

**Item No. 7****SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>CB/11/00664/FULL</b>
<b>LOCATION</b>	<b>The Old Church of St Vincent adjacent to the Recreation Ground, Tithe Farm Road, Houghton Regis</b>
<b>PROPOSAL</b>	<b>Erection of two storey building to provide a 41 Bed Nursing Home (C2 use) and associated parking.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Jones</b>
<b>CASE OFFICER</b>	<b>Gill Claxton</b>
<b>DATE REGISTERED</b>	<b>28 February 2011</b>
<b>EXPIRY DATE</b>	<b>30 May 2011</b>
<b>APPLICANT</b>	<b>Innoventions Consultancy</b>
<b>AGENT</b>	<b>Knight Architecture &amp; Design</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Ward Councillor Jones as the issues of Green Belt, conflict with Policy R3 and departure from the Local Plan are finely balanced and there is considerable local interest.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</b>

**Site Location:**

The application site comprises a rectangular parcel of land of approximately 0.3ha fronting Tithe Farm Road and adjacent to the south western corner of the Tithe Farm Road Recreation Ground. It has a frontage to Tithe Farm Road of approximately 58m and a depth of approximately 45m. The land was previously the site of the Old Church of St. Vincent and comprised the Church and the Church Hall. St. Vincent's RC Church and Social Club is now located in Hammersmith Gardens. The buildings on the site were destroyed by fire in the mid-1990s. The site is now grown over although there is some evidence of part of the concrete base covering some of the former footprint. The site is enclosed by chain link fencing approximately 1.8m high. There is a bus stop to the front of the site.

A group of three multi-stemmed Ash trees, situated along the south western boundary of the site are protected by the Central Bedfordshire Council, Land at former Church of St Vincent and adjacent to Tithe Farm Recreation Ground, Tithe Farm Road, Houghton Regis Tree Preservation Order No. 8/2011. These trees also front Short Path; a pedestrian link to the residential development to the west.

Immediately outside the site to the north is an equipped children's play area while the remainder of the recreation ground comprises grassed playing pitches. There are existing changing rooms and a hard paved car parking area in the south eastern corner. To the north of the Recreation Ground lies open countryside. To the east, west and on the opposite side of the road to the south is two storey residential development.

The site lies within the Green Belt and also within the designated Proposed New Areas of open space in Houghton Regis as set out in saved Policy R3 of the South Bedfordshire Local Plan Review. This policy specifically seeks the provision of additional playing pitches, toilets and changing facilities at the Tithe Farm Road Recreation Ground.

### **The Application:**

Planning permission is sought for the erection of a 41 bedroom nursing care home with the main accommodation arranged over two floors with a basement area below part of the building. There would be particular emphasis on dementia patient care although the mix of short and long term patients would also cover a varied mix of age groups and not just the elderly.

The building would have a pitched roof and there would be bay projections. The materials of construction would be facing brick with string course details and render panels. The roof covering would be slate. Parking for 17 vehicles would be provided to the front of the building with vehicular access being through the existing site entrance. Provision would also be made for long and short term cycle parking. The external areas would be landscaped.

The applicant states that the new nursing home would be designed to the latest healthcare standards as set out in Government guidance on Adult Social Care. Each bedroom would have a minimum floor space of 14 sq.m which would be in excess of the minimum standard and be provided with en-suite facilities. The accommodation would also include a controlled access reception, communal rooms such as day rooms and dining areas, nurses' stations, staff rooms, kitchen and laundry areas. The basement area would also house plant, laundry, staff training and meeting room, staff changing facilities and storage areas. There would also be internal and external crime prevention and security measures including features such as secure 5-lever mortice locks to external doors with key code pad entry devices; window locks, movement sensor lighting.

The site is level and the new building would sit into the existing topography without significant excavation other than for the basement accommodation.

The application was accompanied by a Planning, Design and Access Statement and Parking and Travel Proposals. The applicant considers that there are very special circumstances present to permit the development. In summary it is stated:

- There is a shortage of acute nursing home beds, particularly for those suffering from dementia
- PPS1 – 'Delivering Sustainable Development' and PPS3 – 'Housing' set out the Government's commitment to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well being, social cohesion and inclusion and creating equal opportunities for all citizens. This includes meeting the accommodation needs for those who require residential nursing care.
- Emerging local planning policy in the form of Policy CS6 of the Luton and Southern Bedfordshire Core Strategy Pre-Submission Draft, November 2011 provides for housing to meet all accommodation needs. Paragraph 7.7 to the policy clarifies that as people live longer, an increasing proportion of the

population will be 65 and over, many of whom will require specialist housing to meet their needs.

- The publication by the former Bedfordshire County Council – ‘Changing Lifestyles – Choices for the Future: Housing and Accommodation Strategy’ published in June 2008 states that from 2008 to 2025, the population of people over 65 will increase from 60,800 to 93,300 and people over 85 from 7,500 to 13,600. Of these it is likely that 4,358 will have dementia in 2008 and this is likely to increase to 7,202 by 2025. It also mentions that there is a current shortage of nursing home beds.
- A research paper that provided evidence for the Strategic Housing Market Assessment for the area – Research Paper 6: Specific Client Groups has also stated that there is a recognised undersupply of nursing homes in Bedfordshire that needs to be addressed. As part of the Bedfordshire Corporate Strategy for Older People for the period 2007 – 2012 more special care dementia centres would be needed providing a mix of longer term residential and shorter term respite care.
- The Social, Health and Housing Department of Central Bedfordshire Council on Adult Locality Profiles in the Dunstable Area (which also covers Houghton Regis) reveals that the over-75 population represents 23% of the total over-75 population for Central Bedfordshire. Within Dunstable, the over-75 population represents a higher proportion of the total population (7.8%) than the overall Central Bedfordshire average (6.4%) with this predicted to grow to 12.3% by 2030.
- It is estimated at present that there is supported housing capacity in Central Bedfordshire of 1 in 4 of the over-75 population with the majority being in Sheltered Housing. In order to maintain the same level of supported housing there is a need to provide an additional 4000 beds/units/alternative services across Central Bedfordshire with 600 of these within Dunstable/Houghton Regis.
- While the priorities for this area are the development of sheltered and extra care housing, it is acknowledged by the Head of Commissioning for Central Bedfordshire that as there is no dedicated nursing home in Dunstable and based on population figures approximately 50-60 nursing bed spaces would be needed.
- With regard to the selection of this site, the applicant’s intention was to provide a nursing home that was accessible to the local community in Houghton Regis. The only other possible site in Houghton Regis where such a proposal could be accommodated are either earmarked for residential development (the site opposite the Chequers PH), commercial development and community facility (The Co-Operative site opposite Bedford Square) or on Houghton Road which has permission for a supermarket. The applicant does not believe that there are any suitable sites available within Dunstable.
- The proposal would bring local employment benefits resulting in the creation of full and part time jobs in an area where continuing employment prospects are bleak.
- In addition the Luton and Southern Bedfordshire Core Strategy proposes redrawing the Green Belt boundary in this area to provide for an urban extension to Luton, Dunstable and Houghton Regis. This is a material consideration to add to the very special circumstances.
- With regard to Policy R3 it is not considered that the site would make an adequate sports pitch and there are already changing rooms next to the sports pitches.

- The development would result in the efficient use of previously developed land.

Members may recall that this application was deferred from the last meeting of 20th July 2011 for further reconsultation on the amended plans which were received just prior to the meeting. The main changes to the scheme since it was originally submitted are as follows:

- The applicant has submitted a 'Tree Survey Report – Pre-development arboricultural survey and implications assessment incorporating a Tree Constraints Plan prepared by RGS Tree Services - Arboricultural Consultants which assessed the impact of all the trees along the western boundary on the development of the site, specifically the three multi-stemmed Ash trees which are the subject of the Tree Preservation Order;
- The new building has been repositioned on the site to give a 10m clearance from the centre of each preserved tree;
- The footprint of the building has been modified in order to accommodate this and the western wing has been increased in length. However, the applicant states that a reduction in the number of bedrooms would jeopardise the viability of the scheme. Accordingly the revised plans propose a basement area under part of the footprint that would accommodate plant, laundry, storage and staff facilities;
- As a result of the additional cost involved in providing a basement, a further room has been included which makes a total of 41 bedrooms being proposed;
- The proposed floorspace of the revised building would be 2019 sq.m whereas the building as originally submitted would have had a floor area of 1789 sq.m;
- The proposed number of car parking spaces remains at 17 but the car parking layout has been reconfigured to accommodate the changes to the position and footprint of the building.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development

PPG2 – Green Belt

PPS3 - Housing

PPS9 - Biodiversity and Geological Conservation

PPG13 - Transport

PPG17 - Planning for Open Space, Sport and Recreation

PPS23 - Planning and Pollution Control

PPS25 - Planning and Flood Risk.

### **Regional Spatial Strategy**

#### **East of England Plan (May 2008)**

SS1 - Achieving Sustainability

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

T14 - Parking

### **South Bedfordshire Local Plan Review Policies**

SD1 - Sustainable Keynote Policy

BE8 - Design considerations

T10 - Parking

R3 - Urban Open Space Strategy - Proposed Areas of New Urban Open Space in Houghton Regis.

Design in Central Bedfordshire - A Guide for Development - adopted by the Luton & South Bedfordshire Joint Committee on 23/07/10

## Planning History

SB/CED/97/0001 Grant of a Certificate of Lawful Development for an existing use of the land for the purposes of public worship, religious instruction and associated social activity.

## Representations: (Parish & Neighbours)

Houghton Regis Town Council Originally commented that there was no objection to the scheme but requested that the following concerns are given further consideration:

1. There does not appear to be sufficient on-site parking to meet the needs of visitors to the home.
2. The potential disturbance through the close proximity to the recreation ground and play sites.
3. Access for emergency vehicles.
4. Application should go to Committee for determination.

On the revised scheme, no objection.

Neighbours The originally submitted application was publicised by the direct notification of occupiers of neighbouring properties, press and site notices. The revised plans were the subject of further notification to occupiers of adjacent properties. No third party representations have been received as a result.

## Consultation/Publicity responses

Public Protection South No objection subject to conditions and informatives relating to a noise mitigation scheme from the adjacent recreation ground, details of extraction equipment from the kitchen and food preparation areas for the suppression and dispersal of fumes and/or odours and noise from such machinery; details of grease interception measures to prevent this affecting the foul drainage system and restrictions on the hours of construction.

Tree & Landscape Officer Originally objected to the scheme on the grounds that a row of three mature, multi-stemmed, lapsed coppiced Ash trees on the south western boundary of the site (now protected by Tree Preservation Order No. 8/2011) had not adequately been considered.

- The trees are strategically positioned on the boundary between the new development and

existing residential homes and footpaths and offer important screening and amenity value.

- The layout did not recognise the above ground (canopy) and below ground (root) constraints imposed by these trees. The route protection area was estimated as being 15m based on an estimate of the basal diameter of the trees and the appropriate calculation in Table 2 of BS5837:2005 'Trees in Relation to Construction'. The average crown spread of the trees into the site was measured at 8m radius.
- On that basis it was considered that the development would lead to conflict with the natural crown spread and root systems of these trees to the detriment of the trees and their important amenity value.

In relation to the additional tree information and revised plans, comments as follows:

- It is noted that the issue of shading has not been adequately identified as a constraint to development in the Tree Survey Report, and no shading plan has been illustrated on the Tree Constraints Plan, where the recommended annotation of this is referred to in Section 5.3 "Above ground constraints" of BS 5837 : 2005 "Trees in relation to construction", where the shading influence is based on tree height.
- This is particularly significant as any shading constraint will run from North West to due East, indicating the shadow pattern through the main part of the day caused by the juxtaposition with the protected trees. This will therefore obstruct sunlight to many of the bedroom windows on the West side of the building, and these bedrooms will be the main room of habitation for the residents and likely to cause significant conflict, where loss of light to rooms is often the source of worry and concern to elderly people.
- On the basis of the information of current height information supplied in Mr Yates's (RGS Tree Services - Arboricultural Consultants) report, it is calculated that to avoid most of the shading constraint of these trees, without causing disfiguring and potentially harmful pruning, will require that the western aspect of the building is moved back a further 5m from the existing footprint before I can be satisfied that the above ground constraints of shading are reduced to an acceptable level.
- My objection therefore remains for the reason that the development will conflict with above ground constraints of protected trees to the extent that there will be future pressure for continual and disfiguring

pruning, which will be to the detriment of the amenity value of the trees concerned.

Beds Police Architectural Liaison Officer	No objection subject to conditions on boundary treatments, lighting and securing the other crime prevention measures set out in the Design and Access Statement.
Environment Agency	No objection subject to a condition and informatives relating to potential site contamination.
Anglian Water	No objection subject to a condition relating to surface water strategy and flood risk.
Highway Engineer	No objection subject to minor modifications to the parking layout in order to modify the position of the cycle stands and submission of a Travel Plan.

## **Determining Issues**

The main considerations in the determination of the application are:

1. Principle of Development
2. Design, layout and external appearance and impact on the locality
3. Tree and landscape considerations
4. Highway and parking considerations

## **Considerations**

### **1. Principle of Development**

The site lies within the Green Belt. Both the lawful use of the land for the purposes of public worship, religious instruction and associated social activity and the proposals, the subject of this application, represent inappropriate development in the Green Belt. In response to previous approaches for the re-use of the site, officers have indicated that the provision of a new building on the site for the lawful use may be acceptable provided that such a building is of a suitably modest scale, akin to the original building on the site, in order to ensure that the openness of the Green Belt was adequately respected.

In this case the proposal is not for a development in accordance with the lawful use of the site and proposes a substantial nursing home building of some 2019sq.m. Therefore, for the principle of development to be accepted the applicant must demonstrate that 'very special circumstances' exist that would offset the Green Belt presumption against inappropriate development. This would be the case for any development other than modest development in connection with the lawful use.

Advice from Officers that has been given over a number of years to various approaches for pre-application discussions for alternative uses, including an earlier proposal for a nursing home, have consistently stated that, if it can be shown that, after extensive marketing for the lawful use, there was no prospect of a party coming forward to develop the site for the lawful use (in its full range of possibilities), the Council might give consideration to a use with community

benefit provided that any buildings associated with that use had no greater a material impact on openness than the previous building on the site.

Although there is little evidence on site of the previous building, there is evidence in correspondence associated with the Certificate of Lawful Development that it was a modest, timber structure set within a grassed plot. The proposed building is a much more substantial structure covering a large part of the site area.

The applicant contends that not only are there very special circumstances present which would suggest that it is appropriate to deviate from the lawful use of the site but to also permit a substantially larger building. The main thrust of the very special circumstances case is that there is an under provision of nursing home beds in the area particularly for the elderly and dementia sufferers; this site is accessible within Houghton Regis and there are no other suitable sites available in Houghton Regis and Dunstable; demand for this type of accommodation will continue to rise; the scheme will provide employment opportunities for the local area and once the Luton and Southern Bedfordshire Core Strategy is adopted the site will cease to be located in the Green Belt.

Having taken account of these points, it is not considered that they amount to very special circumstances to justify the setting aside of Green Belt policy. Even if it were accepted that there is a shortage of provision for this type of care, the first option would be to find a site within the built-up area excluded from the Green Belt; the site coverage of the proposed building is significantly greater than that of the former building on the site which would erode the openness of the Green Belt at this point; while local employment opportunities would be welcomed the harm caused to the Green Belt would be outweigh this benefit and until a Core Strategy for Southern Bedfordshire has been adopted the site will still designated as Green Belt.

If the case for very special circumstances were proven, before the Council could issue any grant of planning permission the Secretary of State would have to be consulted via the local Government Office in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 as the amount of additional floorspace for inappropriate development in the Green Belt would exceed 1,000 sq.m.

In addition, the site is also covered by saved policy R3 – Proposed new areas of open space in Houghton Regis. This policy, among other things, specifically seeks the provision of additional playing pitches and changing facilities at the Tithe Farm Road Recreation Ground. The proposed development would be in conflict with this policy.

## **2. Design, layout and external appearance and impact upon the locality**

Any development on this site would have an impact upon the openness of the Green Belt. Visually the site now forms part of the Recreation Ground and contributes the character of the open space at this point. There are currently views through the site to the Recreation Ground and to open countryside beyond. Any building along the road frontage would diminish this sense of openness and would have an adverse visual impact upon the openness of the Green Belt.



Were it not for the Green Belt and open space designation, the general form and use of materials in the proposed building are considered to be acceptable. Architecturally the form of the proposal would have some interesting detailing with projecting gables, brick coursing, chimney detailing and render panels.

The proposed building would be two storeys in height with a ridge height of approximately 7.3m and an eaves height of 4.8m. This would be in keeping with the surrounding residential development which is also of two storeys.

The proposal would not have a detrimental impact on residential amenity. The nearest residential properties are located at No's 1 – 6 Short Path. These properties are separated from the site by the 2.0m wide pedestrian footpath. Although there would be bedroom windows in the flank elevation of the nursing home facing toward these dwellings there would be a distance of between 12 and 13m from these windows to the boundary of the site and approximately between 20 and 22m window-to-window distances. This would not give rise to an unacceptable degree of overlooking, particularly with the mature Ash trees along the majority of this boundary. There is also a sufficient amount of separation between the proposed development and existing dwellings to ensure that there would be no loss of amenity in terms of overbearing effect, loss of sunlight and daylight. The conditions relating to the extraction equipment for the kitchen and food preparation areas would also ensure that there would be no adverse effect in terms of noise or odour nuisance.

The building would be located in close proximity to the Recreation Ground, with the equipped playground abutting the rear boundary. The comments from the Bedfordshire Police Architectural Liaison Officer show that he has no objection to the scheme subject to details of boundary treatments, lighting and the crime prevention and security measures as set out in the Design and Access Statement. The Public Protection Officer also recommends a scheme for noise mitigation from the Recreation Ground. With these conditions in place there would be no adverse impact on the amenity of prospective occupiers of the nursing home.

### **3. Tree and landscape considerations**

The Tree and Landscape Officer originally objected to the scheme on the grounds that the row of three mature, multi-stemmed, lapsed coppiced Ash trees on the south western boundary of the site, now protected by Tree Preservation Order No. 8/2011, had not adequately been considered. Specifically he commented that:

- The trees are strategically positioned on the boundary between the new development and existing residential homes and footpaths and offer important screening and amenity value.
- The layout did not recognise the above ground (canopy) and below ground (root) constraints imposed by these trees. The route protection area was estimated as being 15m based on an estimate of the basal diameter of the trees and the appropriate calculation in Table 2 of BS5837:2005 'Trees in Relation to Construction'. The average crown spread of the trees into the site was measured at 8m radius.
- On that basis it was considered that the development would lead to conflict with the natural crown spread and root systems of these trees to the detriment of the trees and their important amenity value.

In response to this the applicant has submitted a 'Tree Survey Report – Pre-development arboricultural survey and implications assessment' incorporating a Tree Constraints Plan, prepared by RGS Tree Services - Arboricultural Consultants.

The Tree Survey Report concludes that the primary arboricultural constraint to the development of this site is the group of three mature Ash trees located along the western site boundary that are the subject of the Tree Preservation Order - Central Bedfordshire Council, Land at former Church of St Vincent and adjacent to Tithe Farm Recreation Ground, Tithe Farm Road, Houghton Regis Tree Preservation Order No. 8/2011. The Tree Survey report identifies these trees as an important landscape feature in an otherwise urban setting. The trees are between 18m and 20m high and have crown spreads of up to 9m to the east toward the proposed development area.

The report states that there are two main implications for this group of trees when considering the proposed development which is to be located approximately 8m to the east of the trees. First, the building line encroaches into the root protection area (RPA) and the crown spreads of all three trees. This would have a significant impact on the root systems and would require significant pruning of the crowns in order to provide sufficient clearance for construction works to take place. Secondly the trees would cast significant shadow over the proposed nursing home, in particular the west elevation which would be affected for the greater part of the day and this factor could result in pressure to further prune the trees.

In order to mitigate the implications outlined above the report concludes that there are few options available. The proposed building could be resized and reconfigured to better accommodate the trees (the building line would need to be at least 10m from the centre of each tree) whilst some minor pruning, crown lifting and reduction of any particularly extended east facing lateral branches would alleviate some of the shading effects whilst also providing an additional area during the construction phase. In addition, some thought should be given to the design of the building whereby the size of the windows in the west elevation is maximised to admit as much natural light as possible.

In response to this additional information the Tree and Landscape Officer considers that the issue of shading has not been adequately identified as a constraint and no shading plan has been prepared. It is considered that the issue of shading would be significant on the western elevation of the building affecting many bedroom windows. He recommends that the western elevation of the building should be moved a further 5m the revised footprint in order for him to be satisfied that the above ground constraints of shading are reduced to an acceptable level. If this is not done there will be pressure in the future for continual and disfiguring pruning to these trees which will be to the detriment of the amenity value of the preserved Ash trees. Accordingly, it is recommended that the proposed development be refused for the adverse implications on preserved trees.

#### **4. Highway and parking considerations**

The Highway Engineer has raised no objection to the scheme subject to minor modifications to the position of the cycle stands and submission of a Travel Plan. He considers that the number of parking spaces to be provided is

acceptable for a development of this scale in this location.

**Recommendation**

That Planning Permission be refused for the following reasons:

- 1 The site lies within the South Bedfordshire Green Belt, wherein permission will not be granted except in very special circumstances for development for purposes other than agriculture and forestry, mineral working, small scale facilities for outdoor sport and outdoor recreation or other uses appropriate to a rural area which preserve the openness of the Green Belt. Very special circumstances have not been established in this case. The proposal is therefore contrary to national guidance within Planning Policy Guidance Note 2 - 'Green Belts'.
- 2 The proposed development is contrary to Policy R3 of the South Bedfordshire Local Plan Review which seeks to improve the existing urban open space at Tithe Farm Recreation Ground with the provision of additional pitches, changing facilities, toilets and showers.
- 3 The proposal would by virtue of the size, siting and scale of the building serve to urbanise this site, erode the open character and appearance of the locality and reduce the openness of the South Bedfordshire Green Belt at this particular location. The proposal is therefore contrary to national advice in Planning Policy Statement 1 - 'Delivering Sustainable Development', Planning Policy Guidance Note 2 - 'Green Belts' and Planning Policy Statement 7 - 'Planning and the Rural Economy' and to Policy BE8 of the South Bedfordshire Local Plan.
- 4 The proposed development would, by reason of the siting of the building and the proximity of the western elevation to three Ash trees on the western boundary be likely to result in significant shading to bedrooms on this elevation leading to repeated requests for pruning which would disfigure the trees. The development would be likely to have an adverse impact upon these existing trees protected by a Tree Preservation Order to the detriment of the long term survival of the trees. The proposal would thereby have an adverse visual impact upon the character and appearance of the site and locality generally. The proposal is thereby contrary to national advice in PPS9: Biodiversity and Geological Conservation and Policy BE8 of the South Bedfordshire Local Plan Review.

**Notes to Applicant**

1. Please note that the unnumbered drawing (Topographical Survey) submitted in connection with this application has been given a unique number (CBC/001) by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

**DECISION**

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