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## Appeal Decisions

Inquiry held on 16 - 19 January 2018

Site visit made on 16 January 2018

**by Philip J Asquith MA(Hons) MA MRTPI**

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

**Decision date: 12 April 2018**

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### **Appeal A, Ref: APP/P0240/W/17/3170248** **Land east of High Street, Silsoe**

- 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 Mr Gladman Developments Ltd against the decision of Central Bedfordshire Council.
  - The application Ref: CB/16/01855/OUT, dated 29 April 2016, was refused by notice dated 30 September 2016.
  - The development proposed is described as 'outline planning permission for up to 105 residential dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, vehicular access point from the High Street and associated ancillary works. All matters to be reserved with the exception of the main site access'.
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### **Appeal B, Ref: APP/P0240/W/17/3172143** **Land east of High Street, Silsoe**

- 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 Mr Gladman Developments Ltd against the decision of Central Bedfordshire Council.
  - The application Ref: CB/16/04845/OUT, dated 14 October 2016, was refused by notice dated 30 January 2017.
  - The development proposed is described as 'outline planning permission for up to 70 residential dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, vehicular access point from the High Street and associated ancillary works. All matters to be reserved with the exception of the main site access'.
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## **Decisions**

### *Appeal A*

1. The appeal is allowed and planning permission is granted for up to 105 residential dwellings (including 35% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, vehicular access point from the High Street and associated ancillary works at land east of High Street, Silsoe in accordance with the terms of the application, Ref: CB/16/01855/OUT, dated 29 April 2016, and the plans submitted with it, subject to the conditions set out in Schedule 1 to these decisions.

### *Appeal B*

2. The appeal is allowed and planning permission is granted for up to 70 residential dwellings (including 35% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, vehicular access point from the High Street and associated ancillary works at land east of High Street, Silsoe in accordance with the terms of the application, Ref: CB/16/04845/OUT, dated 14 October 2016, and the plans submitted with it subject to the conditions set out in Schedule 2 to these decisions.

### **Procedural Matters**

3. The appeal applications relate to the same site, proposing alternative amounts of residential development. All matters other than the means of access are reserved for subsequent approval. Each of the applications was accompanied by a Development Framework Plan (DFP) showing matters such as the broad locations of proposed residential development, principal estate roads, landscaping and green infrastructure, and footpaths. I have treated these plans as being for illustrative purposes only.
4. Towards the close of the Inquiry it was indicated by the local ward councillor and the chairman of the Silsoe Parish Council that a traffic calming scheme along the stretch of High Street fronting the appeal site had been agreed and was shortly to be implemented. Neither the appellant nor the Council's representatives had been aware of this. As this scheme could be pertinent to the cases advanced, it was therefore considered that details should be produced and circulated for representations to be made. I agreed to this course of action, indicating that the Inquiry would be closed in writing once a period for responses on this (and on the Council's latest update to its housing trajectory) had been received. In reaching my decisions I have taken account of these details and the responses made on these matters. The Inquiry was duly closed in writing on 2 March 2018.
5. Shortly after the close of the Inquiry I was alerted by the appellant to an appeal decision that had just been issued relating to a housing scheme elsewhere within the district (the Meppershall decision)<sup>1</sup>. Amongst other matters this decision considered development plan policy that is relevant in the present appeals. I agreed to accept this decision as further evidence and invited comments from both the Council and the appellant on its relevance. A second appeal decision (the Cranfield decision)<sup>2</sup> on a different housing scheme also within the Central Bedfordshire was subsequently issued and brought to my attention as being potentially relevant to my deliberations. I accepted this decision as further evidence and again invited comments from both the Council and the appellant. I have taken account of all the comments made in considering the present appeals.
6. Both the Council's decisions included reasons for refusal referring to the absence of a completed legal agreement securing financial contributions to offset infrastructure impacts. At the Inquiry, Unilateral Undertakings (UUs) made under s.106 of the Town and Country Planning Act 1990 were submitted. These include commitments to provide various financial contributions relating

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<sup>1</sup> APP/P0240/W/17/3175605 , 100 High Street, Meppershall

<sup>2</sup> APP/P0240/W/17/3181269, Land off Mill Road, Cranfield

to highway improvements, healthcare, education, play area, sports pitch and waste collection provision, the management of open space and the securing of affordable housing.

7. The agreed Statement of Common Ground (SoCG) between the appellant and the Council notes that the contributions would be compliant with Regulations 122 and 123 of Community Infrastructure Levy (CIL) Regulations 2010. Consequently, the reasons for refusal based on the absence of such obligations were not pursued by the Council.
8. The applications are described as 'including *up to* 35% affordable housing'. The UUs contain obligations that 35% of the dwelling units would be affordable and it is therefore on this latter basis that I have determined the appeals.

## **Main Issues**

9. In light of the above and from all I have seen, read and heard, the main issues in respect of both appeals are: first, the impact of the proposals on the appearance and character of the area; and secondly, their impact on the significance of the designated heritage assets of the Wrest Park Registered Park and Garden, Wrest Park House, Wrest Park Conservation Area and Wrest Park Scheduled Ancient Monument through changes to their setting.

## **Reasons**

### *Policy context*

10. The appeal site lies within the northern part of Central Bedfordshire for which the development plan comprises the 2009 Core Strategy and Development Management Policies (CS), the 2011 Central Bedfordshire (North) Sites Allocation Development Plan Document (SADPD) and saved policies of the Mid Bedfordshire Local Plan, First Review (2005). These all pre-date the National Planning Policy Framework (the Framework). As such, Framework paragraph 215 is engaged, setting out that the weight to be given to relevant policies in such existing plans depends on their degree of consistency with those within the Framework.
11. The agreed SoCG refers to a considerable number of policies within the CS as being relevant, though the reasons for refusal suggest conflict with a far lesser number. Of those policies which I consider to be particularly relevant is Policy DM4. This relates to defined settlement envelopes, the site of the appeals falling outside that drawn for Silsoe. The policy was drawn up to facilitate the level of housing growth (in combination with the SADPD) set by the previous Regional Spatial Strategy for the plan period 2001 – 2026, and to protect the countryside for its own sake. It seeks to protect the countryside beyond settlement envelopes and prohibits residential development there save for extensions of existing gardens<sup>3</sup>. There is agreement between the appellant and the Council (within the SoCG) that the policy is not fully consistent with the Framework. This echoes and acknowledges the views of the Inspectors in recent appeals at Potton<sup>4</sup> and Meppershall<sup>5</sup>.

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<sup>3</sup> The justification to the policy also notes that residential development on 'Exception Schemes' and that connected with agriculture or forestry needs may be permitted, the current proposals falling within neither of these categories.

<sup>4</sup> APP/P0240/W/17/3176444, dated 3 January 2018. At paragraph 8 of the Inspector's decision he noted: "It is clear that Policy DM4 of the CS, whilst a relevant policy, is not fully consistent with the policies of the Framework,

12. Policy DM4 is very restrictive and applies to all areas outside settlement envelopes, irrespective of their landscape value or sensitivity and establishes a blanket protection of the countryside. In seeking to protect open countryside the policy does not reflect Framework paragraph 113, which notes that protection should be commensurate with the status of the landscape. Furthermore, it appears evident that the Council recognises that its settlement envelopes (and therefore the policies that relate to them) are out-of-date, given that over 70% of the Council's claimed housing land supply is located outside such envelopes.
13. The Council acknowledges that further greenfield sites outside of settlement boundaries are required to meet housing needs. A requirement to provide for residual housing needs within the Housing Market Area to cater for the unmet needs of Luton is also recognised. This is acknowledged within the SoCG to be a material consideration of significant weight. The conclusion that the policy is out-of-date also finds backing in other appeal decisions within the district referred to by the appellant<sup>6</sup>. The general premise that policies such as DM4 are out-of-date is additionally supported by a court decision<sup>7</sup>, with the same approach taken in a recent Secretary of State decision<sup>8</sup>. On this basis, I am of the view that Policy DM4 is out-of-date.
14. I am conscious that this conclusion differs from that of the Inspector who dealt with a housing proposal appeal at the former Readshill Quarry, Clophill<sup>9</sup> and also the Cranfield Inspector. Nonetheless, from the evidence presented in the present appeals and from the foregoing, I am persuaded that it is correct to view Policy DM4 as out-of-date for the reasons set out. I address below how this conclusion is relevant in viewing the application of paragraph 14 of the Framework and whether the 'tilted balance' is engaged.
15. In the Pottton appeal decision, whilst concluding that CS Policy DM4 was not fully consistent with policies of the Framework, the Inspector did not apply the 'tilted balance' on the basis that it was out-of-date; he simply did not address this particular aspect in his overall conclusions, probably given the fact that he concluded in that case that the proposed development was consistent with the development plan as a whole<sup>10</sup>.
16. Given the evidence provided as to how Framework-inconsistent this policy is, I accord it only limited weight. In doing so I appreciate that this assessment differs from the 'moderate' weight apportioned to the policy in the recent Pottton and Meppershall decisions. However, my judgement is based on the strongly argued evidence before me in the present case and without the benefit of the full detailed evidence considered by my colleagues in the Pottton and Meppershall cases. My view does however chime more closely with that of the Cranfield Inspector who considered the moderate weight accorded in the Pottton and Meppershall decisions "*appears generous*"<sup>11</sup>.

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*which seek to recognise the intrinsic character and beauty of the countryside rather than to specifically 'protect' it".*

<sup>5</sup> APP/P0240/W/17/3175605, paragraph 22

<sup>6</sup> APP/P0240/A/14/2228154, Land to the east of Station Road, Langford (where the Council conceded that CS Policy DM4 was out-of-date) and APP/P0240/W/16/3154220, land off Greenfield Road, Flitton

<sup>7</sup> Borough of Wrekin and Telford v SoS CLG and Gladman Developments Limited [2016] EWHC 3073 (Admin)

<sup>8</sup> APP/D3830/A/12/2189451RD, land at Kingsland Laines, Reeds Lane/London Road, Sayers Common

<sup>9</sup> APP/P0240/W/16/3152707

<sup>10</sup> This was notwithstanding his footnote comment that the 'tilted balance' was not engaged since the Council was able to demonstrate a five-year HLS.

<sup>11</sup> APP/P0240/W/17/3181269, paragraph 14

17. Having regards to the other policies referred to within the decision notices, Policy CS14 of the CS requires development to be of the highest quality by, amongst other matters, respecting local context, varied character and local distinctiveness. This is also broadly reflected in CS Policy DM3. In the sense that these policies refer to respect for local context and distinctiveness, they are of relevance. However, I consider these policies are more generally pertinent to the consideration of the details and design quality of a development, which in the present cases would be addressed at the reserved matters stage in the event of outline permission being granted.
18. A net gain in green infrastructure is sought by CS Policy CS17, whilst also not permitting development that would fragment or prejudice the green infrastructure network. These aims are also reflected in CS Policy DM16.
19. CS Policy CS16 notes the Council's aim to conserve countryside character and local distinctiveness whilst resisting development where it would adversely affect important landscape features or highly sensitive landscapes.
20. At the time of the Inquiry the Council had just published for consultation its pre-submission Central Bedfordshire Local Plan 2015-2035. This followed on from the earlier publication and consultation of its Regulation 18 Local Plan. Given the stage reached in the plan-making process, I agree with the appellant and the Council that this emerging plan should be accorded only limited weight.
21. The development plan as a whole requires to be considered under s.38(6) of the Planning and Compulsory Purchase Act 2004, as amended. However, having regards to the above, the most relevant policies for the determination of these appeals are CS Policies DM3, DM4, CS14, CS16, CS17 and DM16. It is on this basis that I have considered the two proposals.

#### *Appearance and character*

22. The site lies close to the boundary of a series Landscape Character Types, and Landscape Character Areas (LCAs) defined within the Central Bedfordshire Landscape Character Assessment 2015. This document provides descriptions of landscape character but doesn't include judgements on landscape sensitivity or where future development should be directed. Whilst Policy CS16 of the CS links assessment of impact on countryside character to the Landscape Character Assessment, the Council's evidence does not draw attention to any aspect of the proposals which would be in conflict with it.
23. The site is not a 'highly sensitive' one for the purposes of Policy CS16. It is not covered by any statutory landscape designations, nor is it proposed to be specifically protected within the emerging Local Plan. The site is not a 'valued landscape' as per Framework paragraph 109, and is not protected as such. As simply a piece of countryside, with no special status, its protection needs to be judged against Framework paragraph 113 which notes that protection should be commensurate with its status.
24. To accompany the applications the appellant undertook a Landscape and Visual Impact Assessment in accordance with the third edition of the Guidelines for Landscape and Visual Impact Assessment. This was reviewed by the appellant's landscape witness (who had not himself prepared the LVIAs). In terms of landscape, the LVIA assessed landscape value and susceptibility to change in order to arrive at judgements as to the magnitude of effect.



25. As currently agricultural land of some 5.9ha it is inevitable that residential development, whether for up to 105 or for 70 dwellings, would serve to render marked change in terms of the landscape. The Council seeks to characterise the site as being surrounded by predominantly open fields. This in my view is not accurate, the site being bounded to the west by trees flanking High Street, to the north by the tree-lined, now closed, arm of Warren Lane, and along its eastern boundary by the A6. A residential curtilage abuts its southern boundary. Only on its south-eastern edge, beyond a substantial stone wall, is the site directly flanked by open agricultural land. Development on the site would be contained in large measure in terms of wider landscape impact by the existing tree and hedgerow cover and, in varying degrees, by landform. This containment could be augmented by further landscaping within the site, as shown on the two indicative DFPs accompanying the applications.
26. As illustrated in the DFPs, the larger residential scheme would include some 40% of the site for potential landscaping and open space. The smaller scheme would have some 60% of the appeal site devoted to landscaping and the provision of green infrastructure. With maturation over time landscaping would become more effective in anchoring and integrating development into the surroundings. The detailed design and layout of any development, which would be subject to reserved matters approval, would also have a bearing on impact but over which the Council would have control. I concur with the assessment of the appellant's landscape witness that for both schemes there would be a moderate adverse landscape impact on completion of development but this would reduce to minor/moderate adverse by year 10 as the landscaping became established.
27. Reference has been made to the Silsoe Green Infrastructure Plan of September 2010, an aspirational plan drawn up by the local community. Amongst other matters, it identifies key natural and landscape assets and aims to plan new features that will provide a connected network of green infrastructure. The plan also identifies existing landscapes at a localised level that it considers should be protected, together with 38 green infrastructure aspirations within and surrounding Silsoe. The site is one of the few areas on the existing settlement edge that does not feature as one that should be protected or as a proposed green infrastructure area. Protection is not sought for the site as being either an element of important rural fringe or for any protected view.
28. The Council does not allege conflict with the Green Infrastructure Plan. Scope would exist for both schemes to result in enhanced green infrastructure, with a net gain in the extent and quality of planting and habitat creation, and connectivity, by providing linkage through the site to the surrounding countryside. There is scope to positively enhance green infrastructure in line with Policy CS17.
29. Impact on landscape character in itself cannot be divorced from the visual impact of the proposed development and the way in which this would be perceived by those living, working and passing through the area. Similarly, as an adjunct to the existing settlement, impact on the appearance and character of this part of the village, rather than the broader landscape, needs to be addressed.
30. Having regards to visual impact, to assist in assessment various photomontages were produced as part of the LVIA. From the evidence

produced, and from what I saw on my visits, it is apparent that impacts will be localised. From the south-east the only public right of way from which views of the site may be obtained is that which runs east-west across Wrest Park. Views would be from some distance when travelling westwards back towards the village. Development would be seen within the context of existing housing within Silsoe. Both existing landscaping, and that which could be incorporated into any development, would provide both screening and filtering of views.

31. It would be possible to have glimpsed views of development for those passing along the A6 to the east. These would be generally fleeting and restricted given the relationship of the road to the site and both existing and potential hedge and tree cover. In respect of potential visual impact of either proposal from the south and south-east in terms of magnitude of change, I consider this would be negligible. The more notable potential visual impacts would be those obtained from High Street as it passes the site, and from the Millennium Green and allotment gardens to the western side of the road facing the site.
32. In assessing impact on appearance and character, the Council places considerable store on a previous appeal decision relating to an outline residential proposal on the appeals site<sup>12</sup>. In this decision of almost 29 years ago, the Inspector considered this part of Silsoe to be essentially rural. At the time it is apparent that most of the area of land to the west of High Street opposite the appeal site comprised under-used allotments, the appearance of which the Inspector considered was not significantly different from that of agricultural land. This area, together with the appeal site, he considered formed a substantial open area and provided a transition to the village core to the south, which he saw as an important element of the character of the appeal site and its surroundings.
33. The Inspector viewed the impact of development from close to the junction of High Street and Newbury Lane, and when passing alongside the site on High Street, as detrimental. This was on the basis of loss of rural openness, with a harmful incursion of built development into an area where the countryside comes into the village environs and atmosphere. Furthermore, he noted *"although the allotments would remain an open area, the joint contribution of that area and the appeal site to the area's rural character would be severely disrupted.... Similarly the nature of the transition from the open countryside to the village core over a very short distance would also be adversely affected"*.
34. The appellant suggests there have been material changes in the character and appearance of the area in the intervening years since the previous appeal that allow a differing assessment to now be made. I agree that a principal difference is the partial redevelopment of the allotments facing the site as the Millennium Green. This is now a manicured public open space with expanses of cut grass, planting, surfaced footpaths and park benches. It has the feel and ambience of a park rather than being more akin to agricultural land. Allotments still remain but have been reduced in scale. They are well-tended and have hedged boundaries. Together with the appeal site these elements still provide an open area but, because of the changes, it is my view that their character and function is now considerably different.

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<sup>12</sup> T/APP/J0215/A/88/104913/P3. Although in outline, it is clear that the design intentions were for the provision of 73 dwellings.

35. It is also apparent that there has been some further built development, including the replacement of a former public house at the junction of Newbury Lane and High Street with a prominently-positioned dwelling, and a small in-depth residential development at Appletree Close to the north of Newbury Lane. Further differences that have clearly occurred have been the growth not only of the line of trees along the High Street frontage of the appeals site but also the avenue of street-planted trees to the opposite side of the road.
36. The collection of recycling bins sited on the now-closed road at the north-western edge of the site provide a further urbanising feature which would not have existed in 1989. It is also the case that it is likely that more urban features are to be introduced into this part of High Street with the soon to be implemented traffic calming measures. This would involve the provision of raised speed tables directly in front of the site, which would lie to either side of the proposed site entrance.
37. From what I saw on my visits, and from the photomontage evidence, the trees along the site frontage would provide a considerable screen to development within the site when in leaf. Development would be seen after leaf-fall and would be more apparent in views from Millennium Green, the allotments and when passing along High Street. Although it must be to a degree speculative, in all probability, with almost 30 years of intervening growth, it is likely that the screening effect of the trees and under-storey along the High Street frontage of the site will have increased since the previous appeal.
38. There would be a loss of glimpsed views of an arable field through the trees, to be replaced by built form. However, because of the slightly rising landform into the site, there are no longer-distance views across it which provide a more wide-ranging rural context or which could be said to provide a significant 'visual gateway' to the countryside. The site does not provide any significant contribution in terms of framing the setting of the village.
39. On the approach into Silsoe from the north, on passing the junction of High Street with Newbury Lane, the development of the Millennium Green in particular helps to link this part of the village along Newbury Lane and to the west with the core of the village to the south.
40. In combination I consider the above have resulted in changes to the immediate environs of this part of Silsoe such that what was previously characterised by the Inspector in 1989 as essentially rural is now far less so. Residential development on the site needs to be judged accordingly.
41. Criticism is levelled against the proposal in that there would be no frontage development to the High Street (since housing would be located to the rear of the retained tree line on the site's western boundary) and this would not respond to the established pattern of development or have a direct visual relationship with High Street. Detailed layout and design would be matters for reserved matters approval but I do not consider the absence of direct frontage development to be a significant drawback or would be an overtly alien feature in terms of the village character.
42. Detailed design could ensure that there could be frontage properties facing High Street, albeit set back behind the retained trees along the site frontage. The development would have functional and visual linkage to High Street via the proposed means of vehicular access and there is scope for providing



separate footpath/cycle route linkage as shown on one of the DFPs. In my view, development on the site could be appropriately and successfully integrated into the village fabric within an attractive landscaped framework.

43. Although development on the appeal site would result in further change in terms of the village's overall appearance and character, I do not view this as a materially harmful one. In part, it would serve to strengthen the function and feature of the Millennium Green by emphasising its focus within the village structure by effectively providing built development to its fourth side.
44. Overall, I conclude that the proposals would not serve to materially harm the appearance or character of the area and there would be accord with aims of CS Policies CS14, CS16, CS17, DM3 and DM16. Whilst there would be conflict with CS Policy DM4, for the reasons already set out I accord this policy only limited weight.

*Impact on heritage assets*

45. The appeals site along its south-eastern boundary directly borders part of the extensive Wrest Park Grade I Registered Park and Garden (RPG) from which it is separated by a substantial stone wall. Most of the RPG is also designated as the Wrest Park Conservation Area. However, the Conservation Area does not include the immediately bordering field to the appeals site, which has effectively been isolated from the balance of the park with the construction of the A6 passing to the eastern side of the village. To the centre of the RPG is the Grade I listed Wrest Park House and service block dating from the 1830s, with formal gardens stretching to the south. Wrest Park Scheduled Ancient Monument includes some 80 designated and non-designated built heritage assets encompassing Wrest Park House, outbuildings, statues and gardens within that area of the RPG closest to the House.
46. The significance of Wrest Park House derives primarily from its physical form, architectural interest, interior decoration and historical associations. That of the RPG lies principally in the intactness and quality of the grounds predominantly to the south of the House, which is similarly the case for the Conservation Area. The significance of the Scheduled Ancient Monument similarly lies principally in the completeness of the 18<sup>th</sup> century landscaping in the form of classically-inspired gardens south of the main house. Some views to the wider area beyond contribute to the significance of the assets but to a far lesser degree than that of the area of the RPG and the Conservation Area.
47. Much of the northern section of the RPG comprises flat agricultural land that has largely been denuded of its former parkland trees. From parts of the RPG there are views towards the appeal site and it would be likely that dwellings would be visible, being somewhat more pronounced with the larger scheme since the built development would stretch further to the east where there is less existing screening. However, proposed landscaping with both proposals would considerably soften and filter views over time.
48. Any development would not be seen in isolation since there are views out from the RPG towards the existing eastern built edge of Silsoe, whose presence already forms part of its and the other heritage assets' setting. The A6 and traffic along it would also provide a kinetic context for the development, which would be seen as a continuation of the existing built form. Views of development from Wrest Park House itself and its immediate environs would be

distant. Here the proposals would also be seen within the context of views of existing built development both within Silsoe and the more immediately-dominant modern buildings to the north-east of the house.

49. I have considered the comments made on behalf of English Heritage and the conclusion that the proposed developments would result in harm to the significance of heritage assets through impacts on their setting. In my judgement, for the reasons set out above, I am inclined to the assessments of both the Council and the appellant that, whilst there would be some harm, this would be less than substantial. In terms of both impact on the significance of Wrest Park House and the Scheduled Ancient Monument this harm would be negligible, whilst having regard to the RPG and Conservation Area this would be to the lower end of the scale of less than substantial. The SoCG notes the agreed position between the appellant and the Council that there would be less than substantial harm and that the public benefits of the schemes (including the provision of housing) are capable, subject to other objections being overcome, of outweighing the harm.
50. CS Policy CS15 seeks to protect, conserve and enhance the district's heritage assets and their setting. This policy is inconsistent with the Framework, specifically paragraph 134, in that it does not allow less than substantial harm to be weighed against the public benefits of a proposal. As such, I accord this policy only limited weight and I note that the Council does not in any event pray it in aid.
51. Nevertheless, from the foregoing, it is necessary to give considerable weight and importance to any harm to heritage assets. The harm I have identified has to be weighed in the overall planning balance and I do this in paragraphs 63 - 70 below.
52. The central historic core of Silsoe village is also designated as a Conservation Area, the northern boundary of which is separated from the appeal site by more recent development. This separation, and the landscape screening that would exist, would ensure no material alteration to the Conservation Area's setting. It is no part of the Council's case that the significance of this designated heritage asset would be harmfully impacted as a result of any change in its setting. I have no reason to disagree.

*Housing land supply and the 'tilted balance'*

53. The Council took its decisions to refuse permission at a time when it acknowledged that it could not identify a five-year supply of deliverable housing land. Significant Inquiry time was taken in debating whether the Council was now able to demonstrate the requisite five-year supply of deliverable housing land. If a five-year supply could not be demonstrated this would, in terms of Framework paragraph 49, lead to a triggering of the tilted balance of paragraph 14 as relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework indicates that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

54. However, it is an agreed position between the appellant and the Council that relevant policies can be out-of-date other than as a result of absence of a five-year deliverable housing land supply. I have already concluded that CS Policy DM4 is out-of-date. It is appropriate therefore to apply the 'tilted balance'. In light of this it is not necessary to pursue further whether I need to come to a different conclusion from the recent findings of my colleague Inspectors in their Potton and Clophill decisions; they both considered that the Council was able to demonstrate a five-year deliverable supply whilst applying what they considered to be the relevant 5% buffer. This is also echoed in the Meppershall appeal where it was an agreed position between the Council and the appellant there that there was a five-year supply, with a 5% buffer being correctly applied<sup>13</sup>. This is a position maintained by the Council in respect of the present appeals.

#### *Other matters*

55. The schemes would result in the loss of about 1.83ha of grade 2 agricultural land (best and most versatile agricultural land (BMVL)) around the periphery of the site, whilst about two-thirds of the site is land of sub-grade 3b. The Council acknowledged that the level of loss of BMVL would not be a reason to justify dismissal of the appeals. There is no adopted development plan policy addressing the loss of BMVL and it is apparent that such land within the district will have to be lost if the Council is to meet its housing requirement. I do not consider the loss of the amount of land involved would offend against paragraph 112 of the Framework, which advises local planning authorities to take into account the economic and other benefits of BMVL.

56. Within the CS, Silsoe is recognised as a 'large village'. It has a limited range of facilities. Whilst this has been noted as a concern by certain objectors, including Silsoe Parish Council, it is not part of the Council's case than an absence of a broader range of facilities would be a reason for opposing the proposals. The proffered s.106 UUs make provision for contributions to certain infrastructure provision. It could also be argued that a further increase in the village population arising from the development could result in an added stimulus to the support of existing facilities, and a boost to possible additional provision.

57. Local concerns have also been expressed as to how, if development proceeds, the additional population could be successfully assimilated into the village community. This arises having regards to the recent large-scale residential development that has taken place on the former Cranfield College site to the southern edge of the village. The scale of the present proposals is much smaller than that. The build-out would be likely to take at least three years, thereby allowing for a gradual increase in population rather than a sudden influx, which could assist in social integration within the community.

58. The Parish Council has voiced concerns regarding additional traffic that would be generated by the proposals. It notes that the increased number of dwellings in the village and considerable expansion of businesses at Wrest Park Enterprise has already put pressure on the High Street, and that the minimal bus service encourages further car use. The applications were accompanied by a Transport Assessment (TA), its trip generation and distribution assumptions being accepted by the local planning authority. It further agrees with the TA's

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<sup>13</sup> The Cranfield Inspector similarly considered the Council's 5% buffer justified

conclusions that traffic from the site can be accommodated on the local highway network without any significant detrimental effect. The soon to be introduced traffic calming measures within the village should also be of benefit to general highway safety. From the foregoing, and in light of no expressed objection from Central Bedfordshire Council as the local highway authority, I am satisfied that neither proposal would result in material detriment to traffic flow or highway safety.

59. I have noted also that there is in preparation by the local community a Silsoe Village Design Statement. This is intended to form an appendix to a Neighbourhood Plan, which is also in the course of preparation, as is a revised Green Infrastructure Plan. Whilst ultimately these will provide indications of the wishes and aspirations of the local community as to how the village may develop, given the early stages reached with these documents I am able to give them very little weight.
60. Through detailed design and layout, over which the Council would have control in its determination of reserved matters applications, there need be no adverse impact on the living conditions of existing nearby occupiers, including those to the immediate south of the site.

*Conclusions and planning balance*

61. Determination of proposals should be made in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise. In relation to the identified main issues, neither proposal would lead to such a level of harm to the appearance and character of the area that there would be conflict with the aims of CS Policies CS14, DM3, CS16, CS17 and DM16. The proposals would conflict with relevant CS Policy DM4, as acknowledged by the appellant, although for the reasons previously set out I accord this policy limited weight.
62. Save for conflict with CS DM4, there would be no material conflict with the development plan. As CS Policy DM4 is out-of-date the 'tilted balance' of Framework paragraph 14 is triggered.
63. There is no suggestion that in terms of impact on the significance of heritage assets the development would offend against any relevant development plan policies. I have concluded that there would be less than substantial harm to the significance of the heritage assets at Wrest Park resulting from a change to their setting. In such circumstances paragraph 134 of the Framework requires that this harm should be weighed against the public benefits of the proposals.
64. Amongst the benefits of the proposals would be the contribution of 35% of the residential units as affordable dwellings (secured through the s.106 UUs). This has to be seen in the context of a considerable current cumulative shortfall of affordable homes across the district, which the appellant's evidence indicates as just short of 600.
65. The Council suggests that such provision should be accorded only limited weight since the proportion proposed represents no more than policy compliance (in accordance with CS Policy CS7), a stance supported by an appeal decision in Uttlesford<sup>14</sup>. On the other hand, the appellant refers to

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<sup>14</sup> APP/C1570/W/17/3168869

another appeal decision<sup>15</sup> within the district where the Inspector concluded there were clear social benefits of the provision of this quantum of affordable housing where the Council accepted the significant need for new affordable homes.

66. Notwithstanding the view of the Uttlesford Inspector, the fact that the proposals would realise a substantial proportion of affordable units, in a situation where there is a considerable shortfall, means that this would go some way to addressing a pressing pre-existing need; if the development didn't go ahead there would be no such benefit. On this basis, the affordable housing element of the proposals represents a considerable benefit to which I accord significant weight<sup>16</sup>.
67. Other benefits include the contribution of the proposals to housing market provision to assist in the continuity of supply. This is at a time when the emerging local plan is at a very early stage and therefore in respect of which little reliance can be placed on the delivery of housing allocations within it. Furthermore, it would help in the acknowledged requirement for the Council to assist in meeting the unmet housing needs of Luton, which the parties agree is a material consideration of significant weight.
68. Development would also result in supporting direct and indirect jobs during construction, with additional contributions to the economy generally through the activity and spending of future occupiers. Although the economic benefits may be ones that would result from any residential development, they are nonetheless important and are ones to which I attach moderate weight.
69. The additional planting, habitat creation and open space provision within a site which is currently predominantly open arable land, together with the ability to increase public access, are further benefits to which I accord a limited amount of weight.
70. Overall, I consider the public benefits of the proposals outweigh the less than substantial harm to the significance of heritage assets, harm which I consider anyway to be towards the lower end of the scale of less than substantial.
71. The loss of a small amount of BMVL would not offend against paragraph 112 of the Framework. Taking all the above into account, any adverse impacts of the proposals do not significantly and demonstrably outweigh the benefits. Both schemes would satisfy the three dimensions of sustainable development as set out in the Framework.
72. Accordingly, subject to the suggested conditions and the obligations within the s.106 UUs, discussed below, I conclude that both appeals should succeed.

#### *Section 106 obligations and conditions*

73. The Council's evidence notes that Policy CS2 of the CS, which it considers accords with the Framework, requires developer contributions where development would individually or cumulatively necessitate additional or improved infrastructure or which would exacerbate an existing deficiency.

<sup>15</sup> APP/P0240/A/14/2228154

<sup>16</sup> The Meppershall Inspector noted that in the case she was dealing with the proportion of affordable housing was no higher than that required by the development plan. She nevertheless accorded significant weight to the social benefits of the combined market and affordable housing provision (APP/P0240/W/17/3175605, paragraph 66).



74. As already noted above, there is agreement between the Council and the appellant that the various contributions towards education, off-site highway improvements, recreation and play space, waste and recycling are compliant with the CIL regulations. The obligations would also secure the provision of 35% affordable housing, and the transfer of open space within the development to a management company. I am satisfied that the various obligations are directly related to the development, necessary to make it acceptable in planning terms and are fairly related in scale and kind. As such, they meet the tests as set out in paragraph 204 of the Framework and I have taken them into account.
75. In considering conditions that should be imposed I have had regard to paragraph 206 of the Framework and national Planning Practice Guidance in respect of their use. A table of suggested conditions together with two suggested alternative conditions<sup>17</sup>, which were discussed at the Inquiry, form the basis of my deliberations.
76. Conditions relating to the submission of reserved matters for layout, scale, appearance and landscaping (including ground levels, estate road layout, pedestrian and cycle linkage, and parking), and time limits for implementation, are necessary to provide certainty and in the interests of proper planning. The appellant has suggested a two-year time period for the submission of reserved matters (rather than the norm of three years) and a single year for implementation after the final approval of reserved matters. This is in recognition of the Government's imperative of speedy housing provision. I have included these periods accordingly. For the avoidance of doubt, a condition is necessary requiring development to accord with the submitted plans showing the extent of the site and details of the proposed access to High Street.
77. I have imposed the Council's suggested condition requiring the submission and approval of a Development Parameters Scheme prior to the submission of reserved matters. The appellant considered this to be unnecessary in light of the requirement for the submission of reserved matters and was concerned that this might slow the realisation of development. Nonetheless, I note that such a condition was imposed by the Inspector in allowing the Potton residential proposal, which was for a similar scale of development. Agreement of such a scheme would assist in ensuring development would have a consistent and coherent design approach; it may even speed the eventual approval of reserved matters applications.
78. The submission, approval and implementation of an Ecological Enhancement Strategy are necessary to ensure the protection and enhancement of biodiversity. A condition requiring details of fire hydrants and their installation is appropriate to provide for the requirements of the fire and rescue services. Approval of details of a scheme for surface water drainage and its subsequent management is necessary to ensure the provision of a sustainable drainage system and to prevent any increased risk of flooding.
79. The provision of a Construction Management Statement is reasonable and necessary to ensure minimal disturbance to nearby residents. The Parish Council was concerned such a statement should specify that all construction traffic arrives and exits the site from the north, to avoid travel through the

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<sup>17</sup> INQ20 and INQ23

main body of the village. The appellant's suggested condition (which I consider to be more comprehensive than that suggested by the Council) requires the provision and agreement of a Construction Traffic Management Plan detailing access arrangements and routeing of construction vehicles. This would allow the local planning authority to determine and control this matter in light of prevailing circumstances.

80. To ensure a safe means of access, conditions are necessary to require the submission and agreement of details of the junction of the vehicular access with High Street (including visibility splays) and subsequent provision. A condition ensuring the provision of a footpath along the High Street frontage is necessary for pedestrian safety and convenience. I have amended the suggested condition to allow for the possibility of footpath provision along the frontage not only from the proposed vehicular access but also from any further pedestrian access that might be formed into the site.
81. Although geo-environmental reports indicated there to be a low risk of contamination on the site, a condition is required to provide for investigation, risk assessment and, if necessary, remediation in the event of previously unidentified contamination being found during construction.
82. To record any archaeological interest on the site a condition is necessary for the submission and approval of a scheme of archaeological investigation for an open area excavation. A condition is required for the submission of details of noise mitigation measures in order to protect the living conditions of future residents on the site from traffic noise on the A6.
83. Linkage and connectivity of the site to the village and its surrounds, particularly for pedestrians and cyclists, is important. In this regard I shall impose the suggested condition requiring the details and subsequent implementation of a scheme which would provide for the use of the currently closed section of Warren Lane. This should include its linkage to footpath No.10 to the north-west of Road Farm.
84. Conditions have also been suggested requiring details to be provided of a waste audit scheme for the residential development, and the provision of a Public Art Plan. I consider both suggested conditions to be unnecessary. In the former case the arrangements for collection of waste are matters for the local authority. In respect of public art, I have not been directed to any local development plan policy requiring such a plan, or the provision of public art. Conditions specifying the maximum number of dwellings have also been suggested. However, given that the terms of the applications clearly specify the maximum number of dwellings, a condition to this effect would be unnecessary.

*Overall conclusion*

85. For the above reasons and having regard to all other matters raised, I conclude that both appeals should succeed.

*Philip J Asquith*

INSPECTOR

## **Schedule 1**

### **Appeal A (APP/P0240/W/17/3170248)**

#### **Conditions**

- 1) Details of the layout, scale, appearance (including materials) and landscaping including boundary treatments for each serviced plot (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development on that plot 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 no later than two years from the date of this permission.
- 3) The development hereby permitted shall begin not later than one year from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.
- 4) Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.
- 5) The appropriate reserved matters applications shall include the following details:
  - a) estate roads designed and constructed to a standard appropriate for adoption as public highway;
  - b) pedestrian and cycle linkages to existing routes;
  - c) vehicle parking and garaging in accordance with the local planning authority's standards applicable at the time of submission; and
  - d) cycle parking and storage in accordance with the local planning authority's standards applicable at the time of submission.
- 6) The development hereby permitted shall not be carried out except in accordance with the details shown on the submitted plans numbered 7064-L-03 and P16008-001.
- 7) The landscaping details required to be submitted by Condition 1 of this permission shall include details of hard and soft landscaping (which shall include the landscape buffers along the edge of the site), together with a timetable for their implementation, and maintenance for a period of five years following implementation. The details shall also include an up-to-date survey of all existing trees and hedgerows on and immediately adjacent to the site, with details of any to be retained (including details of species and canopy spreads) and measures for their protection during the course of development. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme. The development shall be carried out as approved.
- 8) Prior to the submission of any reserved matters application a Development Parameters Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall set out the guiding principles to be applied in the design of any dwelling, associated

structures, hard surfaces and landscaping to be provided pursuant to this planning permission. The scheme shall include, but be not limited to: maximum building height; built form; materials; plot coverage; set back from plot boundaries; boundary treatment; access and parking facilities; and protection of existing trees and hedges. The design of each dwelling the subject of this permission shall be developed in accordance with the approved Development Parameters Scheme.

- 9) 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) the 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 methods(s) to achieve stated objectives;
  - d) extent and location/area of proposed works on appropriately scaled 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; and
  - 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.

- 10) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority for the provision of fire hydrants at the development. Prior to the first occupation of the permitted dwellings the fire hydrants serving those dwellings shall be installed and thereafter retained as approved.
- 11) No development shall commence until a detailed surface water drainage scheme for the site, based on the Flood Risk Assessment (FRA:SHF.1132.051.HY.R.001.A), has been submitted to and approved in writing by the local planning authority. The scheme shall include details of a site-specific ground investigation report (in accordance with BRE 365 standards) to determine the infiltration capacity of the underlying geology and ground water level. The scheme shall include provision for attenuation and a restriction in runoff rates as outlined in the Flood Risk Assessment. The scheme shall be implemented in accordance with the approved final details before the development is completed.
- 12) No dwelling shall be occupied until a management and maintenance plan for the surface water drainage measures referred to in Condition 11 has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved final details before the development is completed and shall be managed and maintained thereafter as approved.

- 13) Development shall not begin until full details of the junction of the site vehicular access with High Street, shown on Plan No. P16008-001, have been submitted to and approved in writing by the local planning authority. The details shall include the provision of visibility splays. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall be maintained free of obstruction to visibility for the perpetuity of the development.
- 14) No dwelling hereby permitted shall be occupied until the junction of the site vehicular access with High Street (including the visibility splays) shown on Plan No. P16008-001 has been constructed in accordance with the details pursuant to Condition 13 above and is fully operational.
- 15) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) a Construction Traffic Management Plan detailing access arrangements for construction vehicles and the routing of construction vehicles;
  - d) storage of plant and materials used in constructing the development;
  - e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f) wheel washing facilities;
  - g) measures to control the emission of dust and dirt during construction;
  - h) a scheme for recycling/disposing of waste resulting from construction works; and
  - i) delivery and construction working hours.

The approved Construction Method Statement shall be implemented and adhered to throughout the construction period for the development.
- 16) No dwelling hereby permitted shall be occupied until a footway along the frontage of the site on High Street has been provided at a minimum width of 2.0m in accordance with details to be submitted to and approved in writing by the local planning authority.
- 17) If during development contamination not previously identified is found to be present at the site, no further development shall be carried out until an investigation strategy and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination will be dealt with, has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the measures identified in the approved remediation strategy and verification plan have been completed and a verification report demonstrating completion of the approved remediation works and



the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority.

- 18) No development shall take place until a written scheme of archaeological investigation for an open area excavation followed by post-excavation analysis and publication, has been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved archaeological scheme.
- 19) The details to be submitted as part of the reserved matters required by Condition 1 of this permission shall include noise mitigation measures having regard to the Wardell Armstrong Report (LE13373/002) in relation to road traffic noise. The measures shall be carried out in accordance with the approved details prior to the occupation of the affected dwellings and shall thereafter be retained.
- 20) No development shall begin until a scheme of works to enable the stopped-up section of Warren Lane between High Street and the A6 to be used by pedestrians, cyclists and other bridleway users has been submitted to and approved in writing by the local planning authority. The scheme shall include for the provision of linkage to Footpath No.10 which runs to the north of Road Farm, a timetable for the delivery of these works, and management and maintenance details. The works shall be undertaken in accordance with the approved details.

(End of Conditions Schedule 1)

## **Schedule 2**

### **Appeal B (APP/P0240/W/17/3172143)**

#### **Conditions**

- 1) Details of the layout, scale, appearance (including materials) and landscaping including boundary treatments for each serviced plot (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development on that plot 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 two years from the date of this permission.
- 3) The development hereby permitted shall begin no later than one year from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.
- 4) Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.
- 5) The appropriate reserved matters applications shall include the following details:

- e) estate roads designed and constructed to a standard appropriate for adoption as public highway;
  - f) pedestrian and cycle linkages to existing routes;
  - g) vehicle parking and garaging in accordance with the local planning authority's standards applicable at the time of submission; and
  - h) cycle parking and storage in accordance with the local planning authority's standards applicable at the time of submission.
- 6) The development hereby permitted shall not be carried out except in accordance with the details shown on the submitted plans numbered 7064-L-03 and P16008-001A.
- 7) The landscaping details required to be submitted by Condition 1 of this permission shall include details of hard and soft landscaping (which shall include the landscape buffers along the edge of the site), together with a timetable for their implementation, and maintenance for a period of five years following implementation. The details shall also include an up-to-date survey of all existing trees and hedgerows on and immediately adjacent to the site, with details of any to be retained (including details of species and canopy spreads) and measures for their protection during the course of development. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme. The development shall be carried out as approved.
- 8) Prior to the submission of any reserved matters application a Development Parameters Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall set out the guiding principles to be applied in the design of any dwelling, associated structures, hard surfaces and landscaping to be provided pursuant to this planning permission. The scheme shall include, but be not limited to: maximum building height; built form; materials; plot coverage; set back from plot boundaries; boundary treatment; access and parking facilities; and protection of existing trees and hedges. The design of each dwelling the subject of this permission shall be developed in accordance with the approved Development Parameters Scheme.
- 9) 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:
- i) the purpose and conservation objectives for the proposed works informed by a review of the ecological assessment;
  - j) review of site potential and constraints;
  - k) detailed design(s) and/or working methods(s) to achieve stated objectives;
  - l) extent and location/area of proposed works on appropriately scaled plans;
  - m) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - n) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- o) persons responsible for implementing the works; and
- p) 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.

- 10) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority for the provision of fire hydrants at the development. Prior to the first occupation of the permitted dwellings the fire hydrants serving those dwellings shall be installed and thereafter retained as approved.
- 11) No development shall commence until a detailed surface water drainage scheme for the site, based on the Flood Risk Assessment (FRA:SHF.1132.051.HY.R.001.A), has been submitted to and approved in writing by the local planning authority. The scheme shall include details of a site-specific ground investigation report (in accordance with BRE 365 standards) to determine the infiltration capacity of the underlying geology and ground water level. The scheme shall include provision for attenuation and a restriction in runoff rates as outlined in the Flood Risk Assessment. The scheme shall be implemented in accordance with the approved final details before the development is completed.
- 12) No dwelling shall be occupied until a management and maintenance plan for the surface water drainage measures referred to in Condition 11 has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved final details before the development is completed and shall be managed and maintained thereafter as approved.
- 13) Development shall not begin until full details of the junction of the site vehicular access with High Street, shown on Plan No. P16008-001A, have been submitted to and approved in writing by the local planning authority. The details shall include the provision of visibility splays. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall be maintained free of obstruction to visibility for the perpetuity of the development.
- 14) No dwelling hereby permitted shall be occupied until the junction of the site vehicular access with High Street (including the visibility splays) shown on Plan No. P16008-001A has been constructed in accordance with the details pursuant to Condition 13 above and is fully operational.
- 15) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
  - j) the parking of vehicles of site operatives and visitors;
  - k) loading and unloading of plant and materials;
  - l) a Construction Traffic Management Plan detailing access arrangements for construction vehicles and the routing of construction vehicles;

- m) storage of plant and materials used in constructing the development;
- n) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o) wheel washing facilities;
- p) measures to control the emission of dust and dirt during construction;
- q) a scheme for recycling/disposing of waste resulting from construction works; and
- r) delivery and construction working hours.

The approved Construction Method Statement shall be implemented and adhered to throughout the construction period for the development.

- 16) No dwelling hereby permitted shall be occupied until a footway along the frontage of the site on High Street has been provided at a minimum width of 2.0m in accordance with details to be submitted to and approved in writing by the local planning authority.
- 17) If during development contamination not previously identified is found to be present at the site, no further development shall be carried out until an investigation strategy and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination will be dealt with, has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the measures identified in the approved remediation strategy and verification plan have been completed and a verification report demonstrating completion of the approved remediation works and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority.
- 18) No development shall take place until a written scheme of archaeological investigation for an open area excavation followed by post-excavation analysis and publication, has been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved archaeological scheme.
- 19) The details to be submitted as part of the reserved matters required by Condition 1 of this permission shall include noise mitigation measures having regard to the Wardell Armstrong Report (LE13373/002) in relation to road traffic noise. The measures shall be carried out in accordance with the approved details prior to the occupation of the affected dwellings and shall thereafter be retained.
- 20) No development shall commence until a scheme of works to enable the stopped-up section of Warren Lane between High Street and the A6 to be used by pedestrians, cyclists and other bridleway users has been submitted to and approved in writing by the local planning authority. The scheme shall include for the provision of linkage to Footpath No.10 which runs to the north of Road Farm, a timetable for the delivery of these works, and management and maintenance details. The works shall be undertaken in accordance with the approved details.

(End of Conditions Schedule 2)

## **APPEARANCES**

### **FOR THE APPELLANT**

Jonathan Easton, of Counsel	instructed by Gladman Developments Ltd
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He called

Timothy Jackson BA(Hons) DipLA CMLI	Partner/Director, FPCR Environment and Design Ltd
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Gail Stoten BA(Hons) MCIfA FSA	Heritage Director, Pegasus Planning Group
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Neil Tiley Assoc RTPI	Associate, Pegasus Planning Group
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Christopher Still BSc(Hons) MRICS	Planning and Development Manager, Gladman Developments Ltd
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### **FOR THE LOCAL PLANNING AUTHORITY**

Alexander Booth QC	instructed by the Solicitor to Central Bedfordshire Council (CBC)
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He called

Phillip Hughes BA(Hons) MRTPI DipMan MCMi	Principal, PHD Chartered Town Planners
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### **INTERESTED PARTIES/PERSONS**

Alison Graham	Silsoe and Shillington ward member, CBC
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Mike Jarrard	Chairman, Silsoe Parish Council
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Roger Shrimplin MA(Cantab) DipArch	
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RIBA FRTPI FCI Arb MCIL	appeared on behalf of Silsoe Parish Council
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Helen Flack	appeared on behalf of Silsoe Parish Council
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## **DOCUMENTS** (provided during the Inquiry and all prefixed INQ)

1. Statement of Common Ground (Appellant and CBC)
2. Suggested conditions
3. High Court Consent Order relating to decision APP/P0240/W/16/3166033
4. Appellant's opening submissions



5. CBC's opening submissions
6. Draft Unilateral Undertaking relating to the 105 dwelling scheme
7. Draft Unilateral Undertaking relating to the 70 dwelling scheme
8. Enlarged copy of the Green Infrastructure Network Map
9. High Court judgement (Ivan Crane) [2015] EWHC 425 (Admin)
10. Alison Graham speaking note
11. Mike Jarrard speaking note
12. Roger Shrimplin speaking note
13. Additional suggested condition regarding noise mitigation
14. Housing delivery update note, Phillip Hughes
15. Two responses to the questionnaire relating to the drafting of the Silsoe Neighbourhood Plan
16. Draft Silsoe Village Design Statement 2018 to 2035
17. Neil Tiley speaking note
18. Table of publications relating to Objectively Assessed Need/Housing Requirements
19. Plan of Bidwell West, Houghton Regis
20. Schedule of suggested conditions
21. Copy of letter of notification of the Inquiry and list of those notified
22. Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 'The Setting of Heritage Assets', Historic England
23. Proposed alternative conditions to Mr Hughes's Condition 12
24. CBC's closing submissions
25. High Court judgement (St Modwen) [2017] EWCA Civ 1643
26. Appellant's closing submissions
27. Executed Unilateral Undertaking relating to the 105 dwelling scheme
28. Executed Unilateral Undertaking relating to the 70 dwelling scheme
29. Gladman Developments Limited, Power of Attorney
30. Plans of proposed traffic calming measures in Silsoe
31. The Council's updated housing land supply position, January 2018
32. The appellant's response to the Council's revised housing trajectory and the proposed works on High Street
33. Council's comments on the Housing Land Supply Update and Silsoe highway works (23 February 2018)

34. Appellant's response to the Council's comments of 23 February 2018

*Documents submitted following the close of the Inquiry*

35. Appeal decision APP/P0240/W/17/3175605, 100 High Street, Meppershall

36. Email trail with comments from both the appellant and the Council on the Meppershall appeal decision, 15 March 2018

37. Council's further comments on the Meppershall appeal decision

38. Appellant's comments on the Meppershall appeal decision

39. Appeal decision APP/P0240/W/17/3181269, Land off Mill Road, Cranfield

40. Council's comments on the Cranfield appeal decision

41. Appellant's comments on the Cranfield appeal decision