitable for residential use has been submitted to and approved in writing by the Local Planning Authority. The statement shall include specification of any required post-implementation monitoring and/or maintenance measures. The works shall then be fully implemented as approved, and confirmation of this shall be provided within a remediation verification report to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the site. The site shall thereafter be managed in accordance with any required post-implementation monitoring and/or maintenance measures.
- 4) If notwithstanding Condition (2), any contamination is subsequently found which was not previously identified, this shall be immediately reported to the Local Planning Authority. Development on the part of the site affected shall be suspended and a further risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found timetabled remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These schemes shall then be implemented as approved.
- 5) The development hereby permitted shall not be commenced until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) prepared in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved AMS and TPP.
- 6) The development hereby permitted shall not commence until a Construction Management Plan (CMP), has been submitted and approved in writing by the Local Planning Authority. The CMP shall be fully compatible with the TPP approved in relation to Condition 5, shall cover the construction phase of the development, and include the following details:
- a) Site access and turning arrangements for construction and delivery vehicles.
 - b) Timetabling and routing of construction and delivery vehicles.
 - c) Locations for the loading, unloading and storage of plant and materials.
 - d) Locations for the site office and welfare facilities.
 - e) The design, erection and maintenance of security hoardings.
 - f) Measures to avoid the deposition of dirt or other detritus on the highway.
 - g) Measures to limit the generation of noise, vibration and dust.
 - h) Hours of work.

- i) A scheme for recycling/disposing of waste.
- j) Required footpath or road closures, including traffic management measures.
- k) Identification of a point of public contact.

The CMP shall then be implemented as approved.

- 7) No modification of ground levels for the purposes of site remediation or construction of the development hereby permitted shall commence until details of:
 - a) existing and proposed ground levels; and
 - b) finished floor levels,have been submitted to and approved in writing by the Local Planning Authority. All levels shall be specified relative to a fixed and identifiable datum point, and details of proposed ground levels shall include a sequence of drawings showing sections drawn at regular intervals through the bank along the south side of the site. The development shall then be implemented in accordance with the approved details.
- 8) Construction of the development hereby permitted shall not commence until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a management and maintenance plan, and shall comply with the Sustainable Drainage Systems SPD 2018. The scheme shall then be fully implemented prior to the first occupation of the development and shall thereafter be managed in accordance with the approved management and maintenance plan.
- 9) Construction of the site access shall not commence until design details, including visibility splays, of the junction between it and Kempster Close have been submitted to and approved in writing by the Local Planning Authority. The site access and junction together with visibility splays shall then be provided/constructed to at least base course level prior to the first use of the access. The visibility splays shall thereafter at all times be kept free from obstructions above the level of the adjacent carriageway.
- 10) Construction of the development hereby permitted shall not proceed above slab level until details of the pedestrian access junction with the pavement on Ford End Road have been submitted to and approved in writing by the local planning authority. The junction shall then be constructed in accordance with the approved details prior to the first occupation of the development.
- 11) Construction of the development hereby permitted shall not proceed above slab level until full details of constructional and other measures to safeguard future occupants from adverse effects of road and rail noise have been submitted to and approved in writing by the Local Planning Authority. These measures shall be based on those outlined within the CPW Noise Impact Assessment Report, dated 8th August 2024. The approved measures shall then be fully implemented prior to the first occupation of the development.
- 12) Construction of the development hereby permitted shall not proceed above slab level until a landscaping scheme (LS) broadly in accordance with Illustrative Landscape Masterplan Ref 9003-L-K has been submitted to and approved in writing by the Local Planning Authority. The LS shall cover all outdoor spaces, including the outdoor amenity space to be provided on the roof of the building, and shall detail all the following:
 - a) The identification of trees and other vegetation to be retained.

- b) The planting of at least 15 heavy standard trees of species to be specified.
- c) Planting/seeding including location, species, number, density and planting size.
- d) Watering and maintenance regimes.
- e) All hard surfacing, planters and furniture.
- f) All boundary treatments, screen walls and fences.
- g) Long-term management and maintenance measures and responsibilities.
- h) A timetable covering implementation.

The development shall then be implemented and shall thereafter be managed in accordance with the approved LS. Any trees or plants which within 5 years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of matching size and species.

- 13) Construction of the development hereby permitted shall not proceed above slab level until details, including samples, of all external materials and finishes to be used in construction of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. These shall be generally in accordance with those specified in the Design and Access Statement Rev.D. The development shall then be constructed in accordance with approved details.
- 14) A minimum of 49% of the dwellings hereby permitted shall comply with requirement M4(2) of the Building Regulations 2010 (as amended) and a minimum of 5% of the dwellings hereby permitted shall comply with requirement M4(3) of the Building Regulations 2010 (as amended).
- 15) The dwellings hereby permitted shall comply with the requirement limiting consumption of wholesome water to 100 litres per person per day set out within Part G of Schedule 1 and Regulation 36 to the Building Regulations 2010 (as amended).
- 16) The development hereby permitted shall not be occupied until a Waste Management Plan (WMP) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include, container numbers and types, access and servicing arrangements, and maintenance responsibilities. The development shall thereafter be managed in accordance with the approved WMP.
- 17) The development hereby permitted shall not be occupied until the internal residential amenity areas identified on the approved plans have been made available for use by occupants of the development in accordance with details identifying their specific functions which have first been submitted to and approved in writing by the Local Planning Authority. The internal residential amenity areas shall thereafter be retained and kept available for use by occupants of the development in accordance with the approved details.
- 18) The development hereby permitted shall not be occupied until all site access, parking, turning, servicing, and cycle storage facilities shown on the approved plans have been provided and made available for those functions. They shall thereafter be retained and kept available for those functions at all times.
- 19) The development hereby permitted shall not be occupied until a detailed Travel Plan (TP) has been submitted to and approved in writing by the Local Planning Authority. The TP shall include:

- a) Arrangements to undertake a baseline survey of occupants within 6 months of first occupation to establish current/proposed travel patterns.
- b) Measures to minimise private car use and to facilitate/encourage walking, cycling and use of public transport by occupants.
- c) A set of detailed Travel Plan targets with target dates.
- d) Details of a site-specific marketing and an information pack to be provided to all occupants of the development, which shall include:
 - i) Clear messaging on the limited availability of parking space.
 - ii) Details of accessible pedestrian, cycle and public transport routes.
 - iii) Maps showing the location of shops, facilities and local amenities and details of how these can be reached by sustainable modes of travel.
 - iv) Details of the car club scheme.
 - v) Copies of bus and rail timetables.
- e) Arrangements for ongoing monitoring and annual review of the TP and its targets for a period of 5 years following first occupation of the development, which shall include identification of proposed modifications to the TP in the event that its targets are not met.
- f) The identification of a travel plan co-ordinator responsible for administering the TP, whose duties shall include submission of reports on the 5 annual reviews as outlined in (e) to the Local Planning Authority.

The TP shall then be implemented as approved, except where modified in accordance with proposals arising from annual review which have first been submitted to and approved in writing by the Local Planning Authority.

APPEARANCES

For the Appellant

Graeham Keen KC

Counsel for the appellant, Landmark

He called:

Nicholas Bradshaw

(Parking and waste) Connect Consultants

Paul Brailsford

(Planning) Freeths

Adam James Mottershead

(Noise) CPW

Timothy Richard Jackson

(Character and appearance – townscape) CPCR

Nick Riley

(Character and appearance – design) Witham Cox Architects

Ian Smith

(Outlook and light) Consil

For the Local Planning Authority

Jack Barber

Counsel for the LPA, Cornerstone

Contributions from:

Alastair Wren

Bedford Borough Council

INQUIRY DOCUMENTS

- ID1. Appellant appearances list.
- ID2. Appellant opening statement.
- ID3. LPA opening statement.
- ID4. Stante letter dated 21 Jan 2026.
- ID5. Appellant plan of local amenities.
- ID6. Embankment Section Plan Ref. SK301 Rev P1.
- ID7. Computer generated image of the development.
- ID8. S106 – 20 Jan 2026.
- ID9. ProPG: Planning and Noise, and extracts from BS 8233: 2014.
- ID10. Revised condition list.
- ID11. Embankment Section Plan Ref. SK301 Rev WIP.
- ID12. Stantec letter dated 22 Jan 2026.
- ID13. Pack of plans.
- ID14. Revised CIL compliance statement.
- ID15. Revised condition list – 22 Jan 2026.
- ID16. Revised S106 – 22 Jan 2026.
- ID17. Appellant closing statement.