



## Appeal Decision

Inquiry held on 8 – 11 June, 14 – 16 June, 21 June, and 5 July 2021

Site visit made on 21 June 2021

**by Joanna Gilbert MA(Hons) MTP MRTPI**

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

**Decision date: 15<sup>th</sup> July 2021**

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### **Appeal Ref: APP/P0240/W/21/3267704**

#### **Land North of Braeburn Way, Cranfield**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr James Bradshaw on behalf of Richborough Estates Ltd against the decision of Central Bedfordshire Council.
  - The application Ref CB/20/03342/OUT, dated 24 September 2020, was refused by notice dated 23 December 2020.
  - The development proposed is outline application for the erection of up to 180 dwellings together with open space, landscaping, drainage features and associated infrastructure. Detailed approval is sought for principal means of access from Eight Acres, with all other matters reserved.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The application was made in outline with matters of detail reserved for future determination with the exception of access. Although not formally submitted for determination, I have had regard to indicative details where necessary.
3. Although the appeal proposal would involve an emergency access via Harcourt to High Street, a further planning application (CB/21/00585/FULL) was submitted by the appellant for a proposed egress from Harcourt to High Street after the appeal was submitted. The egress application was refused by the Council on 23 April 2021. It has not been subject to a separate appeal and the appellant has confirmed that they consider the outline application to be satisfactory without it. Notwithstanding this, the appellant has asked if the proposed egress can be considered alongside the outline application at appeal.
4. The proposed egress was subject to public consultation as part of the planning application process and was subject to further public consultation prior to the Inquiry. Given that the proposed egress would be on a similar alignment to the emergency access and having had regard to the nature and extent of consultation and to relevant case law<sup>1</sup>, I am satisfied that no one would be prejudiced if the appeal were to be determined on the basis of the proposed egress in addition to the appeal proposal. I have had regard to the consultation responses received in respect of the proposed egress.

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<sup>1</sup> Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL 1982]; Holborn Studios Ltd v London Borough of Hackney [EWHC 2823 (Admin)]

5. During the appeal, the appellant submitted amended parameter plans. The amendments focus on the central hedgerow and on a green buffer on the site's western edge to address the Council's concerns. As the public consultation letter for the proposed egress referred to the amended plans and revisions are limited, consideration of the revised plans would not be prejudicial.
6. In excess of 60 appeal decisions and a number of legal judgements have been referred to by the parties. Given the extensive nature and number of these documents, I have only referred to them where necessary in my decision.
7. The Council has submitted the Central Bedfordshire Local Plan 2015 – 2035 (the Local Plan) for examination under transitional arrangements using the 2012 National Planning Policy Framework. It has not yet been adopted, although main modifications consultation has occurred. Both parties agree that the policies of the Local Plan are to be given limited weight. Consequently, this appeal has been determined in accordance with the Central Bedfordshire Core Strategy and Development Management Policies 2009 (CSDMP), and the National Planning Policy Framework 2019 (the Framework).
8. In addition to the accompanied site visit on the afternoon of Monday 21 June 2021, I carried out an unaccompanied familiarisation visit on Monday 24 May 2021 during school drop-off time.
9. A signed and executed unilateral undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 was submitted on 5 July 2021. I have had regard to it in reaching my decision.

### **Main Issues**

10. The Council's decision notice sets out five reasons for refusal on character and appearance and landscape, highway safety, effect on the operation of Cranfield Airport (the airport), noise, and the lack of a legal agreement securing financial contributions. Prior to the Inquiry, the Council confirmed that it would not defend the part of its first reason for refusal on ecology or its third or fourth reasons for refusal on the operation of the airport and noise. The Council did not give evidence on these matters. As the operation of the airport and noise are of concern to Cranfield University (the university), the airport, and local residents, they remain main issues. As the Council refused the proposed egress application and the appellant has asked that it be considered, I have had regard to the egress application's reasons for refusal.
11. As such, the main issues in this appeal are:
  - a) the effect of the proposed development on the character, appearance and landscape of the site and the surrounding area;
  - b) the effect of the proposed development on highway safety;
  - c) the effect of the proposed development on the living conditions of existing occupiers of Harcourt, High Street and Braeburn Way, with particular regard to noise and disturbance;
  - d) the effect of the proposed development on existing and planned operations at the adjacent airport;

- e) the effect of the proposed development on the living conditions of future occupiers of the proposed development, with particular regard to noise;
- f) the effect of the proposed development on local infrastructure provision;
- g) whether the Council can demonstrate a five year housing land supply; and
- h) the overall planning balance.

## **Reasons**

### ***a) Character, appearance and landscape***

12. Located outside the settlement envelope of Cranfield, a minor service centre, the site is within the open countryside as set out by Policy DM4, which addresses development within and beyond settlement boundaries. The site is not subject to any national or international landscape designations or known cultural or historical associations.
13. In the Central Bedfordshire Landscape Character Assessment 2015 (CBLCA), the site lies within character area 1A: Cranfield to Stagsden Clay Farmland. The character area includes a plateau landscape, with an open and exposed character with long distance views. Generally large, open arable fields are interspersed with paddocks and some small spinneys. The university and its associated buildings, and the village of Cranfield are very evident in views across the plateau, although trees and hedging obscure some views, while the airport has both an aural and visual urbanising presence on the plateau.
14. Visually sensitive features identified in the CBLCA include local skylines vulnerable to cluttering by development. Past change in the character area includes the airport, the university, technology parks, and housing development. These forms of development are also identified in the CBLCA as having potential for further effects in the future due to ongoing growth. The CBLCA highlights the need to avoid further linear expansion at Cranfield and to ensure that cumulative effects of further development do not impact on rural character and the highly visible highest ground on the plateau.
15. The L-shaped site comprises two relatively flat, arable fields separated by a hedgerow, ditch, and a public right of way (Footpath 22). Positive landscape aspects of the character area reflected on site include the remaining hedgerow boundaries despite their gappy nature and poor quality, the two fields' open character, and Footpath 22. To the south-west, there is a small woodland, while the airport is to the north-west. To the east and south-east, there is existing and permitted residential development. The site directly abuts existing housing at Willow Green<sup>2</sup> and the residential development permitted at appeal at Mill Road<sup>3</sup>. Beyond the permitted Mill Road scheme, there is recently built housing<sup>4</sup> at Pincords Lane off Mill Road.
16. If looking out of Cranfield from the settlement edge, there is an awareness of housing at Pincords Lane, but the predominant view is of the two fields and hedgerows, and the airport, university, and associated technology parks. When

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<sup>2</sup> This development includes Braeburn Way, Eight Acres, Harcourt, The Old Furlong, Hookes Meadow, Badgers Close and Smallbrook.

<sup>3</sup> APP/P0240/W/17/3181269, decision issued 20 March 2018. This site has also been referred to during the Inquiry as Gladman Phase 2.

<sup>4</sup> This development has also been referred to during the Inquiry as Gladman Phase 1.

looking towards Cranfield from Footpath 22, the site is viewed in the context of modern housing. Far from forming part of an intact rural landscape, the site is a relatively unremarkable remnant sandwiched between the airport and housing, all of which influences the site's character and appearance. While it is part of the plateau and the wider character area and retains some positive features, the urbanising effects of the airport and housing mean that the site's contribution to the wider landscape is fairly limited. Any sense of big skies and expansiveness is no longer present, limiting its role as a rural buffer.

17. The proposed development would be located in both fields adjacent to existing housing at Willow Green, while the north-western part of the field closest to the airport would provide for open space. The appeal is in outline, with parameter plans and an illustrative masterplan. Reserved matters would include details of landscaping. Notwithstanding this, the parameter plans and illustrative masterplan assist in demonstrating how a scheme for up to 180 houses could come forward at reserved matters stage. It is indicated that a single tree would be removed from the site. Given the airport's proximity, it is reasonable to assume that the landscaping, open space, and housing would be sited in the areas indicated on the parameter plans and indicative masterplan.
18. In terms of whether the extension to Cranfield would be situated in a rural location, it would be located in the countryside on land which is presently agricultural. However, it takes greater influence from its neighbouring land uses and its indicative layout would follow the established building line of recent development rather than extending the linear expansion of Cranfield.
19. There would be some change to landscape character and some effect on shorter views from Footpath 22 and from housing at Willow Green, Pincords Lane, and Mill Road, when developed, as the site would fundamentally change from two fields to housing, but the impacts would be localised and largely confined to the section of Footpath 22 through the site itself and to neighbouring existing and permitted dwellings in Willow Green and at Mill Road. This change would have detrimental effects in terms of private views from houses and gardens. However, the planning system is largely concerned with land use in the public interest rather than the protection of purely private interests such as private views. If the permitted Mill Road development was built out, purchasers of houses would reasonably expect to be made aware of any development on adjacent land as part of the purchase process. Furthermore, negative effects on existing and future occupiers' living conditions could be addressed at the reserved matters stage.
20. In middle distance views, hedgerows interrupt views of the site to a large extent. Where seen, it would be viewed and contained in the context of housing, including the permitted housing at Mill Road, and would be filtered by existing and proposed vegetation. Where the site might be seen in longer views, it would be seen with adjacent housing as a continuation of built development and would not affect any skyline identified within the character area. While I acknowledge that there has been an incremental urbanisation of the landscape here, it is necessary for me to consider the proposed development within its existing and permitted context. I find the proposed development would not therefore have a detrimental effect on the wider landscape, either on its own or cumulatively.

21. In terms of landscape and visual effects, the appellant focusses on year 15 when the proposed development would be fully implemented and the mitigatory planting would be in place. Meanwhile, the Council is consistent in applying the same level of effect at years 1 and 15. This is based on the Council's concern that there is no evidence that mitigation will reduce the proposed development's effect on the locality over time. I disagree. Though the scope to provide significant mitigatory planting is constrained by the airport, there would be planting. For the reasons set out above, the proposed development would not have a significant adverse effect on landscape and visual receptors even at year 1. Therefore, even if planting was not successful in screening, it would not be a critical factor in this instance.
22. Footpath 22 would form part of the proposed green infrastructure network covering almost half of the site. While some of the sense of openness of the existing fields would be lost due to built form, the proposed development's green infrastructure network would include retention and enhancement of much of the existing hedging, additional vegetation adjacent to the woodland and on the main open space, a community garden, play space and a wildflower meadow. The potential for tree planting and screening would be somewhat restricted due to the need to avoid wildlife hazards. Landscaping matters are reserved. However, I consider that the green infrastructure network proposed would appropriately reflect the site's context and constraints, would provide for the green infrastructure needs of existing and future residents, and would have no ill effects on Footpath 22's function.
23. As a result of the development of two fields, there would be an inevitable and permanent change to the character and appearance and landscape character of the area. As discussed above, this would be localised and seen in the context of a site which makes a fairly limited contribution to the wider landscape. It would be expected of any greenfield site adjacent to the settlement edge. For this reason, there would be limited harm.
24. In conclusion, given its location outside Cranfield's settlement envelope, the proposed development would conflict with Policy DM4. The supporting text to Policy DM4 at paragraph 11.1.15 (sic) clarifies that outside settlements, where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted in accordance with national guidance (PPS7 Sustainable Development in Rural Areas) and the East of England Plan. The policy does not allow for development beyond settlement envelopes other than garden extensions, which is inconsistent with the more flexible approach of the Framework. Therefore, I give it moderate weight.
25. However, I have found that there would be only a limited adverse effect on the character, appearance and landscape of the site and the surrounding area. Furthermore, the proposed development would provide hard and soft landscaping, green infrastructure, and detailed scale and design information as part of reserved matters. Therefore, it would be in accordance with Policies CS16, DM3 (bullet points 1 and 2), DM14, and DM16.
26. Amongst other things, Policy CS16 seeks to conserve and enhance character and local distinctiveness in accordance with the CBLCA and supports the creation of the Forest of Marston Vale. The first two bullet points of Policy DM3 require new development to be appropriate in scale and design to their setting, to create a sense of place, and respect local distinctiveness. Policy DM14

requires proposals to be considered against the CBLCA and confirms that any proposal that has an unacceptable impact on landscape quality will be refused. It also states that relevant proposals in Marston Vale will be required to provide landscape enhancement on or near the site or via contributions. Policy DM16 promotes and protects green infrastructure and requires provision, extension, and maintenance of green infrastructure for housing. Policy CS18, referred to in the first reason for refusal, deals with biodiversity and geological conservation and would not be directly relevant here.

27. It would also broadly accord with the CBLCA as it would not materially harm the qualities identified in the character area. The Central Bedfordshire Design Guide 2014 (CBDG) has been referred to in the reason for refusal, but there is little before me to indicate that the proposed development would be contrary to this guidance. Given my findings above, I am also satisfied that the proposed development would be compliant with paragraph 170 b) of the Framework, which recognises the intrinsic character and beauty of the countryside.

### **b) Highway safety**

#### *The existing context*

28. Although all of Cranfield lies within a 2km walking distance of the site, some services and facilities lie within the Manual for Streets (MfS) guidance distance of 800m. Beyond the village itself, the university, nearby employment, and the airport are accessible by bike. The nearest bus stops are within a walkable distance on the High Street at the Cross Keys Public House. Buses travel relatively frequently from Cranfield to Milton Keynes, Bedford, Kempston, the university and the nearest upper school in Wootton.
29. The existing vehicular access to Willow Green would be used to access the proposed development. Presently, Willow Green has a single point of vehicular access from High Street via the two-way road at Flitt Leys Close. The road along Flitt Leys Close passes three takeaways and a business with offices and storage at a right angle to the road. The road has double yellow lines on both sides from the High Street junction to the takeaway access. Opposite the takeaway access, there is an on-road parking bay which the footway is angled around. The speed limit along Flitt Leys Close and the first part of Braeburn Way is 30mph. Adjacent to the school site, the speed limit reduces to 20mph for the remainder of the Willow Green estate.
30. Flitt Leys Close has some 23 houses, split between the main route through to Braeburn Way and a short cul-de-sac beyond the takeaways. Adjacent to the houses on the main part of Flitt Leys Close, there are three garages fronted by short paved areas. Although not long enough for cars to park, they are accessible via dropped kerbs and are used for parking. When parked here, most cars would overhang the footway and impede pedestrian movement, particularly if the pedestrian was pushing a pushchair or using a wheelchair. Adjacent to the takeaways on Flitt Leys Close itself, parking bays are delineated with white markings half on the road and half on the footway. This narrows the footway available for pedestrians and causes pedestrians to wait or move into the road to pass other pedestrians. Further on street parking impinges the footway close to where Flitt Leys Close bends around to the right and becomes Braeburn Way. A similar situation occurs here with pedestrians waiting or moving into the road.



31. Travelling into Willow Green, Braeburn Way curves past the Cranfield Church of England Academy on the right and a children's play space on the left. The school site houses a one form entry lower school for 5 – 9 year olds and the Little Cranes Pre-School. The school car park is only for staff and visitors. There is a parking lay-by for a number of vehicles opposite the school, though cars also park on street directly adjacent to the school. During school collection time, I saw cars parked in the lay-by, on the road in unrestricted areas along side streets and on Braeburn Way, and parked over the zigzag lines outside the school gates. Cars generally move slowly around these bends, due to parked cars, bends in the road, and the proximity to the school and play space.
32. Further along Braeburn Way beyond the school, there are houses interspersed with residential side streets. On reaching the staggered junction of Eight Acres and Harcourt, the site would be accessed from Eight Acres, a short road with two short residential arms facing the site. A play area lies adjacent to the site on Eight Acres. Pedestrian access to Eight Acres runs along one side of the main Eight Acres road up to the Braeburn Way junction.
33. Together, Braeburn Way and Flitt Leys Close presently serve some 158 houses, the school site, and three takeaways and a further business. Despite the presence of many children and parents walking, cycling or scooting to and from school, it was evident from my two visits to the area that Flitt Leys Close and the part of Braeburn Way closest to the school are heavily used by cars and pedestrians in the morning (AM) peak (0800 – 0900) in particular. This is associated with children being dropped off at school and with people leaving home for work. At lunchtime and in the evenings, the takeaways off Flitt Leys Close are open for business, which causes further cars to park close to the takeaways, albeit for short periods of time and outside the AM peak.
34. MfS at paragraph 6.3.23 advises that footway widths can vary between streets to take account of pedestrian volumes and composition. Streets where people walk in groups or near schools or shops, for example, need wider footways. Furthermore, it notes that where there is high pedestrian flow, the quality of the walking experience can deteriorate unless sufficient width is provided. Pedestrian congestion through insufficient capacity should be avoided as it is inconvenient and may encourage people to step into the carriageway.
35. With the existing road layout and the prevalence of parking on street with impingement of the footway along Flitt Leys Close and the first part of Braeburn Way, I witnessed parents and children walking onto the road to pass other pedestrians or parked cars. Indeed, at some points during my morning visit, I stood on the roadway to allow parents and children to pass on the footway. When driving into and out of Flitt Leys Close, I saw cars and vans drive slowly around the numerous parked cars. Even when taking care prior to committing to driving through one of the number of narrow gaps present on the road, I witnessed a number of instances where cars could not pass one another due to parked cars and saw vehicles waiting or reversing to allow other vehicles to pass along the restricted road width of Flitt Leys Close and Braeburn Way past parked cars.
36. Despite numerous vehicle movements, there have been no recorded personal injury accidents (PIA) at the junction of Flitt Leys Close and High Street, or on Flitt Leys Close and Braeburn Way since the school opened in 2016 or in the

last five year period. Nevertheless, this does not mean that traffic presently moves without impediment along Braeburn Way and Flitt Leys Close.

37. The Council has referred to customer reports dating from 2012 to 2019, including an instance where a person was clipped by a car on Flitt Leys Close. While there is limited information available on the circumstances surrounding the reports as they are not as detailed as a PIA report, they provide another indication of inconsiderate parking and that pedestrians do not always feel safe using Flitt Leys Close. Following mention by Mr Rumble, a copy of the school newsletter (ID8) was provided to the Inquiry. This newsletter refers to a recent near fatal accident outside the school on Braeburn Way.
38. Although Mr Parker has visited the site and the surrounding streets on numerous occasions, it was evident from my visits that the existing road conditions on Flitt Leys Close and the first part of Braeburn Way close to the school create hazard and inconvenience. I shall now consider the effect of the proposed development on Braeburn Way and Flitt Leys Close.

*The effect of the proposed development on Braeburn Way and Flitt Leys Close*

39. It is agreed between the parties that the carriageway width of Flitt Leys Close and Braeburn Way is 5.5m. For Flitt Leys Close, the remaining carriageway width next to marked spaces varies from 4m to 4.2m. The Council considers that the double bends off Flitt Leys Close have a forward visibility of approximately 30 – 35m which is further limited by on-street parking and that the centreline radius is 10m or less.
40. There is dispute between the parties in respect of the consistency of MfS and the Central Bedfordshire Council Highway Construction Standards & Specifications Guidance (Issue 5, July 2019 (HCSSG)). It is the Council's case that Flitt Leys Close and Braeburn Way are substandard in relation to the HCSSG and that the HCSSG is consistent with MfS. The appellant highlights the primacy of MfS and the importance of breaking away from standardised, prescriptive, risk-averse methods to create high-quality places.
41. MfS seeks to encourage a more holistic approach to street design nationally, giving higher priority to the needs of pedestrians, cyclists, and public transport. MfS recognises at paragraph 1.4.5 that local standards and design guidance are important tools for designing in accordance with the local context. The HCSSG confirms that the principles of providing residential streets should follow the philosophy of MfS but be supplemented by the key requirements in the HCSSG. Mr Archard confirmed during the Inquiry that the HCSSG is to be applied using one's professional judgement.
42. In terms of MfS and HCSSG, the parties disagree as to the classification of Flitt Leys Close and Braeburn Way. The Council argues that Flitt Leys Close and Braeburn Way currently have the HCSSG typology of a Main Street, while Flitt Leys Close and Braeburn Way would need to function as a Collector Street in the event that the appeal scheme came forward and the number of dwellings exceeded that of a Main Street.
43. The HCSSG sets out street typologies in Table 3.1 Geometric Design of Streets. A 'Main Street' has a target speed of 25mph, serves 151 – 299 dwellings, a typical carriageway width of 5.5 – 6.5m, forward visibility of 43m, and a minimum centre line radius of 40m. A 'Collector Street' has a target speed of



- 30mph, serves 300 – 500 dwellings, a typical carriageway width of 6.5 – 7.3m, forward visibility of 70m, and a minimum centre line radius of 60m.
44. HCSSG Table 5.2 indicates what vehicle speeds would be expected in light of specific centreline radii. It confirms that a centreline radius of 40m would have an assumed design speed of 30mph. Though it does not provide an assumed design speed for a centreline radius of 60m, it is not unreasonable to assume that the assumed design speed would be higher and could reach around 40mph based on the increasing increments for assumed design speed shown.
45. There are undoubtedly inconsistencies within the HCSSG with particular reference to Tables 3.1 and 5.2, including that some figures are expressed as minima but with some flexibility of application. It is difficult to rationalise the disconnections between the aforementioned parts of the HCSSG. I therefore consider that the non-compliance of the proposed development with the HCSSG's requirements is acceptable in this instance.
46. Notwithstanding this, I must consider the effect of the proposed development on the existing highway network at Braeburn Way and Flitt Leys Close. The proposed development would provide up to 180 houses and their associated transport movements. The proposed development would increase the number of houses served off Flitt Leys Close and Braeburn Way to 338 houses. This is in addition to the vehicle movements associated with the school site and the businesses on Flitt Leys Close.
47. The Little Cranes Pre-School opens from 0830 onwards, while the lower school starts at 0845. It is not disputed that the majority of school traffic arrives in Flitt Leys Close from around 0830 onwards. Journey to Work Census data demonstrates that in order to reach workplaces for an 0900 start time, some 54.4% of traffic will have already left. There is dispute as to the likely level of two-way vehicle movements in the AM peak. However, even taking the appellant's figures, this would introduce a further 50 trips in and out of what is a very congested area.
48. The appellant's transport assessment indicates traffic from the proposed development can be accommodated across the local highway network. The appellant's data shows that queuing would increase at the Flitt Leys Close/High Street junction as a result of the proposed development at 2026. While the delay experienced by drivers at this junction would only be likely to increase by 11 seconds, I agree with the Council's view that there would be likely to be worsened congestion on Flitt Leys Close with queues extending back onto High Street due to the single width operation of Flitt Leys Close and the first part of Braeburn Way. This would be due to parked cars, cars arriving in Flitt Leys Close for school drop-off, and an increased number of vehicles leaving the estate from the proposed development. This would not only cause issues with queuing and delay, but would be likely to lead to frustration and riskier driver behaviour and increased conflict with vulnerable pedestrians who already use the roadway during the AM peak. While there will be a general awareness of the presence of the lower and pre-schools, this would not in my view be sufficient to prevent poor driver behaviour in congested circumstances.
49. Although the nature of vehicle movements made along Braeburn Way and Flitt Leys Close to the school site are typical of vehicle movements made on a daily basis at schools across the country, the conditions faced by drivers, cyclists and pedestrians are specific to this location. The appellant considers that the

proposed development will not contribute to further vehicles at school drop-off and collection times as the proximity of the site indicates that the future occupiers would walk their children to school. As noted by both parties, many parents currently walk their children to school from within Willow Green and elsewhere. Some future occupiers would be likely to walk from the proposed development to the school, thereby not increasing pedestrian footfall on Flitt Leys Close and the first part of Braeburn Way.

50. However, as I witnessed at the school drop-off and collection times and consistent with other schools elsewhere, some parents do drive to school. Whether due to preference, distance, and/or necessity, not only will some parents continue to drop off and collect their children by car, but some future occupiers of the proposed development may do the same. Even if this does not occur, it is apparent that the proposed development's future occupiers would pass through the area outside the school site based on the appellant's own figure of 50 additional two-way movements in the AM peak. This would give rise to increased congestion on Braeburn Way and Flitt Leys Close.
51. MfS is focussed on finding solutions and it is clear that the appellant has offered alternatives in the form of the emergency access and the proposed egress. Notwithstanding that the Council has not implemented any additional measures since parking restrictions in October 2017, there are limited opportunities to alter the road and footways on Braeburn Way and Flitt Leys Close further without removing parking altogether.
52. The appellant's transport assessment indicates that a high number of vehicles from Bedford Road turn right along Crane Way, which causes delay and queuing locally. This was backed up by modelling which indicates that the junction is reaching capacity in AM peak and that it is anticipated to operate well beyond its capacity in the 2025 AM and PM peaks (PM peak 1700 – 1800), with significant queues and delays. Despite the expected effect of the proposed development on this junction not being significant in isolation, there would be cumulative impact from developments in Cranfield. Accordingly, the parties have agreed a mitigation scheme for this junction within the adopted highway. This would be dealt with by condition and would bring the junction within capacity. The proposed development would also include a Travel Plan with measures to support sustainable transport.
53. In terms of the Crane Way/Mill Road/Broad Green mini-roundabout, the parties are in agreement that this will operate beyond capacity in the 2025 AM peak and close to capacity in the 2025 PM peak. It is however the agreed position between the parties that no mitigation is necessary at this junction in respect of the proposed development as it would have only a negligible effect.
54. While the access to the permitted Mill Road development has been brought to my attention, this differs markedly from the appeal before me as it would have significantly better vehicular access and provision for pedestrians via Pincords Lane than is provided on Braeburn Way and Flitt Leys Close.
55. Although there is no national guidance setting out how many houses can be served off a single access road, the issue here is the particular circumstances at Braeburn Way and Flitt Leys Close, and whether these roads can safely accommodate the proposed development. Based on the existing situation and the effect of the proposed development on Braeburn Way and Flitt Leys Close, the proposed development would give rise to further hazard and inconvenience.

### *Access to the site via Eight Acres*

56. The existing Eight Acres main road would extend into the site. It is agreed that the existing road has a carriageway of 5.5m, with 1m grassed service margins to each side and a 1.2m surfaced path on the carriageway's south-western side. The existing footway closest to the site is bounded by shrubs.
57. The proposed development's access road would enter the site and bend to the right. There would be 2m footways to either side of the 5.5m wide road within the site. The swept path analysis shows that even large vehicles can be accommodated, with little evidence of risk of vehicular collisions. The Council remains concerned that the road alignment entering and leaving the site could give rise to accidents involving pedestrians, with vehicles overrunning the footway on Eight Acres where a dropped kerb is present.
58. However, any vehicle which has travelled from Flitt Leys Close and Braeburn Way or from within the site itself towards Braeburn Way would be travelling in a low speed residential environment where a driver would expect to pass other vehicles at low speed and to see pedestrians walking along footways and crossing roads. Even in instances where the driver is not familiar with the area, they would be aware from their surroundings that their behaviour should be cautious and that their speed should be low. I therefore see little reason why the geometry and alignment of the road entering the site would be unsuitable and thereby cause overrunning of the footway to occur. Even if it did occur, this could be managed through introduction of higher kerbing or bollards at the corner of the main road along Eight Acres and the residential side road.
59. Close to the site's edge and the existing play area, the north-eastern footway would end within the site and pedestrians would need to cross the access road to continue along Eight Acres' south-western side. It would be necessary to cross the access to houses along Eight Acres to reach a widened 2m footway towards Braeburn Way, passing a low hedge prior to crossing Eight Acres. Although the pedestrian access arrangements are slightly convoluted, they would quickly become familiar to the occupiers of the site and Willow Green. I find that the low speed nature and likely volume of traffic movements indicates that pedestrian provision here would be neither hazardous nor inconvenient.

### *The access/egress via Harcourt to the High Street*

60. Located off the cul-de-sac at Harcourt, the unsurfaced and somewhat uneven Footpath 22 leads through to High Street and is gated at both ends with gaps to allow pedestrian access. It varies in width between 6.1m and 8m, tapering down in width as it meets the High Street. At the time of my visits, I saw pedestrians using the route, including school children.
61. The proposed development includes two options for changes to the existing route between Harcourt and High Street. The first option comprises an emergency access, while the second option comprises a one-way vehicular egress between Harcourt and the High Street. The first option would upgrade the existing route between Harcourt and High Street to a shared footway and cycleway and would be at least 3.7m wide with a link to a 2m wide footway on Harcourt. Collapsible bollards would prevent regular use by vehicles. Notwithstanding my concerns about the access to the site from Braeburn Way and Flitt Leys Close, the alteration and use of the route between Harcourt and High Street for occasional emergency use and for foot and cycle use appears

reasonable. It would assist local residents by providing a properly surfaced and direct footway between Willow Green and High Street. However, as it would only address emergency access and would not necessarily reduce pedestrian trips from beyond Flitt Leys Close to the school site at Braeburn Way, it would not mitigate sufficiently the effect of the proposed development on Braeburn Way and Flitt Leys Close.

62. Whether used as an emergency access or as a proposed egress, the route between Harcourt and High Street would be used during construction by large vehicles. This would require banksmen at both ends of the route and deliveries would be controlled and timed to avoid peak periods. This would be dealt with by condition. Although this would affect some residents along Harcourt and High Street, it is not objected to by the Council, it would be for a finite period of time, and would be managed to ensure its safe operation.
63. The proposed egress, as the second option, would allow vehicular traffic to leave the site and Willow Green via Harcourt, rather than via Flitt Leys Close. Given the central location of Harcourt within Willow Green and its proximity to the site, it is likely that a substantial number of egress movements would be transferred from Braeburn Way and Flitt Leys Close.
64. Having robustly assumed that all traffic would leave the estate via the proposed egress, the appellant has indicated that vehicle movements along Harcourt and the proposed egress would be approximately 205 in the AM peak and approximately 94 in the PM peak. This would be within the capacity of the junction here. In reality, the appellant estimates that around a third of vehicle movements in the AM and PM peaks would use the egress. This would equate to just over one vehicle a minute in the AM peak and just over one vehicle every two minutes in the PM peak.
65. For traffic travelling from Eight Acres, using the egress would require a right turn swiftly followed by a left turn across the staggered table junction of Eight Acres and Harcourt with Braeburn Way. This would be an uncomfortable arrangement, with increased likelihood of vehicles taking a more direct line across the junction, with the potential for conflict with other vehicles.
66. The egress would pass houses and vehicular accesses on the corner of Braeburn Way and at 1 – 4 Harcourt. Given the alignment of driveways and lack of visibility due to the walls of neighbouring houses, I am concerned that the increase in vehicle journeys down Harcourt would intensify the risk of low speed collisions between vehicles leaving driveways on Harcourt and vehicles using the proposed egress. While this is not an uncommon situation on British roads as highlighted by MfS, longstanding access arrangements on High Street without reported accidents do not justify the appellant's approach as the housing at Harcourt was not designed with a significant setback from the street to allow for increased intervisibility. It would be less than satisfactory.
67. Once at the proposed egress between Harcourt and High Street, vehicles would use a 3.7m wide road adjacent to a 2m wide footway. As for the emergency access, this would be an appropriately surfaced, direct route to High Street. However, provision would not be made for cyclists. While it is possible that they would use Flitt Leys Close, the lack of provision could result in an increased risk of conflict between cyclists and pedestrians on the footway or between cyclists and cars in instances where cyclists cycle against the traffic flow.

68. As far as larger vehicles are concerned, the appellant has shown via swept path analysis that they would be able to adequately manoeuvre along the proposed egress and turn out onto High Street. While it is likely that they might need to use the full carriageway to turn, this is not unusual as noted by MfS. In terms of lateral clearance and the risk of pedestrians being hit by wing mirrors, I consider the risk of this would be very low given the height of wing mirrors.
69. Gated access would be maintained along the proposed egress to the rear gardens of 163 – 167 High Street. As this would be used on a weekly basis to bring bins out for refuse collection, this would introduce an occasional risk of conflict between pedestrians and vehicles. However, there would be good intervisibility for both for some distance and this risk would be limited.
70. At the end of the egress, vehicles would emerge onto the High Street from the gap between 161C and 163 High Street. Bollards would be installed at the corner of 163 High Street to prevent vehicles from parking on the frontage and blocking intervisibility between vehicles and pedestrians. While the owners of 161C High Street would still be able to park off-road, they would have to emerge carefully in the event that a vehicle is emerging from the proposed egress at the same time. To ensure sufficient visibility, the appellant has committed to paying for the processing of a Traffic Regulation Order (TRO) along this part of High Street to remove on-street parking. At least two vehicles would be displaced by the introduction of a TRO.
71. However, even with these measures in place, pedestrians, particularly children, wheelchair users, and those with pushchairs, would not be able to see a vehicle until it partially emerged from the egress. Speeds would be likely to be low when leaving the egress, there would be warning signs, and car drivers would see pedestrians as they crossed the egress. However, intervisibility for pedestrians starting to cross the egress is affected by the width of the proposed egress and the relationship of existing residential properties with it and the footway. As it is likely that the proposed egress would be more frequently used at peak times, I find that there would be a risk of conflict between vehicles and vulnerable pedestrians as outlined above, particularly in the AM peak when people are travelling to and from the local schools.
72. On-street parking is a common feature of the High Street, with its mixture of housing and businesses of different ages and layouts. While speeds along the High Street are not high, in part due to the need to pass parked vehicles, it is busy at peak times and it may therefore take a little time for drivers to nose out of the egress. However, I take no issue with visibility between vehicles using the proposed egress and vehicles on the High Street as it is likely that a TRO would satisfactorily resolve this matter.
73. The appellant has sought to provide additional permeability and connectivity to destinations and a choice of routes in line with MfS2. While I recognise that the proposed egress could reduce the number of turning movements made by parents near the school and the outflow of vehicles via Flitt Leys Close, I find that the proposed egress would not be likely to operate safely in its own right and would not therefore satisfactorily mitigate the additional hazard and inconvenience to users of the highway caused by the proposed development.



*Conclusion on highway safety*

74. In conclusion, the proposed development and the proposed egress would have an unacceptable effect on highway safety. They would therefore conflict with the eighth bullet point of Policy DM3, the third bullet point of Policy CS14, and paragraphs 108, 109 and 110 of the Framework. The relevant part of Policy DM3 requires new development to incorporate appropriate access and linkages, including provision for pedestrians, cyclists and public transport, while Policy CS14 requires development to be accessible to all. The content of Policies CS14 and DM3 is consistent with the Framework in terms of highway matters. Therefore, both policies should be afforded full weight.
75. Paragraph 108, amongst other things, requires that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 refers to development only being prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110, amongst other things, gives priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and seeks to create places that are safe, secure and attractive and which minimise the scope for conflicts between pedestrians, cyclists and vehicles. The Council referred to the HCSSG in their reason for refusal, but I have not concluded against this document given my findings above.

***c) Living conditions of existing occupiers of Harcourt, High Street and Braeburn Way, with particular regard to noise and disturbance***

76. Harcourt is a quiet cul-de-sac with two short rows of houses separated by a central landscaping strip. The houses at 1 – 4 Harcourt have a very small setback from the road and have no footway directly adjacent. At the end of the cul-de-sac adjacent to Footpath 22, I observed the roadway being used by children to play football.
77. While the appellant highlights busier and noisier streets locally and nationally, the proposed vehicle movements would represent a considerable increase over and above the existing vehicle movements along the flank elevation of 23 Braeburn Way and past the front elevations of 1 – 4 Harcourt. The rear gardens of 1 – 4 Harcourt, the flank elevation and rear garden of 25 Braeburn Way and the front elevations of 5 – 9 Harcourt would also experience this increase in vehicle movements, but the movements would be a slightly greater distance away due to the position of housing, the landscaping strip and the direction of traffic. The increase in the number of vehicles using Harcourt would be likely to reduce the ability of children to play out safely.
78. Furthermore, at present no vehicles move along the section of Footpath 22 which runs along the rear gardens and flank elevations of 161C and 163 High Street. Although the properties' frontages face the High Street, the rear elevations face more tranquil rear gardens. While the Council raises concern about 158 – 162 High Street opposite, I consider that these properties would not be as directly affected as their neighbours at 161C and 163 High Street.
79. The quiet environment experienced at the corner of Braeburn Way, along Harcourt and at the rear of the High Street properties would alter substantially

with the proposed egress in place as more vehicles would pass close to the boundaries of these properties, including at night at the rear of Nos 161C and 163. Though the appellant considers acoustic fencing and existing glazing would protect existing occupiers from noise, the increased level of activity along Harcourt and the proposed egress would disrupt the living conditions of the occupiers of these residential properties. The road along Harcourt and Footpath 22 would see a fundamental change in nature from a quiet cul-de-sac to a through route, albeit that most traffic would be travelling in one direction.

80. I conclude that this would unacceptably harm the living conditions of existing occupiers of Harcourt, High Street and Braeburn Way, with particular regard to noise and disturbance. This would conflict with the fifth bullet point of Policy DM3 and paragraphs 91 a), 127, and 180 of the Framework. Policy DM3, amongst other things, requires development to respect the amenity of surrounding properties. The content of Policy DM3 in terms of living conditions is consistent with the Framework and so should be afforded full weight.
81. Paragraph 91 a), amongst other things, addresses achieving healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people. Paragraph 127 f) states that development should provide a high standard of amenity for existing users and paragraph 180 requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions and the potential sensitivity to impacts.

***d) Existing and planned operations at the airport***

82. Given the appellant's technical assessments, the Council and the airport no longer object in respect of technical safeguarding issues. Based on its letter (19 March 2021), the airport maintains its objection in respect of unplanned growth being prejudicial to the airport's ongoing operation and development, including its potential effect on a proposed hydrogen fuel store. Further information was provided in the airport's letter (19 May 2021) and in documents ID2 and ID9. A round table discussion was held during the Inquiry, with the airport present.
83. Paragraph 8 of the Framework sets out sustainable development objectives. Economically, there is a need to ensure that sufficient land of the right type is available in the right place at the right time to support growth and innovation. Additionally, it is necessary to mitigate and adapt to climate change, including moving to a low carbon economy. Paragraph 80 of the Framework confirms that planning policies and decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity. It highlights the importance of driving innovation and refers to the Government's Industrial Strategy 2017. This strategy sets out a vision to drive productivity improvements, identifies a number of grand challenges, and sets out a delivery programme to make the United Kingdom a leader in four of these, including clean growth through hydrogen-based technologies and innovation in transport.
84. The site lies some 100m from the airport, beyond which the university is located. The university specialises in postgraduate teaching and research in engineering and technology. In addition to its global role in aviation study, it is important within the regional economy, is one of Central Bedfordshire's three largest employers, and works with over 1,500 businesses and governments globally. Unusually, the university owns the airport, which provides an

opportunity for research to be tested in the air. The airport is licensed for some 150,000 aircraft movements per year on a 24 hours a day, 7 days a week basis. Since 2000, aircraft movements have declined from 100,000 to approximately 20,000 movements annually.

85. The airport has hybrid planning permission for an Air Park (CB/17/05862/OUT) comprising two development phases for aircraft hangars, terminal, office and gatehouse buildings, biomass energy centre, fuel storage, a hotel, and associated development including a new roundabout junction, fencing, landscaping, runway resurfacing and car parking. The Air Park permission is intended to come forward from Summer 2021 with full operation from 2027 onwards. The site is located some 350m from the Air Park. If implemented, the Air Park would increase aircraft movements annually by an estimated 23,000 movements as it would function as a business jet terminal.
86. In October 2020, the university and Marshall of Cambridge signed an option agreement for the relocation of Marshall Aerospace and Defence Group (MADG) to the airport by 2030. While it does not represent a final decision, this allows MADG to take a 150 year lease on the Air Park. Consistent with the university's strategic approach to forming partnerships around its aviation assets and expertise, MADG is an aircraft maintenance, modification, and design company. It is likely that a ground running aircraft engine testing facility would be needed at the Air Park similar to their Cambridge testing facility. This would possibly be located opposite the site, with additional noise over and above existing and planned aircraft movements.
87. To make way for the Air Park, the airport's existing fuel store would be moved. Although there is a new fuel store within the Air Park, the permitted fuel store would lie in an area of the Air Park within MADG's control. While MADG would refuel aircraft, it is not considered desirable by the airport to mix uses within the Air Park due to potential for MADG to require the site for its operations and the requirement for a hydrogen fuel store to be located away from sensitive buildings and operational facilities.
88. In order to progress the university's innovation and research into low carbon aviation fuels and transport, it is the airport's intention to create another fuel store. This fuel store would have conventional fuels such as JetA-1 (255,000 litres), Avgas (50,000 litres) and diesel for airport fuel trucks (50,000 litres), and non-conventional hydrogen gas fuel (8,000kg).
89. The hydrogen would be stored in 20 tube trailer storage tanks of 2.6m in height x 12.2m in length. The tanks would be transported along the airport's perimeter road from the High Street. While the airport refers to liquid hydrogen, this is not likely to form part of the initial planning application. There was some dispute at the Inquiry as to the likely pressure for the hydrogen, with figures mentioned of between 250 and 700 bar.
90. It is possible that the hydrogen storage could lead to vapour cloud build up around the proposed hydrogen storage tanks. If this were to ignite, the appellant considers that the likely geometry would accelerate the flame and consequences of any explosion, with the potential for even a single tube trailer to have a catastrophic failure. In contrast, the airport considers it unlikely that dense vapour clouds would be generated as hydrogen disperses harmlessly in the atmosphere. In addition to risk of explosion, there may be fuel odour.

91. No planning application has been submitted for the proposed fuel store, although the airport intended to carry out public consultation and submit an outline application in mid to late June 2021. At the time of writing, I have not received notification of any application submission.
92. The airport's preferred location for the proposed fuel store is adjacent to the site's north-western corner. The airport has undertaken a draft, high level Alternative Site Assessment (ASA). The ASA discounts all sites except for their preferred site named I. Inquiry document ID9 confirms that the airport considers that site I is operationally safe and the only logical and commercially possible location in light of all relevant factors.
93. The appellant has questioned the airport's ASA findings in terms of adequately testing all potential sites on all aspects of technical safeguarding under CAP 738: Safeguarding of Aerodromes and in relation to fuel vapour. Further to this, the appellant also considers that amendments could be made to the proposed fuel store or to airport equipment to allow for it to be located elsewhere. Based on the information before me, it is not possible to ascertain whether site I is the only suitable location for the proposed fuel store.
94. Although the conventional fuel would be exempt from the Control of Major Accidents Hazards (COMAH) Regulations 2015 as such stores are similar to a standard petrol station, the proposed storage of hydrogen would trigger the COMAH Regulations as it would exceed 5,000kg of hydrogen. This would require a full hazardous substances application to be progressed at least three months prior to construction. It is understood that the Health and Safety Executive (HSE) has not offered any pre-application advice due to workload.
95. When the hazardous substances application is submitted, the HSE would map three risk zones, representing levels of residual risk or harm to people. If the hazardous substances authority grants consent, the site-specific risk zones then set consultation distances within which HSE must be consulted on planning applications. It is not possible to know what the risk zone radii would be. It is therefore unclear whether the risk zones would extend to the permitted housing at Mill Road or to the Willow Green housing and school.
96. Site I would be remote from the airport's existing and planned operations. I also recognise that the proposed development is not allocated and that there may be other sites available. Furthermore, the proposed fuel store is at an early stage of design development with need for further specialist input. However, given its potential proximity, it is likely that the proposed development would fall at least partially within the HSE's risk zones giving rise to the possibility that hazardous substances consent could be refused if the appeal was allowed. Furthermore, the airport has not indicated whether it has considered separate stores for hydrogen and conventional fuels.
97. Significant weight should be given to the need to support economic growth and productivity and I note the airport's desire for an unfettered ability to develop its economic potential. I also acknowledge the importance of protecting the university and airport's complex aviation development and research needs and that the practical use of hydrogen as an aviation fuel would be significant. However, I have doubts as to the extent of any prejudicial effect on the proposed fuel store and existing and future airport operations. The airport's future development remains far from certain. Further planning applications would need to be submitted for developments such as the engine testing

facility and the proposed fuel store. Even if the proposed fuel store was granted planning permission in the airport's preferred location, it would be necessary to obtain a hazardous substances consent. This may not be forthcoming, dependent on risk zones and the proximity of sensitive development.

98. I conclude that it has not been demonstrated that the proposed development would have a detrimental effect on existing and planned operations at the adjacent airport.

***e) Living conditions of future occupiers of the proposed development, with particular regard to noise***

99. I have set out the airport's existing and planned operations above. The seventh bullet point of Policy DM3 requires that development complies with current guidance on noise. The CBDG discusses how noise pollution can be limited through separating conflicting land uses, maximising layout and orientation of buildings, gardens and habitable rooms, or providing barriers or insulation if other attenuation is not possible.
100. The Framework at paragraph 117 confirms that planning decisions should promote effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 127 f) of the Framework requires creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
101. Paragraph 180 a) of the Framework requires development to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and to avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 182 of the Framework deals with new development's effective integration with existing businesses and community facilities and seeks to prevent unreasonable restrictions being placed on a business or facility due to a development permitted after they were established. In instances where there could be a significant adverse effect, this paragraph requires the applicant (or 'agent of change') to provide suitable mitigation before the development is completed.
102. The Planning Practice Guidance on Noise<sup>5</sup> deals with how the risk of conflict between new development and existing businesses and facilities can be addressed. It advises that the 'agent of change' should take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application.
103. The Government's Aviation Policy Framework 2013 (APF) deals with aircraft noise and seeks to limit and, where possible, reduce the number of people significantly affected by such noise. The APF states that it will continue to treat the 57dB<sub>L<sub>Aeq,16hr</sub></sub> contour as the average level of daytime noise marking the approximate onset of significant community annoyance. This does not mean that all people within this contour will experience significant adverse effects from aircraft noise and nor does it mean that no-one outside this contour will consider themselves annoyed by aircraft noise. The APF recognises there is no firm consensus on the way to measure the noise impacts of aviation.

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<sup>5</sup> Paragraphs 30-009-20190722 and 30-010-20190722



104. Although the airport has no restrictions on its night-time use, the APF does not provide noise criteria for night-time periods for aircraft noise. However, the APF notes that aircraft noise is least acceptable during night-time periods due to health effects of sleep disturbance and expects the aviation industry to make extra efforts to reduce and mitigate aviation noise during the night.
105. The World Health Organization (WHO) Guidelines recommend that suitable internal noise levels for housing should be 30dBL<sub>Aeq,8hr</sub> in bedrooms at night (2300 – 0700), 35dBL<sub>Aeq,16hr</sub> in bedrooms and living rooms and 40dBL<sub>Aeq,16hr</sub> in dining rooms during the day (0700 – 2300). The WHO Guidelines indicate that serious annoyance during the day and evening would arise in outdoor living areas subject to 55dB(A). British Standard 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings also refers to external amenity space as having an upper guideline of 55dB(A) in noisier environments. It clarifies that where such guidelines are not achievable, development should be designed to achieve lowest practicable levels.
106. The Council refused the application on the basis of insufficient information to demonstrate that the proposed development would not result in poor quality living conditions for future occupiers as a result of airport noise and/or ventilation and thermal comfort due to noise mitigation methods. Following the refusal, the appellant submitted a Thermal Dynamic Analysis dated December 2020. Using a sample three bedroom, two-storey house type, this analysis demonstrates that the proposed acoustic mitigation measures set out in the appellant's noise assessment would be appropriate and would not result in overheating from seeking to minimise noise. The Council chose not to defend its reason for refusal in respect of noise following receipt of this report. Additionally, the airport does not contest the appeal on noise grounds.
107. At the Inquiry, Councillor Clark referred to the increasing creep of housing towards the airport and the Cranfield Parish Council representation in respect of the Air Park application, including a document (ID5<sup>6</sup>) commissioned by the Parish Council. Her concerns centred on the likely increase in aircraft movements and associated noise from the Air Park and MADG, and whether the appellant's assessment allowed for such noise. The appellant was provided with the opportunity to respond to document ID5 in writing (ID11).
108. The Parish Council's document ID5 reviewed the Environmental Statement<sup>7</sup> Chapter produced by SRL<sup>8</sup> as part of the Air Park application. It challenged the SRL work in a number of respects, including concerns about the appropriate policy basis, metrics, methodological approach, and mitigation. At the time of the Air Park planning application, SRL responded to the Parish Council's report (Appendix 1 of ID11) to confirm that no changes were necessary and to set out their reasoning. The Council subsequently approved the Air Park application with the unaltered Environmental Statement Chapter. Since the Air Park permission was granted, the Council, the airport and the airport's consultants have had discussions with the appellant to refine mitigation measures to ensure appropriate internal and external noise levels.

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<sup>6</sup> Review: Cranfield Airpark Noise Environmental Statement Chapter dated March 2018 by Noise Consultants Ltd (ID5).

<sup>7</sup> T04/APP/61186A/RWB dated 1 December 2017

<sup>8</sup> Referred to as SLR in a number of documents, but shown as SRL in their response to the Parish Council's report at Appendix 1 of ID11.

109. The appellant's noise assessment indicates that the  $L_{Aeq,16hr}$  sound levels in the southern and western areas of the proposed development would be likely to range from approximately 60dB to 67dB, which exceeds the criteria of 57dB  $L_{Aeq,16hr}$  by up to approximately 10dB. This would fall within the parameters for the onset of significant community annoyance as set out in the APF. Furthermore, the highest measured  $L_{Amax}$  was surveyed as 94dB(A) at the north western boundary. With distance attenuation, this would give rise to an  $L_{Amax}$  level of approximately 88dB. As predicted future sound levels would exceed internal and external noise criteria during daytime and night-time, mitigation would be required.
110. While I do not have the evidence submitted in the Mill Road appeal before me, it appears that there are some differences in circumstances as the Air Park has now been approved based on the noise evidence produced by SRL, the appellant's noise assessment tests the proposed development against the SRL work, and the appellant has provided a mitigation strategy and thermal analysis which satisfies the Council. The appellant's mitigation strategy would include consideration of distance from the airport; minimum dwelling heights; screening of gardens; reduced gaps between dwellings; 2m high garden fencing; orientation of buildings to ensure only non-habitable rooms would face the airport; and installation of suitable glazing and ventilation.
111. The appellant could have assessed other less noisy locations for housing development in the first instance. Furthermore, the site is not allocated within the Local Plan. However, I am required to deal with the appeal before me. While I recognise that the Air Park's development and the potential arrival of MADG at the airport would be likely to significantly change residents' experiences of noise, the appellant has sought to mitigate the likely noise levels and has provided further analysis to indicate that the ventilation and thermal context of the proposed development would not lead to overheating. Furthermore, layout of the proposed development remains a reserved matter for approval by the Council and conditions would also ensure that a noise mitigation scheme and a ventilation strategy are approved and implemented. As such, I find that sufficient information has been provided to demonstrate that any detrimental effects of the operational airport on the living conditions of future occupiers would be appropriately mitigated.
112. In conclusion, there would not be harm to the living conditions of future occupiers of the proposed development, with particular regard to noise. Accordingly, there would be no conflict with Policy DM3, the CBDG, and paragraphs 117, 127 f), 180 a), and 182 of the Framework as set out above.

#### ***f) Local Infrastructure Provision***

113. The relevant parties have entered into a UU under Section 106 of the Town and Country Planning Act 1990, which includes obligations which would come into effect if planning permission was granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 56 of the Framework. These state that planning obligations must only be sought when they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Policy CS2 deals with developer contributions towards infrastructure.

114. The UU provides for 35% of dwellings in the proposed development to be affordable housing, including 72% affordable rented/28% shared ownership, and sets out the required delivery of those housing units. The secured affordable housing would be compliant with Policy CS7, which requires 35% affordable housing on qualifying sites. Furthermore, the provision of affordable homes would accord with the Framework which seeks to ensure a sufficient supply of homes to reflect identified needs. This obligation meets the tests.
115. Provision is also made for 10% of the total number of dwellings as self-build/custom-build plots, with a split of 20% self-build/80% custom-build. This is consistent with paragraph 61 of the Framework which seeks provision of a range of housing, including for those who wish to build or commission their homes. Though there is no CSDMP policy coverage of this matter, this obligation meets the tests.
116. Provision is also made for the management of open space and play areas to be provided on site. Policy DM17 seeks contributions for the provision, extension and maintenance of accessible green space, in line with the Council's open space standards. These standards require provision of 3.65 hectares of open space and play areas. The proposed development would provide for 5.3 hectares of public open space and the UU refers to two local equipped areas for play or a single larger equipped area for play. It is necessary to secure the delivery, management and maintenance of the open space and play areas. This obligation meets the tests.
117. There are other obligations covering early years, primary and secondary education; acute, community, mental and primary healthcare; sports and leisure; Forest of Marston Vale; fire hydrants; bus stop upgrading; monitoring; and monies towards the promotion and consultation on a TRO on the High Street. These obligations meet the tests. Both parties are content with these obligations and I have not addressed them in detail as they would not alter my overall decision.
118. In conclusion, the proposed development would not have a detrimental effect on local infrastructure provision as the UU would appropriately secure necessary obligations. It would be compliant with Policies CS2, CS7 and DM17, paragraph 56 of the Framework and the CIL Regulations as set out above.

### ***g) Housing Land Supply***

119. There is no dispute between the parties that Government policy requires more homes to be built with the aim of reaching delivery of 300,000 homes annually by the mid 2020s. Paragraph 73 of the Framework and accompanying footnote 37 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old, unless strategic policies have been reviewed and found not to require updating. Footnote 37 goes on to confirm that local housing need should be calculated using the standard method set out in national planning guidance.
120. As Central Bedfordshire's adopted strategic policies in the CSDMP are more than five years old and the Local Plan has not yet been adopted, the standard method would produce a five year requirement with 5% buffer of 12,259

dwellings for Central Bedfordshire. This figure is agreed between the parties as being the relevant figure resulting from the standard method calculation and there is no dispute that a 5% buffer is the relevant percentage.

121. However, the Council considers that the standard method figure is not appropriate to rely on due to their concerns about the mid-year population estimates in the 2014-based household projections for Central Bedfordshire. The Council therefore argues that the approach in their Strategic Housing Market Assessment (SHMA) is the most reliable way to calculate housing need. This would produce a five year supply figure with 5% buffer of 8,400. If factoring in past oversupply since 2015 as the Council seeks to do, this five year requirement with 5% buffer would be 7,484. Though the appellant disputes the application of this approach, the relevant five year supply figures with and without past oversupply are agreed. The SHMA figure would result in a requirement of 1,970 dwellings per annum if factoring in Luton's unmet housing need.
122. In addition to the standard method, the appellant has put forward an alternative approach using 2018-based sub national population projections and 2019 Mid-Year Population Estimates, and has referred me to another instance where an alternative approach using different data but following the subsequent steps in the standard method<sup>9</sup>. The appellant's approach results in a five year requirement plus 5% buffer of 10,106. Again, the parties have agreed that this is the figure resulting from this calculation.
123. Both parties agree that, for the purposes of this appeal, the relevant five year period is 1 January 2021 to 31 December 2025. On 28 May 2021, after proofs of evidence had been exchanged, the Council published an updated housing land supply quarterly statement and trajectory with a base date of 1 April 2021. However, the Council does not seek to rely upon that position statement for this appeal and the base date is 1 January 2021.
124. In addition to disputing the relevant method for calculating housing need and requirement and the inclusion of past oversupply, there is dispute between the parties in respect of the deliverability of a number of sites, the allowance for small sites windfall, and the need or otherwise to partially discount sites with the potential to meet Luton's unmet need for housing.
125. The agreed Statement of Common Ground on Five Year Housing Land Supply indicates that the supply at the 1 January 2021 base date was somewhere between 2.71 years (the appellant's position based on the standard method) and 5.89 years (the Council's position based on the SHMA and factoring in past oversupply of housing). At 2.71 years, the shortfall would be some 5,605 dwellings over the five years. At 5.89 years, there would be an oversupply of some 1,340 dwellings over the five years.
126. I have not reached a definitive view on the extent of the five year supply of housing land. However, for the purposes of considering the planning balance and the application of paragraph 11 of the Framework, I have based my assessment on the appellant's position, given that it represents the worst case scenario of a supply of 2.71 years. I must stress that this should not be seen as my endorsement of that position.

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<sup>9</sup> Appeal Decision APP/Y2620/W/20/3248468, decision issued 3 June 2021 (ID1a).

### ***h) Planning Balance***

127. If I base my assessment on the appellant's position on five year housing land supply, it would follow that the policies which are most important for determining the application would be out-of-date. As such, paragraph 11 d) ii of the Framework would be engaged and it would be necessary for me to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
128. In this instance, I consider the most important policies are those which relate to the location of development, housing, landscape character, highways, and living conditions. This comprises CSDMP Policies CS1, CS7, CS14, CS16, DM3, DM4, DM14 and DM16. The only policies where I have identified conflict are Policies CS14, DM3 and DM4. I have dealt with the weight to be given to these policies in terms of their consistency with the Framework above.
129. The appellant argues that Policy CS5 is a most important policy that should not be afforded weight due to it being based on out of date figures in the revoked East of England Plan. However, it has not been demonstrated that the policy has been breached and so is of little relevance in my decision.
130. In terms of locational benefits, I afford modest weight to the location of the proposed development at a minor service centre with access to services and facilities as other locations around Cranfield would offer the same opportunity. In terms of continuation of development adjacent to the built-up edge and containment along the northern boundary of Cranfield, both of these matters are neutral as they do nothing more than avoid harm to the landscape.
131. With regard to economic benefits, reference has been made to construction jobs and supply chain, increased household expenditure in the locality worth in the region of £5.4 million, New Homes Bonus and Council Tax. I give these benefits moderate weight in this decision.
132. Socially, the proposed development would deliver up to 180 homes, with an envisaged mix of 117 market homes and 63 affordable homes. Furthermore, within the market segment of the proposed development, provision would be made for 18 custom or self-build units on site. I am mindful of the challenges faced by those who are unable to access suitable accommodation to meet their housing needs. All this is viewed in a context of Central Bedfordshire being an area where house prices stand at 10.19 times workplace-based earnings, and where there is dispute on the extent of affordable housing need and supply. Applying the worst case scenario of 2.71 years, the proposed development would provide resilience and would support the delivery of different types of housing, including affordable housing. In respect of self-build and custom-build, the Council has not met or will be unlikely to meet its statutory duty in base periods 2 (shortfall of 132) and 3 (pending shortfall of 113). Therefore, while I do not agree that the proposed development's potential of up to 180 dwellings would represent substantial or very substantial benefits because of the number involved, I afford these benefits significant weight both individually and in the round.
133. The appellant points to access to local services and facilities, but this is similar to the locational benefit for the proposed development being within a minor service centre noted above. As such, it is not double-counted and is



neutral. Despite the concerns raised about the proposed egress, the proposed development would provide an enhancement to Footpath 22 as part of the emergency access. This has modest weight. Although open space and children's play space would largely benefit future occupiers of the proposed development, it would exceed the Council's requirements and would be accessible to those using Footpath 22. I give it modest weight. Public art would be necessary for compliance with Policy DM3 and the Council's Design Guide (Supplement 4) and is therefore neutral.

134. In environmental terms, there would be some habitat compensation and enhancement in the form of green infrastructure and sustainable drainage measures, wildflower grassland, a green corridor and tree planting. The central hedgerow through the site would also be retained and enhanced. While the proposed development would be policy compliant in respect of sustainable design and construction measures, it would provide electric vehicle charging not presently required by the CSDMP. I attach modest weight to these benefits.
135. In terms of the planning obligations over and above those I have covered already, the majority of obligations are intended to achieve policy compliance, mitigate the effects of the proposed development, and meet the infrastructure needs of future residents. These are therefore neutral in my decision.
136. Overall, I find that the benefits together have significant weight.
137. There would be limited harm to the character, appearance and landscape of the site and the surrounding area. However, the proposed development would be unacceptable in respect of the level of harm to highway safety, as well as with regard to the living conditions of existing occupiers of Harcourt, High Street and Braeburn Way. Overall, I give substantial weight to the adverse impacts.
138. The proposed development would conflict with Policies CS14, DM3 and DM4. However, the conflict with Policy DM4 would not be sufficient on its own to warrant dismissal of the appeal given that I have only identified limited harm to landscape character. Furthermore, in locational terms, access to services and facilities would be acceptable. Therefore, the weight to be given to the conflict with Policy DM4 is moderate. In terms of both highways and living conditions, full weight is given to the conflict with Policies CS14 and DM3. Furthermore, the proposed development would conflict with paragraphs 91 a), 108, 109, 110, 127 and 180 of the Framework.
139. As a result, the adverse impacts would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development would not apply. The proposed development would be contrary to the development plan, with insufficient material considerations to indicate that planning permission should be granted. Accordingly, the appeal should be dismissed.

### ***Other matters***

140. The appellant has dealt with ecology and flooding in their closing submissions as matters were raised by interested parties, I have not covered these matters in any detail as they are not determinative.
141. Interested parties have mooted a wide range of concerns in respect of the proposed development. Many of these are covered by the main issues above.

However, given my overall findings on the appeal, it has not been necessary for me to consider these matters further.

**Conclusion**

142. For the reasons set out above, and having had regard to all other matters raised, the appeal should be dismissed.

*Joanna Gilbert*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Christopher Young, Queen's Counsel                      Instructed by Cameron Austin-Fell  
and Leanne Buckley-Thomson of Counsel

They called:

Cameron Austin-Fell MSc MRTPI	Planning Director, RPS Group
Alexander Bennett BSc (Hons) MCIHT MTPS	Director, M-EC Consulting Development Engineers
James Bradshaw	Richborough Estates Ltd
John Coxon BSc (Hons) MPlan MRTPI	Director, Emery Planning
Joseph Dance BSc (Hons) MCIEEM	Associate, Tyler Grange Group Ltd
James Donagh BA (Hons) MCD	Director, Barton Willmore
Tim Jones MEng MSc MIMechE CEng	Principal Consultant Process Safety, RPS Group
Wendy Lancaster BA (Hons), DipLA DipUD CMLI FRSA	Landscape Director, Tyler Grange Ltd
Andrew Moger BA (Hons) MA MRTPI	Associate Director, Tetlow King Planning
Stuart Nelmes MRes C.WEM CEnv	Director, BWB Consulting Ltd
James Parker BSc (Hons) MSc (Eng) MCIHT MILT	Director, Hub Transport Planning Ltd
Nichola Shaw BA (Hons)	ATM Consultant and Aerodrome Safeguarding Specialist, Trax International Ltd
James Stacey BA (Hons) DipTP MRTPI	Senior Director, Tetlow King Planning

**FOR THE LOCAL PLANNING AUTHORITY:**

Alexander Booth, Queen's Counsel	Instructed by the Solicitor to Central Bedfordshire Council
He called:	
Kate Ahern BSc MSc CMLI	Director of Landscape Planning at Land Use Consultants
Kevin Archard BSc IEng MCIHT	Principal Highways Officer, Central Bedfordshire Council
Phillip Hughes BA (Hons) MRTPI FRGS Dip Man MCIM	Director of PHD Chartered Town Planners Limited
Jonathan Lee BSc (Hons)	Managing Director at Opinion Research Services (ORS)
Debbie Quinn BSc (Hons) PGDip EP LRTPI	Principal Planning Officer, Central Bedfordshire Council

**INTERESTED PARTIES:**

Councillor Sue Clark	Ward Councillor for Cranfield and Marston and representative for Cranfield Parish Council
Chris Pattison	Turnberry on behalf of Cranfield University and Cranfield Airport
Rob Cooke	Cyrrus on behalf of Cranfield University and Cranfield Airport
John van Hoogstraten	Cyrrus on behalf of Cranfield University and Cranfield Airport
Caroline Potter	Local resident
Lee Rumble	Local resident

## **INQUIRY DOCUMENTS:**

- ID1a Appeal Decision APP/Y2620/W/20/3248468, Land off Beresford Road Holt
- ID1b Combined proofs of evidence of Nigel Moore and Jonathan Lee of ORS on behalf of North Norfolk District Council in relation to Appeal APP/Y2620/W/20/3248468
- ID1c Note accompanying Inquiry Documents ID1a and ID1b
- ID2 Cranfield University Airport Consultation: Proposed Refuelling Facility Draft Consultation Document
- ID3 Appellant's Opening submissions
- ID4 Council's Opening submissions
- ID5 Review of Cranfield Airpark Noise Environmental Statement Chapter dated March 2018 by Noise Consultants Ltd for Cranfield Parish Council
- ID6 Scott Schedule regarding housing land supply – 09/06/2021
- ID7a Technical Note: Existing Residential Traffic Calculation (past school)
- ID7b Cranfield Walking Distances Plans
- ID7c Appeal Decision APP/P3420/A/14/2218530 Land at Baldwin's Gate Farm, Baldwin's Gate, Newcastle-under-Lyme, Staffs, ST5 5ES
- ID8 Crane Mail dated 16 April 2021 – Newsletter of the Cranfield Church of England Academy
- ID9 Letter dated 10 June 2021 from Cranfield University Airport to the Inspector
- ID10 Appeal Decision APP/R1038/W/17/3192255, Land at Deerlands Road, Wingerworth
- ID11 Appellant's Noise Rebuttal Note dated June 2021 (M-EC Acoustic Air)
- ID12 Shelter Report: Denied the right to a safe home
- ID13 Updated Appendix A1 to James Donagh Proof of Evidence: various Standard Method Calculations, Central Bedfordshire
- ID14 Self-Build and Custom Housebuilding Supplemental Evidence and Errata Note of Andrew Moger BA (Hons) MA MRTPI
- ID15 Appeal Decisions APP/B1930/W/20/3265925 and Appeal B: APP/C1950/W/20/3265926 Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath
- ID16 Annex 2 Glossary Excerpt of National Planning Policy Framework July 2018



- ID17 Bedford Borough Council Decision Notice 19/02071/MAR in respect of all reserved matters for the erection of 268 dwellings at parcels R5, R6 and former school land pursuant to outline planning permission 11/01380/M73 (variation of outline planning permission 99/01645/OUT) and the discharge of the conditions 14,15,16,23,30,40,41,42 (condition 42 omitted) of 11/01380/M73.
- ID18 Land North of Braeburn Way Suggested Viewpoint Route
- ID19 Land at Braeburn Way Cranfield Conditions Update Note 9<sup>th</sup> June 2021
- ID20 Braeburn Way Updated Suggested Appeal Conditions 8 June 2021
- ID21 Letter dated 18 June 2021 from Central Bedfordshire Council with regard to financial contributions towards the provision of school places for children in school years 9, 10 and 11
- ID22 Updated Suggested Appeal Conditions following round table discussion – Clean version
- ID23 Updated Suggested Appeal Conditions following round table discussion – Tracked changes version
- ID24 Airport Impact Update Note (21<sup>st</sup> June 2021)
- ID25 Excerpt of Appendix 7 – Cranfield Airport – Fuel Farm Project (including Hydrogen) - Draft
- ID26 Council’s Closing Submissions
- ID27 The Queen on the application of Cherkley Campaign Limited and Mole Valley District Council and Longshot Cherkley Court Limited [2014] EWCA Civ 567
- ID28 Gladman Developments Limited v Secretary of State for Housing Communities and Local Government and Central Bedfordshire Council [2019] EWHC 127 (Admin)
- ID29 Appellant’s Closing Submissions
- ID30 North Wiltshire District Council v Secretary of State for the Environment and Clover (1993) 65 P. & C.R. 137
- ID31 Baroness Cumberlege of Newick and another v Secretary of State for Communities and Local Government and another [2018] EWCA Civ 1305
- ID32 Completed and signed planning obligation under Section 106 of the Town and Country Planning Act 1990 dated 5 July 2021