

Item No. 9

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| APPLICATION NUMBER | CB/17/02682/REG3 |
| LOCATION | Kennel Farm, Saxon Drive, Biggleswade, SG18 8UT |
| PROPOSAL | Change of use of agricultural land to a Travelling Showpeople Site to create 4 plots, each plot accommodating the following: - 2 x mobile homes/chalets; - 4 x caravans; - 1 x workshop; - 4-6 trailer parking spaces; - 4 x car parking spaces. |
| PARISH | Biggleswade |
| WARD | Biggleswade South |
| WARD COUNCILLORS | Cllrs Lawrence & Woodward |
| CASE OFFICER | Alex Harrison |
| DATE REGISTERED | 30 May 2017 |
| EXPIRY DATE | 25 July 2017 |
| APPLICANT | Central Bedfordshire Council Assets |
| AGENT | Woods Hardwick Planning Ltd |
| REASON FOR COMMITTEE TO DETERMINE | Town Council objection to a major application Outstanding objections to a CBC application |
| RECOMMENDED DECISION | Full Application - Granted |

Reasons for recommendation:

The proposed development is located close to Biggleswade and would provide permanent travelling showpeople plots which contribute towards the Council's 5 year supply of gypsy and traveller accommodation needs in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites. The proposal would not result in significant harm to the character of the area or an adverse impact on the residential amenity of neighbouring properties to the extent that it would outweigh the benefit of providing plots. It is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, Planning Policy for Traveller Sites.

Site Location:

The application site is a triangular shaped plot located outside of the settlement envelope of Biggleswade. It is in the open countryside but located close to existing built development by virtue of commercial units to the east and a run of park homes to the southwest. To the south of the site, beyond the park homes, lies a Scheduled Ancient Monument (SAM). The site is immediately adjacent to arable fields to the west and north. Biggleswade lies to the west of the site (beyond the arable field) with the expanded Stratton Business Park (phases 5 and 6) to the south beyond the SAM.

A watercourse runs along the south eastern boundary of the site.

Access to the site is gained from an existing lane running from the east which comes off a roundabout on Saxon Drive. This lane is rural in nature and currently used to access agricultural buildings and field and the Town allotments which are northwest of the site. The lane is gated part way up.

The Application:

Planning permission is sought for the change of use of the site to provide 4 plots for travelling showpeople. Each plot has provision for two mobile homes, 4 caravan pitches a 7 metre high workshop building and hardstanding for show vehicles as well as standard vehicles.

Access is to be gained from a lane running west of the site which is accessed via a roundabout on Saxon Drive. The roundabout is to be altered to accommodate the vehicles sizes with the access land to be altered to provide passing place as it is a single width track.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS5 (Providing Homes)

CS14 (High Quality Development)

CS16 (Landscape and Woodland)

DM3 (High Quality Development)

DM4 (Development within and beyond Settlement Envelopes)

DM14 (Landscape and Woodland)

Mid Bedfordshire Local Plan Review December (2005)

Saved policy - HO12 - Gypsies

Draft Gypsy and Traveller Plan

In June 2014, Central Bedfordshire Council submitted the Gypsy and Traveller Plan to the Planning Inspectorate for Examination after a long process of preparation and consultation.

In August 2014, the issues and matters that the Inspector wished to discuss were received. In doing so, he raised significant issues on a substantial number of matters and asked the Council to undertake a considerable amount of additional work prior to the commencement of the Examination hearings.

Following considerations of these matters Officers concluded that it was unrealistic for the Council to respond within the proposed timescale and recommended to Members (via Executive on 19th August 2014 and subsequently at Council on 11th September 2014) that the plan was withdrawn. This document therefore carries little weight in the determination of this application. However for the purpose of assessing a planning

application for the suitability of a proposed site, the policies contained within the document are considered to be useful guidelines as to whether a proposal is considered to be acceptable for its intended purpose.

Those policies thought to be relevant are:

GT5 (Assessing planning applications for Gypsy and Traveller sites)

Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

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| Application Number | CB/16/01072/FULL |
| Description | Proposed change of use from agricultural land to a Travelling Showpeople site (4 plots) with each plot to accommodate: • 2 x mobile homes/chalets • 4 x caravans • 1 x workshop • 4-6 x trailer parking spaces • 4 x car parking spaces |
| Decision | Withdrawn |

Consultees:

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|---------------------|--|
| Parish/Town Council | Object to this Planning Application for the following reasons: |
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- Access.
- Size.
- Inappropriate use of the site.
- The location of this site with regard to a Scheduled Monument (Stratton Moat).
- The proposed site is too large.
- The proposed site would dominate the surrounding area.
- The site is not in the Local Plan and the proposal will short circuit this process.
- No restrictions on working on vehicles etc are proposed such as those in place on the industrial park.

It was suggested that other more suitable venues can be considered.

Cllrs David and Jane Lawrence

Please put on record that David and Jane Lawrence have supported this application for more than 10 years. It was within the scheme put forward by the Town Council to Mid Beds. The showmen are part of Biggleswade heritage for over 100 years and always play their part in the good of the town. They deserve this site and I am sure could accommodate any screening requirement.

Highways

The proposal is for 4 x plots for travelling show persons to include static accommodation, caravans, workshops and parking for large vehicles. Access is taken from a 40mph road (Saxon Drive) at the roundabout arm opposite Foxglove Drive and along a track which currently serves allotments, dwellings, paddocks and an industrial storage unit.

There is also an application for a residential development north of the track which, if permitted, will need to take account of the size of vehicles using the track to access the show persons site, and to provide adequate and safe flow of traffic for all that will use the access.

The arm of the roundabout where access is taken is to be widened on entry and egress and the splitter island enlarged. From the tip of the splitter island the track is being widened for 50.0m length along the access to allow for the 2 way flow of vehicles at the junction for the avoidance of obstruction to the free flow of traffic along Saxon Drive, which would be caused if a vehicle had to wait for another to leave.

Tactile paving will be provided at the green wheel and the signage, gating, bollards and waste bin will also need to be repositioned. Either side of the widened access a footway will be provided, however this is shown just 'ending' where the track reduces to single width, and not tying in with the track.

Two passing places are shown along the single width track of a suitable size to accommodate the 22.8m length vehicle. I am assuming the width of the track is between the annotation stating the edge of cultivation, which will accommodate any overrun shown on the tracking diagrams, along the track and the passing spaces. The extent of the red line plan is not very clear on the site access plan (ending SK001).

Assume that refuse collection for the site will be provided by a private company, and this will be conditioned for the perpetuity of the development. There is a suitable workable area for a fire appliance, if required, along with

turning provision.

Landscape Officer

No comments received.

Trees and Landscape

Supplied with the application is a landscape plan that includes species, sizes and densities of planting proposed for the site. These details would seem to be acceptable but we need to ensure that timings of plantings show that all bare root planting is carried out during the dormant period between October and March.

Ecologist

The ecological appraisal states that results of the desk study and field survey in combination indicate the site has potential to support a range of protected or otherwise notable species, of these reptiles and amphibians will require avoidance measures during construction.

Planning statement identifies mitigation measures proposed to reduce the impact on the watercourse including implementation of pollution prevention and species protection measures during construction; protection of retained hedgerows and trees during construction; implementation of a great crested newt mitigation strategy; suitable timing of vegetation clearance to avoid impacts on nesting birds; retention of the watercourse in the south-west of the site with a suitable buffer zone; and a sensitive external lighting strategy for the development, to minimise light spill onto retained habitats.

Measures have also been recommended to achieve a net gain in biodiversity via the proposed development, in line with the National Planning Policy Framework. Biodiversity enhancements could be delivered via the use of native species in any scheme landscaping, strengthening existing hedgerow planting within the site and providing new areas of shrub and tree-planting as part of the proposals.

To ensure that the future development of the site minimises possible adverse effects to habitats and species and hence development can be delivered in accordance with the legal and policy framework relating to ecology propose a condition is applied;

Green Infrastructure

No comments received.

Archaeologist

The proposed development is located on the northern edge of Stratton Park Moat and associated earthworks (HER 520). This site is a Scheduled Monument (NHLE 1012161) and a designated heritage asset of the highest significance as defined by the *National Planning Policy*

Framework (NPPF). The site forms part of the setting of the designated heritage asset; the setting of a designated heritage asset forms part of its significance and any development within that setting will have an impact on the asset.

The site is also located in an extensive archaeological landscape containing sites and features dating from the prehistoric to post-medieval periods. This landscape includes evidence of later prehistoric and Roman settlement and field systems (HERs 13956, 15327, 16158, 16823, 16824 and 18284), remains of Saxon and medieval settlement (HERs 518 and 17738) and field systems (HER 17786) and post-medieval activity (HER 16162). The proposed development site has the potential to contain previously unidentified archaeological remains relating to the identified in the surrounding area.

The application includes an *Archaeological Field Evaluation and Heritage Statement* (Albion Archaeology Document 2014/85, Version 2.0, 18th March 2016) which comprises the results of an archaeological field evaluation of the application site and a consideration of the impact of the proposal on the setting of the Stratton Park Moat designated heritage asset. On the basis of the information in the *Heritage Statement* it is clear that the site contains buried archaeological remains of an enclosure system of early medieval date which may relate to the to the Stratton Park Moat and associated earthworks Scheduled Monument immediately to the south. These are heritage assets with archaeological interest as defined by the *NPPF*. Development of the site will have a negative and irreversible impact on buried archaeological remains and on the significance of the heritage assets with archaeological interest they represent.

The *Heritage Statement* also considers the impact of the proposal on the setting of the Scheduled Monument. It concludes that the impact on the setting and, therefore, the significance of the designated heritage asset will be slightly harmful although not so significant that the development could not be justified in terms of its impact on the designated heritage asset. The proximity of the proposed development to the Scheduled Monument, its scale and nature mean that it will have a major impact on the setting. Not convinced that the impact of the development on the designated will not amount to substantial harm as suggested by the *Heritage Statement* particularly when taken in conjunction with the development proposals for the immediately adjacent site at Saxon Drive (CB/17/01277/OUT). The cumulative

impact of the two proposed developments is likely increase the impact on setting of the Scheduled Monument. In order to determine whether the site is acceptable within the context of paragraphs 132 and 133 of the *NPPF* will need to undertake further analysis of the proposed development and its relationship to the Saxon Drive proposal and their impact on heritage assets in particular the setting of the Scheduled Monument. When this is done further more detailed comments will be sent.

Historic England

The development is adjacent to an important archaeological site known as *Stratton Park Moated Enclosure and Associated Manorial Earthworks*. This site is designated as a scheduled monument, and is a heritage asset of national importance. The monument is a well preserved example of a medieval moated enclosure, and it is associated with contemporary manorial out-works and building platforms. The moat and associated earthworks formed the main manor of the now lost village of *Stretton* (Stratton) which was the precursor to the development of a manor house set in a large park. It is likely that the moated enclosure dates back to the C13 and remained the main manorial residence in Stratton until the C16. The features that form the scheduled monument subsequently became part of the remodelling of the landscape into a 'classic' park in the C17 and C18 Centuries. A new house, which was demolished in the 1960's, was located under the current Stratton Park bungalow and industrial units, however the park included the land associated with Kennel Farm, Park Corner Farm, as well as the scheduled monument. The new house was approached by a drive which ran from west to east, past the northern side of the moat.

As previously discussed the moat is a designated heritage asset and is of national importance. It has a high historic, evidential and communal value and the monument currently enjoys an open and rural setting to the north, south and east. We have looked at this area many times and have concluded that the views to the north from the monument looking over to the proposed development area are of particularly relevance in that they provide the rural context for the monument, and help to retain the association between the monument, the later house and the park. These views form an important part of the character, and therefore the setting of the monument, and the vistas contribute to our appreciation and understanding of the monument in its landscape. They also help maintain the open rural character in which the monument was established and in which it survived until the modern era. As noted in the Setting of Heritage Assets Historic Environment Good Practice Advice in

Planning: 3 (GPA 3) the *'Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance...'*. The views therefore illustrate both the original context of the moat and its later development as a park and make a contribution to the significance of the monument.

The application boundary would at its closest point be 13 m metres from the edge of the scheduled monument and we consider that the change of use and allocation of the land for the proposed development would bring a lasting and permanent change to the monument. The development would further erode the fragile historical context and would divorce the site from its rural hinterland. We consider that the proximity, scale and permanence of the development along with the implications of noise, movement and light would have a serious detrimental and harmful impact upon the significance of the monument through a development within its setting.

We recommend that this application is determined in accordance with the core planning principle observed in paragraph 14 and 17 of the National Planning Policy Framework (NPPF) which proposes a presumption in favour of sustainable development, but also says there is a need to *'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations'* (para 17). Also of relevance here is NPPF paragraph 128, which requires the applicant to describe the significance of any heritage assets affected and that the level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 131 says that when determining planning applications, account should be taken of *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'* and, *'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'*. The NPPF paragraph 132 requires planning authorities to place great weight on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. This paragraph also recognises that *'any harm or loss should require clear and convincing justification'*. It is also recognised in the NPPF (paragraph 134) that where a development proposal will lead to less

than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The NPPF (Paragraph 137) highlights the opportunity for Local planning authorities to look for new development within the setting of heritage assets that will enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

We also previously raised concerns about the use of and reinforcement of vegetation buffers (see pages 3, 11 and 13 of the Landscape Strategy). Again the Landscape Strategy which is dated February 2016 does not appear to have been revised since our previous advice. Our view has not changed and we consider that the landscape buffer and planting scheme would in itself contribute to the harm. Planting would further enclose and restrict views from the monument and would block views through to the open countryside beyond, and the applicant's landscape strategy also shows that it would only be partially effective at screening the development. We therefore continue to consider that the screening would further harm the significance of the monument. As discussed, screening as part of a new development can also be considered as harm to the significance of a designated heritage asset in its own right. This was confirmed at an appeal involving a similar development (Appeal Ref: APP/Y2620/W/15/3132403).

We also note that the Heritage Statement has not been revised since our previous letter and we therefore continue to disagree with its conclusion, which says that the contribution of the development area to the setting of the monument is low and that the development would have a low impact upon its setting. The assessment of significance does not give sufficient weight to the contribution that the development area makes to the setting of the monument. The level of harm from the development would in our view be of a high magnitude.

Another comment that we made was in relation to the accumulation of harm. We continue to maintain that this is a considerable issue in relation to this application. Primarily, the development of Stratton Business park is underway, and we are aware that a new application for up to 230 houses has been discussed at the pre application stage (see *Proposed development of up to 230 home on Land to the east of Saxon Drive, Biggleswade*) on to the east of Kennel Farm. This application has therefore not considered the cumulative

impact of proposed development, nor has the applicant revised or updated the application in light these developments. The analysis that has been provided does not provide a fully representative series of views and does not adequately consider the cumulative impact of development on the setting of the monument. In our view this is a failing in relation to Paragraph 128 of the NPPF.

We are also concerned about the form of the development. Because of the watercourse to the south of the development area, the built elements are pushed to the north and are therefore on the most visible part of the site. We note that all the buildings on site are sizable but are concerned by large workshop buildings as well as the impact from the vehicles and trailers that would be parked here. The amount of buildings and hard standing proposed will significantly reduce the agricultural nature of the development, and mean that the intensity of development and the density of the built form is high. We do not consider that the site is suitable for the change of use for which it is intended. We also continue to raise concerns about the lack of detail in relation to the fencing and lighting and note that the application has not been clarified in this regard since our last letter. The use of the lighting would also be an issue and increase the impact of the development on the rural character of the area. The location and scale of the fencing, and the number and locations of lights still need to be clarified.

Please also note the issues we raised in the last letter with regards to the status of the Council's withdrawn Central Bedfordshire Gypsy and Traveller Local Plan. This process has never been satisfactorily resolved and in our view this site remains unsuitable for this purpose.

We therefore maintain our view that the development as proposed would have a harmful impact upon the significance of the monument through a development within its setting. No attempt has been made to moderate the scheme in relation to the clear impacts on the setting of the monument and we remain concerned that the development cannot be adequately screened, and that any screening in this landscape would obstruct the important views from the monument, and would be harmful in its own right, as well as adding to the harm from the development itself. In addition, the question around the lack of suitable land allocations and an adopted plan remain unresolved. It is also clear that the applicant has not given great weight to the conservation of the scheduled monument and its setting and has not provided a clear and convincing justification for the harm. We therefore consider that the harm to the significance of

the scheduled monument would outweigh the benefits of the proposed change of use and that the current application would fail the policies in paragraphs 132, 134 and 137 of the NPPF. We consider that this scheme can be delivered elsewhere without causing lasting harm to the significance of an important designated heritage asset and would urge the council to seek a less harmful solution.

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 128, 132, 134 and 137. Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Flood Risk/Drainage

We consider that planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the following recommendations and subsequent planning conditions are secured.

- The discharge rate that you are working to needs to be stated. The calculations for 5l/s are consistent, however the calculations for the lower limit are confused.
- Final discharge rate and full set of micro drainage storage calculations should be sent to CBC SuDS officers with layout plans.
- If a 30% climate change allowance is used for storage, the site should be modelled to show all surface water within a 40% climate change allowance is contained on site (exceedance flows).
- Where the use of permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA RP992 the SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
- The final detailed design including proposed standards of operation, construction, inclination, pipe diameters and numbers, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

- The final detailed design drawing including, construction, inclination, pipe diameters and numbers, structural integrity and control features be submitted to and approved in writing by the Local Planning Authority.
- To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.
- Please note that Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water and details of this provided with the full detailed design. An easement should be provided on the developable side of the watercourse to allow for access for maintenance, this should be 9m but may depend on the maintenance requirements considered appropriate.
- We expect confirmation of the proposed arrangements for maintenance to be provided with the final detailed design, including the future maintenance and operational needs and the responsible bodies for undertaking maintenance (for all public and private drainage components).
- We will expect that any components that require replacement and/or maintenance will be designed to be accessible without undue impact on the drainage system and adjacent structures or infrastructure.

Internal Drainage Board The principles of the Flood Risk Assessment are acceptable; however discharge rates will need to be agreed with the Board.

Please also note that the watercourse on the boundary of, or passing through this site is under the statutory control of the Board. In accordance with the Board's byelaws, no development should take place within 7 metres of the bank top, without the Board's prior consent, this includes any planting, fencing or other landscaping.

Pollution Team Had no comments to make.

Rights Of Way

No comments received.

Private Sector Housing

The officer cannot see an issue with the proposed development: while the location of the statics and tourers appear to be sensibly placed would ask that the planners add an informative to advise the sites owners that the distance between the statics should be at least 6m as per the model standards - same as that now made under the Travelling show persons own association guidance - and that the tourers should be a similar distance away from the statics and other tourers to ensure safe fire distances. The main buildings should not be a concern as they will be built of a more fire resistant material (assuming cladding etc).

The flooding and therefore the drainage will need to be in place as per the SUDS/highways requirements but this is likely to be same or better than PSH requirements for hard surface drainage and sustainable ground drainage.

Waste services

The Council's waste collection pattern for Biggleswade is as follows:

- Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy
- Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23 litre food waste caddy.

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin, and £5 +VAT per set of food waste bins.

Wherever possible, refuse collection vehicles will only use adopted highways. If an access road is to be used, it must be to adoptable standards suitable for the refuse vehicle to manoeuvre safely around site. Typically, until roads are adopted, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard standing area needs to be provided. We would need to see a design layout showing where this point would be.

Other Representations:

Neighbours

64 letters have been received. Of these 61 are in objection or make comments raising the following issues.

- Scale of development too large and unsightly. Site is on an incline and visible from afar. No

justification provided as to whether the amount of storage proposed is actually required. Screening will not be immediately apparent and potentially only seasonal.

- Applicant has provided no evidence or substantive case for an open countryside location and it is therefore not justified.
- Access road is not suitable for such traffic. Track is a rough farm road and bridge unlikely to be suitable. No certainty that off site highway works will be completed.
- Increased traffic will bring congestion and safety issues.
- Biggleswade already stretched from growth. Town does not have the infrastructure to support the growth.
- Detrimental impact on surrounding landscape.
- Loss of agricultural land.
- Large visual impact as machinery is very high
- Overwhelming impact on Parkside, Stratton Park.
- Harm to amenity of neighbouring park home residents through noise impacts.
- Development would cause air pollution.
- Proposed home adjacent to this site will be affected by this scheme.
- Harm the ambience of the Green Wheel and will affect its usage and safety of use.
- Too close to the Scheduled Ancient Monument and would adversely affect the heritage of Biggleswade.
- Site is not designated for development in the Local Plan.
- Proposed landscaping will not afford privacy
- Site is partly within the flood plain and proposal will increase flood risk
- Ecology of the site has not been fully investigated and is of valuable importance for flora and fauna.
- Site does not have mains drainage
- Proposal does not meet the guidelines of Designing Gypsy and traveller sites, good practice guide.
- Questions whether the intended occupier are classified as travellers.
- No details of boundary treatments provided.
- Site is too close to the Dunton Lane G&T site.
- Industrial Park or a site near the A1 would make a better site for development.
- Why can't the existing site be extended?

3 letters of support are received raising the following points:

- Good idea to relocate to more suitable premises.
- Applicants have been residents in the community for years and current facilities are inadequate.

Issues of property values, development costs and legal covenants are noted as being significant concerns for objectors but these are not planning considerations and not addressed in this report as a result.

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 of Development

- 1.1 The site lies outside of any settlement, with Biggleswade to the west and southwest. In policy terms it is within the open countryside where there is a general presumption against the granting of planning permission for new development as set out by Policy DM4 of the Core Strategy and Development Management Policies Document (2009). It is noted that there are existing commercial buildings immediately east of the site and park homes to the southwest.
- 1.2 Planning Policy for Traveller Sites 2015 (PPTS) guidance sets out that Local Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. The guidance requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers, (including travelling showpeople) in their area and identify a supply of deliverable sites sufficient to provide 5 years worth of sites against their locally set targets.
- 1.3 Paragraph 25 of the PPTS sets out that if a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary consent.
- 1.4 Gypsy and Traveller Pitch Provision
A Central Bedfordshire-wide Gypsy and Traveller Plan (GTP) was prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and was subject to public consultation following approval at full Council in February 2014. The Plan was later submitted to the Secretary of State in June 2014, however as noted earlier the Inspector raised a number of questions regarding the Plan and the Plan was later withdrawn. The Plan therefore carries very little weight in the determination of this application.

- 1.5 In preparation of the Plan the Council had a new Gypsy, Traveller and Showperson Accommodation Assessment (GTAA) undertaken, dated January 2014. This Assessment is considered to be up to date and highlights that there are a small number of unauthorised pitches, temporary consents, concealed households and people on waiting lists for the Council-run sites which are considered to represent the backlog of need within the area.
- 1.6 The need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update and Full Council agreed on 30th January 2014 that the GTAA be endorsed and that the specific sites identified are taken forward to deliver 66 Gypsy and Traveller pitches.
- 1.7 While the current version of the GTAA identifies that Council has allocated sufficient sites to provide the required number of pitches to deliver a 5 year land supply the plan has been withdrawn and therefore the 5 year supply cannot be demonstrated. Nevertheless, pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches provided.
- 1.8 Sustainability
The PPTS states, in para 14, that:

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

However, para 25 of that document also states that:

25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

- 1.9 The site is located within the open countryside but has a relationship with existing built form and Biggleswade itself to the east. It is therefore not considered to be isolated. The content of the PPTS seeks to ensure sites are sustainable in their location but also acknowledges that sites can be in rural locations. A 2015 appeal decision at Woodside, Hatch provides guidance into the location of sites and distances from services. It noted that there were sizeable settlements close by, explicitly listing Sandy (1.4 miles), Upper Caldecote (2 miles) and Northill (1.3 miles). This application site is closer to Biggleswade than that appeal site in Hatch and therefore it is considered that there should be no objection to the location of the site away from any established settlement in this location.
- 1.10 The site had been previously intended to be allocated under the Central Bedfordshire Gypsy and Traveller Local Plan however as stated this has been withdrawn and its former intention to be allocated should be given no weight in determining the individual merits of this application. However by the same token,

the fact that a site is not allocated is not reason to refuse an application. There is no substantive need for a site to be formally allocated to be found suitable for gypsy and traveller use. It is open to site owners and / or promoters, including members of the travelling community and the Council themselves, to bring forward sites as they become available and for the local planning authority to consider each proposal against established need following full and proper consultation.

1.11 The issue of need.

In an appeal decision at Twin Acres, Arlesey the Inspector noted:

"Although the Council prepared the Central Bedfordshire Gypsy and Traveller Local Plan, that plan has been withdrawn and there are no allocated sites."

This decision has previously been referred to in reports to this Committee. The Inspector went on to say:

"It is clear there is a significant unmet, immediate need for gypsy and traveller pitches" and again to say "As a matter of policy the absence of an up to date five year supply of deliverable sites is a significant material consideration in applications for temporary permission by virtue of paragraph 25 of the PPTS. However, this factor is capable of being a material consideration in any case and with another appeal ref APP/P0240/A/12/2179237, concerning a site within Central Bedfordshire, the Secretary of State concluded that the need for sites carried considerable weight and the failure of policy was also afforded significant weight. That must remain the case today."

- 1.12 Recent planning permissions and appeal decisions have granted consent for a number of additional pitches, including making permanent some temporary pitches. Current site provision in Central Bedfordshire is continually being reviewed through monitoring and site visits including the bi-annual caravan count. The Council has therefore commissioned a further GTAA, which will have a baseline updated to 2016 and a new 5 year supply period to 2021. It will necessarily reflect the provisions of the revised PPTS, including the new "planning" definition of gypsies and travellers which requires consideration of the extent to which their "nomadic habit of life" is continuing (Annex 1 para.2).

- 1.13 In the meanwhile, the Council accepts that whilst the immediate backlog may well now have been resolved, there remains an unmet, albeit currently imprecise, need going forward resulting in the lack of a 5 year supply of suitable accommodation to 2019. This application for 4 permanent travelling showpeople plots on a new, purpose designed, site would make a substantial contribution towards meeting the outstanding shortfall in supply to meet this need.

2. The effect on the character and appearance of the area

- 2.1 Currently the site lies outside of any recognised settlement envelope. It is visible from the public realm with views from the area around the site. The character of the site and views from the wider area will materially change as a result of this proposal although it is acknowledged that development is proposed against a backdrop of existing development and potential future residential growth to the west. The open nature of the site will be permanently lost. The access road is used by walkers but is not a public right of way. The Biggleswade green Wheel

crosses the access and a right of way runs north of the site. There are public realm views into and across the site.

2.2 When considering planning applications, paragraph 26 of the PTSS states:

26. When considering applications, local planning authorities should attach weight to the following matters:

- a. effective use of previously developed (brownfield), untidy or derelict land*
- b. sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c. promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- d. not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

2.3 Development of the site will alter the character and appearance of the area by intensifying activity and built form. Built form will be introduced onto the site in the form of 4 plots, each containing 2 mobile homes, 1 workshop and pitches for 4 caravans as well as associated hardstanding and amenity spaces. This built form will affect the character of the area and although some landscaping is proposed, elements of the site will be visible from the public realm such as the 7 metre high workshop buildings. The provision of the landscaping buffer also contributes to the impact on the character of the area however it is noted that there are open areas with visible buildings of varying scales in the immediate area.

The layouts of the plots are larger than those associated with solely residential pitches and the design reflects the advice of para 19 of the PPTS which states:

19. Local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards to allow residential accommodation and space for storage of equipment.

2.4 The planting of landscape buffers would soften the impact of the development and accord with para 26 of the PTSS. The Case Officer did contact the agent to seek a greater landscape buffer to the south as there would be part of the site that would not be screened due to the plot hardstanding layout immediately abutting the Drainage Boards watercourse offset area and this would not allow for any landscaping and would leave the site with exposed views into the site and/or an enclosure. No response has been received from the agent at the time of drafting this report however it is considered that improved screening will soften the impact of the development and it is therefore necessary to make the scheme acceptable in planning terms. As a result a condition can be included requiring a revised layout to include further planting, this will affect the extent of hardstanding on the plots but will benefit the impact on the character of the area.

2.5 The area has a number of buildings that are visible from public realm areas, including the existing brick barn to the north, Stratton park business units and park homes to the east, park homes to the south and an existing barn to the west and therefore the development of the site would not sit isolated in the open countryside. Furthermore the land to the west of the site is proposed for

residential development which will lessen the detached character the site may be perceived to have from the settlement. The development, and in particular the workshop buildings will be visible from the public realm but it would not be a harmful impact given the nature of existing and proposed built form in this area.

- 2.6 On the basis of the considerations above the impact on the character and appearance of the area is considered to not be detrimental to the extent that it would warrant a refusal of planning permission when considered as part of the individual merits of the scheme.

3. Historic Environment

- 3.1 Objection has been raised by Historic England (HE) on the grounds that the development would detrimentally impact on the setting of the nearby Scheduled Ancient Monument (SAM) south of the site and its significance as a designated heritage asset as a result.
- 3.2 HE notes that the site, at its nearest point, is 13 metres from the edge of the SAM. This is noted however it is also noted that immediately north of the SAM is a run of established, permanent park homes which would sit between the application site and the majority of the SAM. The consented expansion of Stratton Business Park, known as Phase 5 will also introduce built form close to the SAM. Therefore while it is acknowledged that the development will have an impact on the setting of the SAM, the impact of this should be considered against the context of existing and consented development in this area. The presence of the park homes reduces the extent of impact of this development on the setting of the SAM.
- 3.3 Currently the site is open and the development would give an impact of enclosure when making a comparison to the existing. However the change to the character itself does not result in the conclusion of a harmful impact. In this instance the development will have an impact on the setting of the Scheduled Ancient Monument. Given the response to the objection from Historic England it is considered that the impact can be concluded as having 'less than significant harm' in the eyes of the NPPF. Under paragraph 134 of the NPPF the harm should be weighed against the public benefits of the proposal. In this instance the benefits of the provision of needed travelling show people accommodation in a location that is suitable for the lifestyle of its occupiers without being too far detached from local services demonstrate that the public benefits in this instance outweigh the 'less than substantial harm' caused to the setting of the monument. As a result it is considered that the proposal can be considered acceptable in respect of this impact.

4. Neighbouring amenity

- 4.1 The site is not adjacent to any existing residential properties but is close to a number of park homes to the south and east. The residential aspect of the scheme is not considered to raise any issues in respect of amenity impact through noise and disturbance or any loss of light. There is a visual impact from the development however this is not considered to be detrimental to an extent that it affect existing residential amenity.

- 4.2 The nature of Travelling Showpeople plots are such that occupiers will store and maintain their show equipment/rides at the plot. There will therefore be noise and activities associated with these activities. The Pollution Tem has considered the application and not raised such activities as an issue and therefore it is considered that any noise or other activities associated with maintenance would not be detrimentally harmful.
- 4.3 In respect of amenity for occupiers of the plots the pitches are considered to be generously sized and development is not cramped in this proposal. Each site has space for private amenity and the development is considered to provide suitable amenity for occupiers.

5. Highways Considerations

- 5.1 The first withdrawn application had highway concerns relating to access. Specifically there were concerns that the size of vehicles could not safely manoeuvre around the roundabout off Saxon Drive, particularly turning right when coming from the south. There were concerns that the length of access lane was significant and did not allow for two vehicles to pass. The lane is currently used as access to the allotments and be farm vehicles. Finally the previous application had not surveyed the bridge on the access lane to confirm that it could accommodate the weight of vehicles associated with travelling showpeople.
- 5.2 As the Highways Officer's comments state, this revised proposal has addressed these points. The roundabout is to be altered to provide technically appropriate space for vehicles to use the access. A passing place proposal is included which will let vehicles pull in while others pass. Finally the bridge has been surveyed and confirmed as being able to take the vehicle weights. On this basis it is considered that the access proposals are acceptable.
- 5.3 Access considerations have taken account the proposal to develop land to the west of this site for residential purposes although the recommendations on this report relate specifically to the individual merits of this scheme. In short the access proposal is considered acceptable regardless of other applications. If outline consent is granted on land to the east the access arrangements for this proposal will still be required as they are necessary to make this scheme acceptable in planning terms. Conditions are proposed to secure the access arrangements.

6. Other Considerations

6.1 Ecology

The comments are noted however the Ecologist has reviewed the scheme and raised no objections subject to works proposed in the submitted Ecological Appraisal being carried out as proposed. The works can be secured through condition.

6.2 Drainage/Flood risk

The site lies partly within the flood plain however no buildings are proposed within it. There is hardstanding areas proposed within the flood plain. The Lead Local Flood Authority and the Internal Drainage Board have been consulted on the application and neither raise objections to the scheme. Drainage proposals

will need formal approval prior to development commencing and conditions can secure these which take account of the comment raised by both consultees. Therefore it is considered that the site can be developed without adversely affecting drainage or increasing flood risk.

6.3 Biggleswade Green Wheel

Objection has been raised on the grounds of a harmful impact to this walking and cycling route around Biggleswade. The wheel route itself crosses the application site at the access to the roundabout only. The access can be provided and upgraded without compromising the route. FP34 runs to the north of the application site and is identified as a 'spoke link' that adjoins the main rim wheel. No part of the network crosses the site or runs adjacent to it other than at the access. The site will be visible from public rights of way and the impact on the character of the area is addressed in Section 2 of the considerations.

6.4 Loss of Agricultural Land

In terms of the loss of agricultural land, the land is graded as Grade 3 under the land classification system. The system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance. This is the land which is most flexible, productive and efficient. It is not clear whether the application site is Grade 3a or 3b, however in general grade 3 land is considered to be good to moderate in the scale and therefore the loss of the land would not result in removal of excellent or very good agricultural land. The loss of the agricultural land needs to be balanced against the benefits of providing the needed showpeople accommodation in an area that has been subject to existing and proposed growth of Biggleswade..

6.5 Status of Occupier

The comments from objections are noted. It is not the place for this application to draw conclusions of the status of the occupier however the recommendation to approve this proposal is conditional on it being occupied by Travelling Showpeople that accord with the set definition of the PPTS.

6.6 Human Rights/Equality

Based on the information submitted there are no known issues raised in the context of Human Rights/Equalities Act 2010 and as such there would be no relevant implications with this proposal.

Recommendation:

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase

Act 2004.

- 2 The three caravans hereby approved shall not be used by any persons other than Travelling Showpeople as defined in Annex 1 of Planning Policy for Traveller Sites.

Reason: To ensure that the use of the site is restricted to Travelling Showpeople in accordance with Planning Policy for Traveller Sites and the National Planning Policy Framework and in recognition of the location of the site within the Green Belt and the 'very special circumstances' case accepted.

(Policy 36 D.S.C.B)

- 3 No vehicles or fairground equipment shall be stored or repaired at the site other than those belonging to the occupiers of each plot hereby approved on the site and such use of the site shall be restricted to the areas shown on approved plans as 'vehicle storage'.

Reason: To ensure that the use of the site is restricted to Travelling Showpeople accommodation, together with ancillary associated storage and repair only in the interests of residential amenity and traffic movements.

(Policy DM3 CSDMP).

- 4 No more than four caravans shall be stationed on any one plot hereby approved at any time.

Reason: To ensure the retention of planning control by the Local Planning Authority in recognition of the location of the site in the countryside in the interests of neighbouring amenity and traffic movements.

(Policy DM3 CSDMP).

- 5 **Notwithstanding the details in the approved plans no development shall take place until a revised landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The revised scheme shall include provision for screen soft landscaping on the boundaries of the site and timings of plantings show that all bare root planting is carried out during the dormant period between October and March. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping.

(Sections 7 & 11, NPPF)

- 6 **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk**

Assessment and Drainage Strategy (February 2016), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation for the 1 in 100 year event (+30% allowance for climate change) and a restriction in run-off rates to that outlined by the IDB. Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion will also be included. 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 NPPF.

- 7 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a '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 (Policy DM3 CSDMP)

- 8 No development shall take place until the alterations to the roundabout, replacement of the street furniture for the 'green wheel' inclusive of tactile paving and widening of the access inclusive of footways, temporary passing bay and permanent passing bay has been fully constructed in accordance with the approved drawing 17874-TRAV-5-SK001.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway, to ensure suitable access is provided for construction vehicles and site occupiers and to ensure development does not affect countryside access via the Green Wheel. (Policy DM3 CSDMP)

- 9 The vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) as may be approved in writing by the Local Planning Authority for a minimum distance of 25.0m into the site, measured from the highway boundary, before the premises are occupied.**

Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety
(Policy DM3 CSDMP)

- 10 Prior to occupation, the proposed development shall be carried out and completed in all respects in accordance with the siting and layout, and parking and turning provision illustrated on the approved drawing no. 29191/006/007 Revision B and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 2015, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.
(Policy DM3 CSDMP)

- 11 The 'temporary passing bay' hereby approved as shown on Drawing No. 17874-TRAV-5-SK001 shall be retained for use until such a time that the access lane has been widened and constructed to a suitable width as to accommodate a two way flow of vehicles.

Reason: To ensure vehicles can pass on the access road in the interests of highway safety and convenience.
(Policy DM3 CSDMP)

- 12 Development hereby approved shall be carried out in accordance with the proposed details contained in Kennel Farm, Biggleswade, Bedfordshire, Ref: 36566, Ecological Appraisal Dated: 3rd March 2016 as already submitted with the planning application and with details to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved coming into use.

Reason: To ensure a net gain in biodiversity.
(Para 109 NPPF)

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Drawing Numbers 3079-1000, 2635/00_010 Rev F, 2635/00_015, 17874-TRAV-5-SK001, D2154 L.201 Rev A, 29191/006/008 Rev B, 29191/006/011.

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

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised that in order to comply with Condition 8 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ

To fully discharge condition 8 the applicant should provide evidence to the Local Planning Authority that the construction is in accordance with the approved plan, before the development is brought into use.

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highways Help Desk tel: 0300 300 8049

The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved

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

