



Appeal Decision

Inquiry opened on 28 January 2025

Accompanied site visit made on 31 January 2025

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2025

Appeal Ref: APP/K0235/W/24/3352276

Land at Bromham Road, Biddenham, Bedfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of an outline planning permission.
- The appeal is made by Cala Homes (Chiltern) Ltd against the decision of Bedford Borough Council (BBC or 'the Council').
- The application Ref 23/01106/MAR, dated 19 May 2023, sought approval of details pursuant to Conditions 2, 5, 7, 8, 10, 11 & 12 of outline planning permission Ref 19/01394/MAO, granted on 15 October 2020.
- The application was refused by notice dated 30 April 2024.
- The development proposed is residential development at land adjoining Bromham Road, Biddenham, Bedfordshire.
- The details for which approval is sought are reserved matters of appearance, landscaping, layout and scale for a residential development of 57 dwellings.
- The Inquiry sat for 5 days on 28 to 30 January 2025 and 4 and 7 February 2025

Decision

1. The appeal is allowed and the reserved matters are approved for a residential development of 57 dwellings on land at Bromham Road, Biddenham, Bedfordshire, namely details of appearance, landscaping, layout and scale submitted in pursuance of Conditions 2, 5, 7, 8, 10, 11 & 12 attached to outline planning permission Ref 19/01394/MAO, dated 15 October 2020, subject to the conditions set out in the schedule at the end of this decision.

Preliminary and procedural matters

2. The appeal site comprises part of an allocated housing site defined on the Policies Map¹ of the Bedford Borough Local Plan 2030² (BBLP), and covered by Policy 23. Outline planning permission for residential development on the appeal site, with all matters reserved except for access, was granted on 15 October 2020. The agreed extent of the approved access is shown on Drawing No BE1659-13M-100 rev F1³, with further access details relating to the internal roads and footpaths being required under Conditions 2 and 8. The outline planning permission did not seek a specific number of residential units, but the reserved matters relate to a proposed layout of 57 dwellings.
3. At the time the Council refused to approve this reserved matters application it was able to demonstrate a 5-year supply of deliverable housing land, and the BBLP was less than 5-years old. However, by the time the Inquiry opened the BBLP was over 5 years old

¹ Core Document (CD) 12

² CD 03 - adopted 15 January 2020

³ See Statement of Common Ground (SoCG) Appendix SoCG1 at Document (Doc) 03

and because of the December 2024 revisions to the National Planning Policy Framework⁴ (NPPF), the Council was only able to demonstrate a 3.46 year housing land supply (HLS). Amongst other things this means that the development plan policies which are most important for determining this appeal have to be considered out-of-date, in accordance with footnote 8 to paragraph 11(d) of the NPPF.

4. The Council refused to approve the reserved matters application for 20 reasons⁵, but things moved on and the SoCG records that subject to the imposition of suitably worded conditions the Council no longer sought the withholding of reserved matters approval in relation to 6 of the original reasons for refusal. Moreover, to address more of the Council's concerns the appellant submitted 9 amended plans which were the subject of further public consultation⁶. These additional plans addressed matters such as bin collection points; the vehicular route proposed for refuse collection; details of swept paths of various vehicles, including refuse collection vehicles; and landscaping and public open space. Comments were received on these amended plans from a planning consultant on behalf of neighbouring residents at 112 and 112A Bromham Road⁷.
5. In addition, as the Inquiry progressed further amendments were made to the landscape and highway layout plans to address minor inconsistencies⁸. The Council and appellant considered these amendments to be minor and non-material. I share that view, and am satisfied that no-one with an interest in this case would be unduly prejudiced by me basing my decision on these amended plans. As a result of the submission of these final amended drawings, by the time I closed the Inquiry the Council was only maintaining its opposition to the approval of reserved matters in respect of 9 of the original reasons for refusal. These are covered by the 5 main issues which were discussed at the Inquiry, and which are set out later in this decision.
6. I undertook an accompanied visit to the appeal site in the company of representatives of the appellant and the Council on 31 January 2025. On the same day, and on other days throughout the course of the Inquiry, I visited other locations in the vicinity of the appeal site on an unaccompanied basis, as detailed on the site visit itinerary⁹.

Site description, surrounding area and details of the reserved matters

7. Details of the appeal site and the surrounding area are given in the SoCG, the Officer's Report¹⁰ (OR) to the Planning Committee on the outline application, and the Officer's Delegated Report¹¹ (ODR) on the reserved matters application. In summary, the site comprises some 2.3 hectares (ha) of unoccupied grassland, broadly triangular in shape, located to the north-west of the large village of Biddenham, some 2.5 miles west of the centre of Bedford and about 0.5 miles to the east of Bromham. The majority of the appeal site lies within Flood Zone 1, with a small area at the northern extremity lying within Flood Zone 2. Land further north, also within the control of the appellant but outside the appeal site, lies within Flood Zone 3.
8. The appeal site lies behind a ribbon of frontage residential development which lines the northern side of Bromham Road, to the south. This frontage development comprises

⁴ CD 02

⁵ CD 181

⁶ See paragraph 5.4.3 of the SoCG – Doc 03

⁷ Doc 01

⁸ Docs 14 - 22

⁹ Doc 07

¹⁰ CD 182

¹¹ CD 181

large detached houses of 2 or 2½ stories in height, situated on large plots with front driveways and generous-sized rear gardens. The varying styles and designs of these existing dwellings led to them being described at the Inquiry as having an 'eclectic' approach to materials, roof form, architectural detail and boundary treatment. The appeal site benefits from an existing access onto Bromham Road which runs between existing properties Nos 110 and 114.

9. A recreation ground with sports pitches and an associated clubhouse with changing rooms and parking lies to the east of the appeal site. The River Great Ouse and its associated flood plain lie to the north of the site and the residential curtilage of 112 Bromham Road, a large detached dwelling set in very large grounds, abuts most of the site's western boundary. This dwelling is served by the link to Bromham Road which also provides the access to the appeal site, as is 112A Bromham Road, a further large detached dwelling located to the immediate west of No 112.
10. Nearby heritage assets referred to at the Inquiry are the Grade 1 listed St Owen's Church, which lies within Bromham Park to the north of the appeal site, on the northern side of the river, and the Scheduled Monument of Bromham Bridge, located just over 200 metres (m) to the west of the site access point.
11. Under the reserved matters application the appellant seeks approval of details of a proposed development of 57 dwellinghouses served by an internal loop road network, together with associated parking, amenity space, open space, an attenuation drainage basin and landscaping. Although not explicitly shown on the Proposed Site Layout Plan¹², the appellant confirmed at the Inquiry that the whole of the internal road system would be constructed as a block-paved shared surface. Additional flood storage would be available within plastic crates under parts of the road network. The road network would not be offered for adoption to the local highway authority (LHA), but would be retained by the appellant and managed by the Management Entity established through the section 106 (S106) agreement¹³ which accompanied the outline planning permission.

Main issues

12. I consider that the remaining matters of concern can be covered by the following main issues, as agreed at the Case Management Conference for this appeal:
 - 1) the effect of the proposed development on the character and appearance of the area;
 - 2) The effect of the proposed development on the living conditions of the occupiers of 112 Bromham Road;
 - 3) Whether the proposed development would make adequate provision for public open space;
 - 4) The effect of the proposed layout on highway safety and traffic movement; and
 - 5) Whether the proposed layout would enable the development to be satisfactorily drained.

Reasons

13. Before dealing with these main issues I first set out the existing policy framework against which this appeal needs to be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in

¹² Doc 14

¹³ CD 183 - made under section 106 of the Town and Country Planning Act 1990, as amended

accordance with the development plan for the area unless material considerations indicate otherwise. The SoCG confirms that in this case the development plan includes the BBLP and the Allocations and Designations Local Plan¹⁴ (ADLP), adopted in July 2013. The Council's remaining reasons for refusal¹⁵ allege conflict with a number of BBLP and ADLP policies which I summarise below.

14. BBLP Policy 23 relates specifically to land to the rear of Bromham Road, Biddenham, with Figure 7 in the BBLP defining a 'Development site boundary', but also setting out a smaller 'Potential Development Area'. It is this smaller area, which seems to me to also include the sites of the dwellings at 112 and 112A Bromham Road, which was carried forward to the BBLP Policies Map Inset 1 as Housing Area 23. Policy 23 sets out a number of key principles with which development on the site should comply. The Council maintained that the proposals conflict with principle (ii), which requires the provision of a landscaping and tree planting scheme within the site and along site boundaries to reduce the impact of the development on wider views and in particular to minimise impacts on heritage assets.
15. BBLP Policy 28S sets out a number of criteria which development proposals will be expected to meet, so as to contribute to good place-making. Amongst other things these criteria require new development (i) to be of a high quality in terms of design and to promote local distinctiveness; (ii) have a positive relationship with the surrounding area, integrating well with and complementing the character of the area in which the development is located; (iii) contribute to the provision of green infrastructure; (iv) enhance the landscape, and (viii) include appropriate landscaping.
16. BBLP Policy 29 deals with design quality and principles, and amongst other things requires new development to (i) be of the highest design quality and contribute positively to the area's character and identity; (ii) respect the context within which it will sit and the opportunities to enhance the character and quality of the area and local distinctiveness; and (v) promote accessibility and permeability for all by creating safe and welcoming places that connect with each other.
17. BBLP Policy 30 also deals with design, with criterion (i) requiring planning applications to give particular attention to the relationship of the development with the context in which it is placed, including overdevelopment; the contribution buildings will make to the townscape and landscape qualities of the area; and, where appropriate, the extent to which local distinctiveness is reinforced or created. Criterion (ii) requires new development to give consideration to the quality of the development in terms of scale, density, massing, height, materials and layout, including the provision of private space where appropriate.
18. BBLP Policy 31 deals with the access impacts of new development and, amongst other matters, requires consideration to be given to (i) highway capacity, parking provision, safety or general disturbance to the area; (ii) the extent to which the development is served by, and makes provision for access by public transport, cyclists and pedestrians; and (iii) the suitability of access arrangements to and within the development for all members of the community, including pedestrians, cyclists and people with disabilities.
19. BBLP Policy 32 states that development proposals should ensure that they minimise and take account of the effects of pollution and disturbance. Amongst other things it requires particular attention to be paid to (iv) factors which might give rise to disturbance

¹⁴ CD 04

¹⁵ Reasons for refusal 1, 3, 4, 5, 7, 8, 11, 12 (part), 13 & 15, detailed in CD 181

to neighbours and the surrounding community, including overlooking, crime and community safety concerns. BBLP Policy 38 is concerned with landscaping in new development, both on and off site, and details a range of criteria which new development will be expected to meet. Finally from the BBLP, Policy 53 deals with development layout and accessibility, with criterion (i) requiring that, wherever possible, new development should be located and designed to provide convenient access to local services by foot, cycle and public transport.

20. From the ADLP, Policy AD28 sets out standards for the provision of open space, to include equipped/natural play areas, and informal and amenity greenspace. Although the BBLP and ADLP policies detailed above have to be considered out-of-date, for reasons already given, as their requirements all accord with NPPF policies and guidance I consider that they should all carry significant weight in this appeal.
21. The NPPF is a material consideration. As noted above, its paragraph 11(d) explains that where the development plan policies which are most important for determining the application are out-of-date - as here - development proposals should be granted planning permission unless either of 2 stated exceptions apply. The first of these is where the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Whilst designated heritage assets are included within this category, neither party argued that this provides a strong reason for refusing the development proposed in this case, although the parties do agree, in the SoCG, that the proposals would result in a very minor level of less than substantial harm to the significance of Bromham Bridge. I discuss the implications of this later in this decision.
22. The second stated exception is where any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in the NPPF taken as a whole. Particular regard has to be given to what are referred to as 'key policies', with 'securing well-designed places' falling into this category. Footnote 9 explains that insofar as 'achieving well-designed places' is concerned¹⁶, the relevant key policies are those contained in paragraphs 135 and 139.
23. The Planning Practice Guidance (PPG) is also a material consideration, as are a number of the Council's adopted Supplementary Planning Documents as detailed in paragraph 4.3.0 of the SoCG.

Main issue 1 – the effect of the proposed development on the character and appearance of the area

24. A number of the Council's remaining reasons for refusal are covered by this first main issue. Reason for refusal 1 maintains that the proposed layout would have limited grass verges, public landscaping and minimal garden depths, resulting in a contextually inappropriate cramped layout and amounting to overdevelopment of the site. Under reason for refusal 4 the Council considers that the appearance of the proposed dwellings would be poor, with the proposed house types and materials failing to enhance local distinctiveness, to the detriment of the visual amenity of the local area.
25. Reasons for refusal 3, 5 and 7 are all critical of the proposed boundary treatments and landscaping, maintaining that the layout would not allow for sufficient landscaping/tree planting along the site boundaries to reduce the impact of the development on wider

¹⁶ The subject of Chapter 12 of the NPPF (CD 02)

views, and would also fail to provide a good level of on-site planting. Moreover, the Council argues that boundary treatment locations do not take into account or sufficiently protect the existing trees/hedges along the site boundaries such that the development would create a hard edge within the open countryside, to the detriment of the local area and views from wider vantage points.

26. The supporting text to BBLP Policy 23¹⁷ states that planning permission will be permitted for a design and layout that reflect the established spatial character and landscape character of this location, and the SoCG records the parties' agreement that the context of the site is an important consideration in assessing the impact of the proposed development on the character and appearance of the area. However, in this regard I note that the appeal site is not located within any locally defined landscape character area, as it is considered to lie within an 'urban area' as defined in the Bedford Borough Design Guide: Settlements and Streets¹⁸ (DG), adopted in March 2023. Moreover, although the DG has undertaken a comprehensive character assessment of various 'Settlements' and 'Streets', neither the appeal site nor the houses on Bromham Road have been identified as an area of distinctiveness.
27. Mr Hughes, for the Council, argued that the existing Bromham Road in the vicinity of the appeal site is analogous with certain streets within the DG's Character Area 4 - defined as larger detached dwellings on larger plots. However, whilst there are some similarities between the streets referred to - Kimbolton Road and Putnoe Lane - and this part of Bromham Road, particularly in the range of differing house types these streets contain and the spacious setting of these dwellings, there are also clear differences, not least the fact that Bromham Road is only built-up on one side and backs onto largely undeveloped, open areas. As such I am not persuaded that any such comparison is particularly helpful in deciding how this agreed backland site should be developed.
28. Of more relevance, to my mind, is the third part of the DG which sets out 16 'Design Principles' aimed at producing well-designed developments, both in terms of the buildings themselves and the places created. The Council's assessment of the appeal proposals has focussed on what it sees as conflict with a number of these principles, whereas the appellant argues that the scheme performs well and generally complies with those principles which are relevant to the appeal proposals. I share that view.
29. Furthermore, I find it difficult to see how the immediately adjacent area, characterised by an eclectic, linear row of large, detached dwellings with a wide range of building styles and materials, set in spacious grounds, could be meaningfully reflected on this backland site, particularly as there is very limited visual interaction between Bromham Road and the appeal site. As such, I favour the appellant's approach, that an important element of creating a successful development on the appeal site has to centre around appropriate place-making, having regard to the materials which can be found on the Bromham Road properties, as set out in the Design and Access Statement¹⁹ (DAS) and summarised by Mr Williams for the appellant in his proof of evidence²⁰ (PoE).
30. The appellant has sought to achieve a sense of place for the overall development by utilising a limited palette of materials and by having differing character zones within the overall layout. I consider that the materials selected relate positively to the Bromham Road streetscape, as despite its overall varied nature red and buff brick, timber cladding

¹⁷ Paragraph 7.33 on page 55 of CD 03

¹⁸ CD 07

¹⁹ CD 54a & b

²⁰ Pages 17-19 of CD 903

and slate roof materials as proposed in the appeal scheme are all present on the Bromham Road properties. I acknowledge that more variety in the roofing materials proposed could have been an option, but I am not persuaded that the proposed use of grey slate roofing throughout should count against the proposals. Indeed, in this regard I am mindful of design principles 12 and 13 from the Council's DG, which seek the creation of harmonious rooflines and an overall harmony of materials. Too much variety of materials in this relatively compact development would, in my opinion, work against creating a strong sense of place with a clear identity.

31. On a related matter, I saw at my site visit that the proposed consistent use of darker roofing materials would limit and suppress the visual impact of the upper parts of the proposed dwellings when seen in wider and more distant views, such as those from both Bromham Bridge and St Owen's Church, shown in Mr Williams' Rebuttal PoE²¹. I deal with this matter in more detail later in this decision when I assess the likely impact of the proposed development on the settings of nearby heritage assets.
32. With regards to layout, the first reason for refusal appears to centre on the Council's contention that too many dwellings are being proposed and the view that this results in a layout which has limited grass verges/public landscaping, and minimal garden depths. A total of 57 dwellings are proposed, and it is of note that the Council has provided no clear density guidance either for the Borough as a whole or for the appeal site in particular. I acknowledge that in the past, Site 23 has been considered capable of delivering between 27 and 43 dwellings²², but as far as I can see no firm figure for the site has ever been suggested or agreed. In any case, any development on this site has to have regard to guidance set out in paragraph 130 of the NPPF, which states that it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
33. The overall density of the proposed development would be some 27 dwellings per hectare (dph), which the Council accepts is not unduly high. Moreover, in his Rebuttal PoE Mr Williams indicated that a 'perceived density'²³ figure, somewhat akin to the 'plot ratio' measure referred to in the PPG, is a more appropriate way of assessing and comparing the 'feel' of an area. Using this measure the development would have a perceived density of 21.7dph, which would be comparable to development areas which the Council has approved to the north of Bromham Road to the east, referred to as Phases 6 & 7, which have perceived densities of 22.6dph and 19.4dph respectively. These figures do not suggest that the density of the proposed development would be unacceptably high - or, put another way, that too many dwellings are being proposed for this site.
34. The SoCG confirms that garden depths would be policy compliant²⁴ so the Council's concerns in this regard appear to mainly relate to what it sees as minimal or 'pocket' front garden spaces²⁵. The Council also raises concern that some dwellings would be sited as close as 1m from the carriageway, and that gaps between some opposing front elevations of dwellings would just be around 11m²⁶. However, I saw at my unaccompanied site visits that similar dwelling positioning and separation distances can

²¹ See Figures 5.1 & 6.1 in CD 907

²² See paragraph 3.13 of CD 900

²³ The 'perceived density' measure includes open space directly relating to properties but excludes the likes of access drives leading to a development area

²⁴ See paragraph 6.2 of Doc 03

²⁵ See paragraphs 5.26-5.33 of CD 900

²⁶ Paragraphs 5.27 & 5.28 of CD 900

be found within the recent Phase 6 and Phase 7 developments referred to above²⁷, and presumably were considered acceptable by the Council in those schemes.

35. Moreover, the appellant has explained that the proposed siting of some dwellings close to the carriageway is deliberate, as the close proximity of buildings to the road is detailed within Manual for Streets²⁸ (MfS), as one of a range of measures which designers can use to slow traffic down. As a consequence, it seems inevitable to me that front garden areas will be relatively small in such a layout. Together, these features are seen as important elements of the overall design of what the appellant refers to as a 'low speed and inclusive environment', served by shared surfaces. I deal with this matter further under a later main issue, but consider it appropriate to say here that I accept that the conscious positioning of dwellings close to the carriageway and limited spacing between some dwellings can all assist with the place-making function of design, and do not automatically mean that the development layout is cramped.
36. With regard to landscaping, the Council is critical both of the extent of the proposed grass verges and public landscaping within the scheme as a whole, and also of the extent and form of the proposed boundary planting, and the protection of existing trees and hedges along the site boundaries. However, it seems to me that within the site a number of reasonably-sized landscaped areas are proposed, including an entrance square, a 'pocket park' and other natural play areas at the southern end of the site, with a landscaped feature/attenuation pond at the northern end. Whilst I accept that many front garden areas are very modestly-sized, and that minimal areas of grass verge are proposed, in my opinion this is not unexpected in the form of low-speed layout which the appellant is pursuing here. In any case this seems little different to what has already been approved in the likes of Lacewing Drive and Skater Walk in the Phase 6 and Phase 7 areas referred to above. Drawing the above points together I do not consider the extent of public landscaping within the scheme to be unacceptable.
37. Much discussion took place at the Inquiry concerning the proposed boundary planting, with a number of non-material amendments being necessary to the landscaping plans to ensure the correct representation of the existing and proposed trees, hedging and other planting. In summary, the landscaping proposals comprise the following. A 1.8m high close-boarded fence or similar along the southern boundary. A 2m wide landscape buffer zone along the rear gardens of the proposed dwellings at the western boundary, mainly planted with a 1.00-1.25m high instant hedge, together with a row of about 16 feathered trees of some 1.8-2.1m in height, separated from the proposed residential gardens by a 3-bar timber post and rail fence or similar. A total of 5 additional feathered trees would be planted within the gardens of the proposed dwellings along this western side of the site, and all existing trees would be retained.
38. The existing trees and hedgerows along the site's eastern boundary would also be retained and gapped up with native whips. In addition, a 2m wide landscaped margin would be retained adjacent to the proposed dwellings, separated from the residential gardens by a 3-bar timber post and rail fence or similar. Finally, in the area to the north, beyond the proposed housing, the existing ground flora and scrub would be retained and some 18 new trees would be planted. Six new trees would be planted along the western side of the accessway from Bromham Road, and a total of some 26 new trees would be planted within the site, along the proposed shared surfaces and around the entrance square and pocket park. In total, upwards of 70 new trees are proposed,

²⁷ Also shown in Figures 6A-6F in CD 907

²⁸ Paragraph 7.4.4 of CD 601

comprising feathered trees, standard trees and extra heavy standard trees, ranging in height from 1.8-4.0m and capable of growing to heights of 8.0-9.0m over 15 years.

39. Overall I consider that this proposed landscaping would be sufficient to reduce the impact of the development on wider views and in particular to minimise impacts on heritage assets, as required by BBLP Policy 23. In this regard I note that the within the consultation response from the Council's Conservation and Historic Buildings Officer (CHBO) to the reserved matters application²⁹, reference was made to a 4-6m buffer on the western site boundary to help shield views of the proposed development from Bromham Bridge. This consultation response further indicates that with canopy spans of about 4m, the trees proposed for the 'landscape buffer zone' along this western boundary would provide the sort of buffer previously recommended – although the Officer states that providing additional trees at depth would be an obvious improvement.
40. From my observations on site, and having regard to the extent of existing vegetation seen in views towards the appeal site from public viewpoints to both the west and the north, I am satisfied that no undue harm would arise to the settings of either Bromham Bridge or St Owen's Church. I deal with this topic in more detail in the 'Other Matters' section of this decision.
41. Finally, insofar as the submitted visualisations are concerned I accept that as they show some trees which are not proposed on the landscaping plans, but do not generally show any parked cars and do not show the proposed post and rail fence around the attenuation pond, they need to be treated with some caution. However, they still show the mix of house types and materials proposed and give a good impression of how this completed development would appear. As such, I consider that they usefully reinforce the fact that this development would have a clear sense of place and would represent a low-speed and somewhat 'intimate' environment.
42. Drawing the above matters together I conclude that the development resulting from the proposed reserved matters would be a well-designed and distinctive place to live. It would respect the context within which it sits and would not have an adverse impact on the character and appearance of the surrounding area. Accordingly it would not result in any material conflict with the relevant parts of BBLP Policies 23, 28S, 29 or 30.

Main issue 2 – The effect of the proposed development on the living conditions of the occupiers of 112 Bromham Road

43. This matter is covered by the Council's third reason for refusal, which maintains that there would be unacceptable overlooking into the private amenity space of 112 Bromham Road. This concern is elaborated on by Mr Hughes who states in his PoE that Plots 31-36 would have their rear elevations facing directly into the rear garden of 112 Bromham Road which could lead to overlooking and a loss of privacy as well as a perception of such impacts. The submitted plans indicate that the rear of the dwelling proposed for Plot 36 would face directly towards No 112, whilst the dwellings on Plots 31-35 would have their rear elevations facing directly into No 112's large rear garden.
44. The Council accepts that the proposed instant hedging and tree planting along this boundary would serve to screen views into No 112's garden from ground floor windows and from rear gardens of these proposed dwellings, but is nevertheless concerned that in total there would be some 15 first-floor rooms in these proposed dwellings which would face towards No 112 or look into its rear garden area.

²⁹ CD 205

45. However, as already noted, 112 Bromham Road is a large house set in very large grounds. It is orientated such that its rear faces north-west, and it is at this north-western side of the property that the patio and private sitting-out areas appear to be located, largely shielded by the dwelling of No 112 itself. As such, there would be no direct overlooking of these private areas by occupiers of the proposed new dwellings. Moreover, the closest part of No 112 to the appeal site appears to be a 2-storey hipped-roof garage, with living accommodation above, granted planning permission in 2019³⁰. This building has no windows at first-floor level facing the appeal site, and just a single obscure-glazed window at ground floor level facing the appeal site. As a result I do not consider that there would be any unacceptable impact on the living conditions of the occupiers of 112 Bromham Road as a result of overlooking from plot 36.
46. Furthermore, all of the proposed dwellings along this western side would be set back at least 9m from the boundary, a dimension which accords with the N5 Standard for privacy set out in the Council's design guidance document 'Residential Extensions, New Dwellings and Small Infill Developments'³¹. Although the Council takes the view that this standard can only be a starting point in the assessment of whether there would be any unacceptable infringements of privacy or any unacceptable overlooking, I saw at my site visit that that the area which would be overlooked would be part of the very large grassed area to the rear of No 112, with much of it being well away from what appears to be the private sitting-out area for this property. Finally on this matter, I share the appellant's view that in view of the size and extent of No 112's rear garden area, there would be nothing to stop the occupiers of this property from planting trees within its own curtilage to further reduce the possibility of overlooking, if they so wished.
47. Taking all of the above points into account I conclude that if the reserved matters were approved it would not result in an unacceptable impact on the living conditions of occupiers of 112 Bromham Road. Accordingly I do not find the proposals to be in conflict with the relevant parts of BBLP Policies 23 or 32, nor with paragraph 135(f) of the NPPF which, amongst other things, requires new development to create places that have a high standard of amenity for existing and future users.

Main issue 3 – Whether the proposed development would make adequate provision for public open space

48. The Council's eighth reason for refusal maintains that the development would not provide sufficient on-site public open space in accordance with the Council's Open Space Supplementary Planning Document³² (SPD) adopted in September 2013. The open space requirements are set out in ADLP Policy AD28 which indicates that where new housing development is of a type likely to create a demand, the Council will require provision of open space and built facilities in accordance with the standards set out in a table which accompanies the policy. The policy goes on to state that where possible, provision should be made on-site, but where this is not possible, practical or preferred, a financial contribution in lieu of on-site provision will be required.
49. The table indicates that Equipped/Natural Play Areas should be provided at the rate of 0.25ha per 1,000 people, with Informal and Amenity Green Space being required at the rate of 0.5ha per 1,000 people. Based on the housing mix proposed for this development (which the SoCG notes is acceptable), and occupancy figures from the ADLP, it is agreed that this development should provide 406 square metres (sqm) of

³⁰ CD 802

³¹ CD 13

³² CD 05

equipped/ natural play areas, and 812sqm of informal and amenity green space. This latter category is defined in the ADLP as spaces open to free and spontaneous use by the public but neither laid out or managed for a specific function such as a park, playing field or recreation ground, nor managed as natural or semi-natural habitat.

50. Appendix B³³ to Mr Williams' PoE sets out the appellant's position on this matter, with the figure of 410.2sqm of equipped/natural play areas not being contested by the Council. However, although this plan also shows what the appellant claims to be 1,025.4sqm of informal and amenity green space, Mr Hughes argued in his PoE that the areas shown cannot reasonably be considered as providing opportunities for free and spontaneous use by the public and maintained that as such, the scheme does not provide any meaningful informal amenity green or informal space³⁴. To my mind this is a somewhat extreme view, and I consider that certain (but not all) of these areas could clearly count as informal and amenity green space.
51. Indeed, Mr Hughes appeared to soften his position on this matter somewhat at the Inquiry, accepting some of the appellant's areas but pointing to particular areas which he considered could not reasonably be considered as usable informal or amenity green space³⁵. I share the Council's view that some of the areas shown, such as those immediately adjacent to the front windows of houses and tucked away behind the sub-station should not be included in this assessment. As a result of removing these disputed areas from the assessment there appeared to be general agreement at the Inquiry that the 1,025.4sqm claimed by the appellant should more realistically be seen as about 634sqm, amounting to some 78% of the ADLP Policy AD28 requirement. A straightforward reading of this therefore indicates a conflict with this policy, and this is the view taken in the ODR.
52. However, I find it difficult to completely disregard the area of open land to the north of the current appeal site boundary but included within the area covered by the outline planning permission, and within the control of the appellant. The ODR states that this area cannot be counted towards the on-site provision and, as just noted, takes the view that the application therefore fails to accord with policy AD28. However, a different view was taken at the time outline planning permission was granted, with the OR accepting that the open space to the north is a land use which is generally acceptable within Flood Zone 3. Moreover, this land is not simply within the appellant's control, but is also covered by the Open Space Scheme detailed in the S106 agreement, which applies to the outline planning permission area as a whole³⁶. This area amounts to some 5,300sqm, and whilst I acknowledge that it lies beyond the Flood Zone 2 contour, it would clearly be available for informal recreation use for much of the year.
53. I have been mindful of the Council's contention that this area of land cannot be considered truly available for spontaneous recreational use as it would have to be accessed via a somewhat circuitous route through a narrow gap of about 1m between the edge of the bay window and planting area of Plot 30, and the fence around the attenuation basin. However, as the appellant has indicated, many informal recreation areas are reached through relatively narrow access points – such as stiles – and for this reason I consider that this 'off-site' area could also reasonably provide informal and amenity green space to future occupiers of the proposed development.

³³ See Plan 3 in Appendix B to CD 903

³⁴ Paragraph 5.154 in CD 900

³⁵ Broadly those areas set out in paragraph 5.160 of CD 900

³⁶ See pages 10 & 11 of CD 183, and Plan following page 11

54. Drawing the above points together, I conclude that whilst the reserved matters proposals would be at odds with a strict reading of ADLP Policy AD28, the proposed development would nevertheless make adequate provision for public open space within the outline planning permission area as a whole.

Main issue 4 – The effect of the proposed layout on highway safety and traffic movement

55. The Council considered that various highway aspects of the appeal proposals were unacceptable, and maintained 4 of its reasons for refusal in this regard – Nos 11, 12, 13 and 15. Reason for refusal 11 contends that the proposed development fails to make adequate provision for safe, convenient, unobstructed and independent passage by vulnerable highway users, including those who are sight-impaired.
56. It seems to me that throughout the life of this scheme there has been some lack of clarity regarding the form and layout of the road system intended for the development area. I say this because although the DAS indicates, in its 'Layout principles' section³⁷ that a shared surface street design approach has been used to minimise hardscaping and create a safe, welcoming, and pedestrian friendly development, the site layout shown later in the DAS only appears to suggest a shared surface approach would be used for the southern and eastern parts of the loop road³⁸, with the western limb of the loop referred to as an 'access road'. This situation is further confused in the appellant's Highways Technical Note, which refers to the internal road being a 5.5m wide loop with a shared surface element between Plot 5 and Plot 41³⁹ - so only starting part way along the southern part of the loop.
57. However, this situation was clarified at the Inquiry, with Mr Millington confirming for the appellant that a block-paved shared surface is proposed for all of the internal loop road, with the development area as a whole being designed as a low-speed environment where vehicles are expected to be travelling at 20mph or lower (see later). I have noted the concerns expressed by Mr Andrews for the Council that the provision of some lengths of segregated footway may be confusing in an otherwise shared surface context, as it may be unclear where pedestrians are supposed to be. But as the proposed sections of separate footway would only exist in certain parts of the network, it seems quite clear to me that pedestrians should be expected on all parts of the shared surface loop, with the separate footways simply providing an extra facility for pedestrians. As the vast majority of users of this road network will be those who live within the development, I see no reason why this should lead to any significant confusion or insurmountable difficulties.
58. I acknowledge that difficulties can arise within shared surface areas for those who are partially sighted, as they often rely on kerblines and similar features to negotiate their way around the area. Large upstand kerbs are not generally found within shared surface environments, but lower kerbs with upstands of around 25mm are common features, as I saw at my unaccompanied site visits to the nearby Phase 6 and Phase 7 areas referred to earlier. I see no reason why such features, along with the likes of tactile paving could not be used to assist partially sighted pedestrians move around the area. The nature of the transitions between footways and shared surfaces could be controlled by a condition if planning permission was to be granted, and indeed agreed Condition 16 would serve such a purpose. In light of the above points I am not

³⁷ Section 4.2 in CD 54a

³⁸ Figure 17 in Section 5.2 of CD 54b

³⁹ Page 3 of CD 113

persuaded that the layout as proposed would cause unacceptable difficulties for vulnerable highway users, including those who are sight-impaired.

59. The second highways area of concern relates to reason for refusal 12, the relevant part of which maintains that the proposed layout fails to make adequate provision for vehicle and pedestrian access to existing properties (112 & 112A Bromham Road). There certainly have been some issues on this matter during the lifetime of this reserved matters application, as on earlier versions of the proposed layout plan the current, access to No 112 was shown incorrectly. However, the updated Site Layout Plan now shows the correct access to this existing property and the neighbouring No 112A, and also shows a new footway crossing point towards the northern end of the access road.
60. Details of the site access and the junction with Bromham Road were approved as part of the outline planning permission, but no specific pedestrian access provision to 112 Bromham Road was shown on the approved plan⁴⁰, nor did the Council secure any such pedestrian access through a planning condition. Be that as it may, the approved accessway shows a footway along its eastern side, and it is therefore understandable that specific, safe pedestrian crossing provision should be made for the residents of both 112 and 112A Bromham Road, which lie on the west side of the site access.
61. The bend outside Nos 112 and 112A, which gives access into the proposed development site, is a speed control bend and the parties agree that with a design vehicle speed of about 13.3mph, the required forward visibility at this point is 15.3m. However, as currently shown, pedestrians wishing to cross from east to west, and drivers leaving the site, would only have visibility of around 11.1m, equating to some 72% of the required visibility. The Council argues that this reduced visibility accords with a design speed of just 9.8mph - appreciably below the agreed design speed – and that as a result there would be a clear risk to pedestrian safety at this bend.
62. I accept the Council's calculations on this matter and agree that as currently proposed the pedestrian crossing point could not be considered safe. However, as the proposed access road swings north-eastwards from this bend it seems to me that only a modest adjustment of the proposed crossing point location would allow the full 15.3m forward visibility to be achieved. As this could be addressed by means of a proposed condition, I conclude that this matter should not stand against the approval of the reserved matters.
63. The Council's thirteenth reason for refusal maintains that several proposed accesses within the site are at locations where visibility is substandard due to the positioning of buildings and the height of landscaping, and that this would lead to danger and inconvenience to people using them and to highway users in general. On this point Mr Andrews highlights a total of 6 driveways which he maintains would have inadequate driveway visibility, which could result in collisions occurring⁴¹. However, the height of landscaping could be controlled by the imposition of an appropriate planning condition, so in my opinion this aspect of the reason for refusal could be readily addressed.
64. The crux of this matter therefore seems to be whether or not it is necessary and appropriate to provide specific visibility splays⁴² for vehicles entering the shared surface from individual private driveways. The Council argues that such visibility should be provided and points to comments made within the 'Frontage access' section of MfS⁴³,

⁴⁰ See Appendix SoCG1 in Doc 03

⁴¹ Paragraph 6.1.4 of CD 901A

⁴² Vehicle to vehicle distances

⁴³ Section 7.9 in CD 601 – especially the 4th bullet point in paragraph 7.9.2

and the fact that many LHAs include such visibility requirements in their respective design guides⁴⁴ - although it is accepted that the Council has no such guidance itself.

65. However, it seems to me that MfS is generally supportive of direct access from buildings to roadways, with research having shown that very few accidents occurred involving vehicles turning into and out of driveways, even on heavily-trafficked roads. Moreover, although some LHAs do have visibility requirements for individual private driveways, as noted above, there does not seem to be any great consistency in the standards these other LHAs apply. With these points in mind I consider that it is especially important to understand the context and scale of the issues involved in this case.
66. MfS makes it clear that the speed and volume of traffic on the street concerned is a factor to have regard to when frontage access is being considered⁴⁵. I have already noted that the development area has been designed to function as a low-speed environment where vehicles are expected to be travelling at 20mph or lower. Also, Mr Millington has assessed the likely number of vehicle, pedestrian and cyclist trips on each of the internal roads and has concluded that the busiest period would be the morning peak hour (0800-0900). During this period the maximum vehicle flow would be just about 27 vehicles at the entrance square, with 4 pedestrian movements and 1 cyclist movement at this location⁴⁶. During this same peak hour just 10 vehicle trips and 2 pedestrian trips are forecast along the western side of the internal road loop, with 18 vehicle trips and 3 pedestrian trips along the southern part. Lower figures are predicted along the eastern side. These figures were not seriously disputed by the Council.
67. On the above figures the highest traffic flow, through the entrance square, averages out at less than one vehicle movement every 2 minutes. Inevitably the vehicle and pedestrian flows will vary throughout the day, and there is likely to be more pedestrian activity at school times. Moreover, delivery vehicles and visitors would also be part of the daily traffic flow, but the vast majority of trips are likely to be made by residents of the proposed development area and, as such, they would be well aware of the nature and layout of the area. Finally, it is the case that all of the 6 driveways highlighted by Mr Andrews would be sited close to raised tables or speed control bends, meaning that drivers should be proceeding with caution at such locations.
68. Taking all of the above points into account, I am not persuaded that the proposed layout would lead to unacceptable safety concerns for drivers, pedestrians and other road users, insofar as visibility from private driveways is concerned.
69. The Council's final highway-related concern stems from reason for refusal 15, which maintains that the proposed layout fails to make adequate provision to physically contain vehicle speeds within the site to levels commensurate with the nature of the streets proposed, and would therefore be harmful to the safety of pedestrians and cyclists. To some extent I consider this concern to be understandable as there has been some lack of clarity regarding the intended form, status and surfacing of the proposed road network within the development, along with the nature of any speed control measures proposed, with features shown on the layout plan not being explicitly defined.
70. However, these matters were discussed and clarified at the Inquiry, and although the absence of a key on the Proposed Site Layout Plan still means that there is some potential ambiguity regarding the nature of the proposed surfacing and speed control

⁴⁴ See Section 5.0 in CD 906, and CDs 606, 607, 608, 609 & 610

⁴⁵ First bullet point in paragraph 7.9.2 of CD 601

⁴⁶ Section 3.1 in CD 904

features, I am satisfied that such matters could be adequately addressed by means of planning conditions. For the avoidance of doubt, I am basing my comments and conclusions on this matter on the appellant's assurances that the whole of the internal road network would be constructed as a block-paved shared surface, and that the speed control ramps – denoted by an upward pointing “V” on a striped background – would have a gradient of 1:20⁴⁷.

71. I acknowledge that MfS advises that speed-controlling features are required at intervals of no more than 70m in order to achieve speeds of 20mph or less, and that this distance would be exceeded by the vertical deflections proposed on the western limb of the internal shared surface which would have a separation of around 80m. However, on this matter I am very much of the view that the tight speed control bends to both the north and south of the proposed vertical deflections would be of particular value in keeping speeds low along this section. Moreover, as already noted, the deliberate design ploy of placing some dwellings just about 1m away from the carriageway is also accepted within MfS as an effective way of keeping speeds down.
72. Other features are also included in the overall package of speed-control measures including horizontal deflections, changes in surface colouring, a courtyard area, edge markings to visually narrow the road, and the presence of physical features such as trees close to the carriageway edge. The appellant confirmed that the appeal scheme includes all of these measures⁴⁸. In addition, the parties acknowledged that research undertaken for MfS has shown that the use of block paving reduces traffic speeds by between 2.5mph and 4.5mph compared with speeds on asphalt surfaces, and agreed that this matter could also be secured by means of an appropriate planning condition.
73. Whilst it is clear that there is a difference in professional opinion between the transport witnesses as to the likely effectiveness of the proposed speed control measures, my own assessment is that in combination with the relatively small size of the overall development the package of measures as outlined above should be effective at controlling speeds to 20mph or less. Accordingly I am satisfied that the layout and nature of the proposed internal road network would not result in undue safety problems for pedestrians or cyclists.
74. Drawing together all the above points I conclude that the proposed layout would not have an unacceptable impact on highway safety or traffic movement. In reaching this view I have had regard to the report on highways matters prepared for the occupiers of 112 and 112A Bromham Road by Firlands Transport Planning in November 2024⁴⁹, but do not consider that it raises any significant additional matters to those discussed at the Inquiry. Overall, I find no conflict with the relevant parts of BBLP Policies 29, 31 and 53. Nor do I consider there would be any significant conflict with NPPF paragraph 96 aimed at creating healthy, inclusive and safe places, or paragraph 135 which, amongst other things, seeks to ensure that developments establish a strong sense of place and create places that are safe, inclusive and accessible.

Main issue 5 - Whether the proposed layout would enable the development to be satisfactorily drained

75. Drainage was considered at outline planning permission stage. No objection was raised by the Environment Agency (EA), although it did advise that as part of the site is within

⁴⁷ Paragraphs 27 & 40 of Doc 24

⁴⁸ Paragraph 38 of Doc 24

⁴⁹ CD 405

Flood Zone 2, the Lead Local Flood Authority (LLFA) should be consulted⁵⁰. In turn, no objection was raised by the LLFA Flood Investigation Officer, the Council's Drainage Officer, or the Beds/River Ivel Internal Drainage Board⁵¹. In light of these points, when granting the outline planning permission the Council imposed Condition 14 which requires a surface water drainage scheme for the site, which accords with the Council's adopted Sustainable Drainage Systems (SuDS) SPD 2018⁵², to be submitted to and approved in writing by the Local Planning Authority. The scheme would then need to be subsequently implemented in accordance with the approved details before the development is occupied. It was confirmed at the Inquiry that this condition has not yet been discharged, with the Council refusing a relevant application in May 2024⁵³.

76. Insofar as the matters before me are concerned, drainage only features within the Council's twelfth reason for refusal, which alleges that the proposed layout fails to make adequate surface water drainage provision for the existing properties at 112 and 112A Bromham Road, leading to hazards and inconvenience to users of the proposed highway. This was elaborated upon in the Council's Statement of Case⁵⁴, which stated that a lack of detail of kerb lines and height and overall level design in this area means it is unclear if the surface water drainage proposals would prevent water from flowing onto third party land. It further commented that the kerb and gully arrangement shown on the relevant plan within the 'Drainage Strategy Report' does not show the existing access position for No 112 correctly.
77. However, the latest drawings do now show the correct access arrangements for Nos 112 and 112A. Moreover, evidence submitted by Mr Millington and Mr Bennett indicate that an extended dropped kerb with a 25mm upstand, coupled with 2 proposed gulleys in the vicinity of the accesses to Nos 112 and 112A, could be supplemented by additional protection in the form of an ACO Drainage Channel. This would capture excess water flows and could be laid immediately adjacent to the access points to these existing properties as shown in Appendices D and E to Mr Bennett's PoE. This seems to me to be an acceptable solution to this matter, and in closing its case at the Inquiry the Council, too, indicated that it was satisfied that its drainage concerns in this respect could be addressed by the information put forward by Mr Bennett⁵⁵. The parties agreed that this preferred drainage solution could be included as a requirement for the discharge of Condition 14 of the outline planning permission as detailed above.
78. As already noted, this was the only drainage matter relevant to the reserved matters application before me, but I am mindful of the fact that a substantial amount of additional information, including further drainage reports critical of the drainage aspects of the appeal proposals, has been submitted by the occupiers of 112 and 112A Bromham Road and by Brown Boots Town Planning on their behalf⁵⁶. I have had regard to the content of these objections and additional reports. However, as neither of these objectors nor their agent were present at the Inquiry, the submitted evidence could not be tested or questioned by the appellant or myself. In these circumstances I give lesser weight to these objections from interested persons than I give to the evidence put forward by the appellant, which was presented and questioned at the Inquiry.

⁵⁰ See the Consultation Responses section of CD 182

⁵¹ *ibid*

⁵² CD 16

⁵³ See paragraph 3.1.1 of the SoCG – Doc 03

⁵⁴ CD 301

⁵⁵ Paragraph 10 in Doc 23

⁵⁶ See Docs 01 & 02, and CDs 251-276 and 400-409

79. In this regard I note that the site-specific flood risk assessment for this allocated housing site confirmed that the built development would only be located within Flood Risk Zone 1, such that no Sequential Test was required. Mr Bennett stated that although the EA issued updated flood risk guidance in late January 2025, this has resulted in no change in relation to this site, as detailed in his Appendix A⁵⁷. As such I consider there to be no conflict with paragraph 175 of the NPPF, as there is no firm undisputed evidence to suggest any change in flood risk.
80. Mr Bennett explained that the proposed drainage layout indicates that surface water could be conveyed through a gravity-fed piped network and held in both underground storage tanks situated under parts of the road carriageway, and the above-ground attenuation basin. It would then be discharged in a controlled manner into the Anglian Water network. Whilst the use of underground attenuation storage tanks is a common design feature within car parks and similar areas⁵⁸, their proposed use under the road carriageway in this case means that the internal road network would not be offered for adoption by the LHA, but would instead be managed by the proposed Management Entity defined within the S106 agreement for the outline planning permission. The proposed foul water network would also be a gravity-fed network which, it has been confirmed, could be connected to Anglian Water's foul water network.
81. The proposed drainage strategy indicates that attenuation could be provided for within the appeal proposals and surface water flows would be conveyed in accordance with the existing topography. Furthermore, surface water discharge rates would be set to 69% below existing greenfield run-off rates, ensuring that flood risk would not be increased elsewhere. Having regard to the above points I conclude that the appeal scheme makes adequate provision for surface water drainage, and could therefore be drained satisfactorily.
82. In coming to this view I have been mindful of the fact that the appellant still needs to secure the discharge of Condition 14 attached to the outline planning permission before this development could proceed. The ODR records that the LLFA Flood Investigation Officer is not satisfied with the current proposals and considers that the best way to overcome the on-site drainage issues would be to relocate and significantly increase the size of the attenuation basin so that it is solely located within Flood Zone 1, and could accommodate all the excess water without the need for storage crates. However, this would significantly alter the developable area of the site and, as a result, would likely have an impact on the number of dwellings, making the current proposed layout unfeasible. But whilst I record this as the view of the LLFA's Officer, there is no firm evidence before me to suggest that Condition 14 could not be successfully discharged for the currently proposed scheme. If that did prove to be the case, the appellant clearly could not proceed with the current package of reserved matters.

Other matters

83. In my opinion the only additional matter to be explored under this heading is the impact of the proposed development on the setting of nearby heritage assets. The appellant submitted a Heritage Statement, dated May 2023, to support the reserved matters application⁵⁹. This describes a number of heritage assets which lie within the general vicinity of the appeal site and records that at the time of the outline planning application the only asset which the Council's Conservation Officer made reference to was the

⁵⁷ Appendix A to CD 905

⁵⁸ See page 33 of CD 16

⁵⁹ CD 62

Grade I listed St Owen's Church⁶⁰. The Conservation Officer's view was that the proposal for residential development on the appeal site would only result in a negligible level of harm to the significance of this church, due to changes in its setting, but that harm could be avoided through the sensitive location and scale of development, and effective, comprehensive landscaping on the western and north-western boundaries.

84. These comments were taken on board in the OR which recommended the granting of outline planning permission. The OR also pointed out that the Heritage Impact Assessment compiled as part of the BBLP preparation process, for the allocation of Site 23, stated that development of the site would have a minor impact on the architectural significance of Bromham Bridge due to the change from rural to more suburban character in that part of the view. It further commented that this would result in minor, less than substantial harm to the significance of the bridge.
85. When consulted on the reserved matters application the Council's CHBO listed a number of heritage assets within the surrounding area which could be affected by the proposals – including St Owen's Church – but then clarified that the only potential heritage impact would be to Bromham Bridge. This bridge is a long, stone structure, spanning both the course of the River Great Ouse and its water meadow to the east. It is of traditional design, with 26 semi-circular arches and intervening refuges, enclosed by parapets to both sides. It is reputed to have 15th century origins, although it was significantly reconstructed in the 18th and 19th centuries. It has architectural significance due to its appearance as a complex piece of historic engineering and historic interest through its marking of a longstanding river crossing.
86. The CHBO further commented that there are high quality views of the bridge from both the north and south (particularly from the river and bank) with the rural sylvan backdrop contributing positively to the bridge's architectural significance. However, the views when approaching the bridge along the road from the east and west are not considered to be of so high quality, although in views from the west the surrounding open countryside is considered to add to the architectural significance to a degree, by forming a pleasant, pastoral rural environment in which to experience the asset.
87. The CHBO concluded that with the proposed landscaping along the western site boundary, the upper sections of the roofs on Plots 31-35 would be visible in views from the bridge, resulting in a very low level of less than substantial harm to its significance. I share that view and, as noted earlier, consider that the use of dark roof tiles on the proposed dwellings would also serve to reduce any visual impact. In accordance with paragraph 215 of the NPPF I weigh this harm against the public benefits of these proposals, in the following section of this decision. For completeness it should be noted that as part of my unaccompanied site visits I viewed the location of the appeal site from close to the Grade I listed St Owen's Church. I agree that the existing intervening trees and vegetation, coupled with the planting proposed for the northern part of the appeal site, mean that changes to the church's setting brought about by the appeal proposals would cause negligible harm to the church's significance.

Summary, planning balance and overall conclusion

88. As already noted, as the Council cannot demonstrate a 5-year HLS the policies which are most important for determining this application have to be considered out-of-date, in accordance with paragraph 11(d) of the NPPF. That said, as I have also concluded that

⁶⁰ Paragraph 5.1.0 in CD 62

the policies in question generally accord with NPPF policies and guidance it is right that they should still carry significant weight in this appeal.

89. I have found in favour of the appeal proposals with regard to the first, second, fourth and fifth main issues, and have found no conflict with the relevant development plan policies in those respects. I have also found largely in favour of the appeal proposals on the third main issue, relating to public open space, but acknowledge that on a strict reading of ADLP Policy AD28, the proposals could be considered to under-provide the required amount of informal and amenity green space, although in my assessment the proposals would nevertheless make adequate provision for public open space for the outline planning permission area as a whole.
90. There is no suggestion that NPPF paragraph 11(d)(i) comes into play. Whilst I have found there to be an impact on the setting of a designated heritage asset - Bromham Bridge - this harm is at the very low end of the less than substantial scale. It does not therefore provide a strong reason for refusing the development proposed, although it is necessary for this harm to be weighed against the public benefits of these proposals, which I do shortly. But in light of the above points, I have to assess these proposals under NPPF paragraph 11(d)(ii), applying what has come to be known as the 'tilted balance'. It is therefore necessary to consider the benefits and harms likely to arise.

Benefits

91. A clear benefit of this scheme is the provision of 57 new houses, of which 17 would be affordable dwellings. This provision takes on particular importance in light of the Council's current inability to demonstrate a 5-year HLS, and the fact that it has a shortfall against its requirement of some 1,940 homes⁶¹. In these circumstances I consider that the provision of market housing and affordable housing should both carry significant weight.
92. Economic benefits would also flow from these proposals, in the form of temporary employment during the construction period, and the increased spend in the local economy arising from the occupants of these 57 new dwellings, if the reserved matters were to be approved. I acknowledge that such benefits would not be unique to these proposals, but would arise with any subsequent housing construction on this site. Nevertheless, the benefits just described would be real, and in my opinion warrant being given moderate weight.
93. Although not highlighted by the appellant, or referred to in the SoCG, Mr Hughes notes in his PoE⁶² that Condition 16 of the outline planning permission requires biodiversity net gain (BNG) to be achieved on site, and whilst this condition has not yet been discharged the approval of an appropriate BNG enhancement scheme would amount to a benefit of this scheme. I share that view, and although no such approval has yet been given no firm evidence has been placed before me to suggest that an acceptable BNG enhancement scheme could not be developed. However, because of these uncertainties I consider it appropriate to just give limited weight to any such benefit.
94. Finally, I share the appellant's view that some positive weight is warranted as a result of the appeal proposals seeking to make optimal use of the potential of this site, in line with guidance in paragraph 130 of the NPPF, in the section concerning making effective use of land. I consider that this warrants moderate weight in the proposals' favour.

⁶¹ Paragraph 3 in Doc 24

⁶² Paragraphs 6.8 & 6.9 in CD 900

Harms

95. Having found in favour of the appeal proposals on 4 out of the 5 main issues, it follows that I do not share the Council's view on many of the aspects of the proposals to which it considers harm should be attached. An exception is the fourth main issue, where I acknowledge that there may a slight shortfall in the on-site provision of informal and amenity green space. However, I have already set out my views on the acceptability of the use of the appellant-controlled land to the north of the appeal site for this purpose, so overall I can only give modest weight to this harm.
96. Some harm also arises to the significance of Bromham Bridge, but in this regard I share the view of the Council's CHBO that this harm lies at the very low end of the less than substantial scale. I consider the implications of this below. I do not consider that there are any other matters which should weigh against these proposals.

Planning balance

97. As just noted, in my assessment there are a number of benefits which would arise from this scheme, with the provision of new market and affordable housing in particular each carrying significant weight. This is added to by the moderate weight I give to the economic benefits of these proposals, the moderate weight resulting from making effective use of land, and the limited weight which would flow from an appropriate BNG enhancement scheme.
98. On the other side of this balance I only place the modest harm arising from a small under-provision of on-site informal and amenity green space, and the very low level of harm to the significance of Bromham Bridge. In accordance with NPPF paragraph 212 I attach great weight to this harm.
99. But notwithstanding this latter matter, it is my assessment that the public benefits of this scheme would outweigh the low level of less than substantial harm to the significance of Bromham Bridge. In turn it follows that applying the tilted balance, the adverse impacts of these proposals would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
100. In these circumstances the presumption in favour of sustainable development applies and the appeal proposals would therefore accord with BBLP Policies 23, 28S, 29, 30, 31, 32, 38 and 53, ADLP Policy AD28, and with the development plan as a whole. I therefore conclude that the appeal should be allowed, subject to the imposition of the conditions discussed at the Inquiry and set out in the attached schedule. These conditions all meet the appropriate tests and I have summarised the reasons for imposing them, below.

Conditions

101. A total of 20 suggested planning conditions were put forward jointly by the parties, to be imposed if planning permission was to be granted⁶³. There was agreement on all of the conditions with the exception of Condition 17. Nevertheless I have considered it appropriate to impose this condition for the reasons stated below. In addition, although not stated on the submitted schedule the parties accepted that Condition 15 should be amended to make it clear that block paving should be used throughout the internal road network. The version set out below reflects this.

⁶³ Doc 13

102. Condition 1 is imposed to provide certainty on what is being authorised by this permission, while Conditions 2, 3, 15, 19 and 20 are all imposed in the interests of visual amenity, with Condition 3 additionally being imposed in the interests of public safety. Conditions 4, 5 and 14 are necessary to make adequate provision for landscaping of the site, to enhance the appearance of the proposed development, with Condition 6 seeking to ensure that the Council can exercise control over the external appearance of the development and its impact on neighbours' amenities, and so that provided visibility splays remain clear of obstruction. Condition 7 is imposed in the interests of amenity.
103. Condition 8 is imposed in order to minimise the use of water in new developments, with Condition 9 required to support the installation of, and allow the future upgrade and maintenance of, fibre optic broadband technology. Conditions 10, 11, 12, 13, 16, 17 and 18 are imposed in the interests of highway and pedestrian safety, with Conditions 10 and 17 additionally being required to ensure the unobstructed passage of service, emergency and delivery vehicles.
104. The appellant did not support the imposition of Condition 17 as there is general agreement between the parties that sufficient car parking spaces are provided on site. However, whilst I am also satisfied that sufficient private and visitor parking is proposed, it is my view that any inconsiderate parking could cause manoeuvring difficulties for large vehicles. The internal road network is not being offered for adoption by the LHA, but I see no good reason why the proposed Management Entity could not enforce such a condition, which I consider necessary for the reasons just given.
105. I have had regard to all other matters raised, including the points put forward in opposition to these proposals by local residents and other interested persons, but find nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be allowed.

David Wildsmith

INSPECTOR

Schedule of conditions (20 in total)

- 1) The development hereby approved shall be carried out in accordance with the following plans and documents, unless required by a separate planning condition of this permission:
 - BA10123-2000 Rev A Existing Site Location Plan
 - BA10123-2100 Rev H Proposed Site Layout
 - BA10123-2102 Rev C Proposed Refuse Plan
 - BA10123-2103 Rev C Proposed Parking Plan
 - BA10123-2104 Rev C Landscape, Play, and Open Space
 - BA10123-2105 Rev C Part M Compliance (also known as mobility housing plan)
 - BA10123-2200 2B4P House Type A1_Rev D
 - BA10123-2210 3B5P House Type B1_Rev B
 - BA10123-2211 3B5P House Type B2_Rev B
 - BA10123-2212 3B5P House Type B3_Rev A
 - BA10123-2220 3B5P House Type C1_Rev D
 - BA10123-2221 3B5P House Type C2_Rev E
 - BA10123-2222 3B5P House Type C3_Rev D
 - BA10123-2223 3B5P House Type C4_Rev A
 - BA10123-2230 3B5P House Type D1_Rev D
 - BA10123-2231 3B5P House Type D2_Rev D
 - BA10123-2240 3B6P House Type E1_Rev B
 - BA10123-2250 4B8P House Type F1_Rev D
 - BA10123-2251 4B8P House Type F2_Rev D
 - BA10123-2252 4B8P House Type F3_Rev D
 - BA10123-2270 5B8P House Type H1_Rev D
 - BA10123-2271 5B8P House Type H2_Rev D
 - BA10123-2272 5B8P House Type H3_Rev D
 - BA10123-2290 5B9P House Type J1_Rev D
 - BA10123-2292 5B9P House Type J3_Rev D
 - BA10123-2295 5B9P House Type K1_Rev A
 - BA10123-2296 5B9P House Type K2_Rev A
 - BA10123-2300 Site Sections Sheet 1_Rev C
 - BA10123-2301 Site Sections Sheet 2_Rev C
 - BA10123-2350 Garages Floor Plans & Elevations Rev B
 - JBA_23_013_01 Detailed soft plots and POS Rev Q
 - JBA_23_013_02 Detailed soft plots and POS Rev Q
 - JBA_23_013_03 Detailed soft plots and POS Rev Q
 - JBA_23_013_04 Detailed soft plots and POS Rev Q
 - JBA 22 452 - TREE PIT DETAILS-DT01
 - JBA 22 452 - TREE PIT DETAILS-DT02
 - Drawing ST3308-711 Pedestrian Visibility
 - Drawing No 08740-0101 Rev P01 (found in Appendix C to CD 904)
- 2) No development shall take place above slab level until full details/samples of all external materials to be used in the development, to include brickwork, roof tiles, windows, doors, porches, and rainwater goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 3) No dwelling hereby permitted shall be occupied until details of all the boundary treatments including for the attenuation basin proposed on site including types, height, design detailing, materials and a timeframe for their delivery, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timeframe.
- 4) The development shall be carried out in accordance with the approved landscape details contained in plans listed in Condition 1.

All planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the completion of the development.

Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

- 5) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority to provide details of management and maintenance proposals for new planting. The provisions of the approved LEMP shall be implemented on completion of the approved planting scheme and thereafter maintained in accordance with the approved details.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order on any properties in respect of classes B (roof alterations) Class F (Hard Surfaces). On plots 41 and 42 there shall be no development under Schedule 2 Part 2 Class A (Gates, fences walls etc).
- 7) No dwelling shall be occupied until the bin storage/collection points for that dwelling have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. All such approved bin storage/collection points shall thereafter be retained.
- 8) No dwelling shall proceed beyond slab level until details of how it will achieve and maintain the higher water efficiency standard in the Building Regulations as set out in Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition, DCLG October 2015 (or similar replacement standard). The dwelling shall be constructed and completed in accordance with the approved details.
- 9) No dwelling shall proceed beyond slab level until it is served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless evidence is submitted which demonstrates that providing the required infrastructure is not feasible or economically viable.
- 10) A margin of 0.3 metres either side of the proposed carriageway shall be kept free of any development, landscape features or other obstructions in order to accommodate vehicles swept paths.
- 11) No building shall proceed above slab level until details of vehicular access to 112 & 112A Bromham Road, and a safe and inclusive uncontrolled pedestrian crossing point and footway connection to provide access to 112 & 112A Bromham Road from the footway on the eastern side of the proposed access road have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the access, footway link and crossing point have been constructed in accordance with the approved details.
- 12) All roadside verges, and the front gardens (and boundaries thereof) of plots with driveways that connect to the proposed roads without first crossing a 2m wide footway, shall be kept free of all obstructions which are above or may grow above 0.6m height, with the exception of street trees as detailed on the soft landscaping plans or thereafter agreed in writing with the Local Planning Authority.

- 13) The bends in the road by 112 & 112A Bromham Road: outside Plots 9-15; and outside Plots 41 and 42 shall be not brought into use until the associated forward visibility splay for that bend indicated on Drawing No 08740-0101 Rev P01 (excluding any part obstructed by a permanent building shown on the plan) have been provided. The areas within the defined splays shall thereafter be maintained clear of obstructions higher than 0.6m above carriageway level with the exception of street trees as detailed on the soft landscaping plans or thereafter agreed in writing with the Local Planning Authority.
- 14) The approved landscaping shown on the land to the north of the appeal site, outlined in blue on drawing number BA10123-2000 Existing Site Location Plan Rev A shall be carried out in the first planting and seeding seasons following the completion of the development.

Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.
- 15) No development shall commence until full details/samples of all materials to be used for road surfaces within the site, have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on the Proposed Site Layout Plan, Drawing No BA10123-2100 Rev H, all internal roads shall be block-paved and constructed as a shared surface. The development shall be implemented in accordance with the approved details.
- 16) No building shall proceed above slab level until details of uncontrolled pedestrian crossing points between the shared surface areas and the footways have been submitted to and approved in writing by the Local Planning Authority. The provisions of the scheme thereby approved shall be complied with in full.
- 17) Prior to the occupation of any dwelling served by the roads hereby permitted a scheme of measures to provide for restrictions on parking on the shared surface through the development with a delivery strategy with timetable of implementation shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the scheme thereby approved shall be complied with in full.
- 18) There shall be no development on-site above slab level until details of the construction of the proposed traffic calming features (including gradients and surrounding levels) with timetable of implementation has been agreed in writing with the Local Planning Authority. The roads shall be constructed to surface course with the traffic calming features installed in accordance with the timetable included within the approved scheme.
- 19) Prior to development commencing details of the extent of, location and design of all bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority; prior to occupation of any dwelling the approved bin, recyclables and cycles storage shall be provided in accordance with the approved details. Thereafter these facilities shall be retained as approved.
- 20) Prior to development commencing details of the extent of, location and materials of all patios and footpaths within the curtilages of each dwelling shall be submitted to and approved in writing by the Local Planning Authority; prior to occupation of any dwelling the approved patios and footpaths shall be provided in accordance with the approved details. Thereafter they shall be retained as approved.

End of Schedule

APPEARANCES

FOR THE COUNCIL

Ms Olivia Davies - Counsel for the
Local Planning Authority

She called:

Mr Phillip Hughes
BA(Hons) MRTPI FRGS
DipMan MCIM
Mr Martin Andrews
MEng(Hons) CEng MICE
MCIHTI

instructed by Alastair Wren, Team Leader,
Planning and Appeals, Bedford Borough Council

Principal, PHD Chartered Town Planners

Director, Martin Andrews Consulting Ltd

FOR THE APPELLANT

Mr Christopher Young KC - Counsel
for the appellant

He called:

Mr Andrew Williams
BA(Hons) DipLA DipUD CMLI
Mr Nigel Millington
BA(Hons) MSc MRTPI MCIHT
Mr Alexander Bennett
BSc(Hons) MCIHT MTPS
Mrs Victoria Davies
BA(Hons) DipEP MRTPI

instructed by Victoria Davies, DLA Town
Planning Ltd

Founding Director, Define

Joint Managing Director, PJA

Managing Director, MEC Consulting Group Ltd

Development Planning Manager, DLA Town
Planning Ltd

PROOFS OF EVIDENCE (PoE - contained in the Core Documents)

Council's Documents	
CD 900	Urban Design & Planning PoE - Mr Hughes
CD 901A	Highways PoE - Mr Andrews
CD 901B	Appendices to Highways PoE - Mr Andrews
CD 906	Rebuttal PoE - Mr Andrews
Appellant's Documents	
CD 902	Planning PoE - Mrs Davies
CD 903	Urban Design PoE and Appendices – Mr Williams
CD 904	Transport PoE, Summary and Appendices - Mr Millington
CD 905	Drainage PoE and Appendices – Mr Bennett
CD 907	Urban Design Rebuttal PoE – Mr Williams

OTHER CORE DOCUMENTS REFERRED TO IN THIS DECISION

National Policy and Guidance	
CD 02	National Planning Policy Framework (NPPF) December 2024
Development Plan and Guidance	
CD 03	Bedford Borough Local Plan (BBLP) 2030
CD 04	Allocations and Designations Local Plan (ADLP) – July 2013
CD 05	Open Space Supplementary Planning Document (SPD) – September 2013
CD 07	Bedford Borough Design Guide – March 2023
CD 12	BBLP Policies Map – Inset 1

CD 13	Design Guidance: Residential Extensions, New Dwellings & Small Infill Developments – January 2000
CD 16	BBC Sustainable Drainage Systems SPD - 2018
Original Application Documents	
CD 54a	Design and Access Statement Part 1
CD 54b	Design and Access Statement Part 2
CD 62	Heritage Statement – May 2023
Documents listed in Decision Notice	
CD 113	Highways Technical Note
Decision Documents	
CD 181	Reserved Matters Decision Notice and Officer Delegated Report
CD 182	Outline Planning Permission Decision Notice and Officer Report
CD 183	Outline Planning Permission S106 Agreement
Consultation Responses	
CD 205	Council's Conservation & Historic Building's Officer response – June 2023
Neighbour comments	
CD 251	Neighbour comment – 29 June 2023
CD 252	Neighbour comment – 28 June 2023
CD 253	Neighbour comment – 2 August 2023
CD 254	Neighbour comment – 3 August 2023
CD 255	Neighbour comment – 30 August 2023
CD 256	Neighbour comment – 12 October 2023
CD 257	Neighbour comment – 3 October 2023
CD 258	Independent Technical Review of Flood Risk & Drainage - 12 October 2023
CD 259	Neighbour comment – 14 November 2023
CD 260	Neighbour comment – 14 November 2023
CD 261	Neighbour comment – 28 November 2023
CD 262	Neighbour comment – 4 December 2023
CD 263	Independent Technical Review of Non Material Amendment – 6 Dec 2023
CD 264	Independent Technical Review of Non Material Amendment – 6 Dec 2023
CD 265	Independent Technical Review of Flood Risk & Drainage - 10 Feb 2024
CD 266	Neighbour comment – 12 February 2024
CD 267	Neighbour comment – 13 February 2024
CD 268	Neighbour comment – undated
CD 269	Neighbour comment – undated
CD 270	Neighbour comment – undated
CD 271	Neighbour comment – undated
CD 272	Neighbour comment – undated
CD 273	Neighbour comment – undated
CD 274	Neighbour comment – undated
CD 275	Neighbour comment – 12 March 2024
CD 276	Neighbour comment – undated
Statements of Case	
CD 301	Council's Statement of Case – November 2024
Third Party Appeal Submissions	
CD 400	Planning Consultant Objection Letter - undated
CD 401	Technical Independent Review of Flood Risk – 20 November 2024
CD 402	Report MS001 – 22 November 2024
CD 404	Report MS002 – 22 November 2024
CD 405	Firlands Transport Planning – Review of Access – 25 November 2024

CD 406	Report MS003 – 30 October 2024
CD 407	Report MS004 – 24 November 2024
CD 408	Appeal Decision APP/C1625/W/20/3244394 – 9 June 2020
CD 409	Appeal Decision APP/Q1153/W/22/3293078 – 3 April 2023
Other Planning Documents	
CD 601	Manual for Streets
CD 606	Coventry City Council Highway Design Guide
CD 607	Northamptonshire County Council LHA Standing Advice – June 2016
CD 608	Warwickshire County Council – Part 3 Street Design
CD 609	Central Beds Council – Highway Construction Standards & Specifications Guidance
CD 610	Highway Design Guide for Milton Keynes – 2018
Other Planning Applications	
CD 802	Planning Permission Ref 19/00497/FUL – 30 May 2019

DOCUMENTS SUBMITTED AT THE INQUIRY AND SHORTLY BEFORE

Document	01	Objection dated 5 January 2025 from Brown Boots Town Planning on behalf of Mr M Shaw of 112A Bromham Road and Mr G Garcha of 112 Bromham Road
Document	02	Final Statement dated 7 January 2025 from Brown Boots Town Planning on behalf of Mr M Shaw and Mr G Garcha, as above
Document	03	Statement of Common Ground, dated 7 January 2025
Document	04	Opening submissions on behalf of the Appellant
Document	05	Opening submissions on behalf of the Council
Document	06	Professional details for Mr Hughes (not included within PoE)
Document	07	Accompanied and unaccompanied site visit itinerary
Document	08	Photographs of Days Lane, Biddenham, submitted by the appellant
Document	09	Drawing showing forward visibility splays within the proposed development, submitted by the appellant
Document	10	Stopping sight distance calculations, submitted by the appellant
Document	11	Appeal Decision APP/H1840/A/13/2210895, submitted by the appellant
Document	12	Planning Permission Ref 20/01255/S73 relating to land rear of 118 Bromham Road, Biddenham, Bedfordshire, submitted by the Council
Document	13	Schedule of suggested planning conditions
Document	14	Drawing BA10123-2100 Proposed Site Layout Plan Rev H
Document	15	Drawing BA10123-2102 Proposed Refuse Plan Rev C
Document	16	Drawing BA10123-2103 Proposed Parking Plan Rev C
Document	17	Drawing BA10123-2104 Landscape, Play and Open Space Plan Rev C
Document	18	Drawing BA10123-2105 Part M Compliance Plan Rev C
Document	19	Drawing JBA_23_013 Detailed Soft Plots and POS Rev Q-01
Document	20	Drawing JBA_23_013 Detailed Soft Plots and POS Rev Q-02
Document	21	Drawing JBA_23_013 Detailed Soft Plots and POS Rev Q-03
Document	22	Drawing JBA_23_013 Detailed Soft Plots and POS Rev Q-04
Document	23	Closing Submissions on behalf of the Council
Document	24	Closing Submissions on behalf of the Appellant