

Application No: 12/00214/F	Ward: Bloxham	Date Valid: 20/02/12
Applicant:	Godswell Park Ltd	
Site Address:	Godswell Park, Church Street, Bloxham, Banbury, OX15 4ES	

Proposal: Two storey building containing ten close care apartments

1. Site Description and Proposal

- 1.1 Godswell Park is a large detached ironstone building, situated in extensive grounds to the east of Church Street and Merrivales Lane and on the eastern edge of Bloxham's centrally located historic core. The site lies within the Bloxham's Conservation Area and is in an Area of High Landscape Value. It also falls within the setting of a number of listed buildings including the Grade I listed St Mary's Church.
- 1.2 The existing building, formerly used as offices, has recently been converted and extended to create a forty-five bedroom care home for the elderly (planning permission 08/02314/F refers). The applicant is now seeking permission to construct a new two storey 'L' shaped building, comprising ten close care apartments (all 2 bedrooms) between the care home and the church grave yard to the south. The materials will match those used on the existing building (Horton Stone, plain clay tiles and powder coated aluminium windows). The part of the site which would be built on is flat, with the exception of a raised section of land abutting the churchyard, and is largely devoid of any trees or shrubbery.
- 1.3 Unlike the existing care home, the new facility will be for an elderly market that, whilst needing the support offered by the care home, seeks to retain a large degree of independence. With this in mind, a parking space, in the extended car park, which is to the immediate west of the proposed new building, is proposed to be allocated to the occupants of each of the flat.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice and press notice. The final date for comment was the 29th March 2012. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 **Bloxham Parish Council** raises no objection to the proposal but observes that "The maintenance/access regarding the wall adjoining the development and St Mary's Church needs to be clarified".
- 3.2 **Head of Strategic Planning and the Economy** (Planning Policy, Economic Development, Urban Design) comments as follows:

Planning Policy Officer: "I understand that this proposal is for close care accommodation which, although comprising self-contained units, is considered to fall within Class C2 (residential institutions) of the Uses Classes Order. I understand that in this particular case, the intrinsic relationship with the existing

care home and the type of, and approach to, providing care services, means that the proposal is not considered to comprise self-contained extra-care dwellings. I note that legal advice has been sought which confirms this. On this basis, there is not a requirement to provide affordable housing.”

Conservation Officer: “The proposed detail has been amended to be more in line with the traditional detailing within the district. The siting of the building is an improvement over previous submission - further from the churchyard boundary and therefore the building appears to be less prominent and less impact on the adjacent land. There is an 'alms house' quality to the design - although modern detail - and this is in line with the location - adjacent to the church - and function.”

3.3 Head of Public Protection and Development Management

Environmental Protection Officer: No objections subject to condition

3.4 Head of Environmental Services

Landscape Officer: No comments received at the time of writing

3.5 Head of Regeneration and Housing

Housing Officer: “Pre planning discussions on these confirmed that unlike Extra Care Housing these units had such a close relationship with the established nursing home that they should be classified as C2 use and therefore not liable for an affordable housing contribution. Nonetheless the Housing Services department welcomes further choice and provision for older people in the District.”

3.6 OCC Archaeology raises no objections subject to condition

3.7 OCC Highways raises no objections subject to condition

3.8 OCC Drainage raises no objections subject to condition

3.9 English Heritage "This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice."

4. Policy Considerations

National Planning Policy Framework

Core planning principles and the delivery of sustainable development with particular regard to the following sections:

- 1: Building a Strong, Competitive Economy
- 4: Promoting Sustainable Transport
- 6: Delivering a Wide Choice of High Quality Homes
- 7: Requiring Good Design
- 8: Promoting Healthy Communities
- 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 11: Conserving and Enhancing the Natural Environment
- 12: Conserving and Enhancing the Historic Environment

South East Plan 2009

Cross Cutting – Policies

CC1: Sustainable Development

CC4: Sustainable Design and Construction

CC5: Supporting an Ageing Population

Housing – Policy

H4: Type and Size of New Housing

Transport – Policies

T4: Parking

T5: Travel Plans and Advice

Natural Resource Management – Policies

NRM4: Sustainable Flood Risk Management

NRM5: Conservation and Improvement of Biodiversity

Management of the Built Environment – Policies

BE1: Management for an Urban Renaissance

BE6: Management of the Historic Environment

**Adopted Cherwell
Local Plan 1996
Saved Policies**

C13: Areas of High Landscape Value

C27: Design Considerations - Historic Settlement Pattern

C28: Design, Layout and External Finishes

C30: Design Control

C33: Important Gaps

ENV12: Contaminated Land

TR1: Transportation Funding

**Non-Statutory
Cherwell Local Plan
2011**

Housing Policy H6

Transport and Development Policies TR1, TR3, TR4, TR5 and TR11

Conserving and Enhancing the Environment Policies EN1, EN15, EN17, EN39, EN40 and EN44.

Urban Design and The Built Environment Policies D1, D3 and D5

**Cherwell Local
Development
Framework (LDF)
Draft Core Strategy
2010**

The draft document went through the first round of public consultation in the Spring of 2010. The second draft is due out for public consultation. The current plan indicates the strategy that the Council is putting forward and contains a series of key objectives and a number of policies highlighting a focus of growth in and around Bicester with limited growth in the rural areas towards larger and more sustainable villages thereby protecting open countryside areas. Policies seek to mitigate and adapt to climate change and ensure sustainable construction methods including SUDs.

NOTE

This is to be replaced by the Cherwell Local Plan 2012 at the end of May, but for the purposes of May Committee this plan is still relevant

SD1: Mitigating and Adapting to Climate Change

SD5: Sustainable Construction

SD6: Sustainable Drainage Systems

SD8: Protection and Enhancement of Biodiversity and the Natural Environment

SD11: Local Landscape Protection and Enhancement

SD13: The Built Environment
H3: Efficient and Sustainable Use of Land
H6: Housing Mix
H7: Extra Care Housing

5. Appraisal

- 5.1 The key issues for consideration in this application are:
- Policy Context
 - Impact on the Historic Environment

Policy Context

- 5.2 During pre-application discussions, the applicant maintained that the proposed development fell within C2 (Residential Institutions) rather than C3 (Dwelling Houses) of the Town and Country Planning (use Classes) Order 1987. Establishing the categorisation was important as if it were to be assessed as C3 development, there would be the expectation that the applicant would provide three of the new flats as affordable housing.
- 5.3 The applicant highlighted seven areas which it is argued differentiate the proposed flats from ordinary housing. These include access to an Emergency 24 Hour/365 Day Nurse Call system, regular assessment by health care professionals, daily checks on the residents and access to a number of facilities the existing care home has to offer. The applicant also made reference to a similar case in another district where an Inspector ruled that such an arrangement, appropriately conditioned, could be classified as C2 development.
- 5.4 The Policy and Housing Officers involved in the negotiations have ultimately agreed that the proposed facility does comply with the definition of C2 development. This conclusion was later endorsed by the Council's Legal Team.
- 5.5 Although there is no policy relating specifically to care homes in the adopted Cherwell Local Plan (CLP), Policy CC5 of the South East Plan (SEP), Policy H6 the Non-Statutory Cherwell Local Plan (NSCLP) and Policy H7 of the Draft Core Strategy 2010 acknowledge the importance of making provision for this growing sector of the community. The one common proviso running through these policies is that such accommodation should be located in easy reach of shops and services and also have access to good public transport links. In this respect, Godswell is ideally located in the centre of Bloxham, within relatively easy walking distance of a variety of local shops and facilities including a bus stop linking the village to Banbury.
- 5.6 The NPPF requires that local authorities *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)* (paragraph 50 - DSD: 6 Delivering a Wide Choice of High Quality Homes).
- 5.7 The applicant submitted a Statement of Need with their application which assesses demographic and market trends. This document identifies that there is not only a shortfall in current close care accommodation provision but also cites National Office of Statistics projections which indicate that the number of people over the age

of seventy in Oxfordshire will increase significantly over the next twenty years. The report goes on to argue that there is a need for a variety of care accommodation to satisfy the needs of the independent as well as the dependent parts of the sector. It is reasonable to infer that by welcoming the extra provision in her comments, the Housing Officer, would not dispute the conclusion reached in the Statement of Need case.

- 5.8 Based on the above, it is concluded that the principle of the development is acceptable and complies with Government guidance contained within the NPPF, Policy CC5 of the South East Plan 2009, Policy H6 the Non-Statutory Local Plan and Policy H7 of the Draft Core Strategy 2010.

Impact on the Historic Environment

- 5.9 Having accepted the principle of the development, the key consideration in this case is the impact the building would have on the immediate built environment. The plans originally submitted were considered to be unacceptable as the design of the building was deemed to be overly complicated and at odds with the local vehicular. Concern was also raised about the proximity of the building (approximately 5m away) to the graveyard behind the church - Policy C33 of the CLP asserts that the setting of a listed building should not be compromised (aside from the church itself, a number of the gravestones have listed status).

- 5.10 As a result of further discussions, the applicant revised the design so that it took on the more simple appearance of an alms house. Non-traditional features such as juliet balconies and exposed chimney breasts were omitted from the scheme. In addition to the changes in design the proposed building was moved further away from the boundary with the graveyard (minimum gap now of 10m). Not only does the building now better relate to its environment but it also alleviates potential privacy issues between the future occupiers of the care facility and people visiting the graveyard.

- 5.11 Based on the above I concur with the Conservation Officer that the development complies with Government guidance contained within the NPPF (DSD12: Conserving and Enhancing the Historic Environment) and Policies C27, C28, C30 and C33 of the CLP.

Other Matters

- 5.12 The Parish Council makes reference to a brick wall running along the boundary with the churchyard. As this wall will be unaffected by the proposed development, it would be unreasonable to require that a maintenance/access agreement should form part of any approval as requested by the Parish Council.

- 5.13 The Highways Officer raised no objections to the proposed development but did seek a financial contribution. With the agreement of the Highways Officer, the figure sought was reduced and brought in line with the Council's Planning Contribution SPD. Given the nature of the development, the only other contributions required related to community facilities, refuse bins and libraries. The applicant has confirmed that they are prepared to pay the £8,625.70 sought by the Council.

Conclusion

- 5.14 The proposed development will help to meet a growing need for accommodation designed to meet the specific needs of an elderly section of the community. Well

located within the village, the proposed building would be an acceptable addition to the built environment. The care facility therefore accords with Government guidance contained within the NPPF as well as Policies T4, T5, CC5, BE1 and BE6 of the South East Plan 2009 and saved Policies C13, C27, C28, C30, C33, ENV12 and TR1 of the adopted Cherwell Local Plan.

6. Recommendation

Approval, subject to:

a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 5.13,

b) the following conditions:

1. SC1.4A Full Permission: Duration Limit (2 years) (RC2)
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents listed below:

Design and Access Statement dated February 2012 and approved plans: 10_079-040 01; 10_079-040 06; and 15663-GCE-100 C4 and approved revised plans received on the 4 May 2012: 10_079-040 02E; 10_079-040 03H; 10_079-040 04G; and 10_079-040 05G.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. SC 2.0A - Schedule of Materials- 'close care apartment building'
4. SC 2.3CC Sample Panel - 'close care apartment building'
5. SC 4.13CD Parking and Manoeuvring
6. Within 3 months of the development's first occupation a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and maintained.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance Policy T5 of the South East Plan 2009.

7. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the

NPPF with particular reference to DSD12: Conserving and Enhancing the Historic Environment.

8. Prior to any demolition on the site and the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition 1, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the NPPF with particular reference to DSD12: Conserving and Enhancing the Historic Environment.

9. SC 3.0A - Landscaping Scheme

10. SC 3.1A Carry out Landscaping Scheme

11. The construction of the surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before works are commenced.

Reason - To prevent pollution of the water and to comply with Government guidance contained within the NPPF with particular reference to DSD10: Meeting the Challenge of Climate Change, Flooding and Coastal Change.

12. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan.

13. If a potential risk from contamination is identified as a result of the work carried out under condition 12, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the

Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan.

14. If contamination is found by undertaking the work carried out under condition 13, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan.

15. If remedial works have been identified in condition 14, the remedial works shall be carried out in accordance with the scheme approved under condition 14. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan.

16. The development hereby approved shall be occupied and operated with the provision of residential care, as set out in Appendix C of the Design and Access Statement, so as to ensure the units of accommodation fall within Class C2 of the Town and Country Planning (use Classes) Order 1987 or any provision equivalent to that Class in any statutory Instrument revoking and re-enacting that order with or without modification.

Reason To enable the Local Planning Authority to retain planning control over the development in order to safeguard the amenities of the occupants of the neighbouring care home in accordance with Policies C30 of the adopted Cherwell Local Plan.

Planning Notes:

1. Attention is drawn to the legal agreement in the form of a Unilateral Undertaking which has been made pursuant to Section 106 of the Town and Country Planning Act 1990.
2. U1 - Construction

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as the local planning authority, has determined this application in accordance with the development plan, unless material considerations indicate otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is acceptable in principle and of a design, size and style that is appropriate and will not unduly impact on neighbouring properties or adversely affect highway safety. The development will not harm the Area of High Landscape Value. Furthermore, the works will preserve the character and appearance of the Bloxham Conservation Area and will not affect the setting of any of the nearby listed buildings. As such the proposal is in accordance with Government guidance contained within the National Planning Policy Framework: DSD1: Building a Strong, Competitive Economy; DSD4: Promoting Sustainable Transport; DSD6: Delivering a Wide Choice of High Quality Homes; DSD7: Requiring Good Design; DSD8: Promoting Healthy Communities; DSD10: Meeting the Challenge of Climate Change, Flooding and Coastal Change; DSD11: Conserving and Enhancing the Natural Environment; DSD12: Conserving and Enhancing the Historic Environment and Policies T4, T5, CC5, BE1 and BE6 of the South East Plan 2009 and saved Policies C13, C27, C28, C30, C33, ENV12 and TR1 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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