

## Item No. 6

<b>APPLICATION NUMBER</b>	<b>CB/17/04476/OUT</b>
<b>LOCATION</b>	<b>Woodlands Nurseries, Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BJ</b>
<b>PROPOSAL</b>	<b>Outline application for new plant production unit and access road and enabling commercial development (B1/B2/B8) of up to 9,275sqm and residential development of up to 35 dwellings</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mr Firth</b>
<b>CASE OFFICER</b>	<b>Martin Plummer</b>
<b>DATE REGISTERED</b>	<b>15 September 2017</b>
<b>EXPIRY DATE</b>	<b>15 December 2017</b>
<b>APPLICANT</b>	<b>Chessum Plants</b>
<b>AGENT</b>	<b>DLA Town Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application which is a departure from the Development Plan.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - approval recommended.</b>

### **Summary of Recommendation:**

The proposal for 35 dwellings located outside the settlement envelope represents a departure from the development plan. The report outlines the adverse visual impact the proposal would have and that the site is not ideally located to local services and amenities. However, at the same time the proposal would generate rural employment, provide additional housing (35% of which will be affordable), and the provision of a new access road with consequent improvements to existing resident's amenities and highway safety. Taken together, the benefits are material planning considerations which outweigh non compliance with the development plan and the negative impacts of the scheme.

### **Site Location:**

The site is located to the east of the settlement of Upper Caldecote and to the north west of Biggleswade. The A1 forms the eastern boundary of the site with open agricultural fields to the south and east. To the north of the site is an access onto Biggleswade Road and the site straddles residential properties on the southern side of this road also. A public right of way runs through the central part of the site in an east-west orientation.

The site has an area of some 25ha in total and is used for a mixture of horticultural, storage and distribution uses. These uses are generally to the southern part of the site whilst to the north are offices used in connection with the horticultural enterprise and some residential dwellings and other un-used agricultural buildings.

There are various glasshouses, storage buildings and open container beds within the site and the central part of the site is used for storage containers.

### **The Application:**

The applicants overarching premise for the application is based on the continued horticultural business operation at the site for which finance needs to be secured for expansion. Various planning permissions have been granted at the site for expansion of the horticultural business, a new commercial development and access road which have not been implemented. As 'standalone' applications, the applicant has not been able to secure the necessary funding to implement these permissions. The applicant highlights that implementation of those current permissions can only be secured through an 'enabling' development of 35 residential dwellings which will provide the necessary basis for funding to be secured.

### Horticultural element

The current horticultural operation operates from the majority of the site with the main concentration of container beds located to the south. The southern part of the site is proposed for commercial use and this application proposes to relocate the container beds to the north and eastern part of the site, as outlined in pink on the proposed masterplan.

Planning permission has been granted for a new plant production unit related to the horticultural operation (LPA reference CB/16/00850/FULL) – that approved (but not yet implemented) development is located to the west of the existing site (and mainly outside the red outline of the current planning application). The application proposes through the S106, to not build more than 50% of the dwellings until that plant production unit has been implemented.

### Commercial element

Outline planning permission has been approved under LPA reference CB/15/00850/OUT for demolition of an existing building and the erection of one building to be used for B8 purposes. That development has not been implemented but is shown on a drawing which is attached to the draft S106.

The current planning application seeks the provision of two separate commercial buildings for B1, B2 and B8 use in a similar location to that previously approved.

### Residential

Planning permission and prior approval has been granted for replacement dwellings, change of use of agricultural buildings or office buildings into dwellings. Those permissions are generally located to the north of the site and amount to the provision of 15 dwellings in total. No affordable dwellings are associated with those permissions.

The application proposes the provision of 35 dwellings, including 35% provision of affordable dwellings to the north of the site which, in effect, will replace the previously approved development in this location. There is therefore a net increase of 20 dwellings proposed in this planning application.

### Highway access

There is an existing access into the site directly off the A1 and another existing access off Biggleswade Road. Both accesses have significant constraints in terms of highway safety and the proximity to neighbouring properties and associated noise/general

disturbance. Planning permission has been granted for a new access into the site under LPA reference CB/15/03648/FULL which has not been implemented.

The proposed masterplan shows the provision of this approved access in the same position as that previously approved.

### Summary

The application therefore brings together, in one planning application, the provision of horticultural, commercial and residential development and the provision of a new access road to serve the commercial and horticultural use. The application proposes various triggers for implementation of the access road and horticultural use which are discussed in detail below.

## **RELEVANT POLICIES:**

### National Policy and guidance

National Planning Policy Framework (NPPF) (2012)  
National Planning Practice Guidance (NPPG) (2014)

### Local Policy and guidance

Central Bedfordshire Core Strategy and Development Management Policies - North (2009)

CS1	Development Strategy
CS2	Developer Contributions
CS3	Healthy and Sustainable Communities
CS4	Linking Communities – Accessibility and Transport
CS5	Providing Homes
CS6	Delivery and Timing of Housing Provision
CS7	Affordable Housing
CS9	Providing Jobs
CS11	Rural Economy and Tourism
CS13	Climate Change
CS14	High Quality Development
CS16	Landscape and Woodland
CS17	Green Infrastructure
CS18	Biodiversity and Geological Conservation
DM1	Renewable Energy
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM9	Providing a Range of Transport
DM10	Housing Mix
DM11	Significant Facilities in the Countryside
DM12	Horticulture and Redundant Agricultural Buildings
DM14	Landscape and Woodland
DM15	Biodiversity
DM16	Green Infrastructure
DM17	Accessible Green Spaces

Site Allocations (North) Development Plan Document (2011)

Central Bedfordshire Design Guide (2014)

Central Bedfordshire Sustainable Drainage Guidance SPD (2014)

Central Bedfordshire Landscape Character Assessment (2015)

### **Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached pre-submission stage. The consultation ran between 11 January and 22 February 2018. The comments will now be forwarded to the independent planning inspector alongside the Local Plan when the Plan is submitted to the Secretary of State.

The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

In summary it is therefore considered that reference should be made to the emerging plan but limited weight should be applied to the Central Bedfordshire Pre-Submission Local Plan taking into account its stage of preparation, the level of consistency with the Framework and acknowledging that the draft site allocations have now been subject to statutory public consultation. The following policies are relevant to the consideration of this application: SP1, 7, EMP4, 5, HQ1, 2, 4, 11, T1, T4, T5, EE1, 2, 3, 4, 5, 13, DC1, 5, H1, 4, CC1, 2.

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

CB/16/02125/OUT

Outline Application: demolition of residential and horticultural buildings and redevelopment of land for residential purposes for up to 40 units (to include affordable, subsidised and market housing)

Refused: 17 November 2016

CB/16/04028/OUT

Outline Application :erection of building to be used for the purpose of Use Class B8 (and new access)

Refused: 30 November 2016

CB/16/00850/FULL

Relocation of horticultural enterprise consisting of the erection of a packing building and polytunnels with ancillary external storage to be used for the purposes of horticulture.

Granted: July 2016

CB/16/04816/OUT

Erection of a warehouse to be used for the purposes of Use Class B8

Refused: April 2016

Appeal decision pending

CB/15/03648/FULL

New access road from Woodlands Nurseries to Biggleswade Road as previous granted under permission CB/12/02469/FULL & MB/08/01913/FULL.

Approved: February 2016

CB/15/04794/FULL

Erection of a replacement detached dwelling.

Approved: February 2016

CB/15/04370/FULL

Demolition of two bars and replacement with two dwellings

Approved: January 2016

CB/15/02327/FULL

Conversion of building for offices and horticultural purposes into 9x (nine) flat units and external alterations including the insertion of windows and doors.

Approved: December 2015

CB/15/01729/FULL

Erection of a building and three polytunnels with ancillary external storage to be used for the purposes of horticulture.

Approved: August 2015

CB/15/03410/FULL

Erection of a replacement dwelling.

Refused: December 2015

CB/15/03409/FULL

Demolition of two bars and replacement with two dwellings.

Refused: November 2015

CB/15/02023/LDCP

Change of use from office to five dwellings.

Refused: August 2015

CB/15/02344/PAAD

Change of use from agricultural building to three dwellings

Refused: August 2015

CB/15/02214/FULL

Replacement dwelling.

Refused: August 2015

CB/15/01879/FULL

Conversion of agricultural building to dwelling.

Approved: August 2015

CB/15/00850/OUT

Proposed demolition of existing warehouse and replacement warehouse to be used for the purpose of Use Class B8 with ancillary offices/canteen and new access road.

Approved. July 2015

CB/15/00539/FULL

Insertion of new windows and doors.

Granted: April 2015

CB/14/04661/FULL

Replacement dwelling.

Approved: March 2015

CB/14/03042/PAAD

Change of use of agricultural building to two dwellings.

Approved: September 2014

CB/14/02055/PAAD

Prior Notification of Change of Use of 500 square metres of floorspace from Agricultural Use to B8 Use.

CB/14/02033/PAAD

Change of use of three agricultural buildings to three dwellings.

Withdrawn: July 2014

CB/14/01860/PAAO

Change of use from agricultural to B8

Refused: July 2014

CB/14/01124/FULL

Two storey side and rear extension

Approved: July 2014

CB/14/00687/FULL

Change of Use of warehouse building from horticultural distribution to mixed use horticulture and B8 storage and distribution.

Approved. May 2014

CB/14/00370/PAAO

Prior Approval - Change of use of agricultural building to B8 use.

Refused: March 2014

CB/14/0338/VOC

Removal of condition 2 (Personal permission) of CB/11/01395/FULL.

Approved: April 2014

CB/13/02822/PADO

Change of use from office to five dwellings

Refused: October 20133

CB/12/02469/FULL

Construction of new access road.

Approved: September 2012

CB/11/01395/FULL

Extension to warehouse, glasshouse, store and new office building.

Approved: August 2011

MB/08/01913/FULL

Construction of new access road.

Approved: January 2009

MB/07/01940/FULL

Agricultural storage building.

Approved: January 2009

MB/01/01258/FULL

Erection of greenhouse and hardstanding.

Approved: October 2001

**Consultees:**

Northill Parish Council      Recommend that the application is approved.

Ecology      No objection subject to condition

Tree and Landscape Officer      The Arboricultural Assessment identifies little in the manner of quality features but does include a number of B category features consisting of Lime, Poplar groups and a number of single trees. There does not however seem to be any plan identifying trees on site, as such location of most of these trees is not possible although the two B category groups of trees are obvious.

The Arboricultural Assessment does emphasise the importance of supplying a detailed Arboricultural Method Statement based on final layout and design which will be required.

The Ecology Report only appears to deal with one part of the site.

Looking at the proposals for the site it would seem that the principle would be acceptable but concerns are raised that the proposal appears to be losing part of the tree belt on the east of the site to allow development of the commercial area.

Highways No objections subject to conditions (to be included in the late sheet)

Housing Development Officer No objection

Pollution Team No objection subject to planning condition requiring noise protection measures for the proposed dwellings and contaminated land.

SuDS Management Team No objection subject to conditions

Internal Drainage Board Objection

Full flood plan compensation has not been allowed for. Floodplain storage compensation must be allowed for all ground raising within flood zone 3 which must include the raised flower beds and slab height of buildings.

Environment agency No objection but recommend that the mitigation measures proposed in the submitted Flood Risk Assessment Ref:1339 are adhered to.

Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF.

Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people.

Bedfordshire Fire and Rescue Service Refer the Council to relevant building regulation criteria in terms of access for fire engines and water.

Community Engagement Manager	Recommends a financial contribution of £43,470 towards enhancement to Northill Village Hall.
Sustainable Transport Walking and Cycling Officer	No comment
Rights of Way Officer	Objection unless the applicant agrees to divert the public right of way which runs through the site onto the proposed footway to the north of the access way which is shown on the submitted masterplan.
Highways England	Comments to be reported in the late sheet.

### **Other Representations:**

Neighbours	<p>3 Representations received in objection</p> <ul style="list-style-type: none"> <li>• Departure to the Development Plan – site is outside the settlement boundary;</li> <li>• Highway safety impact of HGV drivers using the A1 and congestion on Biggleswade Road;</li> <li>• Harmful impact on open countryside;</li> <li>• Harmful impact on existing infrastructure within Upper Caldecote.</li> </ul>
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### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations

### **Considerations**

#### **1. Principle**

There are three main elements to this application:–

- 1) retention/expansion of the horticultural use in the central part of the site;
- 2) commercial use to the south of the site and;
- 3) the provision of 35 dwellings accessed to the north of the site off Biggleswade Road.

The application shows the sealing up of the existing access to the east of the site directly onto the A1 and the provision of a new access to serve the commercial and horticultural elements of the application off Biggleswade Road.

### 1. Horticultural element

Horticulture is included within the definition of agriculture in the Town and Country Planning Act 1990 – such horticultural (or agricultural) uses and operations within rural countryside locations are, in principle acceptable, subject to appropriate design, layout, access and the normal range of other planning considerations.

### 2. Commercial element

Planning permission has been approved for a single commercial building with a footprint of some 9,278 square metres in a very similar position to that now proposed for two commercial buildings in this application (LPA reference CB/15/00850/OUT). That previous approval incorporated the provision of one large building for B8 use (i.e. not linked in anyway to the horticultural use of the site) to replace a storage building within the site.

The proposed masterplan incorporates an area to the south of the site and shaded in blue for the erection of two buildings for B1, B2, B8 use with a combined floor space of 9,248 square metres – a slight reduction in floor area from that previously approved therefore.

Policy CS11 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) states that the Council will support the rural economy and that it will safeguard rural employment sites in the district. The policy also states that further growth in new types of rural employment is necessary to help maintain the rural economy. Policy DM12 also states that proposals for commercial development on horticultural or redundant agricultural sites in the countryside will be approved if they are considered acceptable against certain criteria. Policies CS9 and CS10 recognise the importance of employment and job opportunities within the rural economy.

Having regard to that previous approval of outline planning permission for commercial use and building within the site it is not considered that there can be any objection in principle in regard to the provision of two commercial buildings in this location which, together, will have a similar footprint to that as previously approved planning permission. Such a position is consistent with paragraph 28 of the NPPF which, amongst other matters, sets out that the provision of new well designed buildings in rural locations which will support growth should be promoted.

### 3. Residential

As noted above, there are various planning permissions for replacement dwellings and conversion of existing buildings from offices/agricultural buildings to dwellings. In total, those permissions amount to the provision of some 15 dwellings to the northern part of the site. Those permissions have not been implemented but they do represent a genuine fall-back position for the applicant.

The development as proposed will replace those various permissions with a single outline permission for the erection of 35 new dwellings – a net increase therefore of 20 dwellings on the site.

An outline planning permission for a similar development comprising of the erection of 40 dwellings was refused under LPA reference CB/16/02125/OUT. That application was refused for three reasons – the main area of concern related to the harm to the character and appearance of the area and that the site was an unsustainable location for development.

The provision of residential dwellings in this location would be a departure to policy DM4 of the Core Strategy Development Management Policies which seeks to restrict inappropriate development in open countryside locations, such as the application site.

The Council are able to demonstrate a five year supply of housing and the Council are not therefore required to determine, under paragraph 14 of the NPPF whether any 'adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits' – the 'tilted balance' test. However, the aforementioned paragraph of the NPPF sets out that there is a presumption in favour of sustainable development, which should be seen as the golden thread running through decision-taking. The determining consideration then in respect of this element of the development proposal (and the application as a whole which brings together in one scheme various elements across the site) relates to whether or not the development is sustainable.

#### 4. New Access

The plans show the provision of a new access to the horticultural and commercial elements – this access has been granted planning permission – LPA reference CB/15/03648/FULL and there can therefore be no objection in principle to this element of the application.

#### Summary

There is no objection in principle to horticultural development and planning permission has previously been granted for commercial development which this application will, in effect replace – no objection in principle with this element either.

The provision of residential development as proposed, notwithstanding that it, in effect, replaces other permissions for residential redevelopment at the site represents a departure to the Development Plan given the cumulative increase in residential dwellings.

The key consideration then in this application is whether there are any material considerations taken collectively for the entire site which outweigh the conflict with the Development Plan in respect of the residential element and whether the development as a whole represents sustainable development.

## 2. **Character and appearance**

### Horticultural

The masterplan shows that existing container beds to the south of the site will, in effect, be relocated to a more central part of the site. The container beds will maintain the openness of the central part of the site where there are views from the A1 to the east. The masterplan incorporates no other significant changes to

the horticultural operation of the site and no significant harm to the character or appearance of the site arises as a result of this. The plans submitted show the provision of various landscaping to the eastern boundary of the site which will help soften the degree of impact from views at the A1. Such landscaping matters are reserved and will be considered through submission of a reserved matters application.

#### Commercial

As noted above, planning permission has been approved for commercial development in approximately the same location to that now proposed – albeit for one large building as opposed to the two now proposed. The provision of two buildings will, to some extent, break up the built form, compared with the previously approved scheme. The Tree and Landscape Officer raises concern in respect of the removal of landscape features to the east of the site and boundary with the A1 – amended plans have been received which show the retention of this existing area of planting and the proposed plan shows planting to the south and western of the application site which will soften the degree of impact from public vantage points on the A1.

The masterplan submitted shows a relatively large area around the two buildings – it is not clear how that space will be used but the applicant has indicated parking and landscaping is likely. Such matters will be considered within further RMA planning applications relating to layout, scale, appearance and landscaping are reserved.

The provision of two buildings of the form and scale proposed will inevitably result in harm to the rural character of the site and surroundings – however, having regard to the previous approval of planning permission for one large building on the site, such a matter has previously been considered to be acceptable.

#### Residential

As noted above, planning permission has been refused for the erection of 40 dwellings on the site and one of the concerns raised relate to the impact of a residential development of such a scale on the rural countryside location and the urbanisation of the site.

It is a material consideration that there are various permissions for residential development to the north of the site in the general position of the now proposed 35 dwellings.

Within the settlement boundary of Upper Caldecote there are housing developments set back from Biggleswade Road – however, that character changes moving east along Biggleswade Road, towards the A1 and the application site where there is predominantly a ribbon of development and transition from village setting to open countryside.

The indicative layout plans show that the proposed dwellings will be set back from the road frontage with Biggleswade Road which, together with soft landscaping may, to some extent may soften the degree of impact from Biggleswade Road immediately to the north of the proposed dwellings. Views of the site from the north west (and along Biggleswade Road) will be significantly

reduced by the extent of soft landscaping at the adjoining site to the west. It is also a material consideration that the proposed dwellings will replace a reasonably significant number of buildings which are of limited architectural significance.

Notwithstanding the presence of existing and proposed landscaping to the north and north west of the site for the proposed dwellings, the development will see a significant increase in the overall amount and number of dwellings within this part of the site. The northern part of the site incorporates an eclectic mix of buildings which is synonymous with rural locations and agricultural development. The provision of a modern residential development will result in a significant and harmful change in the character. Planning permission has previously been refused on this basis and this is a matter which must attract significant negative weight.

### **3. Highways**

The Council's Highways Team has been consulted and they confirm that subject to detailed design and construction the proposed layout of the can be considered acceptable to serve the scale of development proposed with appropriate conditions included as part of any planning approval. However, an additional footway would need to be provided to link the development to the village which will be secured by condition.

The proposed development is located close to the A1 Trunk Road and it is likely that its junction with Biggleswade Road will be used by a significant number of vehicles going to or from the proposed development. As such Highways England have been consulted and their views will be reported in the late sheet.

This application will see the provision of a new access for commercial traffic which will see an improved relationship with existing residential dwellings compared to that as currently exists. Furthermore, the application also sees removal of the access off the A1 which, it is considered is a benefit in terms of highway safety. The provision of an access for the residential element has previously been considered to be acceptable, and is considered to be acceptable now having regard to the severe impact test in the NPPF. Overall, the proposals would not have an unacceptable impact on highway safety, and would be bring tangible benefits to the local area as outlined above.

### **4. Flood risk matters**

No objections are raised to the development in flood risk terms by the Environment Agency and the Councils SuDS Team recommend inclusion of a planning condition relating to surface water matters. The IDB recommend refusal raising concern that the development does not provide for adequate flood plain storage as a result of development above the existing ground level.

The residential element of the application is located within flood zone one and is an area of low risk in respect of fluvial flooding. There are some very small pockets of the residential element which are at a very low risk of surface water flooding. However, having regard to the advice from the SuDS Team it is considered that any such risk can be adequately mitigated through detailed drainage design which can be secured through condition.

The masterplan submitted indicates that existing container beds being relocated from the southern part of the site to the eastern part of the site within an area which is designated as flood zone 3 – higher area of risk of flooding. Having regard to the advice from consultees (EA and SuDS), it is not considered that the provision of such horticultural related structures will significantly increase the risk of flooding and is an acceptable use/operation within a flood zone 3.

The proposed commercial buildings are also located within flood zone 3 and in a similar position to commercial buildings approved in 2015. No objections were raised by the Council in respect of the impact on flood risk.

The NPPG requires that a sequential test be undertaken for development of this nature. The applicant has undertaken this assessment and concludes that the sequential test is passed. The applicant predicates this position on the basis that the development is required to provide the necessary funding to implement a new access road and expansion of the horticultural business. The applicant has also restricted their search to land within the applicants control.

In terms of the sequential test, the NPPG does not seek to limit the scope to which different parcels of land/ownership can be assessed and it requires no assessment of the financial reasoning behind a planning application. In the circumstances and, given the overarching requirement for Councils to determine whether the development can be located in a sequentially more preferable location, it can be concluded that there are more than likely other sites which are sequentially more preferable for commercial development.

The applicants sequential test does however highlight the material considerations in this case which do outweigh the requirements of the NPPF in terms of the sequential test.

It is a material consideration of very significant weight that the applicant does have a genuine fall-back position in respect of a previously approved commercial building in a very similar position to that now proposed. In light of this, refusal of planning permission on flood risk grounds (i.e. that there are other sequentially more preferable sites for commercial development) is not considered to be reasonable, in this case. Similarly, the exception test is also considered to be satisfied.

## **5. Neighbour amenity impact**

The application seeks outline permission only and there is limited information provided in respect of the scale and detailed design of the proposed buildings. It is however considered that the relationship between the proposal and nearby adjoining residential dwellings is generally acceptable and will be able to be considered in more detail at reserved matters stage.

Planning permission was refused for the 40 unit scheme on the basis of inadequate information to determine whether adequate living conditions for future occupiers of the residential development was provided. This application is supported with additional noise information/assessment and the Pollution Officer raises no objection subject to planning conditions. The scheme now proposed incorporates a significant landscaped area between the proposed dwellings and

various horticultural and commercial uses to the south of the application site. it is considered then that adequate mitigation and distances between noise sensitive residential development and noise generating development is provided now such that the previous reason for refusal has been adequately addressed.

## **6. Sustainable Development**

### Economic dimension

In respect of the economic dimension, the applicants position is that the residential 'enabling' element of the application will provide the necessary funding to secure the new access road to access the horticultural land and assist in bringing forward expansion of the horticultural business.

The applicant has submitted a viability appraisal in respect of this matter which has been independently reviewed by consultants instructed by the Council. There are viability issues related to the provision of the new access road (which is needed and a planning benefit in terms of improved access provision at the site) and the related horticultural element (with associated employment generation discussed below).

The application will, in this respect, have benefit in terms of employment and growth of the rural enterprise. Very significant positive weight can be attached to this consideration albeit the Council, through approval of this planning permission, cannot guarantee or require that the horticultural operation to continue to operate from the site. The applicant has however agreed, through the signing of a S106, not to implement more than 50% of the dwellings until the previously approved horticultural development has been implemented.

The commercial element will have benefit in terms of the construction phase of the development in the short term and benefit in the medium-long term in respect of the employment potential. The applicant has also submitted information through the viability report which demonstrates that there are interested parties in the commercial units and heads of terms have been agreed for the sale of these buildings. There is therefore a high degree of certainty and comfort that the commercial element will be brought forward.

The application form indicates that the site currently employs 92 full time staff which, as a result of the development will increase to 225 employees. The applicant has submitted further information in the below table which demonstrates the existing and increase jobs at the site:-

		Existing jobs	Proposed jobs
Horticultural	Chessum Plants	92	126
	Home & Garden	52	92
	PCR Sales	2	8
Commercial	S&S	0	18-25
	Vivo	0	60-80 (+20-40 in last quarter)
Total		146	Up to 371

The development will see a significant increase in job creation which is a material consideration which attracts very significant weight, having regard to the core priorities in the NPPF.

The provision of residential development itself will create employment opportunities during the construction phase of the development and in the way in which future residents of the development will support existing services and facilities within Upper Caldecote and the wider area. Moderate weight is attached to this consideration.

#### Social dimension

The provision of 35 dwellings will assist the Council in maintaining its five year supply of housing and the provision of 35% affordable dwellings will also address need for this level of accommodation. Significant positive weight can be attached to these matters.

The applicant indicates that 10 of the 35 dwellings proposed will be retained for employment of workers of the horticultural enterprise – the applicant identifies in the supporting information accompanying the application that property values in the area prohibit horticultural workers living and working in the area and a number of staff have left the business in recent times to work and live in areas with more affordable property. Through dialogue with the applicant during the application process, it is understood that the applicant is not prepared to accept a planning condition restricting the use of these 10 dwellings for horticultural or agricultural workers as this will negatively impact on the value of the residential development and the funding for which can be secured for other elements of the masterplan. In this respect, the Council are only able to consider the application on the basis of 35 dwellings – 35% of which will be affordable. The provision of affordable housing is nonetheless a material consideration which must attract significant weight.

#### Environmental dimension

Planning permission has previously been refused for the provision of 40 residential dwellings based on the site being an un-sustainable location for

residential development. Concern was previously raised in respect of the distances between the development site and facilities and amenities within Upper Caldecote, the poor condition of the footway along Biggleswade and the likely dependence on private vehicle.

The Planning Statement provides details of the distance and indicative journey times by walking and cycling to the amenities within Upper Caldecote for day-to-day shopping at the local convenience store; playing fields; lower school education; bus stops; etc. The Transport Statement refers to the Institute of Highways and Transportation Guidelines for providing journeys on foot. The majority of the local amenities referred to are within acceptable or preferred distances.

The footway along Biggleswade Road was previously raised as a concern and an additional footway will be required as part of this proposal to provide adequate access between Upper Caldecote and the site. There are also bus stops along Biggleswade Road which provide access to the immediate and wider area and the site is a reasonably short distance by car to the much larger settlement of Biggleswade. Car journeys to Upper Caldecote would also be very short.

Whilst the site is acknowledged not to be immediately adjacent to the settlement of Upper Caldecote, the applicant has set out information to demonstrate that it is within reasonable walking and cycling distance. There is access to public transport and the site is well connected to the A1 and a short car journey to other settlements. The site is therefore considered to be reasonably sustainable in planning terms.

This report identifies that there is likely to be harm to the character and appearance of the site and surroundings associated with the residential element of the development whilst the horticultural and commercial elements are likely to be acceptable. The masterplan indicates retention of tree and landscaping planting to the eastern boundary with the A1 together with further buffer planting along the eastern boundary and to the south of the proposed residential dwellings which will assist in screening the development and assist in increasing net biodiversity.

The Public Rights of Way Officer indicates that a diversion of the public right of way will be required. The applicant sets out however that no changes are required to divert the right of way as the right of way will follow the alignment of the footway which runs parallel and immediately adjacent to the proposed access road. Such an arrangement is considered to be acceptable with no significant harm to users or safety of the right of way.

Flood risk has been considered and is considered to be acceptable, subject to imposition of planning conditions and, having regard to the planning history.

## **7. Other Considerations**

### **Financial contributions**

Representations from Education and Community Spending Officers set out

through relevant calculations, the requirement for financial contributions relating to education and community buildings. The level of contributions agreed have been considered and assessed against the CIL regulations and the relevant tests have been satisfied.

## 8. Summary

The residential element of this application represents a departure to policy DM4 whilst horticultural and commercial elements are considered to be acceptable.

Whilst the Council can demonstrate a 5YSoFH, the NPPF requires that planning permission be granted for sustainable development without delay. The NPPF also requires Councils to significantly increase the supply of housing and proactively provide employment provision in rural areas.

Paragraph 8 of the NPPF identifies that the three dimensions of sustainable development should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

This report sets out the negative weight to be attached to the visual impact of the development and it is acknowledged that the site is not ideally located to local services and amenities.

Matters relating to flood risk are neutral and a range of other considerations including landscaping, scale, appearance and layout, will be considered within subsequent RMA's.

The application does however bring together, in one comprehensive package, the delivery (through triggers in the S106) the provision of a new access road and employment generation at the site. Without this comprehensive package of proposals, it is considered to be most unlikely that continued horticultural use of the site or provision of new access arrangements would be provided, to the detriment of rural employment provision, highway safety and living conditions of nearby adjoining residential dwellings. It is considered that the positive weight which can be attached to provision and delivery of new access arrangements and employment provision would outweigh the negative weight referred to other matters.

Whilst therefore acknowledging the conflict with the Development Plan (policy DM4) and negative weighting to material considerations identified, for the reasons outlined in this report and, on the basis that this application incorporates a comprehensive package of development across the site, the development is considered to be sustainable.

## Recommendation:

That Planning Permission be **APPROVED** subject to the completion of a legal agreement securing contributions to local infrastructure and 35% affordable housing and subject to the following conditions:

## RECOMMENDED CONDITIONS

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 01-02-003 Rev N, 01-02-004 Rev E, 01-02-005, 01-02-006, WB-TS, Landscape Strategy Plan.

Reason: To identify the approved plan/s and to avoid doubt.

- 3 **No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development within that area (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.**

- 4 The number of dwellings approved on the site shall be restricted to 35 as shown on the approved drawings and application form.

Reason: To ensure that adequate provision of housing is provided which is justified in viability terms having regard to the conflict with policy DM4 of the CSDMP 2009.

- 5 The approved commercial buildings shall not exceed 9,275 square metres as shown on the approved drawings and application form.

Reason: To ensure that the Council retains control in respect of the development and the impact on the character and appearance of the site and surroundings.

- 6 Within the submission of any subsequent reserved matters application, landscape design proposals based on the approved plans which sees retention of existing landscaping to the south east boundary with the A1 and provision of landscaping to the east and southern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. The development will thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of adequate landscaping in the interests of the character and appearance of the site and surroundings.

- 7 Within the submission of any reserved matters application, any layout drawings relating to the new access road shall include details of the unaltered alignment of the public right of way (Public Footpath No.7) which runs through the site together with an temporary measures to ensure that the public right of way is maintained and made available for use by members of the public during implementation of the approved development. The development will be implemented in accordance with the approved details.

Reason: To ensure adequate access for users of the public right of way.

- 8 The development hereby approved shall be carried out in accordance with the mitigation measures within the approved Flood Risk Assessment Ref:1339 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development adequately mitigates against flood risk matters.

- 9 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed SuDS Team response letter (Nov 2017), and Flood Risk Assessment (Sep 2017). The scheme shall also include details of how the system will be constructed, including any phasing, and how it will be managed and maintained after completion. The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 of the NPPF.

- 10 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

- 11 No above ground building works shall take place until a method statement for the creation of new wildlife features, enhancement of semi-natural habitats and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives
- c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance;
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure provision of net gain in biodiversity in accordance with the National Planning Policy Framework.

- 12 No above ground building work shall commence in relation to the approved residential development until a scheme for protecting the proposed dwellings from noise and/or vibration from commercial activities including glass house activity and deliveries has been submitted and approved by the local planning authority. None of the dwellings shall be occupied until such the scheme has been implemented in accordance with the approved details, and shown to be effective. The scheme shall be retained in accordance with those details thereafter.

Reason: To ensure adequate living conditions for future residents of the development in accordance with policy DM3 of the CSDMP 2009.

- 13 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings shall be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report should be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until any remedial and validation works are approved in writing, to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that risk to the environment and water sources is adequately controlled and mitigated in accordance with the National Planning Policy Framework.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development 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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