

Item No. 8**SCHEDULE A**

APPLICATION NUMBER CB/10/00518/OUT
LOCATION Land East Of Saxon Drive And North Of Stratton Park, Saxon Drive, Biggleswade
PROPOSAL Outline Application: Health Centre, sports pitches, changing facilities with car parking (Revised)
PARISH Biggleswade
WARD Biggleswade
WARD COUNCILLORS Cllrs Jones, Lawrence, Lawrence & Vickers
CASE OFFICER Hannah Pattinson
DATE REGISTERED 23 March 2010
EXPIRY DATE 22 June 2010
APPLICANT Biggleswade Town Council
AGENT Levitt Partnership
REASON FOR COMMITTEE TO DETERMINE Referred by Head of Development Management as CBC land

RECOMMENDED DECISION Outline Application - Refused

Site Location:

The site is located on the east side of Saxon Drive and outside the settlement envelope for Biggleswade. The application site comprises unused land, arable land, with an area of grassland and a young tree plantation fronting Saxon Drive.

The land subject to this outline planning permission with all matters reserved is owned by Central Bedfordshire Council.

The Application:

This planning application was considered by Development Management Committee in July 2010. The Committee deferred determination of the planning application in order to give the applicants opportunity to provide further information in respect of heritage assets and ecology. Since the application was originally considered by Development Management Committee it has been revised to remove the Traveller's Show Peoples Site, the re location of the allotments, the meadowland and children's play area.

Following the deferral of determination the applicant has submitted an Extended Phase 1 Habitat Survey, a Desk Based Heritage Assessment and two copy letters from the 2 Doctor's Surgeries in Biggleswade. These documents have been the subject to full re-consultation with letters being sent out on 21 October 2010.

As such, in summary the revised Outline planning permission with all matters reserved is sought for a new Health Centre, sports pitches and sports pavilion. The previous Development Management Committee Report is also included for information as not all parties have made further comments during the re consultation process.

All plans submitted are illustrative as all matters have been reserved and will be

determined at a later date if outline planning permission is granted.

The Design and Access Statement has indicated that the proposed Health Centre is to be of the size to support the Biggleswade Area. The scale of the Health Centre building would have a ridge height of between 6 - 12 metres and a floor space between 3000 and 5500 sq metres. The application proposes that there would be four senior football pitches and three junior football pitches and between four and eight tennis courts. The illustrative plan does indicate a total of 17 sports pitches which does not match the figures quoted within the Design and Access Statement. This would be resolved if outline planning permission was to be granted at reserved matters stage.

It is also proposed to provide areas of woodland and meadowland as part of the application and a new children's play area in close proximity to the sports pitches.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS5, PPS7, PPS9, PPG13, PPG17, PPS23, PPG24 & PPS25

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Core Strategy and Development Management Policies (2009)

CS3, CS5, CS14, CS15, CS18, DM3, DM4, DM13 & DM15

Planning History

MB/05/00534/FULL Full: Erection of Primary Care Centre with associated landscaping and car parking - withdrawn.

Representations following Re Consultation on 21/10/10: (Parish & Neighbours)

Biggleswade Town
Council

No comments received.

Neighbours

Five letters of objection were received following the re-consultation. These are summarised below:

- A letter of objection raising concern as to the amount of sports pitches as they cover a large area of the proposed site and will result in a significant area being deemed worthless to any forms of wildlife in the area. Also the horse paddock area has been completely erased from the plans.

The Ecology report from the area seems to confirm a rich variety of wildlife in the area. As shown in documentation, various organisations have been asked for data regarding birds, mammals and amphibians. As stated in the report, 'more investigation at recommended times of year for various species of birds, mammals and amphibians was recommended'. Once this habitat is gone, it can never be replaced.

The increase in traffic visiting the proposed Health Centre and Sports Facilities will have a huge impact upon the surrounding residential area.

- A letter of objection raising concern that the whole development is located in the wrong place. The doctors surgery would be inaccessible to many people. We question the need for the number of sports pitches suggested in this application.
- A letter of objection as there is no doubt that both GP surgeries in Biggleswade are struggling to provide health care for an ever increasing number of patients. This has been the case for a number of years. However, the location chosen for this application is inappropriate for the needs of the people of Biggleswade. Given that the situation has been ongoing for years, it is a matter of regret that the Council has not been able to find a suitable site. Paragraph 2.13 of the HCA document concerns the former Council Offices in London Road deemed unsuitable, largely, it would appear, because the Health Centre would be a large and bulky building. The site is now occupied by housing.

The revised application includes letters from both GP surgeries broadly supporting the provision of a Health Centre, yet no mention is made of support for this particular location. Incidentally, the letters were produced in 2009 for the Biggleswade Town Plan and not directly for this application.

The revised description and revised site plan do not tally. The revised site plan clearly shows the allotment plots within the red line. May I request that either the red line is moved or a planning condition is imposed such that the allotments will not be relocated, otherwise I renew my objections on grounds detailed in my previous response.

I believe that this application is contrary to DM4 as it is outside the settlement envelope.

Transport to the new Health Centre will be more difficult for those people living at the northern end of town. Using public transport, the journey will be increased from 11 minutes to 33 minutes and involve two bus journeys with a substantial walk at either end. The revised application gives no indication of any significant improvements in public transport. The planning permission for the East Reach development included provision of Health Centre facilities. If it is so difficult to find a suitable site for a Health Centre which would both GP practices, why not open a third practice?

- I object to the application:

CBC Web Site

Firstly I would like to comment on the way the consultation exercise on the CBC website, on the revised scheme has progressed.

1. The Revised Site plan was initially hidden away at the back of the file, entitled Extended Phase 1 Habitat Survey. The text on the plan was unreadable. I complained and it has now been moved and identified individually but the text is still unreadable.
2. Some days into the consultation another document appeared on line. Revised description information. This is a letter from GC Planning and refers to letters from the Doctors Surgeries. After I complained, these additional letters have not been added.

2005 Application

When the Primary Care Trust made an application for a Health Centre on the same site in 2005, Biggleswade Town Council Members (now the applicant) unanimously objected and their grounds included:

1. Justification had not been given for the use of the site.
2. Development is outside of the agreed envelope.
3. Design and Visual Appearance of the building is completely out of the character with the area.

I see nothing different with this application.

Biodiversity & Protected Species

I am no expert on this, and I am sure you will

received more detailed comments.

I thought that CBC Planning Development Committee deferred the application in July so that Biggleswade Town Council could produce a proper survey.

The survey produces is a habitat survey. Apparently Middlemarch Environmental Ltd have only been commissioned to undertake an initial ecological appraisal. Nothing in detail! The CBC Ecology Officer wanted a full ecology survey, so that informed decisions could be made about the site.

The report appears to say that the site either supports or could support a number of protected species and recommends that surveys are undertaken concerning:

Badgers, Roosting Bats, Foraging Bats, Water Voles, Otters, Breeding Birds, Nesting Birds, Great Crested Newts and other amphibians, Reptiles, Invertebrates, Vascular Plants, etc, etc

Sport Pitches Etc

Although there had been an identifiable need for additional Open Space, Sports and Recreational needs in the East of CBC area, the need for so many pitches etc in one part of the town has not been clearly established. The site is not one that is readily accessible and would isolate these facilities away from the schools, clubs and communities that at the moment would support and utilise them.

Apparently the existing facilities within the town are already under utilised.

Health Centre

Nobody would argue that there is a need for a Health Centre, but the majority of the people of Biggleswade have expressed the same view again and again that they want it in the town. Even the Primary Care Trust wants it to be part of the community.

In the GC Planning Letter of the 8th October 2010, reference is made to letters from the Doctors Surgeries, and infers that these letters support the location of the health centre at Saxon Drive. Now that these letters have been published, on line, at

my request, it can be seen they are dated September and October 2009. They are commenting on the BIGG project, which was all about the Town Centre Redevelopment and written months before this planning application was made.

- One letter of comment as follows:
Firstly, as an allotment holder, I was delighted to hear that the revised application retains the allotments in their existing location. It would be a huge mistake to have relocated these, and undone all the hard work and many years of dedication that many allotment holders will have put in to develop and improve the quality and yields of their plots over a long period of time. In these times of economic cut backs, unemployment and uncertainty around many peoples' futures, we should be promoting and supporting these people who spend many hours and days cultivating allotments and contributing to the production of local fresh produce.

Secondly, and my main point really, is that if these proposals were to go ahead, with a significant change in the intensity of land use, and hence, level of public presence and occupancy of the land surrounding the allotments, then the allotments will need to be made more secure – so preventing theft and vandalism of crops, which is not an issue (in my experience) in their currently relatively isolated location. In my opinion, it would be essential that as part of any agreement to grant planning permission, the developer(s) are required to fund the erection of a secure perimeter (ideally steel paling) fence with locking gates around the entire allotments site.

At the present time the allotments are completely open, and looking at the latest plan, people using the sports pitches to the north east of the allotments, would inevitably walk right through the allotments to get to / from their games, and clearly, that would be both undesirable and inappropriate for all parties.

Further Consultations/Publicity responses following Re Consultation on 21/10/10

Disability Discrimination Officer No further comments received.

Anglian Water Environment Agency No further comments received.
We have no further comments to add to our previous letter dated 12 April 2010 reference AC/2010/11405/01.

These comments and recommended conditions remain pertinent.

Groundwater

We consider that planning permission should only be granted to the proposed development as submitted if the following four planning conditions are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

The four conditions relate to a risk assessment and site investigation; contamination; infiltration of surface water; and the use of piling or foundation designs using penetrative methods shall not be permitted.

Flood Risk

The site lies partly within Flood Zone 3 (high risk) of an IDB designated Main drain. Bedfordshire and River Ivel IDB should be consulted with regard to the flood risk from this watercourse and the surface water drainage proposals.

IDB

The revised documents do not address the issues raised in my email of the 13 April 2010 which is appended below and therefore the objection is not withdrawn.

An objection is raised to the grant of planning permission for the following reason. The proposals contravene the Board's Land Drainage Byelaw since development is shown within 7 m of the top of bank watercourse 74 which bisects the site. In order to comply with the Byelaw no development shall take place within 7 m of top of bank including landscaping, fencing and other structures. It is also inappropriate to layout sports pitches within the 7 m Byelaw strip because maintenance operations will entail the spreading and levelling of arisings from the watercourse on the strip and this would impede the use of the pitches.

SUDS facilities are proposed in the FRA for the draining of impermeable areas on the site. In order to ensure surface water runoff does not exceed the greenfield equivalent rate of 2 litres per second per Hectare of developed land it is likely that surface water attenuation will be required. There does not appear to be a land allocation for this facility shown on the layout plan, drawing number 12102/2.

Natural England (NE)

Natural England is a non-departmental public body. Our statutory purposes is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of the present and future generations, thereby contributing to sustainable development.

We have considered the proposal against the full range of Natural England's interests in the natural environment. Based on the information provided with the application, our comments are as follows:

As stated in our response of 08 April 2010, Natural England would look to the Wildlife Trust to provide the main representation on this application in relation to Biggleswade Allotment Meadows County Wildlife Site (CWS) which is included within the development boundary.

Previously we also highlighted the need for an ecological assessment of the proposals. While Natural England welcomes the submission of an Extended Phase One Habitat Survey as part of the current application, this report clearly highlights the need for a suite of further more detailed surveys, which have yet to be undertaken. These surveys should be submitted by the applicant before determination of this proposal in accordance with our standing advice.

The application site falls within the Ivel River Valley opportunity area identified within the Bedfordshire and Luton Strategic GI Plan, and specifically within the aspirational footprint of the Biggleswade Green Wheel identified within the lower tier of Mid Bedfordshire GI Plan.

We note that the current development boundary has changed significantly since the previous application, and we are disappointed to see that proposals to provide an area of woodland/meadowland/children's play area to the south of the site have been removed from the application, reducing the potential Green Infrastructure (GI) benefits associated with the development. Within the current proposals, aside from the CWS, the stream corridor running north to south through the site would appear to provide a valuable asset which should not only be protected, but enhanced to increase its biodiversity interest and improve local public access. Rough grassland could also be created and managed around the boundaries of the sports pitches to increase the biodiversity values of these areas.

Any future applications at this site should clearly show how the development will help deliver the GI vision for the Biggleswade area, and include provisions for long-term management of any GI assets (including biodiversity mitigation/enhancements) proposed.

In accordance with Section 4 of the Natural Environment

and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Central Bedfordshire Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

Ecology Officer

I have had a look at the Ecology report for the Saxon Drive proposals. It seems a very thorough report and highlights the need for a number of additional surveys to be undertaken, notably; badgers, bats, water voles, otters, breeding birds, GCN, reptiles and a Phase 2 botanical survey (though we already have some data for this and plants don't move!). The report details the appropriate timescales for these surveys, mainly being during the summer months and yet we are now well into Autumn so I don't see how the application can be determined without this information up front as per guidance in the NERC Act and the councils duty to conserve biodiversity, how can you make sure you are conserving it when you don't know what's there to begin with? I would therefore recommend they withdraw the application until the surveys - as recommended by their consultants - are completed.

Amphibian & Reptile
Group of the UK

This response is solely concerned with the revisions of the above cited proposals. The material in the original consultation response of 14 April 2010 needs to read in conjunction with the present letter.

Two points need clarification.

1. I am writing as Chairman of the Bedfordshire Reptile and Amphibian group which is a constituent member of ARG-UK.
2. The organised toad lift has been re-started because we have been able to arrange insurance. This year we recruited an additional volunteer. We hope to extend this next year. The web-site has been re-activated and a full account of the number of animals rescued in the last 13 years can be seen there.

Regarding the revised proposals

I have read the revision to the proposed development, in particular the 51 page habitat survey by Middlemarch Environmental Ltd dated September 2010. I have the following comments:

1. The Phase One habitat survey states that a

number of surveys must be carried out before planning permission can be considered. Noe appear to have been done.

2. Specifically on page 8 it states that there are only two records of Common Toad for the site. Owing to a mis-understanding the records from the Toad Lift (1998-2010) were not sent to the Bedfordshire and Luton Biodiversity and Luton Biodiversity Recording and Monitoring Centre because they are records of Common Toads picked up by volunteers in the area, not survey records. The records were, and are, available on the web site and we attach a spread sheet giving details of numbers of Common Toads, Common Frogs and Smooth Newts rescued over the last 13 years amounting to over 8,600 animals. Reflected in these figures is the work done by dedicated volunteers. These records have now been given to the Bedfordshire and Luton Biodiversity Recording and Monitoring Centre. On the same page (p.8) it states the Common Toad is covered by WCA 5 S9(5) which it then expands as

'protection is limited to selling, offering for sale, processing or transporting for purposes of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived, from such animal'.

This is out of date, as I pointed out in my letter of April 14 2010:

In 2007 the UK Biodiversity Action Plan listed the common toad as a priority species. Since 2008 this inclusion has been reinforced in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of this Act requires all public bodies to have regard for biodiversity conservation when carrying out their functions. Planning Policy Statement 9 urges local authorities to take measures to protect the habitats of toads from further decline, PPS 9:16. It is also important that natural habitats which provide routes for the migration, dispersal and genetic exchange of toads in the wider environment should be maintained, PPS 9:12. Road developments that disrupt migration routes, breeding and land based habitats can be harmful to toad populations.

In short, legislation requires that planning authorities need to ensure that common toads are protected from the adverse effects of development.

I see nothing in the revised plans to indicate that this has

been observed.

On page 12 the report identifies two ponds:

'Two heavily shaded ponds were identified in the survey with limited aquatic / marginal vegetation including Yellow Iris and Meadowsweet.'

The new pond built in January 2003, which is one of the two main amphibian breeding ponds, has been ignored. It is not overshadowed and has abundant aquatic and marginal vegetation. Also, there is no reference to the toad tunnel and fencing both of which are clearly visible.

On page 16 it states that:

'The ponds within the site should be retained and protected where possible. Any ponds damaged or destroyed should be compensated for by the creation of new wildlife friendly waterbodies.'

As we made clear in our letter of 14 April as far as amphibian conservation is concerned it makes no sense conserving or creating ponds unless suitable terrestrial habitat is also provided.

In short even as a preliminary survey the report's coverage of the amphibians is inadequate.

Our position regarding the whole plan remains unchanged. The objections made in my letter of 14 April 2010 have not been considered in this habitat survey or any of the revisions.

I would like to make two general comments. No one questions the need for a new health centre but why put it on an environmentally sensitive site which is bound to involve delays and additional expense?

The south end of Biggleswade badly lacks recreational countryside with any biodiversity. Why destroy the best site we have in the area in favour of playing fields which have no conservation value and are expensive to maintain?

BRCC

Further to our comments on the original application below (the vast majority of the comments still stand and should be considered again), we have the following comments to make on the amended application:

We are disappointed to see that a number of the more positive aspects of the original application have now been removed, namely:

- The 'Children's play area, meadowland and woodland recreation space' (this complementary informal recreation opportunity mixed with landscape and ecological benefits would form a valuable community asset and link in the Biggleswade Green Wheel).
- Travelling Showpeople site (the opportunity to provide a larger, better site and release the land at Mill Lane for creating riverside public amenity should still be pursued).
- Additional allotment provision (although we are pleased that the existing allotments are now proposed to be retained, we feel that additional allotments should still be provided).

In addition, we would like to highlight a specific comment from our original comments below relating to the potential loss of part of the linear woodland:

In 2009 BRCC assisted Biggleswade Scouts in securing consent from CBC for the planting of x 100 trees on the northern section of the linear woods (immediately east of Saxon Gate Leisure Centre); as part of the Scouting centenary celebrations. These trees were planted in December 2009 on an area which had previously been planted with trees (although these had largely failed). It was our understanding that the original planting was a planning condition relating to landscaping for the creation of Saxon Drive.

The current proposals indicate that much of this area, including the recent planting will be lost to car parking. This would destroy both the Scouts woodland planting and the developing biodiversity of this strip of land. Consideration should also be given as to whether it will remove a landscaping feature which was a condition of a previous planning consent. Reducing the number of sports pitches and locating the car parking further east would enable this linear woodland to remain.

The linear woodland forms a significant link in the proposed Biggleswade Green Wheel.

Finally, although further ecological studies have been undertaken, the many further specific surveys which are identified as required, do not appear to have been undertaken. We do not believe that a proper determination can be made until these surveys are undertaken and any required mitigation proposed.

Bedfordshire
Trust

Wildlife

Thank you for the opportunity to comment on the ecology report which has recently been submitted as part of the above proposal. The report indicates that there is a good variety of habitats present on the site and strongly

recommends a number of protected species surveys are carried out. As these surveys have not been conducted and therefore the ecological information is incomplete our **objection** remains.

Protected Species Surveys

From analysing the results of the desk based search and the observations made in the field, the Extended Phase 1 Habitat Survey carried out by Middlemarch Ecology in August 2010 recommends that a range of protected species surveys are necessary. Section 6.3 of the report suggests that surveys for badgers, bats, water voles, otters, breeding birds, great-crested newts and other amphibians, reptiles and vascular plants need to be conducted. Natural England's Standing Advice for Local Authorities includes the following statement:

*"Where a scoping report (such as this Extended Phase 1 Habitat Survey) recommends further surveys need to be conducted, Natural England recommends that the application should **not be validated** until the detailed surveys have been conducted, and the results provided."*

We support this approach, as this application has already been validated we would strongly recommend that no decision can be made on this case until the results of further surveys have been provided. These surveys must be carried out by an appropriately qualified ecologist at a suitable time of year. In our previous response to this application (dated 07/04/10) we highlighted the importance of the area for toads and badgers. We requested that the impact that this application would have on these species was properly assessed and that, if necessary, mitigation measures were suggested. Common Toads are afforded some legal protection by the Wildlife and Countryside Act 1981 (as amended) and badgers are protected under the Protection of Badgers Act 1992. Common Toad have also recently become a Biodiversity Action Plan species and have been added to the list of species which are of 'Principle Importance for the Purpose of Conserving Biodiversity' under Section 41 of the Natural Environment and Rural Communities Act, 2006.

Ecological Management Plan

The results of all these surveys should be used to guide the way in which the proposals for a health centre and sports pitches are developed. We support that recommendation in section 6.2 of the Extended Phase 1 Habitat Survey that a habitat/species enhancement scheme should be produced which would 'maximise the ecological value of the site'. As already stated in our previous correspondence on this application, the

applicant as well as the planning authority in this case are Public Authorities and therefore, must have regard to biodiversity in accordance with Natural Environmental and Rural Communities Act 2006. The ecological surveys are a vital base from which an enhancement scheme could be developed. The second Key Principle in Planning Policy Statement 9 states that:

“Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.”

It is advised that an Ecological Management Plan should cover what impacts the proposals will have on biodiversity, how ecological assets (such as Biggleswade Allotment Meadows County Wildlife Site and other existing notable habitats) are to be protected during construction works and how they are to be maintained into the future. The plan should also clearly state what measures will be provided as mitigation or to enhance the biodiversity value of the site. These plans would have the potential to provide enjoyable open spaces for the residents of Biggleswade as well as protecting and enhancing habitats for wildlife.

It is noted that a large area to the south of the previous approval which was to provide open space has been removed from this application. From our reading of the documents which accompany this planning application it appears that this is where any biodiversity enhancements were to go (although we could not find any specific plans). This is concerning and requires clarification.

Public Protection

The comments remain as previously stated below and I do not believe that the following has been addressed:

Given the nature and scale of the development concern is raised in relation to noise and light pollution which may give risk to ‘nuisance’ or be to the detriment of the neighbouring residents. Noise concerns relate to a number of potential sources including the use of the pavilion for other functions, noise from plant and equipment on buildings and with respect to the sports pitches because of the number and therefore scale of activities which may take place these may also give rise to concerns. Light is also a concern from the development and given that none of these have been considered at this stage then I have no option but to object.

Sport England
Play & Open Space Officer

No further comments have been received.
No further comments have been received.

Rights of Way Officer
Ramblers Association

No further comments have been received.
The five plans provided in March 2010 for the original application, all dated Feb 2010, were inconsistent. The two coloured plans, drawing numbers 1 & 2, differed significantly in detail from the two larger monochrome Site Plans (designated drawings 1 and 2, both at Rev. A) in the area of the Health Centre as being moved in an approximately SSE direction with a revised layout for the associated car parking. The implied site area boundary in the two coloured plans also differed significantly in the northeast corner from the red boundary lines on the three monochrome plans. These details are relevant to public rights of way within the site.

The revised coloured site plan, designated drawing 6 Rev. A (but still dated Feb 2010) seems to be derived from the original coloured drawing number 2. Although the plan is of poor quality regarding clarity of details, it is assumed that the original five plans should be considered as withdrawn. This is particularly relevant to the public rights of way.

It is disappointing that this application, submitted by Biggleswade Town Council, does not show on any site plans the three public rights of way that cross the application area or indicate in the Planning, Design and Access Statement if any diversions are proposed. It would appear that all three footpaths might need diversion, though possibly only minor.

The Ramblers do not object to this application providing satisfactory provision is made for Biggleswade Footpaths 24, 25 and 26.

Biggleswade Society

History

No further comments have been received.

Archaeology

The application has now been reduced in scope to include a health centre, sports pitches, changing facilities and car parking. It now excludes relocation of allotments, travelling show peoples site, woodland meadow and children's play area.

The application has also now submitted a Desk Based Heritage Assessment in support of this application to conform with Policies HE6.1 and HE6.2 of PPS 5 Planning for the Historic Environment. The description of the known archaeological sites and features and of the heritage assets they represent is generally adequate. The Assessment identifies important archaeological remains

belonging to a Roman settlement and the late medieval settlement in the western part of the application site. It does not, however, discuss the archaeological potential of the eastern part of the site which was identified in my original comments in April 2010. Although this part of the site does not contain any known sites or features there is considerable potential for there to be as yet unidentified remains of later prehistoric, Roman and late date within it, as is demonstrated by archaeological investigations in the wider surrounding area.

The description of the significance of the known heritage assets is also reasonable. But because the Assessment does not identify the archaeological potential of the eastern part of the application site it does not describe its significance. This area has the potential to contain archaeological heritage assets of regional significance.

The development of the western part of the site for the health centre, changing rooms and car parking will have a negative and irreversible impact on the archaeological remains and on the significance of the archaeological heritage asset. The Assessment suggests that this impact can be mitigated by a programme of archaeological investigation to record and understand the significance of the heritage assets that will be lost as a consequence of the proposed development. This is an appropriate response to the impact of the development on the significance of the archaeological heritage assets in the western part of the site. In order to secure this please attach the following condition to any permission granted in respect of this application in line with Policy HE12.3 of PPS 5.

‘No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Resource Management which has been submitted to and approved by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.

Reason: To ensure no loss of the significance of heritage assets by protecting archaeological remains in situ.

The Assessment also addresses the impact of the proposed development on the setting of the Stratton Park Moat and medieval settlement earthworks to the south. This is a nationally designated heritage asset. I disagree with the statement in 5.1.2 of the Assessment that the setting of the monument does not make a major contribution to the significance of the asset. Nor do I agree that main significance of the setting is its evidential

English Heritage

value. However, the location and nature of the proposed development means that its impact on the setting of the monument is not sufficient to cause a substantial loss to the significance of the heritage asset represented by the Scheduled Monument. Therefore, I have no objection to this application on the grounds of its impact on the setting of the Stratton Park Moat Scheduled Monument.

Summary

Thank you for consulting English Heritage on the above application which has now been reduced in scope to exclude relocation of allotments, travelling show peoples site, woodland meadow and children's play area. This is welcomed, particularly in relation to the travelling show peoples' site which would have had a potentially significant detrimental impact on the setting of the nationally important Deserted Medieval Village and Moated Site SW of Stratton Park.

We welcome the submission of a Desk Based Heritage Assessment in support of the application, as requested in our letter dated 21 July 2010 and in accordance with PPS5 policies HE6.1 and HE6.2, to allow for the identification and consideration of important archaeological remains and other heritage assets which may be affected by the proposed development. However, we have concerns over the assessment of heritage assets. It should be noted, however, that we have previously funded major excavation and post-excavation projects in the immediate area, as well as commissioned a Heritage Characterisation Study for Biggleswade and its environs which includes the site.

English Heritage Advice

Planning Policy Statement (PPS) 5 (Planning for the Historic Environment) published 23 March 2010 is supported by a Practice Guide that is jointly endorsed by the Department for Communities & Local Government, the Department for Culture, Media & Sport and English Heritage.

The PPS and the Practice Guide place considerable emphasis on the concept of 'significance', defined in the PPS as "the value of a heritage asset to this and future generations because of its heritage interest; that interest may be archaeological, architectural, artistic or historic". One of the key objectives of the PPS is to conserve heritage assets in a manner appropriate to their significance, making decisions based on the nature, extent and level of that significance. Policy HE9.1 states that "there should be a presumption in favour of the conservation of designated heritage assets, and the more

significant the designated heritage asset, the greater the presumption in favour of its conservation should be". The policy goes on to state that "significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting". Setting is given greater recognition in the PPS as "the surroundings in which a heritage asset is experienced". Policy HE9.1 concludes that "substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments..... should be wholly exceptional", with Policy HE9.2 stating that substantial harm to or loss of significance should be avoided unless it can be demonstrated that substantial public benefits outweigh that harm or loss.

Policy CS15 from the Central Beds (North) Core Strategy that states the Council will "protect, conserve and enhance scheduled ancient monuments and their setting". Decisions concerning the development of the site therefore need to be made in accordance with both National and Regional policy.

Aerial photography obtained from the Central Bedfordshire Historic Environment Record demonstrates how the scheduled monument has retained an open and rural setting from the 1940's onwards despite the growth of Biggleswade to the west and the development of new housing and employment estates. The monument incorporates a medieval mated enclosure and deserted medieval village that would have had an important functional and visual relationship with its rural surroundings as it controlled and managed the countryside. The open and rural landscape character within the setting of the monument contributes greatly to its significance and the monument can still be viewed across the countryside.

The PPS Practice Guide recommends that the contribution of the setting to the significance of heritage assets, and the implications of change on setting, is properly evaluated (paragraphs 113 to 122). We do not feel that the developer's Desk-Based Heritage Assessment provides a suitably objective assessment of the impact of the development on the setting of Stratton Park Moat and Medieval Settlement earthworks adjacent to the proposed development. In regards to the assertions made in section 3.2.1, we do not feel that the site is adequately screened by current vegetation or the caravan park along Stratton Park Drive, both of which could be considered to be relatively ephemeral compared to the age of the moated site, or indeed the length of time that the Health Centre and changing facilities may endure in the landscape. We do not feel that the principle

significance of setting relates to its evidential value as claimed in the Assessment, with historic, aesthetic and communal values all contributing to a fuller understanding of the current and potential value of the scheduled monument. Nor do we agree in section 5.1.2 that setting does not make a major contribution to its significance.

In addition, we wish to point out that too much reliance could be placed on the consultants matrices as part of the analysis process for assessing the impact of major projects on the historic environment. English Heritage's draft setting guidance does not endorse their use, and in our experience such an approach can result in the true impact of a structure not being correctly evaluated. Matrices are regarded as providing some sort of quasi-scientific process, the outcome of which is beyond dispute. In fact, the assessment of impact on setting is a value/professional judgement and matrices are only a tool that provides a degree of consistency to this process. We take issue with some of the values attributed within a number of the matrices and believe that this has significantly under-assessed the true impact of the proposed development on important heritage assets.

We consider that the scheme could have a detrimental impact on the setting the monument, especially regarding the changes to the orientation of the changing facilities to be side on the monument creating a stronger building line out in to open countryside. In addition, any lighting and future floodlighting may have an adverse effect on setting and character. We would recommend that further consideration be given to the buildings orientation or position to reduce this impact where possible.

It should also be noted that significant archaeological remains are likely to exist within the proposed site allocation area, including the unexcavated remains of an unscheduled medieval moated enclosure. These should be subject to appropriate mitigation in discussion with the Council's archaeology service and appropriate conditions attached to any approval in accordance with PPS policy HE12.3.

Recommendation

To conclude, we feel that the site could cause harm to the setting of Stratton Park Scheduled Monument which has not been adequately assessed and evaluated by the developer's consultants and that further consideration should be give to adequate mitigation to safeguard the setting of the monument as well as securing adequate archaeological mitigation by condition.

Community

Safety

No further comments have been received.

Officer		
Tree & Landscape Officer		No further comments have been received.
Planning & Development Management Strategy		No further comments have been received.
Minerals & Waste		No further comments have been received.
Primary Care Trust		No further comments have been received.
Police Architectural Liaison Officer		No further comments have been received.
Ivel & Ouse Countryside Project		No further comments have been received.

Highways

Transport Assessment

It is stated that although the detailed nature of the proposed vehicular access to the site from the local highway network will be provided via the eastern arm of the Saxon Drive/Foxglove Drive roundabout, for which I do not have any objection in principle.

Existing Public Transport Provision

It is stated that the public transport services in the vicinity of the site are currently good with services calling in close proximity to the proposed site. However, the situation at present is as following:

The current two health centres in Biggleswade (Saffron Road and The Baulk) are within walking distance of Biggleswade Bus Station, the terminus for all local town and rural bus services. The catchment area for both these health centres includes all the surrounding villages as well as the urban area.

Current public transport provision direct to the proposed new health centre in Saxon Drive is limited to Route 185. This service operates every hour between 10.00 and 17.00 (approximately), Mondays to Saturdays from Biggleswade Town Centre.

Bus stop provision, and on street information in the Saxon Drive area is currently poor to non existent.

If the proposal is to be approved it is therefore essential improving the frequency of bus services to the site.

Two buses per hour from Biggleswade Bus Station between 0800 and 2000 (Mondays to Fridays (1800 on Saturdays) should be viewed as a minimum. Buses should be low floor access vehicles.

Consideration should be given to linking the northern side of town to Saxon Drive (i.e. a cross town service).

Consideration should also be given to extending Stagecoach M4 service between 0800 and 1800 (Monday to Saturdays) to the new health centre, providing a direct service from Upper Caldecote, Ickwell and Northill.

Improvements are required to bus stops in the Saxon Drive area. This would include 2 new shelters and DDA compliant bus stops (raised kerbs).

Enhanced public transport information would be required at the new Saxon Drive bus stops, Biggleswade Bus Station and within the health centre.

Promotional public transport information would be required at the new Saxon Drive bus stops, Biggleswade Bus Station and within the new health centre.

Existing Cycle Provision

It is indicated that a mixture of on road and traffic free cycle route currently exists in Biggleswade to the west of the proposed site. And they are indicated on Fig 2.6. As can be seen the indicated cycle route is far from the site, and whilst cyclists can cycle on the nearby residential streets, there aren't direct cycle links to reach the site neither any has been proposed.

Existing Pedestrian Provision

Whilst the local highway network contains a fully integrated footways, there is no pedestrian link to the site, neither one has been proposed.

Accordingly the submission of details of pedestrian and cycle connections to the site are required for consideration. Alternatively if you consider it to be appropriate, their submission can be conditioned.

Development Traffic and Distribution

Whilst the assessment has some errors, I confirm I am happy with the methodology used for the calculation of the proposed development traffic, attraction figures and its distribution, the forecast traffic flows and modelled scenarios which show that traffic generated by the proposed development can be satisfactorily accommodated on the local highway network.

The Travel Plan

It has been found to be deficient as it does not: provide estimates on staff numbers or typical working hours;

assess connectivity to Biggleswade railway station; consider financial incentives for staff/visitors to travel by bus/rail; confirm cycling route linkage to the site; consider the provision of cycling facilities for visitors, or estimated quantities or locations of cycling facilities for staff and visitors; no targets or revision dates for these targets are proposed; no timeframes for the implementation of the measures are proposed.

In the circumstances, and subject to a Public Transport financial contribution the proposal is acceptable subject to relevant conditions.

Highways Agency

Please find Article 14 direction that requires the attached Travel Plan prepared by 'Transport Planning Associates' dated August 2010 to be conditioned to any planning permission which may be granted.

Biggleswade Allotment Group

No further comments have been received.

King's Reach (Land East of Biggleswade) Development

No further comments have been received.

The Health Centre, Biggleswade

No comments received.

Ivel Medical Centre

No comments received.

Determining Issues

The main considerations of the application are;

1. The Principle
2. Impact upon the Character and Appearance of the Area
3. Impact upon Residential Amenity
4. Highway Safety
5. Other Considerations

Considerations

1. The Principle

This is a revised version of the planning application which was originally considered at July 2010 Development Management Committee. It was noted that Members generally supported the application but the Committee resolved to defer determining the application in order for further reports to be provided in relation to Biodiversity & Ecology and Archaeology. A copy of the original Development Management Committee Report is enclosed at **Appendix 1**.

As such the applicant has revised the application to exclude the relocation of the allotments, travelling show peoples site, and provision of woodland and children's play area. In addition the applicant has provided an Ecology Report and Archaeological Report.

However, it should be noted that the site is located outside the settlement envelope for Biggleswade. Therefore, this outline planning application has been advertised as a 'departure' in accordance with the Town and Country Planning

(Consultation) (England) Direction 2009. As such, any decision other than refusal would require this outline planning application to be referred to Government Office.

Even though the site is located outside the settlement envelope for Biggleswade it is adjacent to it and to the south east of the strategic residential housing site known as "Land East of Biggleswade". The Infrastructure Audit, a technical document in support of the Core Strategy and Development Management Policies Development Plan Document, highlights the need for new recreational facilities and a new health care facility to meet the needs of the residents of Biggleswade.

Health Centre

Policy DM4 supports developments beyond the settlement envelope, where no land is available within. Currently it still remains unclear whether a number of sites within the settlement envelope for Biggleswade have been comprehensively assessed and discounted. As Members are aware, Biggleswade has been undergoing the production of a Biggleswade Town Centre Masterplan and within this document a range of healthcare sites and options have been identified. These identified options indicate either the expansion of the existing health centre or the development of a new health centre within the settlement envelope for Biggleswade. As such this has indicated that a site may still be available nearer to the town centre than this application site, and as such this would avoid the need for built development beyond the settlement envelope and which would be harmful to the countryside.

NHS Bedfordshire provided a consultation response which stated the following:

NHS Bedfordshire is aware of the Town Council's intent to try and develop the Saxon Drive land and of the inclusion of an area allocated for a "health centre". We have not had any input into the supporting document "Health Centre Assessment" and it is important to note that NHS Bedfordshire does not endorse the document or the conclusion it reaches over a location. There is no evidence that supports the space of premises required, indeed the space required for a building and the number of car parking spaces will be determined by the scope of services to be delivered, and this scoping work has not been completed by NHS Bedfordshire for the Biggleswade area.

NHS Bedfordshire continues to liaise with Central Bedfordshire Council over the health space requirements as part of the master planning of the Town Centre. This approach offers the opportunity to consider joint working where social care and health could be delivered from a joint location to the benefit of patients.

The Land East of Saxon Drive does represent a possible location for a health care facility, but it would be one of the options considered in a business case put to the Board of NHS Bedfordshire. To that end, there is no objection to this Application, but the final location of a health centre will be determined by the services that will be provided by NHS Bedfordshire in liaison with Central Bedfordshire Council.

In addition following the revision to the planning application individual consultation letters were sent to both of the Doctor's surgeries in Biggleswade.

To date no consultation responses have been received from either practice. However, it is noted that both surgeries wrote to the Town Council's in September and October 2009 respectively acknowledging their wish to be involved in the work towards the building of improved health care facilities in the town of Biggleswade and welcoming the involvement of the Town Council. However, it should be noted that there is no specific mention of the site subject to this planning application.

As such it is still considered that in order for the Local Planning Authority to support a substantial building in open countryside it must, in land use terms, be sequentially the preferable site. An integral part of this assessment would be an endorsement of the site by both NHS Bedfordshire (and the two doctor's surgeries) as the identified end user, which in this instance, is missing. Indeed the consultation response from NHS Bedfordshire and lack of consultation response from the two doctor's surgeries strongly suggests that identifying a preferable site is still work in progress.

Moreover, the concern initially raised as to the validity of the applicant's consideration of alternative sites still must be questioned as NHS Bedfordshire have not been directly involved in the preparation of this outline planning application and currently it is only they that are in a position to consider whether sites are suitable for their use.

Therefore, without the endorsement, at this time, of either NHS Bedfordshire or the two doctor's surgeries, as to this being the preferable site the sequential preferability of the application proposed must be drawn into question, and in the presence of this doubt it is not considered that a new health centre outside the settlement envelope can be supported. Copies of the relevant letters are enclosed at **Appendix 2**.

In summary, this element of this proposal is contrary to Policy DM4 (Development Within and Beyond Settlement Envelopes) of the Core Strategy and Development Management Policies (2009) as the proposal is located outside the settlement envelope for Biggleswade and insufficient information has been provided to confirm that no alternative and preferable sites are available within the settlement envelope.

Travelling Showpeople's Site

This element of the application has been withdrawn and as such further consideration is not required.

Relocated Allotments and other leisure land including a Children's Play Area

This element of the application has been withdrawn and as such further consideration is not required.

Sports Pitches and Pavilion

As mentioned in the previous application Sport England have made comments as to the benefits of a large facility in terms of both its management and economies of scale.

The principle of the playing pitches and associated pavilion and parking would be considered acceptable and in accordance with both PPS7 and CS3 of the Core Strategy and Development Management Policies (2009) provided that full justification as to the need for the number of pitches and mix of football pitches and tennis courts is considered to be appropriate for Biggleswade. It is acknowledged that there is an identified need in Biggleswade however, it is felt that further information is required to ensure that the 17 pitches shown on the indicative plans is a true reflection of need.

Park and Ride

This element of the application has been withdrawn and as such further consideration is not required.

Loss of Best and Most Versatile Agricultural Land

The land that the application site is located on is classified as Grade II Agricultural Land Classification. PPS7 states that:

The presence of best and most versatile agricultural land (defined as land in Grades I, II & IIIa of the Agricultural Land Classification) should be taken into account alongside other sustainability considerations (e.g. biodiversity; the quality and character of the landscape; its amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources, including soil quality) when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (Grades IIIb, iv & v) in preference to that of a higher quality, except where this would be inconsistent with other suitability considerations.

PPS7 is clear that where significant development is to occur that the Local Planning Authority should seek to use areas of poor quality land. As such it is considered that at this time the principle of development on this site still remains unacceptable as insufficient justification has been provided as to why alternative sites of a lower Agricultural Land Classification or within the settlement envelope have not been considered and discounted. While the Core Strategy and Development Management Policies (2009) does not contain specific policies on this issue it does add weight to the necessity to justify the development on an open countryside site.

Principle Summary

In conclusion, it is still considered that the key element of this development, namely the proposed heath centre, constitutes inappropriate development in open countryside. The application still lacks all of the information necessary to provide sufficient justification for the support of this proposal given the strong policy restrictions for development in the open countryside. However, the proposed sports pitches and associated pavilion are acknowledged as genuine benefits for Biggleswade.

In summary, this outline planning application is contrary to PPS7 and DM4 of the Core Strategy and Development Management Policies (2009).

2. Impact upon the Character and Appearance of the Area

As mentioned in the previous Development Management Committee Report this application is an outline planning application with all matters reserved, and as such the detail of the site is not finalised. The plans submitted thus far are in principle only and illustrative in nature.

However, the illustrative plans have indicated the potential locations of all of the proposed facilities. Included within these plans is an illustrative sketch of the proposed health centre which indicates a large two storey building, plan ref: CBC001 although it should be noted that there appears to be some discrepancy in the description on the plan when compared with the outline planning application description.

For the reasons set out above the principle of the proposed health centre is not considered acceptable within open countryside. In addition the indicative drawings have indicated a two storey building for the Health Centre which would be completely out of character with the open appearance of the area and again in the absence of the necessary justification for the building a structure of this size must be detrimental to this open countryside location. This negative impact is sufficient to warrant a reason for refusal of this outline planning permission.

In planning policy terms the site is currently defined as open countryside. Due to the large area of proposed parking for the health centre and the football pavilion it is felt that this proposal would result in large areas of hard surfacing. It is felt that this would also have a detrimental impact upon the character and appearance of the area.

In summary when considering the submitted plans with this application it is considered that the impact upon the character and appearance of the area would be detrimental and therefore the proposal is contrary to Policy DM3 & CS14 of the Core Strategy and Development Management Policies (2009).

3. Impact upon Neighbouring Amenity

As mentioned in the previous Development Management Committee Report due to the location of the proposed Health Centre and the football pavilion it is not considered that the proposal would have a detrimental impact upon neighbouring amenity in terms of loss of light or privacy.

The nearest dwellings to the application site, in terms of the built form, are located on Tansey Avenue. These dwellings back onto the start of the Eastern Relief Road (ERR), which is part of the Land East of Biggleswade development. These properties have their principal elevation facing onto Tansey Avenue and the rear garden back up to the ERR. As such these properties would not be detrimentally impacted upon.

While the Public Protection Team have raised concern as to the potential noise and light implications of the development. These are matters which could undoubtedly be controlled through condition and therefore do not warrant inclusion as to the reasons for refusal.

4. Highway Safety

The Highways Team have raised comments in respect of the Existing Public Transport Provision. It is acknowledged that there is provision through the Land East of Biggleswade Development Site for further public transport. However, currently the monies which are secured through the residential development are not available to the Council and due to the current economic situation it is unclear when this provision may become available. In addition the bus route which will serve the residential development is undetermined.

However, a financial contribution could be sought to improve the frequency of bus services to the site, enhance public transport information, promote public transport and improve the bus stops to ensure that they are Disability Discrimination Act compliant.

The Highways Teams have also requested that further information be provided in relation to Cycle and pedestrian provision to the site. This could also be dealt with by way of condition.

Finally, they are concerned by deficiencies within the submitted Travel Plan. This Highways Agency have also raised comments in relation to the Travel Plan. As such again this could be dealt with by a relevant condition.

In summary, it is considered that if the planning application was to be considered acceptable that the issues above could be dealt with by condition. In addition the monies to ensure a satisfactory level of Public Transport would have to be secured.

The Highways Agency have also provided comments in relation to the proposal, whereupon a TR110 has been sent to the Council confirming that the proposal is acceptable provided that a travel plan condition included on any planning permission.

The Rights of Way Officer has raised concern about any possible obstruction to the public highway during construction if planning permission was to be granted. This is particular concern as no information has been submitted to clarify whether it is the intention or not to divert the legal line of the footpaths which cross the site. In addition concern is raised as to the safety of the route during any construction phase. It is considered that this could be dealt with by a relevant planning condition.

It should be noted that any obstruction of the footpaths on the site would constitute an offence under the Highways Act 1980.

5. Other Considerations

Green Infrastructure, Biodiversity & Protected Species

Since the original application was considered an additional 'Extended Phase 1 Habitat Survey' has been submitted to support this planning application. However, objections and concerns still remain from Natural England, The Wildlife Trust and CBC's Ecology Officer. Concern is raised particularly in regard to the fact the 'Extended Phase 1 Habitat Survey' has identified that numerous additional habitat surveys would be necessary, namely Badgers, Roosting Bats,

Foraging Bats, Water Voles, Otters, Breeding Birds, Nesting Birds, Great Crested Newts and other amphibians, Reptiles, Invertebrates, Vascular Plants and Himalayan Balsam.

The various consultation responses and the 'Extended Phase 1 Habitat Survey' have all acknowledged that relevant species which are protected by law, have a Biodiversity Action Plan (BAP) or are included within Section 41 of the Natural Environment and Rural Communities Act (NERC) 2006.

In particular The Wildlife Trust made the following comments:

From analysing the results of the desk based search and the observations made in the field, the Phase 1 Habitat Survey carried out by Middlemarch Ecology in August 2010 recommends that a range of protected species surveys are necessary.... Natural England's Standing Advice for Local Authorities includes the following statement:

*"Where a scoping report recommends further surveys need to be conducted, Natural England recommends that the application should **not be validated** until the detailed surveys have been conducted, and the results provided".*

We support this approach, as this application has already been validated we would strongly recommend that no decision can be made on this case until the results of further surveys have been provided. These surveys must be carried out by an appropriately qualified ecologist at a suitable time of the year....

The second Key Principle in Planning Policy Statement 9 states that:

"Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international national or local importance; protected species; and to biodiversity and geological interests within the wider environment."

It is advised that an Ecological Management Plan should cover what impacts the proposal will have on biodiversity, how ecological assets (such as Biggleswade Allotment Meadows County Wildlife Site and other existing notable habitats) are to be protected during construction works and how they are to be maintained into the future....

It is noted that a large area to the south of the previous proposal which was to provide open space has been removed from the application. From our reading of the documents which accompany the planning application it appears that this is where any biodiversity enhancements were to go. This is concerning and requires clarification.

In addition Natural England comments as follows:

Previously we also highlighted the need for an ecological assessment of the proposals. While Natural England welcomes the submission of an Extended Phase One Habitat Survey as part of the current application, the report clearly highlights the need for a suite of further more detailed surveys, which have yet

to be undertaken. These surveys should be submitted by the applicant before determination of this proposal in accordance with our standing advice.

To conclude, due to the sensitive biodiversity nature of the site and the scale of the proposed development it is considered that the additional surveys would need to be undertaken in accordance with the 'Extended Phase 1 Habitat Survey' to ensure that a fully informed decision could be made.

As the submitted information still remains unsatisfactory, and in fact has confirmed that a number of protected species are likely to be on site, it is still considered that the Council is not in a position to confirm that it has undertaken its duty under Section 40 of the NERC Act 2006 which states that:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

Therefore, as the Council do not consider that sufficient information has been provided to satisfy S40 of the NERC Act 2006 the application consequently would not accord with the advice in PPS9. As such it is considered that this outline planning application has still provided insufficient information in respect of biodiversity and habitats.

The Council's Ecologist summarised this point within their consultation response as follows:

"The report details the appropriate timescales for these surveys (the relevant habitat surveys), mainly during the summer months and yet we are now well into Autumn so I don't see how the application can be determined without this information up front as per guidance in the NERC Act and the Council's duty to conserve biodiversity. How can you make sure you are conserving it when you don't know what's there to begin with? I would therefore recommend they withdraw the application until the surveys – as recommended by their consultants – are completed".

In summary, the proposal is still contrary to PPS9 and Policies DM15 and CS18 of the Core Strategy and Development Management Policies (2009) and S40 of the NERC Act 2006.

Heritage Assets

As discussed in the previous Development Management Committee Report, the site is located in a sensitive archaeological location and is adjacent to a Scheduled Ancient Monument. PPS5 (Policy HE6.1) states that an application should provide a description of the significance of the heritage assets affected by a development proposal. Where the heritage assets include archaeological remains Local Planning Authorities should require a field evaluation to ensure that appropriate information of the assets is available. There should also be an assessment of the impact of the proposed development on heritage assets (Policy HE6.2).

Following the consideration of the application at Development Management Committee in July 2010 the applicant has submitted a 'Desk Based Heritage

Assessment'.

English Heritage have provided comments on the submitted document and in summary state that:

We feel that the site could cause harm to the setting of Stratton Park Scheduled Monument which has not been adequately assessed and evaluated by the developer's consultants and that further consideration should be given to adequate mitigation to safeguard the setting of the monument as well as securing adequate archaeological mitigation by condition.

The comments of English Heritage are acknowledged.

The Council's Archaeologist considers that the Desk Based Heritage Assessment submitted in support of this application conforms with Policies HE6.1 and HE6.2 of PPS5 Planning for the Historic Environment. The assessment identifies important archaeological remains belonging to a Roman settlement and the late medieval settlement in the west part of the application site. However, it does not address the archaeological potential of the eastern part of the site. It is acknowledged that this part of the site does not contain any known sites or features there is considerable potential for there to be as yet unidentified remains of later prehistoric, Roman and later dates within it, as is demonstrated by archaeological investigations in the wider surrounding area. As such this element of the application is now considered to be acceptable in principle.

The description of the significance of the known heritage assets is also reasonable. As the assessment does not identify the archaeological potential of the eastern part of the application site it therefore also does not describe its significance. This area has the potential to contain archaeological heritage assets of regional importance.

However, in this particular case, Central Bedfordshire Council's Archaeologist has confirmed that the outstanding issues can be dealt with by a condition which would secure the implementation of a Written Scheme of Archaeological Resource Management.

Drainage and Utilities

Anglian Water have acknowledged that there is sufficient water resource capacity to fund this nature of development but that capacity is limited in this part of the network and further capacity information is required. Anglian Water have also confirmed that the foul sewerage system would not be able to accommodate the anticipated flows from this development and have advised that if planning permission were to be granted that the capacity is unlikely to be able to be provided during the timescales of a planning permission.

As such if planning permission was to be granted a grampian condition would need to be included to ensure that no development could take place until sufficient capacity for foul sewerage has been provided. It should be noted that this could potentially result in substantive works and associated costs.

The Environment Agency have not objected to the proposal subject to

recommending four relevant conditions which relate to contamination, no infiltration of surface water drainage into the ground and that the foundation methods proposed must not be penetrative without the written consent of the Council.

The IDB have raised an objection as there is proposed development and sports pitches and located within 7m of the top bank of an IDB watercourse. No development should occur within this 7 m strip due to potential works which may undertaken in the future to the watercourse. Members should be aware that this is not a planning issue and would have to be resolved between the parties.

In summary, it is considered that these matters could be controlled through condition and therefore do not warrant inclusion within any reason for refusal.

Conclusion

The submitted planning application is contrary to planning policy as it is located within open countryside and yet there is still a possibility that the health centre could be located within the settlement envelope. In addition insufficient information has been submitted to consider the proposals impact upon habitats and biodiversity. It is acknowledged that the sports pitches and sports pavilion may be considered acceptable in policy terms within the open countryside.

Recommendation

That Outline Planning Permission be Refused for the following reasons:

- 1 The proposed Health Centre , by virtue of its scale and location outside the defined Settlement Envelope where insufficient justification has been provided for the development, would have an unacceptable impact on the character and appearance of this rural area where restrictive planning policies apply; as such the proposal is contrary to PPS7, PPG13 and Policies DM3, DM4 & CS14 of the Core Strategy and Development Management Policies (2009).
- 2 The application contains insufficient information to show that the development would not result in a detrimental impact upon ecology & habitats and as such the proposal is contrary to the PPS9 and Policies CS18 and DM15 of Central Bedfordshire Council's Core Strategy and Development Management Policies (2009) .

Reasons for Refusing

The proposed Health Centre by virtue of its scale and location outside the defined Settlement Envelope, where insufficient justification has been provided for the development, would have an unacceptable impact on the character and appearance of this rural area where restrictive planning policies apply; as such the proposal is contrary to PPS7, PPG13 and Policies DM3, DM4 & CS14 of the Core Strategy and Development Management Policies (2009).

The application contains insufficient information to show that the development would not result in a detrimental impact upon ecology & habitats and as such the proposal is contrary to the PPS9 and Policies CS18 and DM15 of Central Bedfordshire Council's Core Strategy and Development Management Policies (2009) .

DECISION

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