



Appeal Decision

Inquiry held on 24 to 27 and 30 September 2024

Site visit made on 27 September 2024

by **O S Woodward MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th October 2024

Appeal Ref: APP/P0240/W/24/3343707

Land North of Braeburn Way (Appeal Site A) and Unit C 187 High Street (Appeal Site B), Cranfield, Bedfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Richborough Estates against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/01751/OUT.
 - The development proposed is the demolition of existing buildings and reconfiguration of existing parking to construct a new car park at Appeal Site B, and the erection of up to 180 dwellings together with open space, landscaping, drainage features and associated infrastructure at Appeal Site A.
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DECISION

1. The appeal is allowed, and planning permission is granted for the demolition of existing buildings and reconfiguration of existing parking to construct a new car park at Appeal Site B, and the erection of up to 180 dwellings together with open space, landscaping, drainage features and associated infrastructure at Appeal Site A, in accordance with the terms of planning application Ref CB/23/01751/OUT, dated 18 May 2023, and subject to the conditions in the attached schedule.

PRELIMINARY MATTERS

The Application and Planning History

2. The application was made in outline with regard to Appeal Site A with all matters reserved other than access which was applied for in full. An Illustrative Masterplan has been submitted¹, to which I refer as appropriate whilst acknowledging its illustrative nature.
3. Full planning permission is sought for the new car park and associated works on Appeal Site B. Illustrations of the proposed car park were submitted as part of the appeal. However, these were subsequently shown to have many inaccuracies². Therefore, whilst they provide a high level understanding of the appearance of the proposed car park, I place limited reliance on them.

¹ CD1.7

² Under cross-examination of Mr Austin-Fell.

4. Appeal Site A was the subject of a previous planning application and subsequent appeal³. The planning history and appeal decision are material considerations to which I turn as appropriate throughout my Decision.

Areas of Common Ground

5. The application was refused by the Council on 10 April 2024⁴. There are five reasons for refusal (RfR). The Council did not defend RfR3, with regard to construction traffic, because it considers that the concerns could be overcome by a suitably worded planning condition. RfR3 is not, therefore, a main issue for the appeal. However, concerns regarding construction traffic have been raised by local residents, which I deal with as appropriate in my Decision below.
6. The Council did not defend RfR4, with regard to potential future risks to the expansion of Cranfield Airport, because the operator of the airport and neighbouring employment site has not raised technical objections to the development the subject of this appeal. In addition, the Council considers that conditions relating to the parameters plans and details to be approved at the reserved matters stage could control the extent of residential development to ensure it has an acceptable relationship to the airport. RfR4 is not, therefore, a main issue for the appeal. However, concerns regarding the effect of the proposal on the airport have been raised by local residents, which I deal with as appropriate in my Decision below.

The Planning Obligation

7. RfR5 relates to the effect of the proposal on local infrastructure, and failure to secure the provision of affordable housing, self-build/custom-build (SBCB) housing, and open space. A Unilateral Undertaking, dated 14 October 2024 (the UU) has since been submitted⁵. It secures:
- 35% of the proposed dwellings to be for affordable housing, in accordance with an affordable housing scheme to be agreed by condition and a split and location controls as set out at Clause 4 of Schedule 1;
 - a contribution towards upgrading bus stops at Cross Keys;
 - a contribution towards the enhancement of community facilities in the old village hall and/or the new community centre in Cranfield, or the provision of new facilities on the appeal site;
 - a contribution towards early years educational facilities in Cranfield;
 - a contribution towards tree planting in the Forest of Marston Vale, if required to achieve 30% tree canopy coverage;
 - a contribution towards the refurbishment of Flitwick Leisure Centre;
 - a contribution towards the refurbishment of, and book stock for, Ampthill library;
 - the provision of open space and a play area on the appeal site, specification for the space, a management plan for the space, and the creation of a management company and securing appropriate funding for the maintenance of the space;
 - a contribution towards improvements to outdoor football facilities at Crawley Road, Cranfield;
 - a contribution towards play areas within the vicinity of the appeal site;

³ Refs CB/20/03342/OUT and APP/P0240/W/21/3267704 respectively.

⁴ CD2.1

⁵ ID21

- a contribution towards primary education facilities in Cranfield;
 - a contribution towards the upgrading of Footpath 22 to a surface route suitable for cycling between the appeal site and where the footpath nears Crawley Road;
 - a contribution towards secondary education facilities in Cranfield;
 - a contribution towards the provision of special needs education facilities in the locality of the site;
 - a tree planting scheme for trees to be planted on and, if necessary, off the appeal site and the associated tree planting itself;
 - a contribution towards a traffic regulation order to prohibit parking on Flit Leys Close and Braeburn Way;
 - a contribution towards the delivery of household bins and collection logistics and to improve and maintain the Household Waste Recycling Centre facilities; and,
 - 10% of the proposed dwellings to be SBCB homes, in accordance with a phasing plan to be agreed by condition, and subject to a marketing strategy.
8. The appellant has proposed a monitoring fee of £22,500 to be used for the purposes of covering the cost to the Council of monitoring the payment and delivery of the obligations in the UU. The Council has proposed a fee of £85,039 for the same purpose. As set out at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regs), a monitoring fee must be fairly and reasonably related in scale and kind to the development.
9. In this regard, the Council's calculation is based on a percentage of the total fees to be charged. Although the Council's calculation is linked to the total fees, this does not reflect the amount of work associated with monitoring the fees. For example, monitoring whether or not an education contribution has been paid would take the same amount of time whether the contribution was £1,000,000 or £10. The appellant's calculation is based on a set cost per obligation monitoring action. Because it directly relates to specific work streams required for monitoring the obligations, this is both fairly and reasonably related in scale and kind to the development.
10. Regulation 122 of the CIL Regs also states that a monitoring fee must not exceed the Council's estimate of its cost of monitoring the development over the lifetime of the relevant obligations. The Council has not provided an itemised estimate of its costs, although it has highlighted the number of different officers and types of monitoring that would be involved. The appellant has set the value per action related to monitoring the obligations at £500. This is a reasonable value to attribute to the time and expertise I would expect from the Council in performing its duties in this regard, even accounting for the range of officers and types of actions that will be employed. Therefore, in accordance with Clause 3.2 of the UU, I confirm that the appellant's monitoring fee of £22,500 complies with Regulation 122 of the CIL Regs.
11. The Council's CIL Compliance Statement sets out the detailed background and justification for each of the obligations. Other than for the Council's monitoring fee as described above, I am satisfied that the provisions of the submitted agreement would meet the tests set out in Regulation 122 of the CIL Regs and the tests at Paragraph 57 of the National Planning Policy Framework (the Framework), and I have taken them into account. RfR5 is not, therefore, a

main issue for the appeal. However, concerns regarding this have been raised by local residents, which I deal with as appropriate in my Decision below.

Bedford Road and Crane Way Junction

12. A mitigation scheme for the Bedford Road and Crane Way junction has been set out in the documentation supporting the appeal. However, it is common ground, and I agree, that the appeal proposal would not give rise to traffic effects to the extent that this scheme is required in mitigation. It is instead linked to the Marshalls Aerospace proposal⁶. The mitigation scheme is not, therefore, necessary and I have not considered it further.

Documentation

13. A number of additional documents and submissions were made during and after the Inquiry. These are listed at Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the additional documents.

MAIN ISSUE

14. The main issue for the appeal is whether or not the mitigation measures proposed would be effective and prevent any significant impact on highway safety, including consideration of whether or not the proposed car park on Appeal Site B would achieve a suitably safe and secure environment.

REASONS

Existing

15. It is proposed to create vehicular and pedestrian access to Appeal Site A from the top of Eight Acres. The access point itself is not in dispute. However, the route to the access point is from High Street via Flitt Leys Close, Braeburn Way and then Eight Acres, all roads within a residential estate that sits behind High Street.
16. Braeburn Way has several turns, some of them relatively sharp. There are few restrictions on on-street parking, apart from immediately outside the school. It is relatively narrow, and if cars are parked on one side of the road, particularly near to or on a bend, then traffic can only pass in one direction. In places along Braeburn Way, people park half on the road and half on the pavement, in an effort to not block two way traffic. It has multiple access points from driveways and side roads.
17. Flitt Leys Close has a small stretch of double yellow lines near High Street, but also has areas where on-street parking is possible. It also has multiple access points from driveways and side roads. In particular, there are garages or forecourts that are difficult to access or insufficiently long to accommodate most cars. Evidence has been provided that this can sometimes lead to people parking so that their cars partially overhand the footway, partially or fully impeding pedestrians.

⁶ Planning permission Ref 22/04299/OUT

18. The roads are relatively lightly trafficked for most of the time, and therefore, despite these issues, there is limited harm to highway safety. However, there is also a school⁷ for reception to year 4 and associated nursery, both of which are accessed from Braeburn Way. There is significant vehicular traffic and parking associated with school drop-off and pick-up times, particularly along Flitt Leys Close and Braeburn Way up to around the Badgers Close junction. The combination of the nature of the roads, as set out above, and the additional traffic and pedestrian activity generated by the school and nursery create difficulties in traffic navigating these two roads.
19. In addition, at these times the issue is exacerbated by the need to extract or place young children in cars. This causes concerns regarding highway safety, particularly for pedestrians, including the children being dropped-off at the school and/or nursery. This could be because children would need to enter or exit the car directly onto the road, or from crossing the road from the footway if parking on the opposite side from the school entrance.

The Proposal

20. The proposal would generate additional traffic along the access route from High Street via Flitt Leys Close, Braeburn Way and then Eight Acres. This is estimated to be 61 additional vehicular trips during the school peak times. The proposal would therefore worsen the existing situation at school drop-off and pick-up times, which already creates highway safety issues as set out above. The proposal would, without mitigation, result in unacceptable levels of hazard and inconvenience at school drop-off and pick-up times along the access route from High Street to the junction of Braeburn Way and Badgers Close. The appellant accepts this and has proposed two mitigation measures, to which I turn below.

Mitigation

The proposed measures

21. One of the proposed mitigation measures is a Traffic Regulation Order (the TRO) that would introduce double yellow lines along Braeburn Way from the school zig zags or layby parking to shortly to the west of Badgers Close, a zebra crossing of Braeburn Way to the south of the existing school keep clear zig zags, and further double yellow lines along Flitt Leys Close and to the southernmost section of Braeburn Way. The combination of the proposed double yellow lines, existing double yellow lines, existing dropped kerbs, and school keep clear area would effectively prevent on-street parking from the junction with High Street to shortly west of Badgers Close. The TRO would also result in the prevention of the current unofficial, but regular, practice of parking half-on and half-off Braeburn Way and the footways. The layby parking bays opposite the school and near High Street would remain.
22. The other measure is to create an off-street car park on Appeal Site B, to replace two existing commercial buildings, which would be demolished. This would provide 17 car park spaces, eight for residents and nine for parents. Pedestrian access would be provided directly from the car park northwards to the cul-de-sac area of Flitt Leys Close, through an access on the northernmost

⁷ St Paul's School

boundary to Flitt Leys Close cul-de-sac where an existing fence would be demolished.

23. The measures are intended to work together, with the TRO to prevent car parking to improve highway safety along Flitt Leys Close and Braeburn Way and the car park to accommodate, at least in part, the displaced parking. I therefore consider them in tandem below.

Effect on car parking

24. The proposed car park would provide eight spaces for use by residents on the assumption that all eight spaces on Flitt Leys Close are used by residents. This leaves nine spaces for parents. However, I have not been provided with a breakdown between residents on Flitt Leys Close and parents regarding the parked cars that would be displaced by the proposed TRO. A suitable survey of residents and/or parking survey methodology to establish this have not been undertaken. The proposed split could therefore be wrong. However, the split between the different users could be controlled by condition and managed as appropriate moving forward. The important factor is therefore the total number of spaces to be displaced.
25. In this regard, there is a theoretical existing on-street, ie excluding the layby parking bays opposite the school and near High Street, car parking capacity in the area affected by the TRO of 45 spaces⁸. However, this could not occur all at once because the roads are too narrow to allow for parking on both sides at the same time. The appellant has undertaken a parking beat survey, which found that the maximum used capacity of the area to be covered by the TRO was 20 bays, again excluding the off-street spaces⁹.
26. All this parking capacity would be lost through the introduction of the TRO, both observed parking levels and theoretical capacity. The proposed car park would only provide sufficient spaces to replace displaced observed maximum parking from Flitt Leys Close and the first part, ie south of the school, of Braeburn Way, and an additional two spaces, equating to 17 spaces in total. It would not replace displaced parking from further north on Braeburn Way, even where this would be affected by the TRO, or the theoretical maximum on-street parking capacity.
27. There would therefore be at least three displaced parking spaces as a result of the TRO that could not be accommodated within the proposed car park. This is common ground between the main parties¹⁰, although it relies on the car park being fully utilised and effective. It is also important to understand that this is not a precise science. Partly because of the flexible real capacity of on-street parking depending on precisely how the parking on both sides of the road cancels one another out. And, partly because of the difficulties in accurately measuring the maximum observed parking levels. There would be greater displacement of car parking if any of the above factors change.

⁸ See Table 1, Technical Note 1, Appendix C to CD1.29

⁹ See Table 3-1, Council's Highways Proof of Evidence

¹⁰ Agreed under cross-examination of the Council and accounting for a reduction in one displaced car in comparison to the Council's Proof of Evidence because of the layby near High Street

Dwell times

28. The dwell times of parents dropping off or picking up their children from the school and/or nursery was discussed extensively at the Inquiry. A number of factors affect dwell times, including the distance to walk from the car to the school, whether or not children need to be dropped off both at nursery and school, the practicality of extracting or placing the children in the car, whether or not the parent(s) use these times to talk to other parents, or to speak to the teachers or have other dealings with the school, and whether or not the parent(s) need to be somewhere else, eg work, shortly afterwards.
29. An average dwell time is therefore difficult to predict. It is likely to be relatively short and a largely functional process for the majority. However, dwell times are only a relevant consideration if the proposed car park would result in materially longer dwell times than the existing on-street parking which it is to replace. If not, then the parking capacity to be replaced would be like for like, whether it be 10, 20 or 40 cars in any given interval.
30. Vehicular access to the proposed car park would be from Flitt Leys Close via a forecourt associated with three takeaway units and then through a proposed gate. This would have a relatively narrow entranceway which would be one way. However, this is a relatively short stretch. Inter-visibility between drivers would be good. The car park would likely be busy at peak periods, but this would likely only result in short waiting times because there would still be slight staggers in arrival times. Some of the parking bays would be the standard 2.5m width, which could make it awkward and therefore lengthen the time required to extract or place children in the car. However, this would only be to a small degree, and any delays would likely be small. There would also be 10 bays with greater width provided by adjacent open space or wider bays.
31. I am also conscious that the existing situation on Braeburn Way and Flitt Leys Close can also give rise to delays, whilst drivers wait for other drivers to parallel park, or for oncoming traffic to pass. There are delays in small traffic jams on the journey to and from the parking places, given that those roads are also often effectively one way when there are parked cars on one side. There are also instances when there are small delays in extracting or placing children into the car due to the need to wait for passing traffic.
32. The car park would be slightly further away from the school than some of the existing on-street car parking spaces. It would be 135m, as opposed to from 30m upwards for the on-street spaces. However, many of the on-street spaces would be at a similar distance. The additional distance in most cases would, in absolute terms, be relatively limited, as would the related travel time, even allowing for the slow pace of young children. I acknowledge that the relative increase in distance and therefore time would in some cases be relatively large. However, this is in comparison to spaces that would no longer exist because of the TRO. The remaining alternative on-street spaces would be to the west of the TRO along Braeburn Way, which would be a similar if not further distance from the school. This is the relevant comparison, as acknowledged by the Council under cross-examination.
33. Overall, therefore, I find that the proposed car park would not result in materially longer dwell times than the existing parking situation, or in comparison to the alternatives that would exist with the TRO also in place.

Therefore, there would be no material effect on the understanding of car parking capacity based on dwell times.

Highway safety

34. The proposed car park would be relatively busy at drop-off and pick-up times, and there would be few areas where children could wait fully segregated from the cars. However, there would be some areas of refuge, for example the proposed pedestrian access running along the spaces to the eastern half of the car park, or the small landscaped area behind the spaces to the west. The existing situation on-street parking situation provides safety challenges, as set out above. These are at least as problematic, especially for dealing with young children, as the proposed car park.
35. With regards to walking from the parked cars, residents using the residents spaces would access their properties via the pedestrian link that directly joins an existing footway to the south of Flitt Leys Close. For parents at school drop-off or pick-up, the route would be to cross Flitt Leys Close within the cul-de-sac, then along the existing footway to the west of Braeburn Way, across the proposed zebra crossing, and then along the existing footway on the north/east side of Braeburn Way and then directly into the school or nursery. Although potentially a longer route in some instances, this would retain segregation of pedestrian and vehicular activity. The proposed zebra crossing would be a highway safety improvement to the existing situation.
36. It is likely that the on-street parking that would not be accommodated in the proposed car park, as set out above, would be displaced to further west along Braeburn Way. This is because there are no other realistic options in proximity to the affected residents or the school. I acknowledge there has been no formal assessment of the capacity of this part of Braeburn Way. This part of Braeburn Way would also become effectively single way where there are parked cars.
37. However, the upper part of Braeburn Way is a straighter road with greater visibility between cars and pedestrians than the areas affected by the proposed TRO. It is therefore easier to pass parked cars and to park in the first place. It is further away from the school entrance. Even with the additional parking and even with more than the three displaced cars if that were to occur for the reasons set out above, there would still likely be a lesser intensity of parked cars than the existing situation in the TRO area. The displaced parking and traffic would therefore give rise to a lesser degree of highway conflict and impediment than the existing situation.
38. Overall, therefore, I do not view the proposed car park as being any less safe with regard to children or highway safety in general than the existing on-street parking that it would replace. The mitigation measures would, in fact, result in a betterment on the existing situation by reducing the amount of on-street car parking along the most difficult to navigate areas of Braeburn Way and Flitt Leys Close, and by preventing the unofficial half-on/half-off parking on certain areas of these roads.

Safe and secure environment

39. There are a number of blank elevations facing onto the car park, including those closest to it to the east and north. However, the car park would be in the middle of Cranfield. It would be overlooked by one 1st floor window in a flank

elevation to a house on Flitt Leys Close. This is at relatively close distance, albeit appears to be a secondary window and there is potential for intervening car parking to partially obscuring the view. This window would, therefore, provide some but limited actual and perceived overlooking.

40. There would also be overlooking from people on the footways along the westernmost part of the cul-de-sac area of Flitt Leys Close. Under general operating conditions, this would likely be relatively limited, even with the removal of the fence to the boundary, because of likely low footfall. However, there would be further overlooking in this area from the side elevation of the first floor balcony to the adjacent house on Flitt Leys Close. This is a relatively small balcony and use is likely to be relatively low due to this and climatic conditions¹¹. However, it is directly adjacent to the car park and offers a degree of actual and perceived overlooking.
41. There would be overlooking from the first floor windows to the properties on the east side of Flitt Leys Close facing onto the car park. These are likely to be bedrooms but are on the main front elevation of the homes. These are relatively distant from the car park, on the opposite side of the Close, but this would still afford a relatively high perception and actual level of overlooking. Similarly, there would be overlooking from the rear of the properties on High Street to the south, relatively close, albeit across the takeaway forecourt. The detail of the proposed gate in that location could be controlled by condition to ensure it retained suitable visibility to retain most of the overlooking, even to a degree from ground floor level. There would be further passive and actual overlooking from the garden to the house along High Street that runs directly along the west boundary, albeit limited because of the height of the fence.
42. In addition, when the car park is in use for school drop-off and pick-up, there would likely be high footfall and fairly significant activity and therefore overlooking by the users of the car park themselves, both from the cul-de-sac and from throughout the car park. When not school drop-off or pick-up, the levels of overlooking from users of the car park and the cul-de-sac would be low. This would include use at night by the residents. However, the overlooking from the surrounding properties as set out above would remain, and the first floor bedrooms would be more likely to be used at that time.
43. In addition, the three takeaways are open until late in the evening. There is a degree of activity associated with them from people picking-up their food, or from deliveries from the takeaways. This is all close to the car park, adjacent to the main entrance. Subject to control by condition of the boundary wall and gate, this would provide a reasonable level of activity and therefore overlooking of the car park, even in late evening.
44. An extra level of security is proposed, and could be secured by condition, through the use of CCTV. I acknowledge that CCTV has its limitations, because it only offers passive protection rather than the possibility of immediate physical rescue. However, this would further increase the perception of the safety and therefore security of the car park.
45. Overall, the proposed car park would have a degree of overlooking. It would have two public facing boundaries, to the north and the cul-de-sac and through the proposed gate to the takeaway forecourt, and would therefore have a

¹¹ Cranfield is not the Costa del Sol

presence in the public realm. There would be activity both at night and at school drop-off and pick-up times, either from users of the car park or from the adjacent takeaway units. Access to the surrounding footways would be quick and easy. I do not view it as likely that an ordinary person and the likely users of the car park would have any undue fear of crime or risk to personal safety by using the car park. The proposed car park would therefore achieve a suitably safe and secure environment and there is no reason to believe it wouldn't be used by both residents and parents, with regard to safety.

Implementation of the TRO

46. The TRO would need to be introduced partly on adopted highway, Flitt Leys Close, but also partly on the privately owned roads of Braeburn Way and Smallbrook. It is possible that implementing the TRO would be more difficult on private roads due to the need to obtain land owner consent. However, there is no reason to believe that this could not be achieved. For example, the existing school zig zags are also a TRO and were also introduced on a part of the road owned by the same private owner.
47. The TRO would be secured by Grampian condition. The test of whether or not a condition is acceptable with regard to implementation is whether or not there is no prospect at all that it could be achieved within the time-limit imposed by the permission¹². There is every prospect that it could be implemented based on the implementation of the previous TRO on the same stretch of road, and I have not been provided with any substantiated evidence that agreement from the landowner would not be forthcoming. There is, therefore, a real prospect that the TRO could be implemented.

Enforcement of the TRO

48. The starting point is that the Council will enforce the TRO, if it is implemented. This is its statutory duty. In addition, it has been demonstrated that the Council has the budget to increase its enforcement operations above the current level. The current vacancies are due to a lack of suitable applicants, and not budget. Where those extra resources would be deployed, or existing resources redeployed if the capacity cannot be filled, is a corporate decision for the Council. The fact that the vast majority of recent penalty charge notices issued by the Council have been in urban areas does not mean that the enforcement priorities cannot change in the future. There is no reason to believe this could not include enforcing a TRO that is essential to achieve suitable highway safety outside a school.
49. Nevertheless, it is likely that some parents will perceive the likelihood of enforcement or punishment as low, because of the relatively short dwell times. There is also the incentive to park closer to the school than the areas outside of the TRO or the proposed car park because of the shorter walking times to and from the school or nursery. It is human nature to sometimes break or bend the rules in such circumstances. An illustration of this is that some people are breaking the existing TRO and the existing rules, as I observed on my site visit, and as shown in evidence submitted by the Council and by interested parties.
50. However, I view the proposed car park as being a desirable alternative to parking on-street, even in the areas covered by the proposed TRO, for the

¹² See Planning Practice Guidance Paragraph: 009 Reference ID: 21a-009-20140306

reasons set out below. I would therefore expect the level of contravention of the TRO to be relatively limited. If it transpired this was not the case, it is also open to the Council to increase the level of enforcement necessary to achieve this outcome, if required. There is no reason why this could not be achieved, for the reasons set out above. I do not, therefore, view lack of enforcement and associated breaking of the TRO as likely resulting in any meaningful harm to highway safety.

Overall

51. The car park would be a safe and secure environment. It would offer at best no worse an alternative for car parking for residents and parents than the existing situation, and in comparison to the alternatives that would remain after implementation of the TRO. The capacity of the car park would be sufficient to accommodate most of the displaced parking. The excess cars would likely use a safer and less disruptive part of Braeburn Way, further to the west. Some existing half-on/half-off parking would be prevented. The overall effect on highway safety would be positive. The TRO is implementable and enforceable. The proposal would therefore be effective and prevent any significant impact on highway safety.
52. The proposal therefore complies with Policy T2 of the Central Bedfordshire Local Plan 2015 – 2035, adopted in July 2021 (the LP), which requires proposals to not have a detrimental effect on highway safety and Policy HQ1 of the LP, which requires layouts to maximise surveillance to reduce opportunities for crime and the fear of crime and the provision of safe, attractive and convenient routes that meet the needs of all street users. It would comply with the Design Guide, which encourages passive surveillance and overlooking and for the design of proposals to consider safety and security. It would also comply with the Framework, which requires proposal to ensure public safety and security (Paragraph 101) and to avoid unacceptable impacts on highway safety (Paragraph 115).

OTHER MATTERS

School Expansion

53. St Paul's School is a one form entry school for reception to year 4 inclusive. It currently has approximately 175 pupils on its roll, including the nursery. It is due to expand to become a two-form entry school for reception through to year 6 inclusive. This would increase the pupils on roll to approximately 470¹³. However, this is not a committed development. If an expansion on this scale were to come forward, then it would involve significant changes to the school site, and potentially changes to its highways access. Importantly, the proposal would result in a betterment on highway safety in comparison to the existing situation, as set out above, and which is acknowledged by the Council to be an area of concern as existing¹⁴. It would therefore likely help to facilitate the future expansion plans for the school.

Objections

54. Several objections have been submitted, including from Cranfield Parish Council, and Ward Councillors Bongo and Clark. Councillors Clark and Winder,

¹³ See ID8 and ID10

¹⁴ See the table at Paragraph 39 of ID8

and local residents Gary Dooley, Sarah Carter and Caroline Potter also all spoke at the Inquiry in opposition to the proposal. In addition to those matters addressed above and below, the objections raised concerns with:

1. a lack of infrastructure to accommodate the increase in population, eg GP services;
2. the loss of agricultural land;
3. there having been several previous refusals of planning permission on Appeal Site A;
4. the loss of privacy and overlooking to/from Badgers Close;
5. the harm to the living conditions of the occupiers of 179 High Street from the proposed car park;
6. the location of affordable housing in the worst part of the site nearest the airport and acting as a sound barrier; and,
7. the proposal would result in 340 dwellings in total using one access route, contrary to Council policy.

55. With regard to the above:

1. the UU secures mitigation in kind and in payment regarding the effect of the proposal on local infrastructure. The Council has confirmed the proposal would be acceptable in these regards;
2. the submitted Agricultural Land Classification Report, dated June 2020, by Soil Environment Services Ltd confirms that the land on Appeal Site A is Class 3b, which is only of moderate quality and is not 'best and most versatile agricultural land' as defined by the Framework. No substantiated evidence has been provided to the contrary;
3. the planning history is a material consideration but I have made my decision on the merits of the proposal in front of me, and each case must be judged on its own merits;
4. there would likely be slightly elevated levels of car parking on Badgers Close from the displaced parking, however this would be limited and would not give rise to unacceptable levels of harm to the living conditions of the residents living on the close;
5. the car park would be relatively busy at school drop-off and pick-up, and would be in use to a degree at night, however because of the intervening takeaway and forecourt area and because the level of noise and other disturbance would be relatively low, this would not unacceptably harm the living conditions of the occupiers of 179 High Street;
6. the layout of the proposal is not yet confirmed because 'layout' has only been applied for in outline, the location of the affordable housing would therefore be the subject of control at reserved matters stage; and,
7. this is correct¹⁵. However, there is flexibility in this number, as set out in the Central Bedfordshire Design Guide 2023. It does not form part of the Council's reasons for refusal of the application. Their consideration is the overall effect on highway safety, not the number of dwellings.

¹⁵ See Table 3-1 and Paragraph 3.5 of the Highways Construction Standards & Specifications Guidance Issue 8 (CD 7.1), and Paragraph 7.3.22 of the Central Bedfordshire Design Guide 2023

PLANNING BALANCE

Negative

Character and appearance

56. The proposal on Appeal Site A would result in the change from agricultural fields to significant built form and housing development. There would also be significant areas of open space, and one of the hedgerows on the site would be largely maintained. In addition, there is existing residential development to the south, a nearly fully constructed residential development to the north east, and the grounds and associated infrastructure of Cranfield Airport to the north. It is particularly notable that the proposed built form would respect the building line of the nearly complete development to the north east.
57. There would nevertheless be some harm to the character and appearance of the area through the loss of the agricultural land for built development. The harm would be limited and the proposal would still recognise the intrinsic character and beauty of the countryside. In agreement with the Statement of Common Ground¹⁶ and the previous appeal decision¹⁷, I find no conflict with Paragraph 180b of the Framework, which requires development to recognise the intrinsic character and beauty of the countryside, or Policy EE5 of the LP, which broadly reflects the Framework. Overall, I attribute limited negative weight to this harm.

Principle

58. Appeal Site A lies outside the defined settlement boundary of Cranfield. The proposed housing is therefore in conflict with Policy SP7 of the LP, which states that development such as that proposed is not supported in such locations. Nevertheless, it is common ground¹⁸, and I agree, that the proposed location of the housing is acceptable in principle. There is no reason for refusal with regard to the principle of the location of the proposed housing. Also, as set out above, the proposal would recognise the intrinsic character and beauty of the countryside, as is required by Policy SP7. I therefore attribute to this conflict limited negative weight.

Construction traffic

59. It is proposed to create a temporary route for construction access from High Street, through an area that is currently a footpath, along Harcourt, and then up Eight Acres. This solution would necessarily lead to some element of conflict with pedestrians and other road users, because of the narrowness of the route and the proximity to the existing dwellings along the route¹⁹ and the existing footway. There would also likely be some harm to the living conditions of neighbouring occupiers, particularly the houses which directly line the proposed route from High Street. Although temporary, this would likely be for a period of several years, because of the relatively large scale of the proposed development.

¹⁶ See Paragraph 6.1 of the Statement of Common Ground

¹⁷ See Paragraph 27, CD5.1

¹⁸ See Paragraph 6.1 of the Statement of Common Ground

¹⁹ In particular, the five dwellings with direct driveway access to Harcourt, ie 1 to 4 Harcourt and the dwelling on the corner of Harcourt and Braeburn Way on the east side of Harcourt

60. However, the detail of this could be controlled by condition, including the timings of vehicular access, the precise detail of how the temporary route would interplay with the existing footway and driveways, the requirement for banksmen at both ends of the route, and other measures as could be negotiated with the Council. The Council would retain control over the detail of the construction traffic measures through the condition discharge process. The Highway Authority would subsequently be able to enforce compliance with the measures as agreed. The appellant has also demonstrated that the proposed access from High Steet is sufficiently wide to accommodate construction vehicles²⁰.
61. Subject to this control, the proposed construction measures would be acceptable. Nevertheless, the construction of the development would result in some, albeit limited and temporary, harm to highway safety and to the living conditions of neighbouring occupiers. I therefore attribute limited negative weight to this factor.

No Weight

62. I have no specific details in front of me regarding measures with regard to reducing carbon emissions. These would come forward at reserved matters stage. There is no evidence before me that the proposal would not be able to meet the policy and legislative requirements in this regard. However, there is also no substantiated evidence that the proposal would go beyond any policy or legislative requirement. Due to this uncertainty, I place no weight on this factor.

Positive

Market housing

63. I acknowledge that the Council has been delivering above its housing need in recent years, for example at 144% in 2022 and 10.6% more than its housing requirement over the first nine years of the adopted plan period. However, facilitating the continued delivery of housing is an important facet of national and local planning policy. The proposal is reasonably large and would deliver a significant number of market housing dwellings. Housing brings a wide range of socio-economic benefits. I therefore attribute significant positive weight to the proposed delivery of market housing.
64. This weighting applies irrespective of the position I adopt regarding the housing land supply of the Borough, which sits between 5.36 years as posited by the Council and 3.43 years as set out by the appellant. This is because even if I were to find that the Council could demonstrate a five year supply of housing land, the benefits of the proposed housing would remain. In addition, the Council's Local Plan partial review, as required by Policy SP1a of the LP, although commenced has not meaningfully progressed and is not due to be adopted until 2028. It will therefore be a significant amount of time until a revised spatial strategy is adopted that would reflect the most up to date housing need. Maintaining a consistent supply of housing is important in this context.
65. The proposal is being put forward by a strategic land company and is in outline, with regard to the residential element. It is therefore possible that the houses

²⁰ See drawing Ref T22579 009, in the 'Drawings' section of the Transport Assessment, dated March 2023

would not come forward within five years. However, that is not the pertinent question when considering the weight to be attributed to the housing. There is no reason to believe that the housing would not come forward, and in a reasonable timeframe. That is the key consideration with regard to weight in this case.

Affordable housing

66. The UU secures 35% of the proposed homes to be for affordable housing, which equates to up to 63 homes. This is in excess of the LP requirement of 30% as set out in Policy H4. The affordable housing requirement as set out in the LP is 405 dwellings per annum (dpa). The delivery of affordable housing has been 555 dpa over the first nine years of the plan period²¹, in excess of the requirement. However, the Council agrees that the requirement is a minimum figure²². It is also calculated against the Strategic Housing Market Assessment from 2017 which, whilst being the most up-to-date assessment of affordable housing need in the Borough, is nevertheless now a relatively old document.
67. In addition, there are 1,727 households on the Housing Register, of which 1,034 have expressed a preference for Cranfield Parish. This is lower proportion of households than the national average, but it must be remembered that each household represents a person or persons in real need of suitable housing accommodation. As of March 2023, there were 290 households in temporary accommodation in the Borough, again all a person or persons in real need. The lower quartile rent in the Borough is 9% higher than the east of England average and the lower quartile house prices in the Borough are 12% higher than the east of England average.
68. I acknowledge that the above sits in a much wider socio-economic backdrop. There are a multitude of factors which influence these affordability indicators, many of which sit outwith the planning system. Nevertheless, the law of supply and demand is a contributor to the affordability and availability of suitable housing in the Borough. The provision of more affordable housing would certainly help in these regards. In addition, the affordable housing offer goes beyond the policy requirement, albeit only by 5%. Taking all this into consideration, I place significant positive weight on the proposed affordable housing.

Self-build/custom-build housing

69. The UU secures 10% of the proposed housing units to be for SBCB housing. At the Inquiry, the detail of the need and supply for such housing was discussed. However, I do not need to consider this further. Although the Council has consented sufficient planning permissions for SBCB housing to meet its demand and to in fact have a surplus, the SBCB units are ultimately housing units. They must therefore attract at least the same weight as the general market housing, at significant positive weight.

Highway safety

70. As set out above, the combination of the TRO and the car park on Appeal Site B would result in a betterment to highway safety, even after accounting for the increased traffic on the highway network that would be created by the

²¹ See Paragraph 2.15, Affordable Housing Statement of Common Ground

²² See Paragraph 6, Affordable Housing Need Rebuttal Proof of Evidence

proposal. The betterment would be limited and so is the corresponding weight. I therefore place limited positive weight on this factor.

Open space

71. The UU secures significant areas of public open space to the rear of the development on Appeal Site A, and a community garden and smaller areas of open space towards the existing residential development and then as a spine through the proposed development. This would include open green space, a play space, mown footways and a wildflower meadow. All of this would be accessible to both the future residents of the development and existing neighbouring residents. The majority of the space would be relatively distant from existing houses but would still be relatively easily accessible. I acknowledge the proposal for Appeal Site A involves the loss of open land. However, apart from along the footpath, this is all privately owned and of no functional benefit and limited visual benefit. Overall, therefore, I place moderate positive weight on these factors.

Footpath 22

72. Footpath 22 is a Public Right of Way (PRoW) that runs through the appeal site and then around the airport and back towards Cranfield University. The proposal and the UU combined secure upgrading the footway so that it could accommodate cycles through Appeal Site A and then between the boundary of the Appeal Site A and where the footpath nears Crawley Road. This is a PRoW and the proposed upgrade works would extend beyond the appeal site. There would therefore be benefits to the wider community as well as to the future occupants of the proposal. The works are relatively limited and I place limited positive weight on this factor.

Public art

73. The UU secures public art. This would be publicly accessible, by its very nature, and so would benefit the wider community as well as the future occupants of the proposal. The extent of public art expected is relatively limited and I place limited positive weight on this factor.

Biodiversity Net Gain

74. Appeal Site A has relatively low biodiversity because it is largely an arable field. However, there is some diversity of habitat and species provided by the hedgerows running through and along some of the boundaries of the site. It is proposed to retain some of the main hedgerow running through the site, create a wildflower meadow, incorporate sustainable urban drainage system features that also provide biodiversity benefits, plant scrubland and other vegetation, enhance the hedgerow to the south west boundary of the site, and to provide a community garden.
75. There are some restrictions on the nature of some of this provision due to the proximity of the airfield. Nevertheless, a net gain in biodiversity habitat units of 39% and in hedgerow units of 10% is proposed²³. This could be secured by a combination of conditions and the UU. This is significantly in excess of the policy requirement for there to only be 'a' net gain in biodiversity, as set out in Policy EE2 of the LP and the Framework. It is common ground, and I agree,

²³ See Paragraph 6.1, Statement of Common Ground

that the statutory requirement of 10% BNG is not applicable to the proposal under the transitional arrangements. Balancing the relatively low starting point and the relatively large proposed gains, overall I place moderate positive weight on this factor.

Economic

76. There would be both short term economic benefits from the construction of the proposal and long term benefits to the services and businesses in the area, including those in the Minor Service Centre of Cranfield, from expenditure by the future occupants of the proposed housing. The specific effect of the proposal on local business needs has not been demonstrated. However, it is self-evident that there would be benefits to local businesses from such economic activity. The benefits would also be relatively large due to the relatively large scale of the proposal. There has been significant recent growth in Cranfield and there are other further commitments in the future. However, the benefits of the proposal would remain and must be considered on their own merits. Overall, I place moderate positive weight on these factors.

Cranfield Airport

77. In 2023, two planning permissions were granted to expand the airport and its operations and for a new fuel farm. Concerns have been raised by local residents regarding noise and odour pollution, and safety with regard to the proposed fuel farm and its proximity to the proposed homes.
78. With regard to acoustic effects, a 3m high acoustic fence is proposed between the proposed homes and the airport. An Acoustics and Overheating Assessment, dated March 2023²⁴, has been submitted. This concludes that the noise pollution from operations from the airport, including in the future scenarios where the airport is expanded and the fuel farm is built, would be within acceptable limits with regard to the living conditions of future occupiers of the proposed homes. With regard to odour effects, no substantiated evidence has been provided that these would be such that they would cause unacceptable harm to the living conditions of the occupiers of the proposed homes. With regard to the fuel farm and safety, it is common ground that there are no safeguarding concerns²⁵.
79. It is important that the Health and Safety Executive has no objection to the proposal. NATS has no objection to the proposal. The Council is content that the relationship between the proposal and the airport would be acceptable, both with regard to the living conditions of the future occupiers of the proposed development, and the effect of the development on the operation of Cranfield Airport. The airport itself has no objection to the proposal, subject to limiting the height of any proposed development to be 11m or lower, for landscaping to be appropriate to mitigate and manage the risk of bird strike, the extent of built development to be limited, and for lighting to be appropriate to enable the continued safe operation of the airport. All these could be controlled by condition and/or reserved matters submissions.
80. Overall, therefore, the operation of the airport, even as extended and with the new fuel farm, would not have a significant adverse effect on the living

²⁴ CD1.41

²⁵ See Paragraph 6.1 of the Statement of Common Ground

conditions of the future occupiers of the homes in Appeal Site A. The proposal is therefore acceptable in these respects.

S38(6) Conclusion

81. The proposed development would not harm highway safety which would instead be enhanced. There are no other disputed issues before me. There is a de facto conflict with Policy SP7 of the LP but for the reasons set out above this conflict only carries limited weight. The proposal therefore complies with the Development Plan when considered as a whole.
82. In this case, the material considerations include temporary harm to highway safety and the living conditions of neighbouring occupiers with regard to construction traffic, as well as limited harm to the character and appearance of the area on Appeal Site A. However, the benefits of the proposal are many and weighty. Relatively significant numbers of houses are proposed, including private, affordable and SBCB. A large part of the site would be public open space, a PRoW would be upgraded, a play ground and public art would be provided. The economic benefits would be significant. There would be biodiversity gains above and beyond policy requirements.
83. The position of the Council with regard to the supply of land for housing was discussed at the Inquiry. However, the benefits of the proposal outweigh the harms even when considered under a 'flat balance' and when adopting the worst case scenario with regard to the weight to apply to the proposed housing. I do not, therefore, need to consider this matter further.
84. Overall, therefore, there are no material considerations that indicate that a decision should be made otherwise than in accordance with the Development Plan.

CONDITIONS

85. An agreed schedule of conditions was discussed at the Inquiry. On the basis of that discussion, the evidence before me at the Inquiry in general, and in the light of government guidance on the use of conditions in planning permissions, I have amended some of the proposed conditions.
86. The time limit conditions [1] [36] and reserved matters submission condition [2] are as standard. In addition, conditions [3] [37] specifying the relevant drawings provides certainty. The conditions relating to the parameter plans and maximum residential dwellings [4] [35] and maximum heights [35] are necessary to provide suitable control over the scale and nature of the development at reserved matters stage.
87. The conditions relating to communications, navigation and glare [5], and fruit and berries [26], are necessary to ensure the proposal has an acceptable effect on the operation and safety of Cranfield Airport.
88. Conditions relating to open space [6], tree planting [8], footpath No 22 [10], open space management [16], Arboricultural Method Statement and Tree Protection Plan (AMS and TPP) [17], and car park landscaping [39] are all necessary to achieve a satisfactory standard of design.
89. Conditions relating to open space [6], footpath No 22 [10], noise assessment [13], open space management [16], accessibility and adaptability of dwellings

- [24], external lighting [28], and roads and footpaths [30] are all necessary to achieve acceptable living conditions for the future occupiers of Appeal Site A.
90. Conditions relating to the Construction Traffic Management Plan (CTMP) [14], external lighting [28], emergency access and site access [29], car park acoustic fence [40], and Car Park Management Plan [41] are all necessary to protect the living conditions of neighbouring occupiers.
91. Conditions relating to open space [6], sustainability [9] [32], footpath No 22 [10], turning facilities [11], BNG [12], noise assessment [13], Construction Environment Management Plan (CEMP) [18], Landscape and Ecological Management Plan (LEMP) [19], surface water drainage [20], archaeology [21], land contamination [22] [23], accessibility and adaptability of dwellings [24], public art [27], external lighting [28], roads and footpaths [30], travel plan [31], electric vehicle charging [33] [42], and finished floor levels [34] are all necessary to achieve a satisfactory standard of development with regard to these technical matters.
92. Conditions relating to open affordable housing [7] and SBCB housing [25] are necessary to secure the provision of this type of housing, and to control when and how it is to be provided.
93. Conditions relating to turning facilities [11], CTMP [14], emergency access and site access [29], roads and footpaths [30], car park layout [38], car park landscaping [39], Car Park Management Plan [41] are all necessary for the proposal to have an acceptable effect on highway safety.
94. The conditions linking the commencement of Appeal Site A to the delivery of the car park on Appeal Site B [38] and provision of the TRO [15] are necessary to ensure that the mitigation measures required to achieve suitable levels of highway safety are delivered prior to occupation of the proposed dwellings.
95. The CTMP [14], provision of the TRO [15], open space management [16], AMS and TPP [17], CEMP [18], LEMP [19], drainage scheme [20], archaeology [21], land contamination [22] [23], and accessibility and adaptability [24] conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measures which could be used. The condition securing the off-site TRO works [15] is also necessarily worded as a Grampian type condition, since it relates to land outwith the control of the appellant.
96. I have not included the suggested condition regarding fire hydrants because this is not a matter relevant to the planning system. The CTMP condition [14] would adequately control the construction traffic management with regard to the concerns raised by Councillor Clark and other interested parties.

CONCLUSION

97. For the reasons above, the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Thea Osmund-Smith, of Counsel. She called:

- Cameron Austin-Fell MRTPI – Planning Director, RPS Consulting Services Ltd;
- James Parker CIHT CILT – Director, Hub Transport Planning Ltd;
- James Stacey MRTPI – Managing Director, Tetlow King Planning;
- Ben Pycroft MRTPI – Director, Emery Planning;
- Steven Dury MRTPI - Associate Director RPS Group; and,
- Oliver Martin – Director, Bickley Martin LLP.

FOR THE LOCAL PLANNING AUTHORITY:

Nick Grant, of Counsel. He called:

- Martin Andrews MICE MCIHT – Director, Martin Andrews Consulting Ltd;
- Phillip Hughes MRTPI FRGS MCIM – Principal, PHD Chartered Town Planners;
- Jonathan Lee – Managing Director, Opinion Research Services; and,
- Jon Sheldon MRTPI – Planning Manager, Central Bedfordshire District Council.

INTERESTED PARTIES:

- Cllr Sue Clark, Cranfield and Marston Moretaine Ward Councillor;
- Caroline Potter, local resident;
- Cllr Garry Winder, Cranfield Parish Councillor;
- Matt Fielding, local resident;
- Gary Dooley, local resident; and,
- Sarah Carter, local resident.

ANNEX B: DOCUMENTS SUBMITTED DURING AND AFTER THE INQUIRY

ID1	Appearances for the appellant
ID2	Draft planning conditions schedule
ID3	Opening statement on behalf of the appellant
ID4	Opening statement on behalf of the LPA
ID5	Statement by Gary Dooley
ID6.1	Housing Round Table Session Agenda
ID6.2	Schedule of dispute in relation to 5YHLS (appellant)
ID6.3	Schedule of dispute in relation to 5YHLS (Council)
ID7	Attendances list on behalf of the LPA
ID8	Minutes of Executive Meeting of 1 August 2023
ID9	Windfall Topic Paper – An assessment of the case of including a windfall allowance (January 2018)
ID10	School Changes – Three to Two Tier, extract dated 25 September 2024
ID11	Draft planning conditions schedule including Inspector comments
ID12.1	Unilateral Undertaking, agreed 25 September 2024
ID12.2	Section 106 Plan Ref 204 P100
ID12.3	Open Space Plan Ref 204 P103 Rev A
ID13	Live Table TA4c - Number of households with children by type of temporary accommodation provided and length of time
ID14	Braeburn Way Highway Extents drawing
ID15	Position Statement – 25 th September 2024 – Gareth Cheal, Capital Delivery Specialist, Central Bedfordshire Council
ID16	Cranfield – s106 – Triggers for the purposes of calculating monitoring fee
ID17	Decision Notice Ref CB/21/05529/FUL, dated 27 September 2024
ID18	Closing submissions on behalf of the Council
ID19	Closing submissions on behalf of the appellant
ID20	Reply on behalf of the appellant
ID21	Unilateral Undertaking, engrossed and dated 14 October 2024

ANNEX C: CONDITIONS SCHEDULE

1. No development shall take place on Appeal Site A until approval of the details of the appearance, landscaping, layout and scale of the development within that area (herein called "the reserved matters") has been obtained in writing from the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
2. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years 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.
3. The development relating to Appeal Site A shall be carried out in complete accordance with the details shown on Location Plan Reference 204 L101 and Hub Drawing Ref T22579 /001 Rev A.

Submission with reserved matters

4. Any reserved matters application(s) shall be in accordance with the submitted parameter plans, drawing Refs 204_P101, P102, P103 Rev A and P104, unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt, no more than 180 dwellings shall be constructed on the site pursuant to this planning permission.
5. Any reserved matters application(s) for layout and appearance shall be accompanied and informed by a Communications, Navigation & Surveillance Assessment, a Wind Shear Assessment and a Glint and Glare Assessment.
6. Any reserved matters application(s) for layout and landscaping shall include a specification for the open space, comprising the following:
 - a) Details of the size, location and type of open space;
 - b) Details and specifications for works and materials showing how the open space will be graded, drained, landscaped, seeded, planted, laid out and provided fit for use by the public;
 - c) Details of the design and layout of the play area, the construction specification, the safety surfacing, materials and play equipment, demonstrating that they meet relevant European safety and disability standards, together with details of fencing, seating for supervising adults and a buffer zone landscaped with low level planting;
 - d) A specification of the construction method and materials to be used;
 - e) A timetable for the implementation of the approved landscaping in relation to the provision of other aspects of the development; and,
 - f) Details of the proposed acoustic fencing.

The development shall be provided in accordance with the approved details and retained thereafter.

7. Any reserved matters application(s) for layout, appearance and scale shall include details of the affordable housing to be provided as part of the development. The submitted details shall include the type, size, tenure, mix and location of the affordable housing units to be provided. The proportion of affordable dwellings provided shall be 35% (or part thereof) of the total number of dwellings.
8. Any reserved matters application(s) for landscaping shall include a Tree Planting Scheme to include timescales for delivery. The development shall thereafter be carried out in accordance with the details and timescales contained within the approved scheme.
9. Any reserved matters application(s) shall be accompanied by a Sustainability Statement to include a scheme of measures to mitigate the impacts of climate change and deliver a sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall include details to demonstrate:
 - a) a reduction in carbon dioxide emissions by at least 10%, based on energy emission rates determined by Part L of the 2021 Building Regulations; and,
 - b) that water efficiency to achieve a water standard of 110 litres per person per day will be achieved.

Thereafter the development shall be carried out in full in accordance with the approved scheme.

10. Any reserved matters application(s) for layout and landscaping shall include a scheme for the provision of Public Footpath No 22 and its upgrade within the site boundary, to allow for use by cyclists and equestrians. The scheme should be in accordance with the approved Rights of Way Standards and Guidance and shall include:
 - a) the design of the footpath and its enhancement (to include details of width, surfacing, adjacent landscaping etc.- cross sections with widths would be useful);
 - b) the design of vehicle access road overlaps (especially the proposed emergency access route) and crossing points; and,
 - c) proposals for any proposed temporary closure and alternative route provision (where deemed necessary) during any closure of the footpath.

No dwelling shall be occupied until the scheme has been implemented.

11. Any reserved matters application(s) for layout shall illustrate independent vehicular turning facilities for an 11.5m long refuse collection vehicle. Turning areas shall also be required for a 6.5m long delivery vehicle where that vehicle would otherwise need to reverse more than 12m. Car and cycle parking shall also be provided in accordance with the relevant parking standards at the time of the submission.

12. Any reserved matters application(s) for layout and landscaping shall be accompanied by a Site Wide Biodiversity Net Gain Strategy to include an updated Biodiversity Net Gain Metric. The Strategy shall include:
 - a) the baseline biodiversity position for the site; and,
 - b) in broad strategic terms, how a biodiversity net gain of 38.93% across habitat areas (9.31 units) and 10.45% for hedgerows (1.45 units) will be achieved across the development.
13. Any reserved matters application(s) for layout and appearance shall be accompanied by a detailed Noise Assessment, including noise barrier and layout of the development, single aspect dwellings shielding habitable rooms, external noise levels and details of the residual sound insulation of the building envelope necessary and means of ventilation and prevention of overheating including for passive building incorporating solar shading and mechanical system and external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Pre-commencement

14. A) No development relating to Appeal Site A shall take place, including any works of demolition, until a Construction Traffic Management Plan (CTMP), associated with the development of the site, has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include information on:
 - i. the parking of vehicles;
 - ii. loading and unloading of plant and materials used in the development;
 - iii. the location of storage of plant and materials used in the development;
 - iv. the erection and maintenance of security hoarding / scaffolding affecting the highway if required;
 - v. wheel washing facilities;
 - vi. measures on site to control the deposition of dirt / mud on surrounding roads during the development;
 - vii. footpath/footway/cycleway or road closures needed during the development period;
 - viii. traffic management needed during the development period;
 - ix. times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site;
 - x. details of escorts for abnormal loads;
 - xi. temporary removal and replacement of highway infrastructure and street furniture;
 - xii. the reinstatement of any signs, verges or other items displaced by construction traffic;
 - xiii. banksman and escort details; and,
 - xiv. tracking diagrams.

The approved CTMP shall be adhered to throughout the development process.

B) No development relating to Appeal Site B shall take place, including any works of demolition, until a Construction Traffic Management Plan (CTMP), associated with the development of the site, has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include information on:

- i. the parking of vehicles;
- ii. loading and unloading of plant and materials used in the development;
- iii. the location of storage of plant and materials used in the development;
- iv. the erection and maintenance of security hoarding / scaffolding affecting the highway if required;
- v. wheel washing facilities;
- vi. measures on site to control the deposition of dirt / mud on surrounding roads during the development;
- vii. footpath/footway/cycleway or road closures needed during the development period;
- viii. traffic management needed during the development period;
- ix. times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site;
- x. details of escorts for abnormal loads;
- xi. temporary removal and replacement of highway infrastructure and street furniture;
- xii. the reinstatement of any signs, verges or other items displaced by construction traffic;
- xiii. banksman and escort details; and,
- xiv. tracking diagrams.

The approved CTMP shall be adhered to throughout the development process.

15. No development relating to Appeal Site A shall commence until a scheme for parking restrictions on Flitt Leys Close and Braeburn Way and a scheme for a zebra crossing facility on Braeburn Way as shown indicatively on drawing Refs T22579 004 Rev B and 010 has been submitted to and approved in writing by the Local Planning Authority. The development relating to Appeal Site A shall not commence until the scheme has been implemented in full accordance with the approved details.
16. No development relating to Appeal Site A shall take place until an Open Space Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall provide the following details:
 - a) the future management and maintenance requirements of the open space on the site;
 - b) the proposed ongoing maintenance operations for the open space, specifically identifying the management objectives, tasks and the timing and frequency of the operation for all the features of the open space;

- c) the proposed means of funding the ongoing maintenance and management of the open space and if applicable the management company; and,
- d) a mechanism for the periodic review with the Council and where necessary amendment of the Plan.

The management of the open space shall take place in accordance with the agreed details.

17. No development relating to Appeal Site A shall take place until an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) showing the details of substantial protective fencing for the protection of any retained trees and hedgerows have been submitted to and approved in writing by the Local Planning Authority, and the protective measures have been erected. The construction of the development relating to Appeal Site A shall be implemented in accordance with the approved AMS and TPP and the approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
18. No development relating to Appeal Site A shall take place until a Construction Environmental Management Plan (CEMP), based on the principles outlined in the Ecological Impact Assessment by RammSanderson dated March 2023, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out measures during the construction phase to protect retained habitat features of importance and protected and priority fauna including bats, breeding birds, reptiles, common toad, harvest mouse and hedgehog, including through appropriate fencing and site best practice and the avoidance of pollution from run-off. The approved CEMP shall be adhered to throughout the construction process.
19. No development relating to Appeal Site A shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include measures to ensure that the retained, newly created and enhanced areas of habitat within the site are managed appropriately, with consideration of their inherent ecological importance as well as their ability to support protected and priority fauna species, to maximise their benefit to biodiversity and offset increased levels of disturbance from the public once the site is operational. The LEMP shall also include a programme of monitoring and a mechanism to modify the management prescriptions, if required. The LEMP shall be adhered to throughout the lifetime of the development.
20. A) No development relating to Appeal Site A shall take place until a detailed Surface Water Drainage Scheme, to manage surface water runoff from the development for up to and including the 1 in 100-year event (+40%CC), via attenuated discharge to existing watercourse, and a maintenance and management plan for the scheme, has been submitted to and approved in writing by the Local Planning Authority. The final detailed design shall be based on the agreed FRA & Drainage Strategy (Ref BWB, BMW-2717_SDS, 24/2/23) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be

implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval. The discharge rate from the development will be limited to the equivalent greenfield QBAR rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards.

Prior to first occupation of any dwelling hereby permitted, the Scheme shall have been correctly and fully installed as per the approved details, and also until a finalised Maintenance and Management Plan for the scheme, inclusive of any adoption arrangements and/or private ownership or responsibilities, shall have been submitted to and approved in writing by the Local Planning Authority.

B) No development relating to Appeal Site B shall take place until a detailed Surface Water Drainage Scheme, to manage surface water runoff from the development for up to and including the 1 in 100-year event (+40%CC), via attenuated discharge to existing watercourse, and a maintenance and management plan for the scheme, has been submitted to and approved in writing by the Local Planning Authority. The final detailed design shall be based on the agreed FRA & Drainage Strategy (Ref BWB, BMW-2717_SDS, 24/2/23) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval. The discharge rate from the development will be limited to the equivalent greenfield QBAR rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards

21. A) No development relating to Appeal Site A shall take place until a Written Scheme of Archaeological Resource Management has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall contain the following components:
- a) a method statement for an archaeological trial trench evaluation including details of post-excavation analysis, reporting and archiving;
 - b) an outline method statement for the investigation of archaeological remains that may be found during the evaluation;
 - c) an outline method statement for the preservation in situ of any archaeological remains that may be found during the evaluation, and which cannot be fully investigated;
 - d) an outline strategy for community engagement should further investigation be required;
 - e) an outline strategy for post-excavation assessment; and,
 - f) analysis, publication, and archive deposition for the investigation stages of the project. This will include details of the timetable for each stage of the post-excavation works.

The development shall thereafter be implemented in accordance with the approved Scheme. Should the trial trench evaluation produce evidence of archaeological remains that require further mitigation, Items b, c, d and e will be finalised on the approval of the Trial Trench Evaluation Report. The updated Scheme for the works will then be submitted to and approved in writing by the Local Planning Authority before any further fieldwork or development is undertaken. Should no further archaeological investigation be required it will not be necessary for the Scheme to be amended.

B): This condition shall only be fully discharged when:

- a) all elements of the archaeological fieldwork have been completed and the date of completion has been confirmed in writing by the Local Planning Authority;
- b) a final Archaeological Report or (if appropriate) a Post Excavation Assessment Report and an Updated Project Design has been submitted to and approved in writing by the Local Planning Authority. This shall be done within 12 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority;
- c) the post-excavation analysis as specified in the approved Updated Project Design (if one is prepared) has been completed;
- d) the preparation of the site archives (including the completion of the archive report) for deposition at stores approved by the Local Planning Authority has been undertaken and confirmed in writing by the Local Planning Authority. For the digital archive this will include confirmation of the intention to deposit with a CoreTrustSeal certified repository dedicated to storing archaeological archives; and,
- e) the publication report text has been prepared for submission to either a recognised archaeological journal or an approved final report is submitted to the Historic Environment Record, and this has been confirmed in writing by the Local Planning Authority.

Unless otherwise agreed in advance in writing by the Local Planning Authority, items c, d and e shall be completed within 18 months of the archaeological fieldwork date of completion. Should the project not warrant the production of a Post Excavation Assessment Report, an Updated Project Design and a publication text, item e can be completed on the approval of the final Archaeological Report.

22. A) No development relating to Appeal Site A shall commence until, following a site investigation undertaken in compliance with the approved Site Investigation Scheme, a Quantitative Risk Assessment Report has been submitted to and approved in writing by the Local Planning Authority. This Report shall:
- a) assess the degree and nature of any contamination identified on the site through the site investigation; and,
 - b) include a revised conceptual site model from the Preliminary Risk Assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health and the wider environment.

All works must be carried out by a competent person who conforms to Land Contamination Risk Assessment (LRCM) guides in compliance with the Report.

B) No development relating to Appeal Site B shall commence until, following a site investigation undertaken in compliance with the approved Site Investigation Scheme, a Quantitative Risk Assessment Report has been submitted to and approved in writing by the Local Planning Authority. This Report shall:

- a) assess the degree and nature of any contamination identified on the site through the site investigation; and,
- b) include a revised conceptual site model from the Preliminary Risk Assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health and the wider environment.

All works must be carried out by a competent person who conforms to Land Contamination Risk Assessment (LRCM) guides in compliance with the Report.

23. A) A Method Statement setting out the proposed means of dealing with any contamination identified on Appeal Site A, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. A Remediation Strategy shall set out a timetable of works and the proposed means of dealing with any contamination on site, including provisions for monitoring any specified actions and validating the outcomes. The development shall then proceed in accordance with the measures approved.

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a Remediation Strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall thereafter be implemented as approved.

Upon completion of the Remediation Scheme(s), a Verification Report(s) shall be submitted to and approved in writing by the Local Planning Authority.

B) A Method Statement setting out the proposed means of dealing with any contamination identified on Appeal Site B, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. A Remediation Strategy shall set out a timetable of works and the proposed means of dealing with any contamination on site, including provisions for monitoring any specified actions and validating the outcomes. The development shall then proceed in accordance with the measures approved.

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a Remediation Strategy detailing how this unsuspected

contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall thereafter be implemented as approved.

Upon completion of the Remediation Scheme(s), a Verification Report(s) shall be submitted to and approved in writing by the Local Planning Authority.

24. No development relating to Appeal Site A shall commence until a plan has been submitted to and approved in writing by the Local Planning Authority to demonstrate how the proposed dwellings shall be designed to provide an appropriate level of accessibility and adaptability, with at least 35% of all dwellings compliant with Category 2 Part M4(2) of the Building Regulations and at least 5% of all dwellings compliant with Category 3 Part M4(3) of the Building Regulations.

Other triggers

25. No development relating to Appeal Site A shall occur above damp-proof level until a Phasing Plan showing details of the location of the self-build / custom-build plots, as well as a timetable for the provision of the serviced land for the self-build/custom-build plots, has been submitted to and approved in writing by the Local Planning Authority.

There shall be no marketing of the self-build / custom-build plots until a Marketing Strategy for such plots has been submitted to and approved in writing by the Local Planning Authority.

26. Outside the areas shown as "Residential Development" on drawing Ref 204_P101, no planting shall take place which would bear fruit or berries or which could be expected to grow to a height which would breach the Obstacle Limitation Surfaces of Cranfield Airport and no permanent water body shall be formed. Grassland shall be maintained in accordance with the Airport's long grass policy.
27. No above ground development relating to Appeal Site A shall take place until details of a Public Art Scheme for the public realm area of the development have been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include:
- a) management - who will administer, time and contact details, time scales, programme;
 - b) a brief for involvement of artists, site context, background to development, suitable themes and opportunities for public art;
 - c) method(s) of commissioning artist(s) / artisan(s), means of contact, selection process / selection panel and draft contract for appointment of artist(s);
 - d) community engagement - need to plan programme of events with appointed artist(s);
 - e) funding - budgets and administration; and,
 - f) future care and maintenance.

The Scheme shall thereafter be implemented as approved and no more than 75% of dwellings shall be occupied until installation of the approved public art has taken place.

28. No development relating to Appeal Site A shall take place above damp-proof level until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details which shall be retained in an operational state thereafter. No external lighting other than that approved shall be installed on the development other than domestic lighting mounted horizontally and shielded to ensure there is no light spill above the horizontal.

Pre-occupation

29. Save for any arrangements as may be agreed as part of Condition 14 (Construction Traffic Management Plan) of this permission, no dwelling hereby permitted shall be occupied until the emergency access / pedestrian / cycle link between Harcourt and High Street and the junction between the proposed estate road and Eight Acres, both as shown on drawing Ref T22579 001 Revision A, have been constructed in accordance with the approved details, amended as necessary by the technical and safety audit process, and opened to traffic.
30. The residential development hereby permitted shall be served by means of roads and footpaths which shall be laid out and drained in accordance with the 'Central Bedfordshire Design Guide' (August 2023) and 'Highway Construction Standards & Specifications Guidance' (Issue 8) or other such documents that replace them, and no dwelling shall be occupied until the roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the above-mentioned Guidance.
31. Prior to first occupation of any dwelling hereby permitted, a full Residential Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:
- a) predicted travel to and from the site and targets to reduce car use;
 - b) details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks;
 - c) proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport;
 - d) a timetable for implementation of measures designed to promote travel choice;
 - e) plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the Local Planning Authority;
 - f) details of provision of cycle parking in accordance with policy standards;
 - g) details of the appointment of a Travel Plan Co-ordinator; and,
 - h) details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. The welcome packs are to include;

- i. walking, cycling, public transport and rights of way information;
- ii. site specific travel and transport information;
- iii. travel vouchers;
- iv. details of relevant pedestrian, cycle and public transport routes to, from and within the site; and,
- v. copies of relevant bus and rail timetables.

Appeal Site A shall not be occupied until those parts identified in the Residential Travel Plan as capable of being implemented prior to occupation have been implemented. Those parts of the approved development that are identified within the Residential Travel Plan as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein.

- 32. Prior to occupation of any dwelling hereby permitted, a Verification Survey shall be submitted to and approved in writing by the Local Planning Authority, which confirms that the measures to address climate change and sustainability, as secured by Condition 9 of this permission, have been implemented in full.
- 33. Prior to first occupation of any dwelling hereby permitted, a scheme for the charging of electric and ultra-low emission vehicles to serve the residential development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with Policy T5 of Central Bedfordshire Local Plan and the Electric Vehicle Charging: Guidance for New Developments – SPD (2022) and shall include the following:
 - a) Details of active charging posts or passive provision such as cabling and electricity supply for each space provided; and,
 - b) Timescales / triggers for implementation of the scheme.

The development shall be completed in accordance with these approved details including the agreed timescales / trigger, and retained thereafter in perpetuity.

For compliance

- 34. The finished floor level of the ground floor of any dwelling hereby permitted shall be raised a minimum of 150mm above external ground levels.
- 35. On Appeal Site A no built development shall take place outside the areas shown as Residential Development on drawing Ref 204_P101. Within this area no building shall exceed 11m in height above existing ground levels, including chimneys.

Full permission

- 36. The development relating to Appeal Site B hereby permitted shall begin not later than three years from the date of this permission.

37. The development relating to Appeal Site B hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawings Refs 204 L102 Rev A, P130, P131, P132 and T22579 004 Rev B.
38. The car park on Appeal Site B shall be laid out in full accordance with drawing Ref T22579 004 Rev B (including the demarcation of all parking spaces and provision of hatching within turning areas) and ready for use, prior to the first occupation of the residential development within Appeal Site A. The car park shall be retained for the parking of vehicles in perpetuity of the residential development permitted.
39. Prior to construction of the proposed car park, full details of the hard and soft landscaping including boundary treatment details and lighting of the proposed car park, shall be submitted to and approved in writing by the Local Planning Authority.
40. Prior to construction of the proposed car park, full details of an acoustic fence or other suitable scheme for protecting the outside private amenity space of Nos 179b and 183 High Street, Cranfield from noise and disturbance arising from the car park, shall be submitted to and approved in writing by the Local Planning Authority. The car park shall not be brought into use until the scheme has been implemented in accordance with the approved details, and it shall be retained in accordance with those details thereafter.
41. Prior to the first use of the car park hereby permitted, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will set out how, through a management company, the approved car park will be operated and maintained. It shall detail measures related to security, including CCTV provision, and maintenance of the approved lighting system, cycle parking and electric vehicle charging apparatus and communication with users and occupiers. The car park shall be made available free of charge at all times and shall thereafter be managed and maintained in accordance with the approved Plan.
42. Prior to first use of the car park hereby permitted, a scheme for the charging of electric and ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with Policy T5 of Central Bedfordshire Local Plan and the Electric Vehicle Charging: Guidance for New Developments – SPD (2022) and shall include the following:
 - a) Details of active charging posts or passive provision such as cabling and electricity supply for each space provided; and,
 - b) Timescales / triggers for implementation of the scheme.

The development shall be completed in accordance with these approved details including the agreed timescales / trigger and retained thereafter in perpetuity.

===== END OF SCHEDULE =====