

## **Item No. 09**

<b>APPLICATION NUMBER</b>	<b>CB/15/03228/OUT</b>
<b>LOCATION</b>	<b>Chalkcroft Nursery, The Ridgeway, Moggerhanger, Bedford, MK44 3PH</b>
<b>PROPOSAL</b>	<b>Outline Application: change of use from nursery to residential and the demolition of the existing nursery buildings and the construction of 9 dwellings, car parking and associated works.</b>
<b>PARISH</b>	<b>Moggerhanger</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mr Firth</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>27 August 2015</b>
<b>EXPIRY DATE</b>	<b>22 October 2015</b>
<b>APPLICANT</b>	<b>Mrs E Aldridge</b>
<b>AGENT</b>	<b>Clarke &amp; Whalen Architects Ltd.</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Call-in - Cllr Firth. Will provide all weather footpaths that connect to the west of Blunham Road and the footpath running past The Ridgeway Business Park to the River Ivel. The footpath will also provide a direct safe route to any villagers working at The Ridgeway Business Park and DS Smith.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Refusal recommended</b>

### **Reason for recommendation:**

The proposal for residential development located in the open countryside and in a remote location is considered to be unsustainable development which would also result in harm to the character and appearance of the rural area by introducing a cluster of new dwellings in an area which is rural in nature. The proposal is therefore contrary to Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the NPPF.

### **Site Location:**

The site comprises land known as Asterby and Chalkcroft Nursery. On the site there is an existing bungalow, polytunnels and outbuildings associated with the existing horticultural business that operates from the site. The existing access is taken from The Ridgeway.

The site is located within the open countryside between Blunham and Moggerhanger. The area is predominantly open farmland however nearby there are commercial uses at The Ridgeway Business Park and former Abbey Corrugated unit.

### **The Application:**

Outline consent is sought for the demolition of the existing nursery buildings and poly tunnels and the construction of 9 dwellings with car parking and associated works with all matters reserved except access and layout.

The 9 dwellings comprise 1 x 2 bed house, 6 x 3 bed houses and 2 x 4 bed houses with the indicative appearance of traditional barns surrounding a large courtyard.

The application also includes three dwellings for affordable housing, a new footway/cycle path across the fields in the applicants ownership linking the development to Blunham road in Moggerhanger, and a £50,000 contribution towards the new village hall car park.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (March 2012)**

**Core Strategy and Development Management Policies - North 2009**

DM3 High Quality Development  
DM4 Development within and Beyond Settlement Envelopes

**Emerging Development Strategy for Central Bedfordshire 2014**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council issued judicial review proceedings on the 12th March 2015 against the Inspectors findings. At the Council’s Executive Committee on 6th October 2015, Members agreed to recommend to Full Council (19th November 2015) that the Development Strategy be withdrawn and to discontinue legal proceedings. Once withdrawn no weight should be attached to the Development Strategy. However, its preparation was based on and supported by a substantial volume of evidence studies gathered over a number of years. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform future development management decisions.

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

<b>Case Reference</b>	<b>CB/10/04346/FULL</b>
Location	Asterby, Chalkcroft Nursery, The Ridgeway, Moggerhanger, Bedford, MK44 3PH
Proposal	Full: Change of use for part of retail nursery to garden centre
Decision	Full Application - Refused
Decision Date	08/02/2011

<b>Case Reference</b>	<b>CB/10/00060/FULL</b>
Location	Asterby, Chalkcroft Nursery, The Ridgeway, Blunham, Bedford,

	MK44 3PH
Proposal	Full: Change of use from retail nursery to retail nursery, garden centre and farm shop
Decision	Full Application - Refused
Decision Date	12/03/2010

<b>Case Reference</b>	<b>MB/97/00431/FULL</b>
Location	Chalkcroft Nursery, The Ridgeway, Moggerhanger, Chalton, MK44 3PH
Proposal	FULL: CHANGE OF USE OF LAND TO FORM PADDOCK ENCLOSURE. ERECTION OF DONKEY SHELTER AND POLYTUNNEL FOR USE AS PLANT SALES AREA. (RETROSPECTIVE).
Decision	Full Application - Granted
Decision Date	25/04/1997

<b>Case reference</b>	<b>MB/95/01528/Full</b>
Location	Chalkcroft Nursery, The Ridgeway, Moggerhanger, Chalton, MK44 3PH
Proposal	FULL: FOUR TRANSPARENT POLYTUNNELS (RETROSPECTIVE)
Decision	Full Application - Granted
Decision Date	16/01/1996

<b>Case Reference</b>	<b>MB/95/00457/FULL</b>
Location	Chalkcroft Nursery, The Ridgeway, Moggerhanger, Chalton, MK44 3PH
Proposal	FULL: ERECTION OF SHOW CONSERVATORY (RETROSPECTIVE)
Decision	Full Application - Refused
Decision Date	23/05/1995

<b>Case Reference</b>	<b>MB/95/00029/FULL</b>
Location	Chalkcroft Nursery, The Ridgeway, Moggerhanger, Chalton, MK44 3PH
Proposal	FULL: SITING OF MOBILE HOME FOR NURSERY MANAGER
Decision	Full Application - Refused
Decision Date	14/03/1995

Location	Chalkcroft Nursery, The Ridgeway, Moggerhanger, Chalton, MK44 3PH
Proposal	ADVERTISEMENT: IDENTIFICATION SIGN
Decision	Advertisement - Granted
Decision Date	23/01/1981

<b>Case Reference</b>	<b>MB/79/00449/FULL</b>
Location	Land On The South Side Of, Blunham Road, Moggerhanger
Proposal	11,000 VOLT OVERHEAD LINE
Decision	Full Application - Granted
Decision Date	31/05/1979

Decision Date	07/01/1975
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## Consultees:

Moggerhanger Parish Council Approve the proposals

## Other Representations:

### 8 Neighbours

#### Comments in support of application

54a, 56 Park road  
Moggerhanger

3, 7, Blunham Road

55a Bedford Road  
Moggerhanger

14 Park Lane Blunham

Asterby Nursery, The  
Ridgeway, Blunham  
(The applicant)

Room2, Block D,  
Holland Drive  
Newcastle upon Tyne

#### Summary of comments

- support application for redevelopment of brownfield land,
- application has many community benefits,
- existing business is not viable,
- Small development will not adversely affect area,
- no nearby houses would be impacted,
- will help with housing needs,
- will not be putting strain on existing sewerage as in other parts of the village, Water supply will be coming from Blunham,
- the development is attractive
- a new footpath/cycleway will be provided.
- will be beneficial to Village Hall,
- benefit to wider community,
- there is already good screening on the site,
- it will not impact on existing Anglian Water services,
- development rear of the Guinea was approved and is outside settlement,
- there is already commercial development in this area,
- A community focused development providing new facilities for new and existing residents and not the developer alone.

### 4 Neighbour Objections

The Ridgeway Blunham  
Station Masters  
Cottage, Old Station  
Court, Blunham.

25 Chapel Field, Great  
Barford.

24 Blunham Road  
Moggerhanger

#### Summary of comments

- development is inappropriate,
- site is remote and isolated from amenities,
- site outside settlement envelope and in countryside,
- will have an impact on the rural area,
- public transport is very restricted,
- no mention of the proposed use for the 20+ acres of farmland already owned by applicant,
- Ridgeway is already an overused narrow road,
- Existing congestion from Ridgeway Business Park and Andersons Transport - this development will add to.
- could set a precedent and allow the village to be extended further
- may affect right of access to fields beyond

Highways

As you will be aware from my comments made at the pre-

application stage the fundamental highway issue with development of this site for residential purposes is the remote location and complete lack of proximity to local services and facilities and sustainable transport. This is not a sustainable location as defined by NPPF and should not be granted planning permission.

Nevertheless, if looking at the scheme from a compliance with standards viewpoint only there is no technical highway reason to object. Visibility from the proposed access can be achieved, albeit with some trimming of existing trees and hedgerow where they overhang the highway verge, traffic generation will not be significant and within the site ample room exists to provide a development that would be design guide compliant.

Tree and Landscape  
Officer

Supplied with the application is a tree survey and tree protection plan. The survey identifies the hedge lines on the north and west boundaries to be retained and suggests that they should be reduced in height to 9 metres with the long term view that they may be removed at a later date once new tree planting has established on the west boundary. This would be a sensible proposal. The tree protection plan also identifies that tree protection fencing will be erected throughout development of the site. That fencing is to be in place as shown on the plan prior to any work on site. This hedge I assume will then be incorporated into individual garden boundaries, as such unless there is some agreement as to future management then each property owner will make their own decision as to how the hedges will be maintained.

I have no objections to what is proposed but we require details of additional planting for the site including the proposed new tree screening. It is not clear from the information supplied as to whether the intention is to include this tree screening at this present time or carry it out at some future date.

Housing Officer

I note from the submitted documentation the intention for the proposed 3 units of affordable housing is for the three units to be allocated to local people. As this application has not been submitted as a rural exception scheme the allocation of the affordable units would have to adhere to the general allocations policy and can not be guaranteed for those with a local connection. To ensure affordable housing was allocated to those with a local connection and in perpetuity the scheme would have to be submitted as a rural exception scheme where the Local Lettings

Policy would apply.

Ecology

I have read the submitted Ecological Appraisal and I am satisfied that the proposals would not have a detrimental effect on protected species. I welcome the proposed native hedge but note that the landscape strategy does not detail shrubs within the development area, ideally these should include nectar rich species such as lavender or hebe. In line with the NPPF the development should deliver a net gain for biodiversity and I would like to see the provision of 9 integrated bird/ bat boxes to be conditioned as a ratio of 1 per dwelling. These should be appropriately positioned according to Bat Conservation Trust guidelines

Strategic Landscape Officer

Landscape Character - Visual Impact -This is a proposal for nine houses on a nursery site where at present there is only one bungalow. I am concerned about the change of use to residential at this scale - it will create an outlying development which does not relate to the settlement pattern and sets a precedent and increased risk of infill on land to the north.

The site lies at the edge of the Marston Vale ( area 5E ) but is heavily influenced by the outlook to the Ouse Valley ( area 4A ) , with views to the riverside vegetation of the Upper Ivel. The actual setting of the Nursery is characteristic of the open vale landscape - level ground with wide open views and little landscape structure in the form of hedgerows. The bungalow is well screened by the roadside hedge and trees but the rear of the site is relatively open and the poly tunnels are clearly seen from Chalton and the A603 to the south. These structures are single storey and light coloured ; in my view the visual impact of residential development will be intrusive , although the design will minimise this in the views from Chalton. The conifer screening does largely contain views from the north and south but the evergreens detract from landscape character .If the site was to be approved I would prefer that these screens are removed at the outset to enable a more sympathetic scheme based on locally native trees and hedgerow shrubs to be established. The proposal to lower the height will result in an unattractive feature which will neither enhance the landscape or the new domestic setting.

In my view this development does conflict with landscape character - in an area at risk of increasing urban fringe pressure. The LCA Guidelines highlight the need to retain the character of the existing villages and the separation / traditional land use between them and introducing development in this rural location would be contrary to Policy 16. I am concerned about urbanising factors such

as the greater density of building and night time impact. However, the site is brownfield and I am concerned about the negative impact of a derelict site.

If the development is approved, by **condition** we would need a detailed landscape plan appropriate to the Ivel / Ouse valley area .I would like the submitted strategy to be revised to include the removal of the conifer screen , as this would be a benefit to landscape character. Enhancement with additional hedgerow planting , preferably to include the route of the proposed footpath would also benefit the location.

Sustainable  
Dev/Climate Change

The proposed development is below threshold of 10 houses and therefore the development management policies DM1 and DM2 in regard sustainability and renewable energy standards do not apply. However, I would strongly recommend that the houses meet the policy requirements and achieve high energy and water efficiency standards: as far as possible deliver 10% of energy demand from renewable or low carbon sources and achieve water efficiency standard of 110 litres per person per day. These standards will reduce use of natural resources and also utility bills of future householders.

The developer should design dwellings with future climate changes in mind (e.g. increase in temperatures and rainfall insensitivity) and reduce risk of summer overheating and risk of flooding. I note that majority of homes have east-west orientation; westerly facing dwellings at most risk of summer overheating. I would encourage amending the layout to orientate as many dwellings as possible within 30 degrees from the south.

LDF Team	No comments received
Internal Drainage Board	No comments to make
Waste	No comments received
Pollution Team	No comments to make
British Gas Transco	No comments received
Gov. Pipeline & Storage System	No comments received
Rights of Way Officer	No comments received at time of writing report
Anglian Water	No comments received at time of writing report

**Determining Issues:**

1. The principle of the development
2. The impact on the character and appearance of the area
3. Affect on neighbouring amenity
4. Highway safety
5. Other considerations

## Considerations

### 1. The principle of the development

- 1.1 The application site is located some distance from any Settlement Envelope as defined by the Development Plan Proposals Maps. It is therefore located within the open countryside where there is a presumption against new residential development in order to protect the open countryside.
- 1.2 The site is currently used for horticultural purposes and is open to the general public where they can purchase plants and ancillary gardening items such as compost. There are a number of poly tunnels, plant storage areas, small brick outbuildings, a parking area and the applicants bungalow located towards the front of the site. The site itself is well screened with mature conifer trees located along the boundaries.
- 1.3 Located between Moggerhanger and Blunham the site is not considered to be in a sustainable location for a development of 9 new dwellings. The site is remote from existing services within the nearby villages and the isolated nature of the site means that occupiers would be reliant on the car to reach everyday facilities and services. Public transport in this location is very limited. There is a Bedford-Sandy-Biggleswade bus however the bus stops in the centre of Moggerhanger, some distance from the application site and along main roads where there are no footpaths.
- 1.4 The proposal is considered to be contrary to Paragraph 55 of the National Planning Policy Framework which advises that Planning Authorities should avoid isolated dwellings in the open countryside. Furthermore paragraph 7 of the NPPF sets out the three dimensions of sustainable development as being, environmental, social and economical. In such a remote location, the proposal would result in environmental harm to the character and appearance of the rural area as a result of introducing residential development in such an isolated rural location, and given that future occupants would be reliant on the car to access local services.
- 1.5 In support of the proposal the applicant has put forward a number of reasons which they believe would outweigh the policy objection to the proposal; these are set out below.
- 1.6 Viability of the existing business  
The applicant has submitted a viability assessment setting out the financial difficulties currently experienced by the existing business. The assessment sets out that horticulture is suffering a downturn and lists a number of similar businesses that have reported losses. It states that the business is not viable and requires significant capital injection to repair the existing buildings. However whilst the council tax for the residential property and the rateable value of the business has been included, there are no details of the actual accounts for the business over the last few years to demonstrate that the business is no longer profitable and viable. In any event the viability of the business would not justify an unsustainable development contrary to the NPPF.

### Redevelopment of Horticultural sites

1.7 Policy DM12 supports the re-use and redevelopment of redundant horticultural and agricultural sites however the policy supports proposals for commercial developments on such sites provided the proposal is considered acceptable in terms of scale, layout, relationship with road network and neighbouring settlements, impact on existing nearby retail facilities and suitable access arrangements. The policy also requires that any redevelopment assimilates into the rural setting and is assessed against the Landscape Character Assessment. Proposals for redevelopment require evidence that agricultural, market gardening or horticultural use is not viable.

1.8 The proposal for residential redevelopment of the site is not compliant with Policy DM12 as the policy does not support the reuse of such sites for residential purposes.

#### Permitted Development Rights conversion of buildings to residential

1.9 The applicant states the existing buildings could be converted to residential use under the Permitted Development regime however there are a number of limitations and conditions set out by the relevant class of the General Permitted Development Order and the need to submit an application for Prior Approval to the Council where the application can be assessed for compliance. During the site visit it was noted that the majority of the buildings on the site are polytunnels and as such would not constitute a conversion without significant rebuilding and therefore it is very unlikely that the buildings would fall within the permitted development criteria. For this reason permitted development rights are not considered to be a reliable fall back position that could be considered relevant to this proposal.

#### Housing need and supply

1.10 The application proposed 9 dwellings, 3 of which would be Affordable Housing units. The proposal would meet the requirements of Policy CS7 which seeks to secure 35% Affordable Housing from developments of 4 or more dwellings.

1.11 As the proposal is not submitted as an Exception Scheme under Policy CS8, normal policy for affordable housing would apply and therefore the scheme would have to adhere to the general allocations policy and cannot be guaranteed for those with a local connection. Whilst there would be an overall benefit in the supply of affordable housing units, it would not be a benefit directly focused on the adjacent communities, or one which would outweigh the objections to the development.

1.12 In terms of the Council's 5 year housing supply, at the time of writing this report the Council cannot demonstrate a 5 year supply, therefore Policy DM4 is out of date as set out by Paragraph 14 of the NPPF. Paragraph 14 advises that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.13 This proposal for residential development, particularly when the site is isolated and in an unsustainable location, would not provide a significant boost to the housing supply and therefore this issue alone would not be a sufficient reason to outweigh any other objections to the development. The adverse impacts in this case would demonstrably and significantly outweigh the benefits.

### Community benefits

1.14 The applicant proposes a contribution of £50,000 towards the new car park at Moggerhanger Village Hall. However this contribution is not considered to be compliant with the tests set out in Regulation 122(2) of the CIL Regulation 2010 (as amended) in that it is not necessary to make the development acceptable in planning terms and it is not directly related to the development. The proposed contribution may be an aspiration of the Village Hall however it cannot be secured via the planning application and therefore cannot be considered as part of this proposal or as a benefit of the development. It therefore carries no weight.

1.15 The application also proposes a new cycle/footway link from the site to Blunham Road in nearby Moggerhanger. The footpath would cross open fields and provide a link to the nearby settlement. However no specific details have been put forward such as surfacing and lighting. In any case the footpath would be isolated and is quite a distance from Moggerhanger therefore it is difficult to see that it would be a significant benefit to the local community which would weigh materially in favour of the development.

1.16 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (and Section 70 (2) of the Town and Country Planning Act 1990) requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case there are no material considerations which would outweigh the non compliance of the scheme with both national and local planning policy therefore the overall principle of the development is considered to be unacceptable.

## **2. The impact on the character and appearance of the area**

2.1 The site lies at the edge of the Marston Vale ( area 5E ) but is heavily influenced by the outlook to the Ouse Valley ( area 4A). The actual setting of the Nursery is characteristic of the open vale landscape - level ground with wide open views and little landscape structure in the form of hedgerows. The LCA Guidelines highlight the need to retain the character of the existing villages and the separation / traditional land use between them.

2.2 The existing bungalow is well screened by the roadside hedge and trees but the rear of the site is relatively open and the poly tunnels can be seen in the wider landscape and the A603 to the south. These structures are single storey and are a characteristic of the countryside. Their impact is not intrusive in the rural area.

2.3 The proposed dwellings, although designed to appear as agricultural buildings, would have a domesticated appearance of greater scale and site coverage than the existing buildings. The cluster of the dwelling would have the appearance of a remote, isolated estate of residential properties which is out of character with the surrounding agricultural landscape. It is acknowledged there are residential properties nearby, however the dwellings are individual properties, isolated and single storey in height.

2.4 The proposal is considered to result in harm to the overall character of the

countryside in this location which is not residential, particularly by introducing a group of dwellings such as this. The conifer screening would restrict views from the north and south but the evergreens detract from landscape character. The proposal includes lowering the height of the conifers however this will result in an unattractive feature which will neither enhance the landscape or the new domestic setting.

- 2.5 The proposal is considered to result in unacceptable harm to the character and appearance of the rural area by introducing residential development in an isolated and remote location and no circumstances have been put forward that would outweigh this harm. The proposal is therefore contrary to Policy DM3 of the Core Strategy and Development Management Policies Document which seeks to ensure that all new development respects the character and appearance of the area.

### **3. Affect on neighbouring amenity**

- 3.1 Given the isolated location of the site, apart from the applicants own bungalow there are no neighbouring properties nearby that would be materially affected by the development.

### **4. Highway safety**

- 4.1 The main highway issue with development of this site for residential purposes is the remote location and complete lack of proximity to local services and facilities and sustainable transport. This is not a sustainable location as defined by NPPF.
- 4.2 Nevertheless in terms of compliance with standards only there is no technical highway reason to object on a highway safety point of view. Visibility from the proposed access can be achieved, albeit with some trimming of existing trees and hedgerow where they overhang the highway verge, traffic generation will not be significant and within the site ample room exists for adequate parking provision.
- 4.3 Aside from the unsustainable location of the site, there are no highway objections to the scheme.

### **5. Other Considerations**

- 5.1 There are no objections to the scheme from an ecology perspective provided provision is made for bat and bird boxes.

#### **5.2 Planning Obligation Strategy**

The Planning Obligation Strategies that have previously been used to inform the collection and negotiation of contributions can no longer be applied. From 6 April 2015 only site specific planning obligations can be negotiated until the adoption of the Central Bedfordshire Community Infrastructure Levy (CIL).

- 5.3 All contributions sought will need to comply with the three tests set out in the

Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) in that the contributions are -

(a)necessary to make the development acceptable in planning terms;

(b)directly related to the development; and

(c)fairly and reasonably related in scale and kind to the development.

5.4 Given the scale and location of the development no contributions towards specific projects will be sought from this development. As set out above the applicant's offer of £50,000 towards a new car park at the village hall is not a contribution that the Council can secure through this development as it would not comply with the above regulations.

5.5 Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would be no relevant implications.

### **Recommendation:**

That Planning Permission be refused for the following reasons:

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The proposal for residential development located in the open countryside and in a remote location is considered to be unsustainable development and therefore contrary to the aims and objectives of the National Planning Policy Framework which seeks to achieve sustainable development and avoid isolated homes in the countryside. Given the remote location of the site the proposal would also result in harm to the character and appearance of the rural area by introducing a cluster of new dwellings in an area which is rural in nature. The proposal is therefore contrary to Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

### **Notes to Applicant**

#### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Refusal of planning permission is recommended. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## DECISION

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