

## Item No. 9

<b>APPLICATION NUMBER</b>	<b>CB/13/03357/FULL</b>
<b>LOCATION</b>	<b>Land at former Church of St Vincent, Tithe Farm Road, Houghton Regis</b>
<b>PROPOSAL</b>	<b>Erection of 58 Bed Nursing Home with associated parking and manoeuvring C2 use.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Tithe Farm</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Williams</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>22 October 2013</b>
<b>EXPIRY DATE</b>	<b>21 January 2014</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>Major application with objections from Houghton Regis Town Council.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### Recommended Reasons for Granting

Whilst the proposed development would be inappropriate in the Green Belt, the principle behind the erection of a nursing home on this site has previously been agreed with the grant of planning permission, reference, **CB/11/00664/FULL**. Whilst the current proposal proposes an increase in the number of bedrooms from 41 to 58, it is considered that the principle of the development remains acceptable and the previous very special circumstances case based upon the need for a nursing home in the area and the employment opportunities still carries significant weight which would outweigh the harm by reason of inappropriateness. It is also considered that the visual harm to the locality by reason of the height and massing of the building as a result of the three storey element would be outweighed by the benefits to be had from the development. Furthermore, the development would not be harmful to the character and appearance of the area, prejudicial to highway safety and would not be harmful to residential amenity thereby conforming to the development plan comprising Policies BE8, SD1, R3 and T10 of the South Bedfordshire Local Plan Review, Policies 1, 2, 3, 6, 21, 24, 25, 26, 27, 28, 30, 31, 36, 39, 43, 44, 49, 56, 57, 59 and 60 of the emerging Development Strategy for Central Bedfordshire and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010.

### 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 in Houghton Regis. The buildings on the site were destroyed by fire in the mid-1990s. The site is now overgrown 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 and there is a bus stop to the front of the site.

Only a few trees remain from the group of protected trees previously situated along the south western boundary of the site. 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 are two storey residential buildings.

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 58 bedroom nursing care home incorporating dementia patient care.

Details of the proposal are summarised below :

#### Schedule of accommodation

##### Basement

Kitchen

stores

laundry

staff room

meeting/training room

staff room and

changing rooms.

##### Ground Floor

23 bedrooms

Communal bathrooms

Nurses stations

Communal living/dining space

Sluice

Administration office

Recreation area

Salon

### First Floor

23 bedrooms  
Communal bathrooms  
Nurses stations  
Clinic  
Activity room  
Communal day space, lounge and dining area

### Second Floor

12 bedrooms  
Clinic  
Nurses station  
Communal lounge and dining  
Communal bathroom and  
Sluice

### Scale

The main accommodation would be arranged over two floors and only one wing would be three storeys high and part of the building would accommodate a basement area. 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 rendered panels and the roof would be covered under slate.

### Access and Parking

The development would be served by an existing access directly off Tithe Farm Road. Parking provision would be in accordance with the minimum standards set in the Local Parking Strategy and would be split into :

- 2 Disabled spaces
- 20 visitor and staff parking spaces

These spaces would be situated to the front of the building and would also incorporate vehicular turning areas.

### Access into the building

Level entrance and doorways in compliance with the Building Regulations together with two lifts would also be provided. Ambulant stairs would also be incorporated within the communal circulation areas.

### Layout

The building would have two wings linked by a roughly central element. The wing closest to the road would accommodate two floors and would be shorter, projecting slightly towards the west. The other wing by contrast would be longer and accommodate three floors. The west boundary of the site is separated from the residential properties in this direction by a few surviving protected trees and the main pedestrian link from Tithe Farm road known as Short Path. The site is level and the new building would sit into the existing topography without significant excavation other than for the basement accommodation.

### Landscaping and boundary treatment

In addition to the retention of some existing trees on the site, new planting is proposed.

### Waste and recycle storage area

A waste and recycle storage point would be provided at the site access.

The following documents have been submitted in support of the application:

- Planning, Design and Access Statement
- Travel Plan
- Tree survey Report

The applicant states that the 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 and communal rooms and 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 and movement sensor lighting.

### **RELEVANT POLICIES:**

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections are considered directly relevant :

Section 4 : Promoting sustainable transport

Section 6 : Delivering a wide choice of quality homes

Section 7 : Requiring good design

Section 8 : Promoting healthy communities

Section 9 : Protecting Green Belt Land

Section 11: Conserving and enhancing the natural environment

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

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them, with the exception of Policies T10 and H4, which are afforded less weight.

SD1 Keynote Policy

BE8 Design Considerations

T10 Parking - New Developments

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

### **Endorsed Core Strategy - South**

The Pre-Submission Core Strategy for Southern Central Bedfordshire was endorsed for Development Management purposes by the Executive in August 2011 following the decision of The Luton and South Bedfordshire Joint Committee's resolution on the

29th July 2011 to seek the withdrawal of the Luton and southern Central Bedfordshire Joint Core Strategy.

## **Development Strategy for Central Bedfordshire**

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2014 and the following policies are considered relevant to the determination of any subsequent application :

Policy 1 : Presumption in Favour of Sustainable Development

Policy 2 : Growth Strategy

Policy 3 : Green Belt

Policy 21 : Provision for Social and Community Infrastructure

Policy 24: Accessibility and Connectivity

Policy 25: Capacity of the Network

Policy 26: Travel Plans

Policy 27 : Car Parking

Policy 28 : Transport Assessments and Travel Plans

Policy 30: Housing Mix

Policy 31: Supporting an Ageing Population

Policy 36 : Development In the Green Belt

Policy 39 : Formally Designated Important Open Space

Policy 43: High Quality Development

Policy 44 : Protection from Environmental Pollution

Policy 49 : Mitigating Flood Risk

Policy 56: Green Infrastructure

Policy 57: Biodiversity and Geodiversity

Policy 59: Woodlands, Trees and Hedgerows

Policy 60: Houghton Regis North Strategic Allocation

## **Supplementary Planning Guidance**

1. Design in Central Bedfordshire: A Guide for Development - Design Supplement 7: Movement, Streets and Places
2. Central Bedfordshire Local Transport Plan: Appendix F : Parking Strategy (Adopted in October 2012 by the Executive for Development Management Purposes)

## **Planning History**

CB/13/00363/PAPC Pre-Application Non-Householder Advice: Erection of 57 bed nursing home as a variation to permission **CB/11/00664/FULL.**

CB/11/000664/FULL Permission. Erection of two storey building to provide a 41 bed Nursing Home, Class (C2) use and associated parking.

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)**

Town Council

Support the use of the site for a Nursing Home, but object to 3 storeys, as this will have an overbearing nature on the surrounding area where there are no other 3 storey buildings. Suggest that Innoventions Consultancy work with CBC to remodel the proposed 3 storey part of the building so that the second floor is within the roof. Concerns were also expressed that there appeared to be only 2 disabled parking bays and it also appeared from the drawings that these were no wider than a normal parking bay.

Neighbours

None received.

**Consultations/Publicity responses**

Tree and Landscape Officer

In recognition that two Ash have now been removed on account of causing subsidence damage, and the remaining Ash have deteriorated since my last inspection, I no longer have objection to the application, on the provision that the following conditions are imposed.

Access Facilitation Pruning

Prior to development, all recommended tree work shall be undertaken in strict accordance with the recommendations stipulated in Appendix 2 (Survey Schedule) of the Tree Survey Report "Pre-Development Arboricultural Survey and Impact Assessment", as prepared by RGS Arboricultural Consultants, dated September 2013, and in strict accordance with the British Standard BS 3998 (2010) "Tree Work Recommendations".

REASON

To ensure that the required tree work is undertaken in accordance with good arboricultural practice and is also undertaken to a satisfactory standard of quality and workmanship.

Tree Protection Plan and Arboricultural Method Statement

Prior to development, all protective tree fencing, and tree protection measures, shall be strictly implemented in accordance with the Tree Survey Report "Pre-Development Arboricultural Survey and Impact Assessment", including Appendix 3 (Tree Protection

Plan), as prepared by RGS Arboricultural Consultants dated September 2013.

#### REASON

In the interest of a satisfactory standard of tree protection to ensure that the retained trees are not damaged in the course of development works.

#### Landscape Planting Scheme

A landscape planting scheme shall be submitted to the Local Planning Authority for approval, clearly showing new planting species, sizes, planting density, and planting specification for new trees, shrubs and climbers, with particular emphasis on replanting along the western boundary where protected trees have already been felled.

#### REASON

To ensure a satisfactory standard of landscape planting and establishment in the interests of securing visual amenity.

Highways Officer

The proposal is for a 58 bedroom elderly care home with 20 car parking spaces.

The access is directly off Tithe Farm Road and facilitates a turning area suitable for a vehicle likely to use it. My only concern is that there is not a separate pedestrian route to the front entrance and it would be advisable where pedestrians are elderly and infirm they are segregated from vehicular movements.

While cycle racks are suitable for visitors they are not suitable for staff. It should be ensured that staff can house their cycles in a secure location and this can be dealt with by way of condition.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.

#### Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason

In the interests of the safety of persons using the access and users of the highway.

Any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway.

Reason

To enable vehicles to draw off the highway before the gates are opened.

Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

Development shall not begin until details of secure cycle storage for staff and cycle parking for visitors have been approved by the Local Planning Authority and no building shall be occupied until the said storage and parking have been constructed in accordance with the approved details.

Reason

In order to promote sustainable modes of transport.

Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason

In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance



with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

**Reason**

In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

**Reason**

To ensure adequate off street parking during construction in the interests of road safety.

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued :-

The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP. (HN x).

The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect. (HN xi)

Public Protection

The play park is equal distance to existing residential premises and has not been subject to complaint and therefore whilst there will inevitably be some level of disturbance, this will be manageable and the planning gains from the development I believe are considerably more important and outweigh this dis-benefit. I therefore ask that you impose Conditions 2 & 4 from the previous permission.

Environment Agency

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application

**CONDITION**

Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

**Reason**

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).]

**Advice to LPA / Applicant:**

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS).

Anglian Water

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

#### Wastewater Treatment

The foul drainage from this development is in the catchment of Dunstable STW that will have available capacity for these flows.

#### Foul Sewerage Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

#### Surface Water Disposal

The surface water strategy outlined within the planning application is to utilise soakaways. However the Planning, Design and Access Statement states 'Discharge of surface water will be via the existing surface water system. Where this is not available, Soakaways will be utilised. In accordance with the surface water hierarchy outlined in Part H of Building Regulations, if infiltration techniques can be utilised then this method of surface water disposal should be used. If evidence submitted to the Local Planning Authority in accordance with BRE 365 or similar shows infiltration techniques cannot be utilised, then a surface water drainage strategy showing discharge rates, method of calculation and the proposed connection point must be submitted to ensure there will not be a risk of flooding or pollution from the development. We will request that the agreed strategy is reflected in the planning approval.

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

#### Surface Water Disposal (Section 4)

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

#### **REASON**

To prevent environmental and amenity problems arising from flooding.

## Determining Issues

The main considerations of the application are;

1. Principle of the development
2. Impact on the openness of the Green Belt
3. Impact on the character and appearance of the area
4. Impact on residential amenity
5. Impact on parking demand and highway safety
6. Other matters

## Considerations

### 1. Principle of the development

The current proposal seeks to amend a scheme that was approved on the 27th September 2011 for the erection of a 41-bedroom nursing home reference, **CB/11/00664/FULL**. However, since the grant of planning permission, national advice contained in Planning Policy Guidance 2, 'Green Belts', was replaced by the National Planning Policy Framework (NPPF) supported by Policy 36 of the emerging Development Strategy for Central Bedfordshire. This national advice and the emerging policy state that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are listed in paragraphs 89 and 90 of the NPPF. If the development is considered inappropriate, paragraph 87 of the NPPF states that it is, by definition harmful to the Green Belt and should only be approved in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations (paragraph 88). It is worth noting that the NPPF introduces the concept of 'Previously Developed Land' and states that the partial or complete re-development of previously developed sites would not be inappropriate provided that the new development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The site is considered previously developed within the meaning of the NPPF. However, the proposed building would be taller than the original building and would spread over a larger footprint. Because of these considerations, the proposed development would have a greater impact on the openness of the Green Belt than the original building and hence, would, by definition, be inappropriate. Accordingly, very special circumstances would need to be established. Whilst the very special circumstances case for the extant permission was found acceptable, it is considered appropriate to re-examine them in light of the changes in national advice, the development plan and the design.

In an attempt to prove the existence of very special circumstances, the applicant has submitted the following information :

- There is a shortage of acute nursing home beds, particularly for those suffering from dementia.
- The National Planning Policy Framework sets out the Government's commitment to developing healthy and sustainable communities and to promote mixed communities. (paragraph 50). 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.

#### Appraisal of the very special circumstances case

- The extant permission was granted by the Members notwithstanding the location of the site within the South Bedfordshire Green Belt. The fact that subsequent to the granting of the permission, the site has since been allocated as falling within the Houghton Regis North Strategic Allocation in the emerging Development Strategy for Central Bedfordshire and a resolution to grant outline planning permission for development on the adjoining Green Belt land was taken in September 2012, gives more weight to the previous decision to grant planning permission. Furthermore, this permission is still capable of implementation.
- The main changes to the approved scheme are the additional bedrooms and consequent change to the design and external appearance of the building through the introduction of a three storey element.
- It is considered that, notwithstanding the changes to the design, the principle behind the development is still acceptable.

## **2. Impact on the openness of the Green Belt**

The NPPF advises, at paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence. This approach is echoed in Policy 36 of the emerging Development Strategy for Central Bedfordshire (DSCB). With regards the height of the buildings, the three storey construction, whilst adding to the visual harm to the openness of the Green Belt, has been necessitated by the need to make efficient use of the site by accommodating all the associated facilities on the same site. Such an arrangement is considered more sustainable than spreading the development in different locations.(One stop shop). It is therefore considered that whilst the proposed development, would be more harmful to the openness of the Green Belt by reason of greater footprint and taller buildings, than the previous development, this harm would be outweighed by the benefits to be had from approving the scheme. Furthermore, the very special circumstances case as discussed above, is considered acceptable and the extant permission is, in any case still capable of being implemented.

## **3. Impact on the character and appearance of the area**

Within the vicinity of the site are predominantly residential properties of varied design and scale, comprising mainly two storey buildings. Three storey buildings are to be found further away from the site in Hillborough Crescent at the end of Tithe Farm Road. Whilst the broad principle of the development has been accepted as discussed above, the Town Council has raised an objection to the introduction of a three storey element to the design. Although three storey

buildings are in the minority in the surrounding area, it is considered that their presence adds to the character of the area and as such, the current proposal would not detract from the character and appearance of the area. In any case, the future development plans for the North of Houghton Regis Urban Extension would likely incorporate three storey buildings and hence the proposed development would be seen within the context of these buildings. Furthermore, only part of the building adjacent to the north western boundary of the site would be on three floors and the rest would be on two floors. Given its position deep into the site and a considerable distance from the road, it is considered that this three storey element would not appear intrusive in the street scene although it would be more exposed to views from the adjoining open space. It would be appropriate to attach a planning condition to control the external appearance of the building in order for the development to complement the appearance of the area. Overall, it is considered that the visual harm to the locality by reason of the height and massing of the building as a result of the three storey element would be outweighed by the benefits to be had from the development.

#### **4. Impact on residential amenity**

The proposed development would maintain adequate separation distances with the properties to the west of the site and the proposed landscaping along this boundary would provide adequate mitigation to any likely harm to residential amenity. Given the positioning of fenestration and the siting of the three storey element there would be no unacceptable adverse impact on the residents in Short Path in terms of loss of privacy or overbearing effect. Planning conditions in relation to the submission of a noise mitigation scheme from the adjacent recreation ground and the planting of additional trees would ensure that the residential amenity of the residents is not significantly harmed. Taking these factors into account, it is considered that the proposed development would not be harmful to residential amenity through noise, loss of light, outlook, overlooking and loss of privacy.

#### **5. Impact on parking demand and highway safety**

The proposed development would make sufficient provision for on-site parking in accordance with the Council's parking standards and would utilise an existing vehicular access off Tithe Farm Road which would include a separate pedestrian access to be secured through a planning condition. The development would therefore not result in additional demand for on-street parking in the adjoining public highways. With conditions recommended by the Highways Officer, it is considered that the development would not be prejudicial to highway safety.

#### **6. Other matters**

##### Agent's response to the Town Council's objection

- Prior to submitting the current application, advice was sought from the officers who confirmed that a three storey building would not necessarily be objectionable.
- The officers also confirmed that given the positioning of fenestration and the siting of the three storey element there would be no unacceptable adverse impact on the residents in Short Path in terms of loss of privacy or overbearing effect.
- It is not correct to say there are no three storey buildings in the surrounding area. In fact, the Design and Access Statement carries a picture of a three

storey building in Hillborough Crescent at the end of Tithe Farm Road.

- The officers pointed out a current application for the development of the majority of Houghton Regis adjacent to the application site, reference **(CB/12/03613/OUT)** which was approved by the Committee and is now with the Secretary of State. The Houghton Regis North Strategic Allocation Site comprises 262 hectares for up to 5,150 dwellings (C3). It is assumed that the remainder of the application forms part of the development which includes:

Up to 202,500 sq.m gross of additional development in Use Classes: A1, A2, A3 (retail), Public House (C4), Take Away (A5), Offices, industrial and storage and distribution (B1, B2, B8), Hotel (C1), Community and leisure (D1 and D2). There is further development including, car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including, demolition; earthworks; engineering operations, etc.

Assuming the proposal is ratified, Houghton Regis will undergo a transformation as no doubt a lot of buildings will be at least as tall as 3 storeys.

- With regards disabled parking, advice was obtained from the Highways Officer and hence the spaces were designed in accordance with the Council standards.

### **Human Rights issues**

The application raises no human rights concerns.

### **Equality Act 2010**

The proposed building would have a generously sized entrance designed to enable access by all, accessible parking, clear signage, accessible toilet provisions and aids for communication and hence would be compliant with the Disability Discrimination Access legislation.

### **Recommendation**

That Planning Permission be **GRANTED** subject to the following:

#### **RECOMMENDED CONDITIONS**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**



**Reason: To control the appearance of the buildings.  
(Policies BE8 S.B.L.P.R and 43 DSCB ).**

- 3 Prior to the commencement of development, a landscape planting scheme shall be submitted to the Local Planning Authority for approval, clearly showing new planting species, sizes, planting density, and planting specification for new trees, shrubs and climbers, with particular emphasis on replanting along the western boundary where protected trees have already been felled. The development shall thereafter be implemented in accordance with the approved details and the trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure a satisfactory standard of landscape.  
(Policies BE8 S.B.L.P.R and 43 & 59 DSCB).**

- 4 Prior to development, all protective tree fencing, and tree protection measures, shall be strictly implemented in accordance with the Tree Survey Report "Pre-Development Arboricultural Survey and Impact Assessment", including Appendix 3 (Tree Protection Plan), as prepared by RGS Arboricultural Consultants dated September 2013.**

**Reason: In the interests of putting in place a satisfactory standard of tree protection to ensure that the retained trees are not damaged in the course of development works.  
(Policies BE8 S.B.L.P.R and 43 & 59 DSCB).**

- 5 Prior to development, all recommended tree work shall be undertaken in strict accordance with the recommendations stipulated in Appendix 2 (Survey Schedule) of the Tree Survey Report "Pre-Development Arboricultural Survey and Impact Assessment", as prepared by RGS Arboricultural Consultants, dated September 2013, and in strict accordance with the British Standard BS 3998 (2010) "Tree Work Recommendations".**

**Reason: To ensure that the required tree work is undertaken in accordance with good arboricultural practice and is also undertaken to a satisfactory standard of quality and workmanship.  
(Policies BE8 S.B.L.P.R and 43 & 59 DSCB).**

- 6 Prior to the commencement of the development details of the fume extraction equipment that is to be installed to effectively suppress and disperse fumes and other odours produced by cooking and food production shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the method of odour abatement and all odour abatement equipment to be used including predicted noise levels of equipment in operation. The approved equipment shall be installed and in full working order prior to the first use of the premises as a nursing home and the equipment shall be effectively operated for as long as a commercial food use continues.**

**Reason: in order to prevent any adverse impact of odours arising from cooking activities on the amenity of the nearby residential properties. (Policies BE8, S.B.L.P.R and 43 DSCB).**

- 7 Construction work shall only take place between the hours of 8 AM - 6 PM Monday to Friday and 8 AM – 1 PM on Saturdays and not at all on Sundays, Bank Holidays or Public Holidays.

Reason: To protect residential amenity.  
(Policies BE8, S.B.L.P.R and 43 DSCB).

- 8 **Development shall not begin until details of the junction of the proposed vehicular access with the highway which should include a separate pedestrian access, have been approved by the Local Planning Authority and the building shall not be occupied until the junction and pedestrian access have been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises. (Policy 43 DSCB).**

- 9 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.  
(Policy 43 DSCB).

- 10 Any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles to draw off the highway before the gates are opened.  
(Policy 43 DSCB).

- 11 The parking details shown on Drawing Number 28268-01 Rev.F shall be implemented prior to the first occupation of the building hereby approved and thereafter retained for that purpose.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.  
(Policy 27 D.S.C.B).

- 12 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.  
(Policies T10 S.B.L.P.R and 27 & 43 DSCB).

- 13 **Notwithstanding the details submitted, development shall not begin until further details of secure cycle storage for staff and cycle parking for visitors have been approved by the Local Planning Authority and the building shall not be occupied until the said storage and parking have been constructed in accordance with the approved details and thereafter retained for that purpose.**

**Reason: In order to promote sustainable modes of transport.  
(Policies 24 & 43 DSCB).**

- 14 **Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.**

**Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.  
(Policy 43 DSCB).**

- 15 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.  
(Policy 43 DSCB).**

- 16 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason: To ensure adequate off street parking during construction in the interests of road safety.  
(Policy 43 DSCB).**

- 17 **Before development begins, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in full within 3 months of the building being occupied. Thereafter, the Travel Plan shall be monitored and reviewed annually, with a written report to be submitted to and agreed in writing by the Local Planning Authority which updates the plan and monitors the progress in meeting the agreed targets for reducing car journeys.**

**Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.  
(Policies SD1, S.B.L.P.R and 24 & 26 DSCB).**

- 18 **Development shall not begin until details of the refuse storage area and collection point have been approved by the Local Planning Authority and the building shall not be occupied until the said storage and collection point has been constructed in accordance with the approved details and thereafter retained for that purpose.**

**Reason: To ensure the refuse collection bins do not cause a hazard or obstruction to the highway or parking area and in the interest of preserving the appearance of the street scene.  
(Policies BE8, S.B.L.P.R and 43 DSCB).**

- 19 **Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).  
(Policies 43 & 44 DSCB).**

- 20 **No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority and no hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To prevent environmental and amenity problems arising from flooding.  
(Policy 49 DSCB).**

- 21 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 28268-07(Site location Plan), CBC/01, 28268-01 Rev.F, 28268-02 Rev.E, 28268-03 Rev.E, 28268-04 Rev.E, 28268-05 Rev.D, 28268-06 Rev.D, 28268-07 Rev.C and 28268-08 & Rev.B.**

**Reason: For the avoidance of doubt.**

### **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).

2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
6. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS).

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through positive engagement with the applicant before and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

## DECISION

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