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## Appeal Decision

Hearing Held on 7 November 2018

Site visit made on 8 November 2018

**by Hywel Wyn Jones BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 January 2019**

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**Appeal Ref: APP/P0240/W/18/3208772**

**Old Farm, Clophill Road, Maulden, Bedford, MK45 2AA**

- 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 Resolved Developments (now Caddick Land) against the decision of Central Bedfordshire Council.
  - The application (ref: CB/18/00435/OUT), dated 1 February 2018, was refused by notice dated 16 July 2018.
  - The development proposed is residential development of up to 49 dwellings (including affordable housing).
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### Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 49 dwellings (including affordable housing) at Old Farm, Clophill Road, Maulden, Bedford, MK45 2AA in accordance with the terms of the application, (ref: CB/18/00435/OUT), dated 1 February 2018, subject to the conditions set out in the Schedule to this decision.

### Preliminary and Procedural Matters

2. The application seeks outline planning permission with all matters, save for access, reserved for future consideration. The appellant has confirmed that the layout plan details are illustrative and intended to show how the development could be undertaken. I have treated the details on that basis.
3. At the outset of the hearing the appellant withdrew an appeal<sup>1</sup> against an earlier refusal of permission for substantively the same development on the appeal site. Given the similarity between the schemes I have taken into account representations received in response to the earlier scheme in my consideration of the appeal before me. This includes, at the Council's request, its earlier statement of case and addendum.
4. I carried out an accompanied visit to the site and the surrounding area, including 2 public rights of way, in the presence of representatives of the main parties and the local community. I carried out unaccompanied visits to the surrounding area on the same and previous day.
5. Shortly before the hearing the main parties presented appeal decisions which were considered relevant to the issue of housing land supply. On that basis the

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<sup>1</sup> APP/P0240/W/17/3187722

appellant altered its previously agreed position with the Council, to a position that the Council did not have a 5 year supply. As agreed with the parties the hearing dealt with all other matters but was adjourned to allow further consideration of housing supply. In accordance with an agreed timetable the main parties subsequently produced a Statement of Common Ground and Statements of Case dealing with this issue. Having determined that I had sufficient information to enable me to understand the parties' respective positions and to determine the appeal I subsequently closed the hearing in writing.

6. A duly executed s106 agreement has been submitted which undertakes to provide financial contributions to education, a play area and outdoor sport, makes provision for on-site affordable housing and open space, and provides for ecological management, the protection of a heritage asset and creation of a permissive footpath.
7. In July 2018 a new version of the National Planning Policy Framework was published. Whilst this is after the Council's determination of the planning application the parties have been able to address the latest version in their appeal submissions.

### **Planning Policy**

8. The Council has relied on the Central Bedfordshire Core Strategy and Development Management Policies (November 2009) ('the Core Strategy') as the relevant development plan in its determination of the application.
9. An examination of the Council's Emerging Local Plan (ELP) has been suspended to allow additional evidence on matters including heritage, landscape and transport mitigation. The Council advises that no date has yet been set for the hearing sessions. The parties agree that, in line with paragraph 48 of the Framework that limited weight can be attached to the plan. I concur and rely on the Core Strategy in my decision in line with the approach taken by the main parties in their evidence.

### **Main Issues**

10. The main issues are the effect of the proposed development on: the character and appearance of the settlement and the surrounding landscape; biodiversity; and heritage assets.

### **Reasons**

#### *Character and appearance*

11. The appeal site fronts Clophill Road. It is gently sloping, open pasture land which is mostly bounded on both sides and along its roadside frontage with mature hedgerows. The rear boundary of the site is presently undefined beyond which there are fields on rising ground which are crossed by a public footpath and which extend towards the steeply sloping and mainly wooded Greensand Ridge. A short distance to the north of the site lies a complex of farm buildings and a farmhouse at Old Farm and former barns converted to residential use all of which are served by an access lane which crosses the appeal site in the position of the scheme's proposed access.

12. To the west of the site lies a group of commercial units and housing that includes a modern residential cul-de-sac. The eastern boundary is defined by a hedgerow and trees bounding Green Lane. On the other side of this narrow highway lies a site currently being developed for 5 houses fronting Clophill Road which adjoin a row of houses. On the opposite side of the road to the site there is a virtually unbroken row of closely spaced, two-storey houses fronting the road.
13. To the west of the site and extending northwards from the existing commercial units to a point that roughly aligns with the position of the Old Farm complex lies a presently open area of land allocated for employment use in the Core Strategy (EA7) as an extension to the existing business park. The Council proposes to maintain the allocation in its emerging plan. The development of this site would be markedly closer to the Greensand Ridge than the appeal site.
14. I have had regard to the appellant's Landscape and Visual Impact Assessment which has been undertaken with regard to the relevant guidance, alongside the other evidence presented to me in writing together with that gleaned during the hearing including my visit to the site and its surroundings.
15. The Council confirms that the site lies within the Greensand National Landscape Character Area. At a more fine-grained level and based on my site visit, I agree with the appellant's landscape witness that the site lies within a different landscape zone to the land to the north of the nearest public footpath. The latter forms part of the attractive, distinctive topography of the Greensand Ridge landscape which has a more natural appearance whereas the site lies within unremarkable farmland framed by the built form of the village. Thus I do not share the Council's opinion the site lies within a valued landscape for the purposes of paragraph 170 of the Framework. Indeed given the scope of the scheme to improve landscaping between the built form and surrounding countryside I consider that the scheme would have a positive effect on the surrounding landscape, in line with DM14, once the necessary planting becomes established. My attention is drawn to a dismissed appeal<sup>2</sup> for housing within the same Landscape Character Area. Whilst I do not have the details of that scheme, as the Inspector found harm to landscape character it is distinguishable from the case before me.
16. Views of the attractive Greensand Ridge from Clophill Road over the appeal site are presently very limited because of the screening offered by tall roadside vegetation. Whilst more distant views are available along a narrow vista from the present access a row of ornamental trees focus attention towards Old Farm complex. At the site visit the Council acknowledged that this tree-lined avenue did not reflect the character of the surrounding countryside.
17. Both main parties agree that views of the development from the public footpaths to the north are important vantage points. The elevated position of the routes offers extensive views of the countryside, including Greensand Ridge, from those sections which are not screened by trees. The paths are popular and valued routes within the local network. The more distant of the 2 routes, the Greensand Ridge Walk, provides a long distance walk across Bedfordshire. My visit demonstrated that from these vantage points the site is presently seen in the context of the development that flanks it, and more significantly, the row of two storey houses on the other side of Clophill Road.

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<sup>2</sup> APP/P0240/W/16/3152707

The domestic character of the converted barns and their large rear gardens at Old Farm is also readily noticeable from a significant length of the closer of the 2 footpath routes. I acknowledge that the proposed development would be closer and at a slightly higher elevation than the existing built form. However, given the separation distance and the scope to control the layout and design of the dwellings and the landscaping works, I find that the scheme would not have an unacceptable effect on the character and appearance of the area from this direction.

18. My visit indicated that there would be need to remove or reposition a section of the roadside hedgerow to provide a visibility splay for the access. Despite this the scheme would largely retain the visual effect of this landscape feature and would maintain the present balance along the road between the built form and the more natural features. The scheme makes provision to open up and thereafter maintain northward views which are considered important by the Council by providing an area of open space around the access route, and removing the existing avenue of trees. Subject to careful consideration of the details I am satisfied that the scheme would not have a harmful impact on the character or appearance of the area from this direction once landscaping works become established.
19. The benefits to visual receptors of the landscape of opening up of views from Clophill Road would be supplement by benefits associated with the proposed creation of a footpath link from the road, through the site, to the existing footpath to the north. This proposed route would be secured through an obligation included in the s106 agreement as would the provision of the area of open space. The scheme also proposes landscaping works and wildlife habitats. It would provide an attractive place to live and visit and would align with the aims of policies CS17 and DM16 which promote green infrastructure.
20. In terms of the importance to be attached to the site as an open area I note that the ELP does not include it as a proposed Important Countryside Gap designation under policy CG8. This designation extends over undeveloped land to both the west and east of the built up areas that flank the site. The Council decided not to allocate the site for development in the ELP on the basis that it was considered to be an unsustainable extension but suggested that some of the road frontage may be suitable for development.
21. I now turn to concerns over the impact on the character of the built form. Whilst it appears that much of the older housing development in the vicinity, as typified on the opposite side of the road to the appeal site, is linear frontage development, there is more recent housing that has evolved that pattern to a more varied layout. I do not find that such development, which forms part of the area's character, is harmful. The scheme, which the indicative layout shows could be informally laid out with generous open spaces, would not appear discordant with the present character of the built form. I have already described how the appeal scheme would retain most of the roadside hedgerow thereby preserving to a significant extent the present roadside appearance of the site.
22. In reaching a view on the acceptability of developing this site I have taken into account a recent appeal decision<sup>3</sup> brought to my attention by a local Member of the Council at the hearing. The site in question lies to the west of the cluster

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<sup>3</sup> APP/P0240/W/18/3194555

- of development immediately west of the present appeal site. That site, referred to as 'land east of No. 13 Clophill Road', and the land on the opposite side of the road are undeveloped and are included in the ELP's proposed Important Countryside Gap designation. In that appeal the Inspector found that the scheme would not give rise to any significant harm to the area's character or appearance. The appeal was dismissed solely because of the absence of a necessary contribution towards much needed affordable housing.
23. The appellant also draws my attention to a relatively recent decision made by the Council to approve an application for 25 dwellings on a site adjacent to Nos 129A and 131 Clophill Road. It is evident that many of the issues raised in that proposal are similar to those before me, but that the Council in that case found the scheme acceptable.
24. The site lies outside the settlement envelope identified in the Maulden/Clophill Inset 36 plan. The Council cites Core Strategy policy DM4, Settlement Envelopes, in its first reason for refusal which deals with the site's open countryside location and harm to the area's character and appearance. For reasons I have already set out I find that it does not cause such harm. Whilst the site is outside the identified village envelope it is surrounded on 3 sides by the built form of the village. DM4 is capable of bearing more than one meaning as evidenced by the parties' differing interpretations. The envelopes were drawn without knowledge of the plan's overall development requirements and distinguish between areas of built development and the countryside. The subsequent Central Bedfordshire Site Allocations DPD identifies development sites outside these limits and the Council confirmed that it has approved appropriate windfall schemes outside the envelopes. The Inspector in the case to the east of No. 13 found that the policy does not purport to prevent development outside its boundaries explaining that 'where no land is available within the settlement, a site adjacent to the settlement may be granted planning permission'.
25. As the parties point out there is a degree of inconsistency in the way policy DM4 has been interpreted in the recent appeal decisions brought to my attention. I share the view taken by an Inspector in the Potton case<sup>4</sup> that as the policy seeks to protect the totality of the countryside from development rather than valued landscapes it is not fully consistent with the Framework (paragraph 170) but is capable of attracting moderate weight. I find that the site specific considerations in this case mean that the protective provisions of DM4 are not harmed by the scheme. In the circumstances I attach less than moderate weight to the policy and find that the site's location outside the village envelope does not alter my findings on the acceptability of the scheme in relation to the first main issue.
26. On this main issue I find that the proposed development would not cause unacceptable harm to the character or appearance of the area, subject to matters that are reserved for subsequent approval being sensitively designed. On this basis, and given that for reasons I explain below I find the effect on biodiversity and heritage assets to be acceptable, I consider that the scheme's effect on the landscape to be acceptable. Thus the scheme does not conflict with Policies CS16 or DM14 that seek to protect the landscape and aligns with CS17 and DM16 in its promotion of green infrastructure. Given the scope to

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<sup>4</sup> APP/P0240/W/17/3190687

control details at the reserved matters stage the scheme would not conflict with policies CS14 and DM3 which seek to secure high quality development.

### *Biodiversity*

27. The site lies within the Greensand Ridge Nature Improvement Area and the Council explains that the floristic quality of the site is unusual and opines that it would meet the criteria for designation as a County Wildlife Site. Through a countryside stewardship programme there are presently controls over the way the land is used, thereby protecting its ecological value. The appellant suggests that the ecological value of the site could be harmed by a future change in farming practices, but it was acknowledged that there is no reason to believe that such changes are likely to arise in the foreseeable future, other than the risk of increased intensity of the present use that could give rise to issues of damage through over-grazing.
28. The scheme does offer ecological benefits through the s106 agreement to which I attach significant weight. These include bat boxes/tubes on new buildings; bird boxes; positive ecological management particularly with regard to the creation/replacement of species rich grassland; and a wildlife corridor is to be provided along the east boundary of the site. To compensate for the loss of some 2.57ha of semi-improved grassland the s106 agreement offers an ecological management plan for the remaining 12.91ha of the holding which would include improving grassland and increasing the length of hedgerow by some 543m. There is disagreement over the time taken for improvements to be realised, but I consider that even if that period is closer to the 10 years suggested by the Council the scheme would secure a net gain in terms of biodiversity.
29. The main parties agree that the scheme would not harm any designated ecological sites, acknowledging that there are Sites of Special Scientific Interest (SSSI) in the vicinity. There is also agreement that that the scheme would not harm the conservation status of the local population of dormice which have a habitat within the Maulden Woods SSSI which is some 700m distant.
30. To protect lizards that use a spoil heap on the site it is proposed to translocate them to the wildlife corridor. Concerns have been raised over the proposed corridor, which it is proposed to protect by a chain-link fence from the site, in terms of predation and connectivity in relation to several species including dormice and badgers. Such matters can be adequately addressed as part of a refinement of the ecological management plan included in the s106 agreement and the requirement, through planning condition, for an ecological enhancement strategy to be agreed with the Council.
31. In response to a matter raised at the hearing by Ms Raven of the Greensand Trust, I acknowledge the potential for new residents give rise to the potential for increased recreational visits to nearby SSSIs over which there is public access. However there is no evidence before me to indicate that this would be likely to be to an extent that would be damaging. At the hearing a local resident raised concern over the effect on bats. I am satisfied with the appellant's explanation that a bat survey was not necessary in this case and that the scheme would make adequate provision for bats that may use the site.

32. On this main issue I conclude that the scheme would provide a net gain for biodiversity and thus accords with the provisions of the paragraphs 170 and 175 of the Framework.

#### *Heritage Assets*

33. My visit confirmed that the historic ridge and furrow earthwork profile continues to be clearly discernible within the western portion of the site, and extends northwards beyond the limits of the proposed development. My visit indicated that the features did not appear to be appreciably more preserved within the appeal site than the adjacent area to the north.
34. In Bedfordshire ridge and furrow features have become increasingly rare, particularly as a consequence of modern agricultural practice, especially deep ploughing associated with arable farming. The feature has a high significance rating using the Selected Heritage Inventory for Natural England. It is a non-statutory historic asset of regional significance.
35. The appellant has provided a Ridge and Furrow Statement of Significance and Impact Assessment. I note the points of detail in this and other information provided by the appellant with which the Council takes exception but these do not, in my view, fundamentally undermine the assessment's findings. Having regard to paragraph 199 of the Framework the scheme proposes to preserve by record the historic value of the ridge and furrow feature which is held within the crust of top soil of the affected area. This would be secured by a planning condition. The s106 agreement makes provision to protect the feature within land in the appellant's ownership which is outside the development area by preventing its ploughing.
36. In addition to undertaking an assessment of the ridge and furrow feature the appellant has also carried out a magnetic survey of the site. Having regard to paragraph 189 of the Framework I consider that the assessment provided by the appellant on the effect on historic assets is a proportionate one having regard to the likely value of the site.
37. The Council suggests that within the eastern part of the site there may be the remnants of a medieval rabbit farming warren. Other than the existence of local names there is little other evidence to support the theory. The magnetic survey has revealed a circular feature for which there are several other plausible explanations. In any event the proposed illustrative layout shows how this area would be retained as an open space area and thus protected from development. In the circumstances I consider that any archaeological interest can be adequately addressed by a suitably worded condition.
38. On this final main issue I have taken into account paragraph 197 of the Framework which seeks a balanced judgement to be taken having regard to the scale of any harm or loss and the significance of non-designated heritage assets. I find that, taking into account the proposed protection measures, the scheme would not unacceptably impact on any heritage assets, and does not conflict with Policy CS15 of the Core Strategy.
39. In reaching the above finding I have borne in mind the proximity of the proposed development to the Maulden Conservation Area and several listed buildings. I share the opinion of the main parties that the scheme would not harm the setting of these designated assets.

### *Other Matters*

40. There are bus stops on the road outside the site, and it is proposed to extend a roadside footway along the site frontage to facilitate a link to one of these. The frequency of the bus routes that pass the site and the accessibility by foot to some local services, including a lower school, a food store, church, public houses and a post office (noting that a post office closer to the site has recently closed) means that the scheme performs reasonably well in terms of sustainable transport, as the Council acknowledges. Future residents of the scheme are likely to support these local facilities thereby contributing to a more sustainable community, which is identified as an aim for development outside settlement envelopes in Policy DM4. Taking into account the contributions provided through the s106 agreement, I am satisfied that the scheme would not unacceptably impact on local services and infrastructure.
41. The site lies within agricultural land classed as best and most versatile which paragraph 170 of the Framework explains has economic and other benefits as part of the natural environment. The Council confirmed that a significant proportion of land within its administrative boundary falls within this higher agricultural land classification. In the circumstances, I agree with it that this consideration does not warrant withholding permission for the scheme.
42. Local residents express highway safety concerns. Noting that the Council raises no such concerns subject to the imposition of a condition, I am satisfied that the scheme is acceptable in this respect.
43. I have noted local concern that permitting this proposal would set a precedent for further development, however my decision is based on the specific merits of this case. Other proposals would have to be judged on their individual merits, in the context of prevailing development plan policies.
44. The evidence provided by the parties after the hearing demonstrates a disagreement over whether the Council can demonstrate a 5 year housing land supply, having regard to the relevant provisions of the Framework. However, given that I have found the scheme acceptable in relation to the above main issues, as was agreed by the parties at the hearing, it follows that I do not need to reach a finding on the issue of housing land supply.

### **Conditions and Obligations**

#### *Conditions*

45. The main parties agreed a list of suggested conditions in advance of the hearing as set out in the signed version of the first Statement of Common Ground. These formed the basis of discussion at the event. In imposing conditions I have had regard to the Framework and the Planning Practice Guidance.
46. In addition to the standard conditions controlling the commencement of work and the submission of reserved matters I consider it reasonable to require the details to broadly conform to those provided in the indicative masterplan given the importance of such details in avoiding harmful impacts in relation to those matters relevant to the main issues of this case.
47. As agreed at the hearing I have amended the suggested wording of the condition requiring the access to be constructed prior to the occupation of any



dwelling; given that access is not a reserved matter but that the full details of the work have not been provided I shall impose a requirement to submit such details prior to the commencement of the development. For reasons already explained I agree with the parties that a condition requiring an ecological enhancement strategy is necessary. To ensure adequate control over the timing of environmental management works I also agree that a condition to this effect is needed. A condition requiring the provision of visibility splays is also necessary to ensure the safety of highway users. I shall not impose the suggested condition dealing with the finished levels of the development as it is a detail that be dealt with at reserved matters stage.

48. In response to the previous deposit of rubble on the site a condition to deal with potential land contamination is necessary. For reasons already explained conditions requiring an archaeological investigation and the provision of a roadside footpath are necessary. Noting the concerns raised by local residents I agree that a condition to minimise the disruption caused by construction work is reasonable. A condition requiring approval of drainage details is required to avoid local flooding or pollution. Having regard to Core Strategy policies DM1 and DM2 I agree that it is reasonable to require a proportion of energy sources to be renewable or low carbon and for water efficiency measures to be provided.

#### *Obligations*

49. In addition to the provision of a permissive footpath, ecological mitigation and the protection of heritage assets to which I have already referred, the s106 also provides financial contributions to education, children's play area and outdoor sports, and makes provision for on-site informal open space and its future management. The Council has confirmed that none of the contributions would exceed the pooled limit imposed by Regulation 123 of the Community Infrastructure Levy Regulations 2010 (CIL).
50. The agreement includes a 35% contribution to affordable housing in line with policy CS7 of the Core Strategy, which the appellant confirmed at the hearing was economically viable in this case. Noting the concern expressed by local residents that recent new housing was too expensive for most locals to afford, this contribution to the supply of local affordable housing weighs in favour of the scheme.
51. The Council has confirmed that the contributions to infrastructure and affordable housing address the concerns set out in its third reason for refusal of the application. I am satisfied that the obligations accord with Policy CS2 and the Planning Obligations Supplementary Planning Document, are reasonable and necessary and in compliance with CIL Regulation 122 and the Framework. Accordingly I afford significant weight to all the obligations contained in the agreement.

#### **Conclusions**

52. For reasons I have already set out I find the effects of the scheme acceptable in all respects. It is thus not necessary to attribute particular weight to matters that are significant considerations in favour of the scheme, these are the contribution to the local housing stock, especially to affordable housing, and the economic benefits associated with the construction work and, thereafter, the local expenditure by future residents.

53. For the reasons set out above I conclude that the appeal should be allowed.

*Hywel Wyn Jones*

INSPECTOR

### **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 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The submission of reserved matters in respect of appearance, landscape, layout and scale for the development hereby permitted shall be in substantial accordance with the indicative masterplan reference: 1014.05.F (May 2018).
- 5) No development shall take place until details of the access layout arrangements have been submitted to and approved in writing by the Local Planning Authority. The site access shall be constructed in accordance with the approved details and brought into use prior to first occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority.
- 6) 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 schemes 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 schemes as approved.
- 7) 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.

- 8) Prior to the commencement of development, the pre-construction works set out in the Environmental Management Plan dated June 2018 shall be implemented and then maintained during the construction phase in accordance with the approved details. On completion of the construction phase, the temporary construction fencing shall be removed and the operational phase works shall be implemented prior to the occupation of the first dwelling.
- 9) Part A: No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority.

The written scheme of investigation shall include the following components:

- i) A method statement for the preservation in situ of archaeological remains at the site;
- ii) A method statement for the investigation of all archaeological remains at the site that cannot be preserved in situ;
- iv) An outline strategy for post-excavation assessment, analysis and publication

Part B: The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:

- v) The completion of all elements of the archaeological fieldwork (including any measures for the preservation in situ of archaeological remains), which shall be monitored and signed off by the Archaeological Advisors to the Local Planning Authority;
  - vi) The submission within twelve months of the completion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority;
  - vii) The completion within three years of the conclusion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report.
- 10) No dwelling shall be occupied until visibility splays have been provided at the junction of the proposed estate roads with Clophill Road in accordance with the details provided on plan 47699PP-101. The minimum dimensions to provide the required splay lines shall be 2.4metres measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 90 metres measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be

provided and defined on the site and shall be maintained thereafter free of any obstructions to visibility.

- 11) Prior to occupation of the first dwelling the footpath along Clophill Road shown on plans 47699-PP-101 and 47699-PP-102 shall be provided and thereafter maintained.
- 12) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
  - Construction Activities and Timing;
  - Plant and Equipment, including loading and unloading;
  - Construction traffic routes and points of access/egress to be used by construction vehicles;
  - On site provision for construction worker and contractor vehicle parking
  - Details of site compounds, offices and areas to be used for the storage of materials;
  - Details of on-site wheel cleaning facilities;
  - Dust mitigation and suppression measures;
  - A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
  - Protection for all retained trees and landscaping;
  - Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
  - Details for the monitoring and review of the construction process including traffic management (to include a review process of the CEMP during development).

The development shall then be carried out in accordance with the approved CEMP.

- 13) No above ground works comprising the erection of dwellinghouses 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.
- 14) No development shall take place until an Ecological Enhancement Strategy (EES) has been submitted to and approved in writing by the local planning authority. The EES shall include the following:
  - a) Purpose and conservation objectives for the proposed works informed by a review of the ecological assessment.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.

- d) Extent and location/area of proposed works on appropriate scale plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.

The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

## APPEARANCES

### FOR THE APPELLANT:

Ms A Beresford	Solicitor, Shulmans
Mr M Lane MRTPI	Director, DPP
Mr M Popplewell	Chartered Landscape Architect, Director, Rosetta
Dr A Towle BA MA PhD MCIFA	Associate Director, RSK
Mr J Simpson CEcol	Associate Director, ADAS
Mr C Proctor	Land Director, Caddick Land

### FOR THE LOCAL PLANNING AUTHORITY:

Mr P Hughes BA (Hons) MRTPI DipMan MCIM	Consultant, PHD Planners
Ms A Myers BSc (Hons)	Landscape Planner
Ms E Anderson MA CIEEM CENV	Ecologist
Ms H Firth	Archaeologist

### INTERESTED PERSONS:

Cllr P Allen	Maulden Parish Council
Ms S Raven	Ecologist, Greensand Trust
Mr I Hill-Smith	Local resident
Ms L Reyner	Local resident
Mr M McCourt	Local resident
Cllr P Jackson	Maulden Parish Council
Cllr P Duckett	Ward Member, Central Bedfordshire Council

### DOCUMENTS

- 1 Extract from proposals map – Local Development Framework
  - 2 Extract from proposals map – emerging Local Plan
  - 3 S106 Agreement signed and dated
  - 4 Extract Pre-submission version of Local Plan, January 2018
  - 5 Committee report - CB/17/04583/OUT
  - 6 Appeal decision and site plan – APP/P020/W/18/3194555
- Submitted after hearing (as agreed at event):*
- 7 Council's CIL Reg 123 Pooling Evidence
  - 8 Committee report – CB/17/1156/OUT
  - 9 Statement of Common Ground 2 dated 23 November 2018
  - 10 Appellant's additional Statement of Case
  - 11 Council's additional Statement of Case