

## Item No. 8

## SCHEDULE A

<b>APPLICATION NUMBER</b>	<b>CB/10/00518/OUT</b>
<b>LOCATION</b>	<b>Land East Of Saxon Drive And North Of Stratton Park, Saxon Drive, Biggleswade</b>
<b>PROPOSAL</b>	<b>Outline Application: Health Centre, sports pitches, changing facilities with car parking, relocation of allotments, travelling show peoples site, woodland, meadowland and children's play area.</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Jones, D Lawrence, J Lawrence &amp; Vickers</b>
<b>CASE OFFICER</b>	<b>Hannah Pattinson</b>
<b>DATE REGISTERED</b>	<b>23 March 2010</b>
<b>EXPIRY DATE</b>	<b>22 June 2010</b>
<b>APPLICANT</b>	<b>Biggleswade Town Council</b>
<b>AGENT</b>	<b>Levitt Partnership</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Referred by Head of Service as CBC Land.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Refused</b>

### **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, allotments and 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:**

Outline planning permission with all matters reserved is sought for a new Health Centre, relocated allotments, a park and ride, sports pitches, sports pavilion, children's play area and a travelling show people's site.

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.

The proposal has also indicated the relocation and the provision of some additional land for allotments. It has been acknowledged in the Design and Access Statement

that this would result in initial disruption for the allotment holders when moving from their existing allotments.

A Travelling Show People's Site has been identified as part of the development to provide up to six pitches.

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: (Parish & Neighbours)**

Biggleswade Town Council No comments received.

Neighbours Eight letters of objection have been received raising concern as to the relocation of the existing allotments, the necessity for so many additional sports pitches, detrimental impact on the nearby protected wild flower meadow, the need for such a facility and risk of flooding.

In addition a petition of 12 signatures has been received to prevent the relocation of the existing allotments.

Eight letters of support have been received for a facility of this nature in this location.

One letter has been received making general comments in relation to the area of land which is currently grazed by horses. The correspondence goes on to explain that they have planted a lot of trees and the whole area has matured into a wonderful, peaceful and ecologically sound area. In addition a comment has been made as to how the area is susceptible to flooding. In addition if outline

planning permission was to be granted assurance is sought that alternative provision would be made available for the horses nearby.

## **Consultations/Publicity responses**

Disability Discrimination Officer Made comments with regards to disabled access: Disabled access and parking should be provided to all the facilities in the application with further facilities in both the health centre and sports' changing rooms and accessible equipment in the play area.

Anglian Water

### **Assets**

#### **Section 1 - Assets Affected**

1.1 *Informative Statement:* There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

*"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."*

### **Water Service**

#### **Section 2 - Water Resource Zone**

2.1 *Informative statement:* There is sufficient water resource capacity to supply this development. However, in line with national and regional government policy Anglian Water would wish to see measures taken by the developer to ensure that buildings are constructed to high water efficiency standards. This can be achieved through the design of efficient plumbing systems and the installation of water efficient fixtures and appliances in line with the Code for Sustainable Homes. This will minimise the growth in demand for water from the new development and help to ensure the sustainable use of our regions water resources.

#### **Section 3 - Water Supply Network**

3.1 *Informative statement:* Capacity is limited in this part

of the network and the developer would need to confirm the actual required peak flows. Should other large developments in the area precede this development the capacity would no longer be available and reinforcements would be required. The developer may submit a formal requisition for a water supply main under Section 41 of the Water Industry Act 1991 or enter into an agreement to lay the water main ready for adoption by us under section 51A of the Act.

## **Wastewater Service**

### **Section 4 - Foul Sewerage System**

4.1 *Informative Statement:* The foul sewerage system cannot accommodate flows from this proposed development. Please be advised that we are not aware when capacity will become available, but this is unlikely to be within the standard timescales of a planning permission. If a development proceeds before further capacity is provided, it is possible that this result in environmental and amenity problems downstream.

The Local Planning Authority is also advised to consult the Environment Agency for its views on flooding and sewage pollution issues that may arise where capacity is exceeded.

Therefore, if the Planning Authority are minded to approve the application Anglian Water would ask that a 'Grampian Style' condition is imposed so that development is suitably phased in line with the anticipated improvements to Anglian Water's sewerage network.

*"Notwithstanding the provisions of sections [94,98 and 106\*] of the Water Industry Act 1991, no development shall commence until details of a scheme, including phasing, for the satisfactory provision of sufficient capacity within the public sewerage system to meet the needs of the approved development has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the scheme so approved unless otherwise approved in writing by the Local Planning Authority.*

*Reason: To prevent environmental and amenity problems arising from flooding.*

Should the Planning Authority consider the above recommendation is inappropriate, we would ask that there be further liaison with Anglian Water prior to the approval of the Planning Application.

## **Section 5 - Surface Water System**

5.1 *Informative Statement:* The applicant has indicated on their application that their method of surface water drainage is not to a public sewer. Therefore, this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency to gauge whether the solutions identified are acceptable from their perspective.

## **Section 6 - Wastewater Treatment**

6.1 *Informative Statement:* The foul drainage from this development will be treated at Biggleswade Sewage Treatment Works that at present has available capacity for these flows.

## **Section 7 - Trade Effluent**

7.1 Not applicable.

Environment Agency

Planning permission should only be granted to the proposed development as submitted if 4 planning conditions are imposed in respect of land contamination; surface water drainage; and foundation design.

IDB

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 of 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 no. 12102/2.

Natural England (NE)

The proposed development does not lie within close proximity to any statutorily designated sites, and so it is considered that it is unlikely that the proposals will have a substantial effect on the special interest features of any such sites.

The inclusion of the biodiversity & protected species document and the Biggleswade Allotment Meadows

County Wildlife Site (CWS) assessment with the development application. However it is felt that due to the size and nature of the development in addition to its close proximity to the CWS and lack of information related to protected species in general, a more robust Ecological scoping survey from a suitably qualified specialist is required. Ideally taking the form of a phase one habitat survey, these surveys will inform all decisions relating to impact on the wildlife & ecology of the proposed development area and potential impact to the CWS.

NE would also like to emphasise the need for a more structured mitigation and compensation package to be produced in order to define the means necessary to protect any habitats and species of conservation interest identified in the surveys, and also to outline measures that are needed to protect the CWS during the construction/landscaping phase. We also recommend that any mitigation or compensation packages are accompanied by a long term management plan to help secure the future of any mitigation works carried out.

While NE would look to the County Wildlife Trust to provide the main representation to this application (or any subsequent application or appeal) in relation to the CWS, we consider that currently there appears to be inadequacies over the assessment of the impacts of the development on existing ecological features of the site, and insufficient assessment and compensation for the destruction of the development site flora & fauna as a whole.

Natural England therefore recommends that planning permission should be refused, in accordance with the key principle (vi) of PPS9.

The letter then goes on to provide further information in relation to Green Infrastructure, Biodiversity Enhancement and Sustainability.

Ecology Officer

I have now read through the 'Biodiversity & Protected Species Document'. Despite Protected species being mentioned in the title they hardly feature in the report! Reference is made to "badger paths within the area" but no information as to whether there are any setts on the site or which would be disturbed as a result of any development. The existing survey contains insufficient species data to make informed decisions on the proposed development and so I would recommend that a full ecological report is produced. Points to be addressed are;

- Requirement for further up-to-date badger survey identifying sett sites and potential impacts from development
- Ecological survey of the pond east of Saxon Drive

for GCN

- Survey of the areas ditches and waterways for evidence of water voles potentially in the area
- Survey of allotment site for reptiles and amphibians should also be undertaken.
- Site survey for potential harvest mouse habitat

Issues to raise using existing data and site visit;

- Maintenance of wildflower meadow, following existing cutting regime of late summer hay cut and removal of arisings. Taller margins next to hedgerows provide nesting sites for small mammals such as harvest mice and field voles which in turn attract raptors such as kestrel.
- Allotments present a ideal habitat opportunity for a number of species, compost heaps are a haven for insects and invertebrates and overwintering invertebrates and mammals.
- The Toad pond, its margins and tall grasses surrounding within the linear tree belt create the ideal habitat for overwintering amphibians such as frogs, toads, newts and great crested newts.
- The area around Biggleswade has a high bat species diversity and the potential impact from floodlighting is likely to be damaging.

Site proposals 'seek to retain the existing wildlife features and improve them if feasible'. If the application was approved a net gain for biodiversity should be sought whether feasible or not.

Amphibian & Reptile  
Group of the UK

We wish to register our objections to this proposed development.

The plans amount to a betrayal of the various commitments given regarding the conservation of the linear wood and associated hedgerows. This is an important edge of town wildlife site which supports badgers, skylarks and harvest mice as well as amphibians. If this development, or anything like it, goes ahead this habitat will be destroyed. It will rupture an important wildlife corridor, encourage traffic and pollution, flout the District Council's own resolution and demoralize people who have worked to maintain the conservation value of the site.

Our concern as a group is with the amphibian population and the apparent disregard of the promoters of this plan for their legal obligations.

We know this site very well. It is one of the most important toad sites in Bedfordshire. We first published

an article about amphibian loss in gully pots at Saxon Gate in 1998 (British Herpetological Society Bulletin 64). This led to the installation of the ACO 500 toad tunnel, the only one in the country and a recognition of the importance of the toad population at the site. This tunnel is not marked on the plan.

A resolution proposed by Alistair Gammell 'that the Council notes the importance of the site for amphibian and possibly other wild life in the area'.

The proposed plan shows an overflow car park about 20 metres from the pond. As pointed out above this, indeed the whole development, will have a catastrophic effect on the terrestrial habitat of the toads. It will destroy habitat and create additional hazards for the toads trying to reach the pond.

The common toad is now in serious decline in the UK. 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, PPS9:16. 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., PPS9:12. 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.

In the letter dated 22 Feb 2010 signed by Gary Worth, Development Management Central Beds, it states that the development cannot be registered owing to the following reasons (one of which is):

5. As the plans show that there is a pond and also open woodland on the site a Biodiversity and Protected Species survey needs to be submitted.

We can find no trace of this survey on the website. There is a 'Biggleswade Allotment Meadows County Wildlife Site Assessment'. This deals only with flora (not the fauna) of one field as though it was the only feature of wildlife interest and an end in itself.

We fail to see how this plan can even be considered until a thorough Environmental Assessment has been made.

This is International Biodiversity Year. These proposals show a total disregard for biodiversity including its educational and amenity value. This is too important a wildlife site to be built over.

BRCC

On behalf of CBC's LDF Team, BRCC has recently completed the production of the Biggleswade Green Infrastructure Plan. This community level plan has been created with input from many local organisations and individuals; and has identified many aspirations in the Saxon Gate area of Biggleswade.

We believe a scheme such as that proposed could, with appropriate amendments, contribute to delivering the eastern section of the Green Wheel.

Broadly, we would seek for such a development to create a multi-functional access, greenspace and wildlife corridor link between the linear park to the north (being created in association with the Eastern Relief Road) and the cluster of GI assets to the south (Stratton Moat & Meadow, Saxon Gate Pocket Park).

The current proposals could be amended and enhanced to maximise the potential for creating this part of the Green Wheel; and accordingly we would be very happy to meet with the applicant to discuss this further.

#### Thematic Comments

It would seem to us that reducing the number of sports pitches currently proposed would enable the provision of the Green Wheel (as above); and reduce the need to impact upon existing features/land uses.

#### Linear Woodland

In 2009 BRCC assisted Biggleswade Scouts in securing consent from CBC for the planting of x100 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.

### Allotments

Allotment holders have invested significant time and money into developing their allotment, often over many years. The rewards of this investment would be lost and not regained on a new allotment site for many years.

Reducing the number of sports pitches would enable the existing allotments to remain.

The demand for additional allotments for the town should be considered and if the need cannot be met at other sites in the town increased numbers of allotments in the Saxon Gate area should be provided.

### Biodiversity Comments

There appears to be no documents relating to a "Biodiversity and Protected Species Survey" as requested in Central Bedfordshire's letter dated 22 February. A proper determination cannot be made as to the likely effects on Biodiversity and Protected Species without such a document.

The document titled "Biggleswade Allotment Meadows County Wildlife Site Assessment" was written by BRCC in order to assess the Allotment Meadows site against Bedfordshire's County Wildlife Site Criteria and it has come as a surprise to see it submitted as part of this planning application. The document was never intended to be part of any planning application and should not be taken to represent the Biodiversity and Protected Species Survey.

As an indication of the importance to the site for protected species we are aware of a number of species that are, or are likely, to be present on the site and have the following initial comments regarding those:

Harvest Mice are present in the Scouts woodland, these are a National Priority Species and as such their habitat should be protected, this area should therefore not be developed.

Badgers have a sett in Saxon Gate Swimming Pool car park and forage in the development area. It should be assured that suitable foraging areas are retained for badgers. The tunnel beneath Chambers Way that was installed to allow access for toads beneath the road is also used by Badgers. Repairs to the guide fencing should be encouraged in order to ensure badger road

casualties are kept to a minimum. Other setts may be present within the development area and it is vital that a full Badger survey is undertaken prior to determination of the planning application.

Common Toads use the ponds on the site and, more importantly, the surrounding land. Common Toads are National Priority Species and as such their habitat should be protected.

The water courses in this area are suitable for Water Voles, these are protected under the Wildlife and Countryside Act 1981 (as amended) and as such a full survey for this species should be undertaken in order to ascertain the likely impacts of this development upon them.

Some of the trees on the boundary of the site may be suitable as bat roosts additionally the site is almost certainly used for foraging by bats, as such a full bat survey should be undertaken to establish the likely impacts of this development upon them.

Other species are likely to be present, particularly farmland birds and a full protected species survey is essential prior to the determination of this application.

Bedfordshire Trust	Wildlife	Object, the planning application does not have regard to the biodiversity features which may be found across the whole of the area to be developed. As initially requested by the planning authority a biodiversity and protected species survey carried out by a suitably qualified ecologist at any appropriate time of year is required. This should cover species and habitats which are protected by law, have a Biodiversity Action Plan (BAP) or are included in section 41 of the NERC Act 2006. The assessment should include desk based study, including records from the Bedfordshire and Luton Biodiversity Recording and Monitoring Centre (BMRC), as well as field surveys.
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Public Protection	Given the nature and scale of the development concern is raised about noise and light pollution which may give rise 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 the 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 has been considered at this stage then Public Protection have no option but to object.
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Sport England	As the proposal does not affect an existing playing field,
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the consultation is not statutory under the terms of the General Permitted Development Procedure Order 1995 (as amended).

In summary, the proposal is an outline planning application for a mixed use development on the edge of Biggleswade which would include a range of football pitches and there would include a substantial playing field that would have the capacity to accommodate a wide range of football pitches and there would be provision for a number of tennis courts. The sports facilities would be supported by a pavilion and car parking.

Planning Policy Objective 7 of Sport England's Planning for Sport and Active Recreation: Objectives and Opportunities document (September 2005), supports the development of new facilities that will secure opportunities to take part in sport. It is considered that the proposed development would offer the following potential benefits from a sports perspective:

- It would respond positively to an identified need for additional playing pitches in this part of Central Bedfordshire. The Council's Open Space, Sports and Recreational Needs Assessment (2008) for the Mid Bedfordshire area concluded that the East sub-area had a deficiency of 20 Hectares of playing pitches. While Sport England would not consider the needs assessment to represent a playing pitch assessment using accepted methodologies, the study does suggest that in relative terms there may be deficiencies of playing pitches in this part of the district. As Biggleswade is the main settlement in the eastern part of Mid Bedfordshire, locating a significant new community playing field in the town would offer potential to help address the needs for the whole of the sub-area. The Football Association have confirmed that if the proposed football facilities were provided there would be existing/future demand in Biggleswade for them to be used as there is an absence of large multi-pitch football sites in the town.
- The development would provide a large playing field which could accommodate multiple playing pitches. At present, there are no community playing fields in the Biggleswade area that have potential to accommodate a wide range of playing pitches. From both a user and an operational perspective, large multi-pitch and multi-sports playing fields are preferred by sports clubs and management bodies. This is because at peak times, clubs can supervise several teams playing from the same site at the same time which helps facilitate the development of sports clubs which is not the case if clubs have to play on pitches across different sites. Potential would exist for different sports to share the same site which has advantages as there would be potential economies of scale in terms of capital and

long term maintenance costs because ancillary facilities such as pavilions and car parking can be shared i.e. it is more efficient to provide one large pavilion to serve several sports and clubs on a single large site than provide several smaller facilities on a number of smaller sites.

- The sports facilities should be supported by appropriate ancillary facilities such as the pavilion and car parking. The provision of these facilities is essential for a modern playing field of this scale as playing field users will need built facilities for changing. Playing fields which do not have adequate ancillary facilities are unattractive to users and research has shown that inadequate ancillary facilities on playing field sites discourage people from participating in sport.
- The location of the proposed playing fields and the existing and proposed mix of uses are considered to be complementary. For example, as the site is opposite the Saxon Centre, the proposed outdoor sports facilities would be close to complementary swimming and fitness facilities and in combination would be expected to be the main hub for sports and recreation in Biggleswade. The other recreational uses proposed in the development such as the relocated allotments, children's play area and informal recreational space would complement the formal space proposed for the whole community. The site is also well located in terms of access and would be in close proximity to the urban extension to the east of Biggleswade to the north of the application site so would be suitable for meeting the needs of the new residential areas of the town.

On the basis of the above considerations, I consider that the proposal would meet our planning policy objective as it would be expected to secure new opportunities for participation in sport. Sport England would therefore support the principle of this planning application.

As the planning application is in outline it is considered inappropriate to comment on the design and layout of the proposed sports facilities at this stage as it is expected that the details provided are indicative and will be subject to change during the preparation of a detailed scheme at a later date if planning permission is granted. While I expect that the Council will impose a planning condition on any planning permission in any case which requires details of the design and layout of the proposed facilities to be submitted and approved through a reserved matters submission, I would recommend that such a condition is imposed with respect to the proposed sports facilities at least in order to allow an assessment to be made of the design and layout of the pavilion, playing pitches and tennis courts in order to ensure that the facilities are representative to local needs in practice and are of an

appropriate and acceptable design and layout.

With respect to the suitability of the application for accommodating natural turf playing pitches, I would expect a ground conditions assessment to be undertaken before a reserved matters application is submitted to confirm whether the ground conditions of the site would provide any constraints to ensuring that good quality playing surfaces can be developed, which will sustain the anticipated levels of use. If constraints such as drainage capacity and topography were identified through a survey, appropriate mitigation measures would need to be taken to ensure that this would not affect the quality of the proposed pitches. Sport England's guidance note "Natural Turf for Sport" (March 2000) provides detailed guidance on what should be included in a site feasibility study and how new playing pitch sites can be planned, designed, managed and maintained to maximise their quality.

I would therefore recommend that a planning condition be imposed on any planning permission requiring such an assessment to be submitted to and approved by the Council. A condition should also require that any recommended mitigation measures to be implemented. Such a condition would help ensure that a fit for purpose playing field is provided in practice. A model condition that Sport England has recommended for other planning applications can be provided upon request.

As the implementation of the proposals may be a long term project, the applicant is requested to ensure that the design and layout of the sports facilities is informed by specific the findings of any future playing fields strategy that Central Bedfordshire Council may prepare plus the guidance provided by continued discussions with local sports clubs, sports governing bodies and Sport England. The implications of delivering the proposed sports facilities for existing and outdoor sports facilities in Biggleswade should also be considered in order to ensure that the implementation of the proposals forms part of a strategic approach to outdoor facilities provision.

Please note that these comments relate to planning and design issues only and should not be interpreted as being representative of Sport England's (or a governing body's) position on any applications that may be made in the future for funding of the proposed sports facilities.

Play & Open Space Officer No comments received.

Rights of Way Officer I have no material objection to the plans but am concerned about two issues;

Rights of Way and Linear Wildlife Belt issues.

Firstly the well used Biggleswade footpath No 24 runs from Saxon Drive, due eastwards across the application site to, eventually, the village of Dunton. Footpaths No 25 and 26 skirt within the northern boundary of the site from firstly the same departure point on Saxon Drive and secondly slightly to the north of footpath 25, before footpath 25 makes its way northwards along the west side of the ditch on land to the east of Biggleswade. (See attached copy of the Definitive Map with footpaths marked in red.) I see no mapping/referral to the fact of the existence of the Rights of Way within the entirety of the application – save for a tick adjacent to Rights of Way in the application form. This usually means I have been consulted, however this has not been the case.

Secondly, there is a linear wildlife strip running from the top of the site down the western edge adjacent to Saxon Drive, which after crossing the access track to Kennel Farm, continues southwards to the Dunton roundabout. The southern part of the linear woodland south of the track to Kennel Farm is visible on most plans of the application but not the section directly within the western edge of the application site. There is a marginal representation of it on the plan titled:

“ Kennel Farm, Topographic Tree Survey “ – which illustrates the linear wildlife area adjacent to Saxon Drive within the application site and to the south thereof.

On the plans of the site layout, there is an access route, called amongst things “existing track, gravel road access to allotments and mud track” which seems to follow the west to east route of Footpath No 24 but this is never made clear and whether unobstructed access along this route will be allowed at all times.

I am concerned about any possible obstruction to the public highway during the construction of the planned application if the intention is not to divert the legal line of the footpaths. I am also concerned about the safety of the route during the duration of the work.

Any obstruction of the footpaths would constitute an offence under the Highways Act 1980.

Please ensure the applicant is aware of the implication of obstruction and has plans to ensure all vehicles and materials are not housed along the length of the affected footpaths at any time. The surface of the footpaths must also be returned to the state it was in prior to the development, should damage to it occur during

construction or any upgrade to it agreed with myself at a site meeting or in writing prior to the start of any works on the site.

I will be only too happy to address these observations further should you require it or indeed have a site visit with the applicant.

Should the applicant wish to temporarily close the footpaths during construction, they should apply to this office at least 6 weeks prior to work commencing for an application form for a Temporary Closure of the said footpaths.

I would also strongly suggest the applicant meets with myself and/or our Definitive Map Officer as soon as possible to discuss any permanent diversions/extinguishment's of the legal line of any of the footpaths involved. This will greatly reduce any costs and time delay should the application reach beyond the outline stage.

Ramblers Association

We object to this application for the following reasons:

1. Biggleswade Footpath No. 24, Footpath No. 25, and Footpath No. 26 all cross the application area. No public rights of way are shown on the Site Plans provided or referenced in the Planning, Design and Access Statement dated December 2009. This seems to show a blatant disregard to the significance of public rights of way by Biggleswade Town Council and CBC as planning authority.
2. It would appear that the routes of all three existing public rights of way would be obstructed by the proposed development as shown in Site Plan Drawings 1 and 2 dated Feb 2010. Despite that, the documentation provided does not indicate that any diversion orders that may be required.
3. There are significant differences between the two monochrome Site Plans referenced above and the two coloured A3 size plans provided (confusingly also identified as Drawings 1 & 2 dated Feb 2010). The positioning of the landscaped boundary in the northwest corner and the layout and details of car parking around the Health Centre differ significantly. This is an area that is particularly relevant to how the application would affect the three public rights of way. The application presents not one proposal but two possible proposals. This is unacceptable.

We request that this application is withdrawn and replaced by an application with documents that clearly shows public rights of way and indicates how they would be accommodated within the development and/or any proposals for diversion or extinguishment. Also that all site plans have North direction arrows (missing on two of

the four site plans provided).

Biggleswade  
Society

History No comments received.

Archaeology

The application site is highly archaeologically sensitive. It is on the eastern edge of the Stratton Saxon and medieval settlement. Archaeological field evaluation has shown that features belonging to the Saxon and medieval settlement, including a medieval moated site, extend into the proposed development area. The evaluation also showed that the western part of the development site contains remains of an extensive Roman settlement with some evidence of an earlier, Iron Age, phase of occupation. The existing evidence indicates these sites extend further eastwards in to the development site.

There are no archaeological sites and features recorded in the Historic Environment Record from the rest of the site. However, archaeological investigations on the land to the north have produced extensive evidence of later prehistoric and Roman settlement and other activity. A number of these sites were not known before archaeological investigations were undertaken as a consequence of development. Based on the evidence from western edge of the site and the immediately surrounding area the application site has high potential to contain important archaeological remains that have not yet been identified.

Along its southern boundary the application site borders the Stratton Park Moat and medieval settlement earthworks Scheduled Monument. This Monument is owned by Central Bedfordshire Council and is a valuable heritage resource for the community. The site is also within the area of the 19<sup>th</sup> century parkland belonging to Stratton Park.

The proposed development, particularly the Travelling Show Peoples Site, will have a significant negative impact on the setting of the Scheduled Monument on the southern boundary of the site.

The following elements of the development will have a negative and irreversible impact on buried archaeological remains:

- Construction of the Health Centre, Football Pavilion, car parking and other infrastructure.
- Construction of the sports pitches.
- Landscaping and woodland planting.
- Creation of allotments.

The Design and Access Statement identifies the guidance on how to deal with archaeology in the face of development proposals contained in PPG 16 *Archaeology and Planning*. This has recently been replaced by PPS 5 *Planning for the Historic Environment*.

PPG 16 notes that early consideration of the impact of a proposed development on archaeology is key to an informed planning decision, and if there is the likelihood of remains being present a field evaluation will be required to provide information on archaeological remains in order to assess the impact of the development on them. PPS 5 (Policy HE6.1) says that an applicant 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 on the assets is available. There should also be an assessment of the impact of the proposed development on heritage assets (Policy HE6.2).

It is known that the application site contains significant archaeological remains on its western edge. This information comes in part from archaeological evaluation undertaken as a result of an earlier planning application for the health centre. The rest of the application site has very high potential to contain other, as yet unidentified archaeological remains. The proposed development will also have a significant impact on the setting of an adjacent Scheduled Monument. The application does not include a description of the heritage assets, in this case archaeological remains, affected by the proposed development nor does it contain an assessment of the impact of the proposal on those heritage assets, as required by PPS 5 ( Policy HE6).

Without information on heritage (archaeological) assets it is not possible to assess the impact of the proposed development on them. The applicant should be asked to provide a description of the archaeological assets affected by the proposal and their significance. This must include information on the known archaeological remains on the western edge of the site. It must also include the results of an archaeological field evaluation of the rest of the site which has not been subject to archaeological evaluation or investigation. The Stratton Moat Scheduled Monument must be included in the description of the assets.

This application should not be determined until a description of the archaeological assets affected by the proposed development and their significance together with an assessment of the impact of the proposal on them has been submitted by the applicant. This is in line with the policies in PPS 5. If the required information is not

forthcoming the application should be refused in the grounds that it is contrary to Policies HE6.1 and HE6.2 of PPS 5 *Planning for the Historic Environment*.

English Heritage

No comments received

Community  
Officer

Safety

No comments received.

Tree  
Officer

&

Landscape

1 Although I can see that a survey has been made of the designated wild flower meadow area I cannot see

that any form of ecological/tree survey has been carried out on the remainder of the site. I would suggest that this is a matter of some importance as the area contains open grassland, hedges, potentially two pond/wetland areas, and an area proposed to be retained as woodland.

2 It appears that there will be substantial loss of young planted trees that are in the vicinity of the pond/wetland area on the western edge of the proposal. This is now proposed as a parking area.

3 There will be the loss of a number of hedges that are within the site itself in order to site the football pitches.

I would suggest that in view of the loss of trees and hedges on the site then the following points should be addressed:-

The watercourse that runs from north to south is of significant importance as a wildlife corridor, particularly with the development that is occurring to the north of the site. And as a result I feel it is important that additional planting is carried out to enhance and fill in gaps to the hedgerow on the west of the watercourse and additional

native tree planting is included along the bank on the eastern side of the watercourse. This should be continued along the full length of the watercourse where it passes through the site. An ecological survey is likely to be able to give far more detail on these aspects.

An additional new native hedge should be planted around the perimeter of the relocated allotment area, to provide not only some additional wildlife habitat but also to add a little protection to what could be a fairly exposed site.

The area of woodland to the south west of the site that will be adjacent to the children's play area would need to be assessed for condition and additional planting and any remedial tree work outlined in the tree/ecological survey.

Details would be needed of all planting, species, sizes, densities, planting times, site preparation etc.

Paragraph 26 states that in rural areas, those sports and recreational facilities which are likely to attract significant numbers of participants or spectators should be located in, or on the edge of, country towns.

### **Core Strategy and Development Management Policies DPD**

#### Policy CS1

Biggleswade is identified as a Major Service Centre. The eastern expansion of the town will provide additional jobs, homes and town centre redevelopment and expansion. The preamble to the policy suggests one of the key priorities will be the provision of new facilities and services to support the increasing population.

#### Policy CS3

Support in principle the upgrading of community, open space, recreation, sports and health facilities, and identifying appropriate sites for new facilities to meet identified needs and shortfalls in accessible locations. All new facilities should meet the needs of the entire community.

#### Policy CS4

New development will be focused in locations, which due to their convenient access to local facilities and public transport, promote sustainable travel patterns.

#### Policy CS15

The Council will protect, conserve and enhance the district's heritage including its Listed Buildings, Scheduled Ancient Monuments, Conservation Areas, Registered Parks and Gardens and archaeology and their setting.

#### Policy CS18

Support the designation, management, and protection of biodiversity and geology including locally important County Wildlife Sites. Development that would fragment or prejudice the biodiversity network will not be permitted.

#### Policy DM3

Require a BREEAM rating of "Excellent" for new non-residential buildings.

#### Policy DM4

Where no land is available within a settlement for health

facilities (where need is identified), a site adjacent to the settlement may be granted planning permission. Such development should make the best available use of land.

#### Policy DM7

Planning applications that contain proposals that would adversely affect existing accessible green space will not be permitted.

#### Infrastructure Audit: Parish Schedules Annex

The Infrastructure Audit highlights that a new Primary Care Centre is planned for the town; a replacement for Biggleswade Community Hospital is also planned.

There is a need to create a NEAP to serve Saxon Gate Development.

Create new LAP's for toddlers within existing housing areas.

#### Biggleswade Town Centre Masterplan

While there has been no confirmed redevelopment strategy, three options are currently being identified for consultation. All three options identify the potential for health centre facilities within the town centre.

### **Conclusion/Recommendation**

The site is located adjacent to the Settlement Envelope, to the south of the East of Biggleswade Local Plan housing allocation. 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 community in Biggleswade. It also identifies the need for recreational space for Biggleswade.

Development Management Policy DM4 supports development beyond the settlement envelope, where no land is available within. It is unclear whether a number of sites within Biggleswade have been assessed. Biggleswade is currently undergoing the production of a Town Centre Masterplan. While Biggleswade Town Centre Masterplan has not been decided yet, currently a number of options have been identified. These three options indicate either the expansion of the existing health centre or the development of a new health centre within the study area. This indicates there would be the potential for a health centre. Locating such community facilities on the edge of town would not provide convenient access to public transport and local facilities. In light of this, the application is contrary to Development

## Management Policies DM4 & CS4.

The southern extent of the site borders a Scheduled Ancient Monument (SAM). Due to the close proximity, the proposal may have a significant impact upon the setting of the SAM.

There are overriding concerns over the impact on the County Wildlife Site.

In conclusion, whilst there is the potential for a health centre within the town centre, developing into the countryside would be inappropriate.

Minerals & Waste

No comments received

Primary Care Trust

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.

We are grateful that Health is considered within all planning and growth developments and we are keen for Health to remain at the forefront of thinking in this area. In particular, it is vital that S106 contributions to provide Health facilities are provided be it off-site, a land option or a design and build option.

Police Architectural  
Liaison Officer

No objection but could consideration be given to extending the Biggleswade CCTV system to cover the health centre and any parking.

Ivel & Ouse Countryside Project No comments received

Highways

Existing Public Transport Provision:

It is stated that public transport services in the vicinity of the site are currently good with four services calling in close proximity to the proposed site. However, services E4, M3 and M4 run at 500 - 600 plus metres from the site hence in excess of the 400 m that it is recognised as reasonable walking distance to catch a bus, hence not easily accessible to the development users. So I would not say that public transport is good as there is only one bus service that runs within the acceptable walking distance from the site. In addition, there is no pedestrian link from the bus stop to the site.

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 streets, there aren't direct cycle links to reach the site neither have any been proposed.

Existing Pedestrian Provision

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

In summary, there is an acceptable effect on the highway network in relation to motor vehicle access.

In addition there is a need for demonstration to be provided that the Show People's non standard vehicles could use the proposed roundabout. Also further details of cycle/pedestrian connection to the site.

Any future park and ride is considered to be a very different issue in relation to the traffic generation and peak hour congestion.

Highways Agency

No comments received

Biggleswade Allotment Group

We wish to register an objection to that part of the outline planning application relating to the relocation of allotments within the plans for new Health and Leisure/sports complex submitted by Biggleswade Town Council.

The plans provided shown that the current allotment sites will be used for sports pitches. The outline plans show

additional sports pitches to be provided on land to the east of the small stream.

We have no specific objections to the building plans or those pitches/courts which are to be site on land currently used as pasture although we feel the overall development footprint should be kept as small as possible to meet identified needs while avoiding unnecessary disruption, damage to habitats and cost; we also feel the current plans are dull and unimaginative environmentally.

Our specific objections are these:

- The need for so many pitches and courts in one part of the Town has not been clearly established (also see additional note 1);
- Any running down or removal of provision elsewhere (such as possible school playing fields and other club facilities) would be costly in terms of loss of local utility and possible financial support from those provisions, amenity or green space and, moreover, could lead to increase in sport related traffic and therefore add to our own carbon footprint.
- Sufficient additional pitches and courts could be provided on the land currently used as pasture, certainly for any immediately foreseeable future need.
- Substantial provision of additional allotments, while very welcome, would be better in many respects environmentally if it were dispersed as much as possible on a number of sites in the existing green ring around the town (also see additional Note 4/5).
- The proposed swap of land would be very detrimental to the current allotmenters ; much of that designated site has been waterlogged for significant parts of the year; if the proposal is to go ahead, the meadow proposed for allotments would be much more sensibly re designated as a wild flower areas (also see additional Note 4/5).
- The security of allotments, already prone to theft and vandalism, would be more difficult/costly to ensure if they were to be moved further away from populated areas (also see additional Note 6).
- Unnecessary costs of relocation would be incurred by council tax payers and additionally by allotmenters in particular.... planning, provision of roads, services, drainage, improved security fencing and huge time, energy and financial costs for allotmenters to bring land back to reasonably cultivated and fertile states (also see additional Note 7/8).
- Unnecessary disruption and cost would inevitably lead to some allotmenters giving up... perhaps those older or infirm for whom it is most beneficial both physically and psychologically. The proposals will involve greater travel distance for all allotments holders and would result in a number of plot holders who currently walk to site having to resort to using a vehicle to access the

proposed site (also see additional Notes 6, 7, 8).

- Unnecessary disturbance of important habitats will occur, certainly affecting the skylark population and other bird life. If the allotments are moved, hedges and ditches removed or covered this will almost inevitably include significant disturbance of breeding and foraging grounds for Great Crested Newts. This disturbance will also lead to a loss of biodiversity in the currently designated wild-flower meadow which would effectively become an island in the centre of the proposed development.

### Additional Notes

1. The number of sports pitches proposed (17) is excessive. Even allowing for the anticipated increase in the population of Biggleswade there can be no justification for this number of pitches. Apart from the schools facilities and the football club sites, there are at least three other areas around the town where sports pitches have been provided. These are close to population centres and whilst currently they are under used, if correctly managed would provide large areas for sports facilities.

4 & 5. The provision of additional allotment sites as shown on the plan is welcome. However, the proposed location is dubious. Originally the area shown as a wild flower meadow was a simple grass area and mown at regular intervals. As the demand for allotments increased, more of this area was brought into cultivation. Reacting to an incident with Travellers camping on the area and causing significant damage to the allotment plots and surrounding areas this area was roughly ploughed up and ditches dug around the site to prevent easy access to this allotment area. After a period of time the area was then levelled and designated as a wild flower meadow - something that it never was originally. It would make more sense to relocate the wild flower meadow to one of the areas proposed for the relocated allotments since these areas have had wild flowers and native species growing on them for much longer than the current wild flower meadow. The current area could then be used to enlarge the current allotment site.

During the compilation of the Green Plan and the Town Plan several additional sites around the Town were suggested by members of the public for use as allotment sites. These would be close to centres of population and would reduce the necessity for new allotment holders to have to drive to the one site currently used.

This has benefits in reducing cross town traffic and also reduces the carbon footprint of the site. Concentrating all the allotment developments in one area further away from the town has no environmental advantages. It just means that a larger area will be designated as a car park.

6. The security of the current site is sometimes problematical. Many plot holders have suffered acts of mindless vandalism and theft. Relocating the allotments further away from public scrutiny will exacerbate this problem.

7 & 8. There will be significant costs involved in moving the allotments for no benefit or return on the investment. It is not a justified expenditure to move a facility to provide an excessive number of sports pitches for which there is no proven demand when alternatives could achieve a better balanced solution and a lower cost.

King's Reach (Land East  
of Biggleswade)  
Development

Our concerns are that the travelling show people's element of this application is being delivered prematurely, particularly given the current consultation exercise on the Preferred Gypsy and Traveller Sites (Development Plan Document). The grant of outline planning permission would severely prejudice the findings of this exercise.

Paragraph 3.8 of the applicant's Planning, Design and Access Statement states that the *"site has been assessed as part of the Local Development Framework"*. Our client would argue that the site has not been fully assessed and that the consultation exercise that the Council is currently seeking views from the public on is looking precisely to do that. The grant of outline planning permission would unduly prejudice the outcome of the consultation, which runs until 7th June 2010. In light of this, no decision should be made until the findings of the consultation exercise and subsequent site allocation has been determined. Failure to adopt this approach would render the approach to site selection through the LDF unsound and should be avoided.

This approach is further reinforced by paragraph 36 of ODPM Circular 01/2006, which states that in order to ensure that a sufficiently robust assessment of appropriate sites has been considered *"Local planning authorities should facilitate early involvement in the preparation of DPDs (front loading) by consulting with the community and all stakeholders. Front loading is particularly important when the DPD is dealing with site allocations. Local planning authorities should ensure that sites are brought forward early in the process so that the community can be consulted, and they can be subjected to sustainability appraisal"*. The grant of outline planning permission for a travelling show people's site would contradict this advice as it would not have undergone the required levels of community consultation and sustainability appraisal. Whilst we acknowledge that the site is one of Central Bedfordshire Council's Preferred Options, it still needs to undergo appropriate consultation and outline planning permission should not be granted on the basis that the site has already been identified as a Preferred Option by the Council regardless of the

comments made prior to and during the current consultation process.

Paragraph 33 of the Circular 01/2006 states that *"local authorities must allocate sufficient sites for gypsies and travellers, in terms of the number of pitches required by the RSS, in site allocations DPD's"*. However this drive towards the provision of sites should not result in these being provided without the appropriate level of public consultation in inappropriate locations.

In addition to the major concerns relating to the site being granted planning permission prematurely, the proposed location for a travelling show people's site. There are concerns about the access and its relationship with the existing settlement of Biggleswade. It is also imperative that issues such as sustainability are taken into account. Paragraph 64 of Circular 01/2006 states that such consideration should include, *"the promotion of peaceful and integrated co-existence between the site and the local community"*. Paragraph 58 of the Circular states that consideration for gypsy and traveller sites should *"include the likely impact on the surrounding area, the existing level of provision and the need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and other personal circumstances"*.

In this instance the planning application has failed to take these factors into account. There are concerns that this site is being considered on the basis that it is available rather than on the basis that it forms the most appropriate location for development, especially as it is divorced from the existing site on the western side of Biggleswade.

As a consequence of the travelling show people's element of the application and the advice contained within Circular 01/2006, it is recommended that this application be refused. However, our client has no objection to the remaining aspects of the scheme and would be happy to support a revised or amended application that reflected the comments made within this representation.

## **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

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 a 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 development beyond the settlement envelope, where no land is available within. Currently it is unclear whether a number of sites within the settlement envelope for Biggleswade have been comprehensively assessed and discounted. In addition Biggleswade is currently undergoing the production of a Biggleswade Town Centre Masterplan and within this document a range of 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 be available nearer to the town centre which 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.*

It is 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 NHS Bedfordshire as the identified end user, which in this instance is missing. Indeed their consultation response strongly suggests that identifying a preferable site is still work in progress.

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

Without the endorsement at this time of NHS Bedfordshire as to this being their preferable site the sequential preferability of the application proposal must be drawn into question, and in the presence of this doubt it is not considered that a health centre outside the settlement envelope can be supported.

In summary, this element of this comprehensive 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

Following an assessment of Travelling Showpeople accommodation need in 2007 it was identified that there was a shortfall in the number of pitches for Travelling Showpeople in Central Bedfordshire. The site as shown on this planning application known as Kennel Farm has been identified as a possible Travelling Showpeople site, for the North of Central Bedfordshire, through the Gypsy and Traveller Development Plan Document. This site was consulted upon at the Preferred Sites stage in November 2008. The Development Plan Document is still being progressed so no final decision has yet to be made on the allocation of this site. However, the site does offer a suitable and necessary alternative to the existing Travelling Showpeople families in Biggleswade who are currently living in over crowded conditions and as such may be considered to be a suitable site.

In light of this conclusion, it is not considered necessary to include a reason for refusal on the prematurity of this element of the outline planning application.

#### Sports Pitches, Pavilion, Relocated Allotments and other ancillary leisure land including a Children's Play Area

The majority of the remainder of the site is to provide recreation and community facilities. Whilst there may be some concern as to the location of such facilities on the edge of town as it is not considered to be particularly accessible for all members of the overall community Sport England have made comments as to the benefits of a large facility in terms of both its management and economies of scale. It is proposed to provide an additional children's play area, the principle of this is considered acceptable provided that it is located in a suitable position for public access.

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. Even though

there is an identified need in Biggleswade it is felt that further information is required to ensure that the 17 pitches indicated on the indicative plans is a true reflection of the need.

This outline planning application is proposing to relocate the existing allotments on the site and in fact increase the number of available allotments. This issue has raised a significant response to the application and clearly had there been no replacement provision as part of this proposal this would have counted negatively in the consideration of the application. As this issue is actively dealt with there is no justification to include a reason for refusal on this basis. However, additional information would need to be submitted to address the habitat, ecology and archaeological issues associated with this element of the proposal and the site generally.

### Park and Ride

A park and ride is proposed in conjunction with the health care facilities. It is not considered that sufficient justification has been provided to confirm why Biggleswade requires a park and ride. In addition as the proposal is located outside the settlement envelope it not felt to be appropriate in this location.

As such this is considered to be a reason for refusal as the lack of justification and sequential test considering all potential sites results in the proposal being contrary to PPG13 and CS14, DM3 & DM4 of the Core Strategy and Development Management Policies (2009).

### Loss of Best and Most Versatile Agricultural Land

The land that the application site is located on is classified as Grade 2 Agricultural Land Classification. PPS7 states that:

*The presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a 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 3b, 4 & 5) 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 is not acceptable as no justification has been provided as to why alternative sites of a lower Agricultural Land Classification or within the settlement envelope have 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.

### Heritage Assets

The site is located in a sensitive archaeological location and is adjacent to a

Scheduled Ancient Monument. PPS 5 (Policy HE6.1) states that an applicant 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 on the assets is available. There should also be an assessment of the impact of the proposed development on heritage assets (Policy HE6.2).

As mentioned above the southern extent of the site borders a Scheduled Ancient Monument (SAM) and as such the proposal may have a significant impact upon its setting. Due to the site's sensitivity and comments from the Archaeology Team, English Heritage have been consulted on this matter and it is hoped that comments will be added to the Late Sheet.

In summary as insufficient information has been provided with the current application to fully assess the impact of the proposed development on this heritage asset it is considered that this outline planning application is contrary to PPS5 and Policies DM13 & CS15 of the Core Strategy and Development Management Policies (2009).

### Principle Summary

In conclusion, it is considered that key elements of this development constitute inappropriate development in open countryside. In addition, the application lacks the information necessary to provide sufficient justification for the support of this proposal given the strong policy restrictions for development in the open countryside. The proposed sports pitches and associated pavilion, are acknowledged as genuine benefits to the Town and the Travelling Show People's Site, Children's play area and relocation of the allotments may be acceptable in principle if further justification and information relating to Heritage Assets can show that the proposals would not result in a detrimental impact.

In summary, this outline planning application is contrary to PPS5, PPS7, PPG13 and Policies DM4 & CS15 of the Core Strategy and Development Management Policies (2009).

## **2. Impact upon the Character and Appearance of the Area**

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 park and ride, 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**

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 confirmed that the proposal would not result in an unacceptable impact on the highway network in relation to motor vehicle access.

Concern is raised and further information would be required to confirm whether the Show People's non standard vehicles could use the proposed roundabout.

Finally, further details of cycle/pedestrian connection to the site would be required.

It is considered that if the planning application was considered acceptable that the issues above could be dealt with by condition.

The Highways Team have raised concern in relation to the proposed park and ride as it is considered to be a very different issue in relation to the traffic generation and peak hour congestion. As such further information would be required in terms of justification and its impact on the highway network. As this has not been provided with this outline planning application it is considered that this would be a reason for refusal.

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. However, given the conclusion on the principle of development it is not considered necessary to explore this issue further.

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

In summary, when considering the submitted information, it is considered that insufficient information and justification has been provided in terms of Highway Safety specifically in relation to the proposed park and ride element of the proposal. As such this is considered to be a reason for refusal.

## **5. Other Considerations**

### **Green Infrastructure, Biodiversity & Protected Species**

The submitted Biodiversity and Protected Species Document is not considered to be sufficient to ensure that the proposal would not have a detrimental impact. Objections have been received from Natural England, The Wildlife Trust and CBC's Ecology Officer. Concern is raised particularly in regard to the fact that this outline planning application has not had regard to all of the biodiversity features which may be found across the whole application site.

The various consultation responses have indicated that the site is located in an area where Harvest Mice, Badgers, Common Toads, Water Voles and Bats are likely to be present. In addition other species of farmland birds may also be present.

Therefore it is clear from the consultation responses that the relevant ecological and biodiversity surveys should be undertaken, at the relevant times of year, to cover species and habitats over the whole site some of which are protected by law, have a Biodiversity Action Plan (BAP) or are included in section 41 of the Natural Environment and Rural Communities Act (NERC) 2006. The assessment should include desk based study, including records from the Bedfordshire and Luton Biodiversity Recording and Monitoring Centre (BMRC), as well as field surveys.

In particular Natural England made the following comments:

*The proposed development does not lie within close proximity to any statutorily designated sites, and so it is considered that it is unlikely that the proposals will have a substantial effect on the special interest features of any such sites.*

*The inclusion of the biodiversity & protected species document and the Biggleswade Allotment Meadows County Wildlife Site (CWS) assessment with the development application. However it is felt that due to the size and nature of the development in addition to its close proximity to the CWS and lack of information related to protected species in general, a more robust Ecological scoping survey from a suitably qualified specialist is required. Ideally taking the form of a phase one habitat survey, these surveys will inform all decisions relating to impact on the wildlife & ecology of the proposed development area and potential impact to the CWS.*

*NE would also like to emphasise the need for a more structured mitigation and compensation package to be produced in order to define the means necessary to protect any habitats and species of conservation interest identified in the surveys, and also to outline measures that are needed to protect the CWS during the construction/landscaping phase. We also recommend that any mitigation or compensation packages are accompanied by a long term management plan to help secure the future of any mitigation works carried out.*

*While NE would look to the County Wildlife Trust to provide the main representation to this application (or any subsequent application or appeal) in relation to the CWS, we consider that currently there appears to be inadequacies over the assessment of the impacts of the development on existing ecological features of the site, and insufficient assessment and compensation for the destruction of the development site flora & fauna as a whole.*

*Natural England therefore recommends that planning permission should be refused, in accordance with the key principle (vi) of PPS9.*

To confirm, due to the size and nature of the proposed development and because of the County Wildlife Site it is considered that a more robust Ecological Scoping Survey, to include a phase one habitat survey is required.

These surveys are necessary so that an informed decision can be made in respect of the potential impacts that the proposed development may have on the wildlife and ecology of the application site. This would include its potential impact upon the County Wildlife Site.

As the submitted information is not considered to be satisfactory it is felt that the Local Planning Authority are not in a position to confirm that we have undertaken our duty under s.40 of the NERC Act 2006 and consequentially accorded with the advice in PPS9. As such it is considered that this outline planning application has provided insufficient information in respect of biodiversity and habitats.

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

#### 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 and the heritage assets. It is acknowledged that the sports pitches; sports pavilion; and the proposed location of the allotments may be considered acceptable in policy terms within the open countryside but again more detailed information would be required to assess the proposal.

### **Reasons for Refusing**

The proposal is contrary to PPS5, PPS7, PPS9 & PPG13 and Policies DM3, DM4, DM13, DM15, CS14, CS15 & CS18 of the Core Strategy and Development Management Policies (2009) as the site is located outside the settlement envelope and the application is not accompanied by sufficient justification to allow development of this open countryside site; and insufficient information has been provided in relation to the Heritage Assets; and further information is required in regard of Habitats and Biodiversity in respect of the whole site.

### **Recommendation**

That Outline Planning Permission be Refused for the following reasons:

- 1 The proposed Health Centre and Park & Ride, by virtue of their 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) .
- 3 The application contains insufficient information to show that the development would not result in a detrimental impact upon heritage assets and as such the proposal is contrary to PPS5 and Policies CS15 & DM13 of Central Bedfordshire Council's Core Strategy and Development Management Policies (2009) .

### **DECISION**

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