
Appeal Decision

Hearing held on 9 May 2017

Site visits made on 8 & 9 May 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st August 2017

Appeal Ref: APP/P0240/W/16/3166033

Land between Taylor's Road and Astwick Road north of 51 Astwick Road, Stotfold SG5 4AQ.

- 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 Gladman Developments Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/03344/OUT, dated 27 July 2016, was refused by notice dated 27 October 2016.
 - The development proposed is an outline planning permission for up to 78 residential dwellings (35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Taylor's Road and associated ancillary works. All matters to be reserved except for main site access from Taylor's Road.
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Decision

1. The appeal is allowed and planning permission is granted for an outline planning permission for up to 78 residential dwellings (35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Taylor's Road and associated ancillary works. All matters to be reserved except for main site access from Taylor's Road at land between Taylor's Road and Astwick Road north of 51 Astwick Road, Stotfold SG5 4AQ in accordance with the terms of the application, Ref CB/16/03344/OUT, dated 27 July 2016, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Although the application was submitted in outline with only access to be determined at this stage, it was accompanied by an illustrative Development Framework Plan and a raft of supporting technical documentation in relation to highways, ecology, noise, surface/foul drainage and archaeology. This material is broadly accepted by technical consultees and demonstrates that a number of matters are capable of being satisfactorily dealt with either by condition or planning obligation.
 3. To provide greater clarity, I have made some minor changes to the site address and description of development both of which were agreed with the main parties at the Hearing.
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4. The full extent of the appeal site can be readily viewed from the public domain in Taylor's Road and from Public Footpath 8. On this basis and with the agreement of the main parties, an accompanied site visit was not deemed necessary.
5. A signed Statement of Common Ground (SOCG) was submitted at the Hearing and I have had regard to this in reaching my decision. A main access plan (7146-L-06) was also submitted showing amongst other things the impact of the development on hedgerows along the Taylor's Road frontage of the site.
6. A signed and dated Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 was submitted prior to the Hearing. This would make financial contributions to waste services, public rights of way improvements, off-site sports pitch provision, secondary education, highway works in Taylor's Road and cycle parking at Arlesey station. Following the Hearing and having had chance to consider the views aired thereat, I wrote to the main parties setting out my concern with the suggested affordable housing condition. A second UU was subsequently submitted dated 23 May 2017. The Council has confirmed its acceptability and I therefore take it that it no longer wishes to pursue its second reason for refusal. All the proposed contributions would need to be assessed against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010.
7. Following the Hearing the "*Central Bedfordshire Local Plan 2015-2035 Draft Plan*" (the emerging LP) was published in July 2017. The housing targets set out in the plan are taken from the "*Luton & Central Bedfordshire Strategic Market Assessment*" (SHMA) May 2017 Update. I have had regard to both documents insofar as they are relevant to my decision.
8. Various appeal decisions were referred to in the evidence and at the Hearing. However, there was no suggestion that the facts of any one case were so aligned with the facts here that the previous decision indicated that this appeal should be either allowed or dismissed. I have therefore had regard to the various decisions insofar as they are relevant to my consideration of this appeal.
9. Finally, on 10 May 2017 the Supreme Court issued a judgment¹ (the Judgement) concerning the interpretation of paragraph 49 of the "*National Planning Policy Framework*" (the Framework) and its relationship with paragraph 14 of the same. I wrote to both parties to seek their views on this matter prior to determining the appeal. The parties subsequently provided differing views in relation to the Judgement and its relevance to the appeal scheme both of which I have taken into account in reaching my decision.

Main Issues

10. The main parties hold differing views regarding the weight to be applied to the relevant development plan policies and the resulting planning balance. This includes significant differences regarding the appropriate level of objectively assessed housing need (OAN) for Central Bedfordshire, the consistency of CS policies with the Framework and whether the Council is able to demonstrate a 5-year supply of deliverable housing land. Against this background, and in

¹ Suffolk Coastal District Council v Hopkins Homes LTD and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council. [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)

view of the evidence submitted in writing and presented orally at the Hearing, I consider the main issues can best be expressed as:

- (a) The weight which should be given to relevant development plan policies, and whether the Council can demonstrate a 5-year supply of deliverable housing land;
- (b) The effect of the proposed development on the character and appearance of the surrounding area and the setting of the Astwick Conservation Area (ACA);
- (c) The effect on the availability of best and most versatile agricultural land;
- (d) The effect of the proposed development on local infrastructure and whether contributions should be made to mitigate against any such effects, and
- (e) Whether the appeal proposal should be seen as representing sustainable development, in the terms of the Framework.

Reasons

Policy context

11. The development plan for the area comprises the "Central Bedfordshire Core Strategy and Development Management Policies 2009" (the CS), Saved policies of the "Mid-Bedfordshire Local Plan, First Review 2005" (the LP) and the "Site Allocations Development Plan Document 2011". The Council has not cited any conflict with the LP and instead relies on CS Policies DM3, DM4, DM13, DM14, CS14, CS15 and CS16.
12. In order to prevent coalescence between settlements and to protect their character CS Policy DM4 strictly controls new residential development outside village envelopes. CS Policy CS16 recognises the countryside outside settlements as being a highly valued resource and should be protected for its own sake, safeguarding important landscape features and highly sensitive areas from development. Policy DM14 identifies that any development that has an unacceptable impact on landscape quality will be refused. CS Policies DM3 and CS14 are general design policies that amongst other things seek high quality design, the efficient use of land and respect for local distinctiveness.
13. The appeal site is not allocated for housing in the development plan. It lies outside the village envelope for Stotfold but adjacent to the built-up area and is therefore in the countryside. It is not part of the appellant's case that the proposal accords with the provisions of Policy DM4. As a consequence, the principle of development outside the settlement boundary would be contrary to Policy DM4.
14. However, in light of guidance contained in the Framework the matter clearly does not end there, especially as the CS was adopted some years ago and pre-dates the Framework. It is also germane that the CS only covers the area that was formerly Mid Bedfordshire District Council and hence there is not an up to date local plan covering the whole of Central Bedfordshire².
15. Although paragraph 12 of the Framework stresses the desirability of local planning authorities having up to date development plans, paragraph 211

² Central Bedfordshire Council a Unitary Authority was created as a result of the amalgamation of Mid Bedfordshire and South Bedfordshire District Councils in 2009

states that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. It is therefore incumbent on me to apply paragraph 215 which states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan to those in the Framework, the greater the weight that may be given.

16. The first point to make is that insofar as they seek to safeguard the countryside, promote local distinctiveness and high quality design, Policies DM3, DM4, DM13, DM14, CS14, CS15 and CS16 are broadly consistent with the core planning principles at Paragraph 17 of the Framework, which, inter alia, recognises the intrinsic character and beauty of the countryside. This reflects the view expressed by the Council that DM4 is first and foremost a policy that differentiates between different land uses and is not directly related to the provision of new housing which is the job of the Site Allocations Documents.
17. Whilst that may be so, the approach of Policy DM4 in seeking to control the principle of development beyond settlement boundaries is more restrictive than the balanced, cost/benefit approach set out in the Framework. The balancing of harm against benefit is a defining characteristic of the Framework's overall approach embodied in the presumption in favour of sustainable development. Because of this, where Policy DM4 is used to restrict housing, it cannot be seen to be consistent with the language of the Framework.
18. The over-arching aim of the CS as expressed in paragraph 3.7.1 is "*to successfully deliver the growth requirements of the East of England Plan*" (the RS). Thus the housing requirements set out in the CS including settlement boundaries and allocations were predicated upon a constrained supply set out in the revoked RS. The CS was formulated in a planning policy context which is very different to today's and its evidence base predates more recent household projections. Consequently it does not accord with objectives of the Framework to meet a full OAN for housing.
19. There is no firm evidence before me to indicate that the settlement boundaries applicable in 2009 are still appropriate today and consistent with either the SHMA's or Framework's objective of boosting significantly the supply of housing. Indeed, as became apparent at the Hearing, the Council's housing supply trajectory contains a number of sites which fall outside settlement boundaries including a number of recently allowed appeals and the consented residential site immediately to the south³. The Council also accepted that land beyond settlement boundaries will need to be released for development in the future in a manner which reflects the housing needs of the area. In other words applying the restraints of Policy DM4 are likely to fetter the Council's ability to meet its future housing requirements.
20. Overall, these matters lead me to conclude that settlement boundaries are not inviolable and their rigid application will not assist the Council in maintaining an adequate supply of housing land particularly bearing in mind the challenging targets set out in the emerging LP. In these circumstances and irrespective of the Council's housing land supply position, I find that Policy DM4 is out of date. The appeal proposal should therefore be assessed using the approach set out in the second bullet point of the decision-taking section of paragraph 14 of the Framework. This states that permission should be granted unless any adverse

³ LPA Ref: CB/15/04226/OUT

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. This balancing exercise will be returned to later in the decision.

Housing land supply

21. The Framework identifies that Councils should ensure that their local plans meet the full OAN for market and affordable housing in the housing market area. In addition, they must identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, with an additional buffer of either 5% or 20% to ensure choice and competition in the market for land.
22. The application subject of the current appeal was determined by the Council on the basis that it could not demonstrate a five year supply of deliverable housing land. This position is reiterated in the Council's Appeal Statement. However shortly before the Hearing the Council published its latest quarterly housing delivery update and reviewed its position in respect of monitoring year 2017/18. This led to the council taking the position that it did have a supply of deliverable housing land in excess of five years based on a 5% buffer having met relevant targets for the preceding 3 years.
23. The absence of an up to date policy dealing with housing provision means there is no full OAN for Central Bedfordshire. Consequently, the Council rely on the OAN figure set out in the SHMA Update (Summer 2015), that being 29,500 dwellings over the period 2011 to 2031 or 1,475 dwellings pa. However since the Hearing these figures have been superseded by those in the SHMA Update (Summer 2017). As predicted in the appellant's submissions this increases significantly the OAN for Central Bedfordshire to 32,000 dwellings for the period 2015-2035. Table 7.2 of the emerging LP also confirms a further 7,400 dwellings to accommodate a proportion of the unmet need from Luton. Although the SHMA figures have not been the subject of independent scrutiny, in common with other Inspectors who have considered the issue of housing land supply in Central Bedfordshire, I take the view that the SHMA is the most trusted indicator of housing need for the area.
24. In terms of supply, the Council has adjusted its supply figures to a revised position as of 1 April 2017 to reflect the number of housing completions in the preceding year. During the period 2011 to 2017, 8,461 dwellings were completed with a shortfall over that period of 389 dwellings. The update also includes revised trajectories on a number of strategic sites in the development plan some of which are disputed by the appellant. On the back of its April 2017 update, the Council argued at the Hearing that they could demonstrate a supply of 9,592 dwellings, equivalent to 5.88 years' supply. However, in light of the significant housing requirement uplift and irrespective of the buffer applied, it seems very unlikely that the Council can, as it stands, demonstrate a 5 year supply of housing.
25. To conclude, it is not for me as part of this s78 appeal to speculate or calculate what the Council's OAN should be. However, the latest evidence indicates a significant uplift in the Council's housing requirements which far exceed the supply set out in the latest quarterly housing delivery update. As such and notwithstanding that I can find no fault with the Council's approach to its buffer or latest housing trajectory, I find on the balance of probabilities that the

Council cannot demonstrate a 5 year supply of deliverable housing sites. Even if I am wrong about that, the tilted balance set out in paragraph 14 of the Framework would, in any event, be engaged by virtue of my conclusions in paragraph 20 above.

26. In coming to my conclusions on this matter, I have considered the implications of the Supreme Court Judgement. I accept the Council's view that it points to a more rigid interpretation of what constitutes '*policies for the supply of housing*'. However, it goes on to say that the important issue is not the categorisation of development plan policies but whether they are achieving a 5 year supply of deliverable housing in accordance with the objectives of paragraph 47. In my view although the Council can currently demonstrate a 5 year supply of housing, for the reasons set out above this is in spite of Policy DM4 rather than because of it. The Judgement also explicitly reaffirms that the weight to be attached to existing policies is a matter for decision makers and in relation to Cheshire East, it was also found that the Inspector was entitled to reduce the weight to policies based on settlement boundaries that reflected out of date housing requirements.

Character and appearance

27. The application was accompanied by a detailed Landscape and Visual Appraisal which assesses the likely landscape and visual effects of the development. Whilst I have had regard to this document, the Council's response to it and Policies DM3, DM4, CS16 and DM14 my assessment is informed by my observations on site visits undertaken before and after the Hearing, the latter with the benefit of having heard the evidence of the relevant expert witnesses.
28. The parties agree that the site is not a designated or 'valued' landscape in the terms set out in the Framework⁴. Nonetheless, it is apparent from the various submissions that there is more than a degree of nuanced opinion amongst the landscape professionals as to the visual and landscape impacts of the development. For example the appellant argues that at the year of completion the impact on the landscape would be 'moderate/minor' whereas the Council argue it would be 'major adverse' from a number of key receptor points.
29. The site comprises a largely flat arable field on the west side of Taylor's Road. It has few if any redeeming features and appears to be in intermittent agricultural use. The "*Central Bedfordshire Landscape Character Assessment (January 2015)*" (the LCA) identifies that the site is within Landscape Character Area 4C – Upper Ivel Clay Valley where defining characteristics include amongst other things, mixed land use of arable farmland with pasture along river courses plus substantial areas of settlement, large and medium scale geometric fields bounded by hedgerows and open views over level farmland. In terms of new development, the LCA seeks the enhancement of hedgerows and landscape boundaries at exposed urban edges and avoid the coalescence of towns and villages.
30. To the east on the opposite side of Taylor's Road is a relatively high density, modern housing estate known as Beauchamp Mill. To the south is a smaller plot of open land with an as yet unimplemented planning permission for 26 dwellings. The character to the west is more mixed with the Fen End Industrial Estate marking the end of the built-up section of the village beyond which

⁴ Paragraph 3.10.1 of the SOCG

there is a ribbon of houses loosely arranged along Astwick Road. To the north of the appeal site a public footpath traverses open land between Astwick Road and Astwick village via a footbridge over the River Ivel.

31. In my view, the appeal site contributes to a pleasant open, rural setting to the north of Taylor's Road albeit substantially enclosed behind mature hedgerows. Although it is not visible over a wider area, it is valued locally on account of the fact that it forms part of a larger tract of open land providing separation between Stotfold and Astwick.
32. I acknowledge a development of this size would contrast somewhat with the urban grain and the established pattern of the village, which has evidently grown organically. However, this would be an inevitable consequence of any new development such as this, and it is not as a matter of principle a reason to dismiss the scheme out of hand. Once the residential development to the south is constructed the site would be substantially enclosed on two sides by residential development⁵. In my view therefore, the development would read as a logical extension to the existing built up area and would not relate poorly to it.
33. The housing would be no more than 2.5 storeys in height and approximately 25% of the site would be public open space in the form of a continuous buffer of structural landscaping running clockwise from the emergency access point to the north-east corner of the site. The Development Framework indicates that the existing boundary hedges would be reinforced where appropriate with new areas of planting. At the Hearing the appellant's Landscape Consultant advised that some 360 metres of new native mixed hedgerows would be planted. I am thus satisfied that the development would be consistent with advice in the LCA in terms of preventing further loss and fragmentation of the hedgerows.
34. The extent to which the proposed dwellings would be visible beyond the site would depend on details which have been reserved for future determination. Nonetheless, there can be no dispute that the scheme whatever its final form, would impose a considerable extent of built development on the land which would have a significant visual effect within the site boundaries. Externally, there would be views at the site entrance and from upper floor windows of the houses on Taylor's and Astwick Roads. However, these would be local rather than longer distance views. In the short/medium term, the development would also be visible through gaps in the hedge along Astwick Road and from footpath 8 to the north. However, the evidence suggests that within 10 years the landscape buffer would have matured to the extent that views of the houses would be heavily filtered.
35. I have some sympathy for the view expressed by local residents that the cumulative nibbling away of the countryside could eventually result in the merging of Stotfold and Astwick particularly in the light of development pressure in Central Bedfordshire. Coalescence can be caused by reducing the separation between settlements through additional built development. In this case the appeal site forms part of a wider swathe of countryside separating Stotfold and Astwick which helps to protect the identity of both villages.

⁵ At the Hearing it was confirmed that the outstanding conditions are being dealt and therefore there is no reason to suppose it will not proceed

36. The proposed development would undeniably erode elements of the functioning space between the two settlements. In doing so, it would increase the size of Stotfold and extend it further towards Astwick. However, the appeal site does not itself adjoin the settlement boundary of Astwick and as such the proposed development would not physically unify the two settlements. The wider area of intervening land between the two settlements would continue to exist, and would protect their separate identities such that they would remain clear and distinguishable from one another.
37. Overall, there would be some moderate visual and landscape harm arising from the loss of the site's open and undeveloped character. There would also be some reduction in the amount of separation between Stotfold and Astwick and a degree of coalescence would occur. This would cause some environmental harm and would therefore conflict with Policies DM3, DM4, CS14, CS16 and DM14 of the CS. However, having regard to the site's relationship to existing development and the level of containment particularly in the medium/long term, I am satisfied that the visual and landscape effects could be satisfactorily mitigated within a reasonable period of time and the level of harm would not be significant but moderate.

Heritage Assets

38. Policies CS15 and DM13 of the CS seek to protect, conserve and enhance heritage assets. As these policies do not allow for the weighing of public benefits against any harm, there is a degree of inconsistency with the Framework. Despite that, their overarching aims are consistent with Section 12 of the Framework.
39. The essence of the Council's case is that the development would harm the rural setting of the ACA by reducing the amount of open countryside between it and Stotfold. The site is not within the ACA, the southern boundary of which is marked by a belt of mature landscaping which runs adjacent to the river. This restricts most views of the historic settlement towards the appeal site and vice versa. I accept that the development would be visible from the southern outskirts of the ACA in what is identified in the ACA Appraisal as a significant view. However, the appeal site is located some distance away beyond a hedgerow and open land to the south of the river. Consequently the degree of visual encroachment into outward views from the ACA would not be significant particularly in the medium/long term once the new areas of landscaping have taken hold.
40. I accept the possibility that some dwellings might be visible in the short term and in the winter months before the landscaping has reached sufficient maturity. However this period would be relatively short lived and in any event, the existing townscape of Stotfold, in particular the Beauchamp Mill development, is already clearly visible in southward views from the footbridge.
41. The Framework states that not all elements of a conservation area will necessarily contribute to its significance. In my view the ACA as a whole derives much of its value from the buildings and spaces within it rather than parcels of land far beyond its boundaries. I therefore concur with the appellant that the change to the ACA's setting as a result of the development would be at best modest and would not affect one's appreciation of it. Accordingly, there would be no conflict with Policies CS15 and DM13 of the CS or advice in the Framework.

Best and most versatile agricultural land (BMV)

42. The appeal site comprises around 3.35 hectares of Grade 2 (good) agricultural land. Paragraph 112 of the Framework advises that the economic and other benefits of BMV should be taken into account and that areas of poorer quality land should be used in preference to that of a higher quality where significant development of agricultural land is demonstrated to be necessary. However, whilst the Framework expresses a preference for development on non-BMV land, it does not preclude development on such.
43. The Council accepts that the loss of 3.35 hectares in the context of the amount of agricultural land across its area, of which 80% is BMV, would be relatively small and well below the 20 hectare DEFRA threshold.
44. In any case, it is very difficult to attach significant weight to the Council's arguments in this regard, when its stance is contrasted with the way it interpreted this policy when granting planning permission for other sites to which the appellant has drawn my attention. I therefore conclude that the loss of BMV would not be significant when assessed against national planning policy and does not weigh against the scheme.

Effect on local infrastructure

45. The Framework sets out policy tests for planning obligations; obligations must be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. The same tests are enshrined in the statutory tests set out in the regulation 122 of the CIL regulations.
46. Although the obligations are not in dispute, the UU provides that if my decision letter concludes that any provision of the UU is incompatible with any one of the tests then the relevant obligation shall cease to have effect.
47. The education contribution comprises a middle school contribution of £14,492.40 and an upper school contribution of £17,771.52 towards the creation of additional capacity at Etonbury Academy Arlesey and Samuel Whitbread Academy schools. The contribution is supported by a response from the Council's Education Officer which identifies a potential future deficit at the local middle and higher schools which would serve the development. As there is no projected deficit at the nearest primary school, no contributions are sought in this regard. I consider the education obligation, which is calculated via a standard formula, would be fairly and reasonably related to the development proposed and it would as a result pass the statutory tests.
48. The requirement for 35% affordable housing arises from Policy CS7 of the CS and meets the appropriate tests.
49. A formula based waste contribution is sought towards the provision of household waste collection services on the site. The Council's Appeal Statement clarifies that this relates to the provision of wheelie bins as opposed to the collection of waste itself. On that basis, I am satisfied the obligation would meet the tests.
50. A public right of way contribution of £300 per dwelling is to be spent upgrading and improving the footpath network to accommodate the extra usage generated by the development. However, the information supporting the

contribution is scant and seems to rest entirely on comments made by the Council's Rights of Way Officer. Whilst I accept that future residents may well walk the rights of way network that in itself is not sufficient justification for the contribution. There is nothing before me to demonstrate that the network is currently deficient. Nor is there any evidence setting out the anticipated levels of usage from future residents of the development and its likely effect on the network. Finally, I have no way of knowing how the figure of £300 has been calculated, what exactly it would be spent on and when. In these circumstances I cannot be sure that failure to provide the contribution would have an unacceptable effect on the rights of way network. The contribution does not therefore meet the tests.

51. The off-site playing pitch contribution is calculated at £617 per dwelling. It is unclear how this has been calculated or where the requirement for the contribution has come from given that the response from the Council's Technical Officer clearly states "*due to the size and scale of this site, no contribution is required for off-site provision*". Based on the foregoing, I cannot be sure this contribution would meet the tests.
52. The cycle parking contribution of £5,000 is to be spent on cycle parking at Arlesey train station. I can find no reference to such a requirement in the various consultation responses or the Framework Travel Plan. Whilst I accept that Arlesey station is within cycling distance of the site, there is nothing before me to demonstrate that the contribution is proportionate to the development or that the existing cycle parking at the station is over-subscribed or deficient in any other regard. Consequently, I am not persuaded it is necessary to make the development acceptable.
53. I have similar concerns in relation to the £200 per dwelling contribution for as yet unidentified physical measures along Taylor's Road to discourage its use by future occupiers as an access to the A1. Whilst the intention of such a contribution may be laudable, the Highway Authority has failed to explain how such a contribution is necessary to make the development acceptable. I accept that some vehicles would be likely to turn left out of the development towards the A1. However, the level of such movements has not been quantified by the Highway Authority and therefore I am unable to come to an informed view as to whether there would be a material increase in traffic using Taylor's Road. Moreover, whilst I accept that Taylor's Road and its junction with the A1 are substandard, no accident data is before me to demonstrate this has led to a manifest road safety problem in practice.
54. The likely cost of any highways works and the relatively modest amounts being requested indicate that any future scheme would be reliant on pooled contributions from a number of developers. Notwithstanding whether the limit set out in Regulation 123 of the CIL Regulations would be exceeded, such an approach would rely on other, as yet, unidentified schemes coming forward. In these circumstances it is not known when the scheme would be delivered. It is therefore feasible that the scheme would not be delivered until several years after the development has been occupied and travel behaviours have already been established. For the above reasons, the contribution does not meet the tests.

Sustainable development

55. The Framework adopts a broad definition of sustainable development in that it states that the policies in paragraphs 18 – 219, taken as a whole, constitute the Government’s view of what sustainable development means in practice. The Framework also establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, which includes economic, social and environmental dimensions.
56. The scheme would make a significant contribution towards the Council’s housing stock in terms of both affordable and market provision. These benefits would be consistent with the *social* dimension of sustainable development. Given my conclusions on housing land supply, I attach significant weight to this aspect of the scheme given the aims of the Framework to significantly boost the supply of housing.
57. Paragraph 7 of the Framework indicates that as part of the *environmental* role of sustainable development, the planning system needs to contribute to protecting and enhancing the natural, built and historic environment. I have considered these matters in more detail under the second main issue but overall I have found that the appeal scheme would result in moderate harm to the character and appearance of the area.
58. The development would open up a substantial portion of the site to public access, by creating new footpaths, green infrastructure, biodiversity gains and recreation areas. This would accord with the aims of the Framework to provide significant community and environmental benefits. The site occupies a sustainable location in one of the largest villages in Central Bedfordshire where residents would have a realistic choice to walk, cycle and use public transport to access essential day-to-day services and facilities.
59. The Council does not dispute that the development would support the *economic* role through the purchase of materials and services in connection with the construction of the dwellings, an increase in local household expenditure as well as revenues to the Council from the New Homes Bonus. These benefits again weigh in favour of the scheme.

Other Matters

60. Local residents have expressed a wide range of concerns including but not limited to the following: loss of wildlife habitats, inadequate drainage and the effect on highway safety and congestion. However, it is evident from the Committee Report that these matters were carefully considered by the Council at the application stage. Whilst I understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently to the Council on these matters.

Overall Conclusions and Planning Balance

61. The starting point in weighing the various factors is that the proposal would conflict with Policies DM3, DM4, CS14, CS16 and DM14 of the development plan. As to whether material considerations indicate that the permission should be allowed, the Framework is one such consideration. Paragraph 215 makes it quite clear that the Framework can override development plan policy that is not consistent with its provisions.

62. Given its inconsistency with the Framework and the Council's housing land supply position, I have found the CS to be out of date. Not only does this reduce the weight that I can attach to the policies therein in the overall balance but it also engages the default position identified in paragraph 14 of the Framework. The effect of this is that the planning balance shifts in favour of the grant of consent. Only if the Council is able to demonstrate harm which "significantly and demonstrably" outweighs the benefits of the development should consent be refused.
63. When considered in the round, the proposed development would contribute significantly to the economic and social dimensions of sustainability. Although the scheme would offer a number of environmental benefits, there would be moderate harm to the character and appearance of the area. However, relative to the scale of the benefits arising, I find that this harm would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I consider this to be a significant material consideration sufficient to outweigh the conflict with the development plan.
64. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

Conditions

65. The Council has suggested a number of planning conditions which I have considered against the advice in the "*Planning Practice Guidance*". In some instances I have amended the conditions provided by the Council in the interests of brevity.
66. Conditions 1, 2 and 3 are standard conditions for outline planning permissions. Condition 4 is imposed for the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details. The number of dwellings is specified in the description of development and therefore a separate condition is unnecessary. A condition regarding the provision of satisfactory surface and foul water drainage systems is necessary to ensure satisfactory drainage of the site in the interests of flood prevention.
67. The suggested highway conditions are unnecessary as these details are either shown on the Stirling Maynard plan and therefore captured by the plans condition or can be dealt with at the Reserved Matters stage. I have however imposed a condition to ensure the accesses are brought into use prior to first occupation. Given the discussion at the Hearing regarding the timing of the emergency access I have built in some flexibility into the condition. A highway condition is necessary to ensure the access is provided prior to first occupation. A Construction Method Statement including appropriate restrictions on construction hours is necessary to protect the living conditions of local residents. Conditions relating to a Residential Travel Plan and renewable/low carbon energy are necessary to accord with development plan objectives in these areas. A condition relating to an investigation for contamination and any necessary remedial measures is reasonable and necessary to ensure the land is suitable for the proposed residential use. An archaeology condition is necessary to protect any archaeological assets that may be present.
68. The site is fairly flat and therefore a condition requiring details of finished floor levels is unnecessary as these matters can be addressed at the reserved

matters stage. For similar reasons conditions relating to boundary treatments and waste management are unnecessary. The Ecological Appraisal submitted with the application found that the site is of low nature conservation value with no rare or notable plant species confirmed. On that basis, I am not persuaded that the suggested environmental mitigation condition is necessary. Finally, I do not need to consider the question of a condition concerning affordable housing as this is dealt with in the second UU.

D. M. Young

Inspector

APPEARANCES

FOR THE APPELLANT

Mr Chris Still	Gladman Developments
Mr Martin Carter	Kings Chambers - Appellant's Barrister
Ms Gail Stoten	Pegasus Planning - Appellant's Heritage Advisor
Mr Tim Jackson	FPCR - Appellant's Landscape Advisor
Ms Pet Twigg	Gladman's Developments

FOR THE LOCAL PLANNING AUTHORITY

Mr Philip Hughes	Council's Planning Consultant
Mr Alex Booth	Francis Taylor Building - Council's Barrister
Mr Jonathan Lee	ORS

INTERESTED PERSONS

Mr Brian Collier	Parish Councillor and local resident
Mr John Cutting	Parish Councillor and local resident
Mr Alan Cooper	Local resident
Mr Brian Saunders	Local resident
Mr Steven Dixon	Local resident
Beata Sowinska	Local resident
T.W. Ray	Local resident
J Ray	Local resident
D Garratt	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Signed Statement of Common Ground.
- 2 Signed Unilateral Undertaking and associated Power of Attorney.
- 3 Council's Housing Delivery Table for Central Bedfordshire 2007-2017.
- 4 Appellant's Housing Delivery Table 2001-2017.
- 5 Freedom of Information Response from the Council relating to the SHMA update.
- 6 Transcript from the Central Bedfordshire Development Management Committee Meeting 1.3.17.

DOCUMENTS SUBMITTED AFTER THE HEARING

- 1 Council's response to Supreme Court Judgement.
- 2 Appellant's response to Supreme Court Judgement.
- 3 Education Consultation Response.
- 4 Signed Unilateral Undertaking in relation affordable housing.

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Location Plan 7146-L-04 and 4746/39/02.
- 5) No development shall take place until schemes for the proposed method of surface water and sewage disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timetable for provision and future management and maintenance. The approved sewage disposal and surface water drainage facilities shall be constructed in accordance with the approved details before the development is first occupied and shall be retained and maintained thereafter in accordance with the scheme as approved.
- 6) The site accesses including the emergency access to Astwick Road shall be constructed and brought into use prior to first occupation of any dwelling unless otherwise agreed in writing with the Local Planning Authority.
- 7) The development shall not commence until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The statement shall include:
 - i) The proposed hours and days of working;
 - ii) Vehicle movement plans,
 - iii) waste management measures;
 - iv) On site provision for construction worker and contractor vehicle parking
 - v) Details of site compounds, offices and areas to be used for the storage of materials;
 - vi) Methods and details of dust suppression during construction;
 - vii) Proposals to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic;
 - viii) Details of a wheel washing facility; and
 - ix) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward.

The development shall be carried out in accordance with the statement so approved.

- 8) No occupation of any dwelling hereby permitted shall take place until a residential travel plan in general accordance with the Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include details of:
- i) Predicted travel to and from the site and targets to reduce car use.
 - ii) Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
 - iii) Proposals and measures to encourage and facilitate walking, cycling and the use of public transport.
 - iv) Timetable for implementation of measures designed to promote travel choice.
 - v) Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority.
 - vi) Details of the appointment of a travel plan co-ordinator.

The travel plan shall then be implemented in accordance with the timetable contained therein.

- 9) No development shall take place until a risk-based land contamination assessment to determine the nature and extent of any contamination on the site has been carried out, in accordance with a methodology that has first been submitted to and approved in writing by the local planning authority. Should any unacceptable risks be found, a remedial scheme and verification plan shall be submitted to and approved in writing by the local planning authority. The remedial scheme shall be implemented as approved before development begins.
- If, during the course of development, any contamination is found which has not previously been identified, additional measures to address it shall be submitted to and approved in writing by the local planning authority and the additional measures shall be carried out as approved.
- 10) No development above slab level shall commence until details of the materials to be used for the external construction of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 11) No development above slab level shall commence until a scheme of measures to source 10% of the energy demand for the development from renewable or low carbon sources and to ensure the development achieves a water efficiency standard of 110 litres per person per day (105 litres for internal use plus 5 litres for external use). The scheme shall then be implemented in accordance with the approved details and shall continue to be implemented as long as any part of that phase of the development is occupied.
- 12) No development shall take place until a written scheme of archaeological investigation / resource management; that includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved scheme.