

Centurion PH, Leach Road, Bicester, OX26 6JU

13/01348/F

Ward: Bicester Town

District Councillor(s): Cllrs Pickford
and Edwards

Case Officer: Laura Bailey

Recommendation: Approval

Applicant: Liborate Limited

Application Description: Proposed demolition of The Centurion Public House and erection of a 53 bed C2 Care Facility and associated parking

Committee Referral: Major development

Committee date: 28 November 2013

1. Site Description and Proposed Development

- 1.1 The application site is currently occupied by the Centurion Public House, which is no longer in use. The Centurion PH is a purpose built, 1960's building and is unremarkable in appearance. The pub occupies a prominent, rectangular site on the corners of Kingsclere and Ashdene Road. A large area of hardstanding surrounds the site, with a large car parking area provided to the west of the building. A paved 'beer garden' exists adjacent to the north elevation of the building, facing onto Kingsclere Road, with a large expanse of open space situated between the south eastern boundary of the site and properties opposite this boundary. A small, private lawned area is provided to the rear (south) of the building which sits adjacent to a single storey prefabricated flat roof garage. The site is currently accessed via Ashdene Road.
- 1.2 The site is located outside and to the south west of Bicester Town Centre as defined in the adopted Cherwell Local Plan. It sits within a predominantly residential area, although a St John's ambulance station and Scouts headquarters are located in single storey buildings to the north west of the site, with the sports field and associated KEA social club building. A playground is located approx. 6 metres to the south east of the site. The nearest residential property is no. 20 Ashdene Road to the south, which is approx. 11 metres from the site boundary. The residential properties to the north east on Kingsclere Road are in excess of 26 metres away from the front elevation of the pub as are the properties in Villiers Road to the east of the site.
- 1.3 The proposal includes the demolition of the existing public house and the construction of a 53 bedroom care home, which falls under Class C2 of the Use Classes Order. This class relates to residential institutions, including hospitals, nursing homes or residential school, college or training centre where they provide residential accommodation and care to people in need of it. The applicants have provided a comprehensive description detailing the type of operation they intend to run. They state that the proposed home would offer an alternative for older people who are no longer able to remain in their own home. The building would provide 53 ensuite rooms with day spaces, assisted bathrooms/showers etc and shared, ancillary features such as kitchens, laundry and staff facilities. A secluded and secure main garden space for use by the

residents will be provided to the south east of the site, with a smaller enclosed garden with patio seating to the north east.

- 1.4 The replacement building will be two storeys, but restricted to 9.8 metres to ridge, having a flat-roofed area to the central section and a pitched, tiled roof around the perimeter. The elevations will comprise buff brick, with cream/white render panels, contrasting brick soldier coursing and Artstone head detailing. The site will continue to be accessed from Ashdene Road and will provide 12 on site parking spaces and secure cycle storage for staff and visitors.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and neighbour notification letters. The final date for comment was 14 October 2013. 13 letters have been received and in summary, raise the following points:

- Increase in traffic
- 3 storey building is too large for the area and incompatible
- Insufficient on site parking provision
- Devalue property
- People unlikely to walk or cycle to the site
- On street parking is unacceptable
- CDC's consultation on this application is not wide enough
- Loss of light
- C2 care includes a wide range of uses
- No appropriate bus stops or crossing points

A petition against the application, containing 37 signatures has been received, objecting on the grounds of overdevelopment and insufficient car parking.

3. Consultations

- 3.1 **Bicester Town Council:** Observes that there is insufficient parking and a 53 bed care home is a little large for the plot. If permission granted, a two year period should be given to commence construction.

Cherwell District Council Consultees (in summary)

- 3.2 **Planning Policy Officer:** No comments received.
- 3.3 **Urban Designer:** Initial concerns about the complexity of the roof line, which seems to be principally due to the location of the stair cases. The entrance should address Kingsclere Road. The building comes very close to the site boundary, leaving little opportunity for planting to soften boundary treatments, which is particularly important in this case given the scale of the building and its close relationship with the public domain (footpaths, open and play space). The treatment should ideally comprise a low brick wall with railing on top (to a maximum of 1.6 metres), with low planting behind, to soften the interface between the site and public domain.

As a result of these comments, the scheme was amended (see paragraph 5.15 for details). The Council's Urban Designer noted that the changes made are

considered to be positive and greatly improve the quality of the building and relationship with its setting.

- 3.4 **Environmental Protection Officer:** Recommends applying the full contaminated land conditions to this application. It is noted that a "site check" report has been submitted with this application. This information is not sufficient to constitute an adequate contaminated land risk assessment for this application. It is not a preliminary assessment in line with CLR11: Model Procedures for the Management of Land Contamination and does not take into account the development proposals. A contaminated land risk assessment will be required to demonstrate the site is suitable for use (or can be made so through remedial works).
- 3.5 **Tree Officer:** I would agree with the findings within the submitted arboricultural survey and the BS5837 'A' categorisation of the 2 No London plane trees (*Platanus x hispanica*) located within influencing distance of the proposal and the stated RPA of both trees is acceptable, although in truth the minimum RPA distance stated (7.44 & 9.18m) should be increased to reflect both the individual and combined value of these two trees within the street scene.

The report is correct in identifying the main concerns which are to be addressed if this development is to be completed without presenting an unacceptable level of risk to both trees in the process. The building line and design must be adjusted outside of the noted RPA of the trees, in particular T2. The existing drawing (DP-9-900) must be amended and submitted to show the required alteration to the foundation line along the northern boundary and any design amendments required such as the proposed patio area outside of the proposed dining room [*NB. this requirement has been taken into account following amendments to the scheme*].

The report goes on to state that no specialist foundation techniques should be required following the re-alignment of the northern building line however, it must still be stated that any foundations are constructed in accordance with NHBC guidelines to reduce any future risks of disturbance or subsidence damages due to the influences of root activity / growth.

All remaining issues regarding construction activities, arboricultural supervision and service routes / installation may be addressed via appropriate Conditions should consent be granted.

The project arborist has submitted a DRAFT AMS for advance consideration. Following my review of the document I am satisfied that all relevant precautionary measures appear to have been considered and addressed apart from the exact location of the site compound / material storage area and specifications for the remedial tree husbandry required to facilitate construction activity. These points can easily be addressed within the final submitted document.

No arboricultural objections to the proposal, subject to the following conditions:

- Arboricultural Method Statement (AMS)
- Notice of Tree Works and Major Operations

- Arboricultural Site Supervision
- Details of Services
- Planting Pits (soft landscaped areas)

- 3.6 **Landscape Officer:** The proposal replaces a 2 storey high Public House which sits in a generous site with a much larger Care Home which occupies a large proportion of the site. The surrounding area consists of 1 and 2 storey high dwellings and a single storey St John Ambulance and Scout facility with open space on the SE boundary. The two large Plane trees on Leach/Kingsclere Road which are planted in the highway verge have much greater spreads than shown. They both overlap the site boundary by about 2 metres. They are both causing the footway to lift and I would suggest a root barrier is placed along the site boundary. I also suggest omitting further trees on this boundary as there isn't space for them. The boundary planting is ornamental which will provide an attractive outlook for residents, but since it is open may suffer from short cuts being taken and trampling of plants. The narrow 'tongues' of planting adjacent to parking bays 9 and 10 are very narrow and restrictive to vehicle movement. I suggest shortening them. There is no requirement in our SPD for Informal Open Space, apart from the provision of attractive grounds for the residents to sit out and look at.
- 3.7 **Rights of Way Officer:** Bicester Footpath no 8 runs along the south side of Kingsclere Road adjacent to the north eastern boundary of the application site but will not be affected by the proposed development.
- 3.8 **Waste and Recycling Manager:** If a business, CDC do not supply the bins; it will be a private company charging for the bins and collection & therefore no contribution required.
- 3.9 **Strategic Housing Officer:** No objection to the proposed development of a C2 class care home on this site. As a result of this class type there are no requirements for affordable housing provision.
- 3.10 **Head of Communities:** As this is a care home development, we do not have any S106 requirements.

Oxfordshire County Council Consultees (in summary)

- 3.12 Oxfordshire County Council has provided a comprehensive response relating to all aspects under their jurisdiction. It has been generally noted that there is no overall objection to the scheme and the summarised comments in relation to each County matter are provided below.
- 3.13 **Transport & Planning Strategy:** No objection subject to a legal agreement contribution of **£5,000** towards the provision of a bus shelter.

The site is situated within a built up residential area of the town and is within reasonable access of the town centre, by approximately 1km. The footway and cycle provision in the area is generally good with good connections to the wider town pedestrian and cycle network;

The proposed development is adjacent to bus stops on local bus service 21 which operates at 30 minute intervals during weekday daytimes. The application makes reference to other bus services, for example the S5 bus service which operates to stops in Kings End, and which offer a comprehensive facility, from early until late 7 days per week. Such services will be of considerable value for employees at the new care home.

I agree that the site is likely to generate a low proportion of trips in the main peak periods and therefore have a negligible impact on the strategic road network.

The existing bus stops on Kingsclere Road are in a sub-standard condition and would benefit from some upgrade to further benefit staff and visitors accessing the facility. The developer should create a hard-standing area on the south side of Kingsclere Road, to enable bus passengers to alight from the bus onto a hard surface (rather than the grass verge) and so facilitate a safe walking route from the bus to the care home. This hard-standing could be created through a section 278 arrangement.

The bus stop on the north side of Leach Road does not have a bus shelter for the benefit of passengers waiting for the bus into Bicester town centre. The developer should contribute a sum of £5,000 (index linked, October 2013) towards the provision of a bus shelter at this existing bus stop, which would also cover the cost of necessary enabling works.

- 3.14 **Transport Development Control:** No objection subject to standard conditions, as set out below:

Existing access improved in accordance with OCC specification, parking and manoeuvring areas retained (Compliance Only) and implementation of the submitted Travel Plan upon first occupation of the development.

- 3.15 **Rights of Way:** No objection

Bicester Public Footpath 8 (129/8) runs along the tarmac footway to the north of the site. It will not be directly affected by the development and I therefore have no comments to make.

- 3.16 **Drainage:** No objection

- 3.17 **Archaeology:** No objection, subject to conditions.

The site is located within an area of archaeological potential and as such an archaeological watching brief need to be undertaken during any development.

- 3.18 **Property:** No objection subject to a condition relating to the provision of fire hydrants, an informative which seeks sprinkle systems and a legal agreement as follows:

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure. The following contributions have been calculated using the development mix provided in the planning application:

53 no. x One Bed Dwellings
0 no. x Two Bed Dwellings
0 no. x Three Bed Dwellings
0 no. x Four Bed Dwellings

The legal agreement would be required to secure:

Library	£ 4,452
Waste Management	£ 3,445
Museum Resource Centre	£ 265
Social & Health Care – Day Care facilities	<u>£ 27,500</u>
Total (indexed linked)	£ 35,662

Administration & Monitoring £ 1,500

The County Councils legal fees in drawing up and/or completing a legal agreement will also need to be secured.

Other Consultees

3.20 Thames Water: No objection relating to waste or water subject to informatives.

3.21 Crime Prevention Design Advisor: The only advice I can offer at this juncture is to refer the applicants to the principles and standards of the Association of Chief Police Officers (ACPO) crime prevention initiative for the built environment, Secured by Design (SBD). I urge them to incorporate said principles etc within the proposals and to contact me as soon as possible so that they may be advised on how to achieve this.

To ensure that the opportunity to design out crime is not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application;

No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

(SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED). The scheme has two levels of accreditation; an SBD Award, which is achieved by whole developments that demonstrate conformity to design principles and security standards across the entire site and; Part Two compliance, which is achieved when the physical features (windows, doors, locks etc) of the structures themselves meet specified, Police preferred standards. Although achievement of an award can sometimes be more of a challenge due to other planning considerations and/or site constraints, achievement of Part Two compliance is simply a matter of supplying and fitting the required features to accepted and tested specifications. Therefore, a level of accreditation can be achieved by all development).

I feel that attachment of this condition would help the development to meet the requirements of:

- The National Planning Policy Framework 2012 (Part 7, Sect 58; 'Requiring good Design' and Part 8, Sect 69; 'Promoting Healthy Communities') where it is stated that development should create '*Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion*'.
- Supplementary Planning Guidance Document '*Safer Places - The Planning System and Crime Prevention*', ODPM 2004.

In addition, it would assist the authority in complying with its obligations under Section 17 of the Crime and Disorder Act 1998 in doing all it reasonably can in each of its functions to prevent crime and disorder in its area.

The comments above are made on behalf of Thames Valley Police and relate to CPTED only. You may receive additional comments from TVP with regard to the impact of the development upon policing and a request for the provision of infrastructure to mitigate against this impact.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H4: Housing schemes for the elderly

C14: Trees and landscaping

C28: Layout, design and external appearance of new development

C30: Standards of amenity and privacy

C31: Compatibility of uses within residential areas

ENV1: Detrimental levels of noise...or other types of environmental pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (October 2013)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the draft Submission Plan was approved by the Council's Executive. The Plan was presented to Full Council on 21 October 2013 and Full Council endorsed it as the Submission Local Plan. Submission to the Secretary of State for Communities and Local Government is anticipated by the end of November 2013. The Submission Plan supersedes previous stages of the emerging Local Plan.

Full Council also endorsed the recommendations to:

- Note that the Infrastructure tables in the draft Local Plan are to be replaced in due course by a full Infrastructure Delivery Plan (IDP) prior to Examination.

- Delegate approval of minor text changes (including updating the thematic maps and final Monitoring Framework) to the draft Submission Local Plan text to the Head of Strategic Planning and the Economy in consultation with the Lead Member for Planning and its transfer in its publication format for Submission.

At the present time the emerging Plan carries weight, however it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council (anticipated mid 2014).

The following policies are considered to be material to the determination of this application and are not replicated by saved Development Plan policy:

PSD1: Presumption in favour of sustainable development
ESD1: Mitigating and adapting to climate change
ESD3: Sustainable construction
ESD7: Sustainable drainage systems
ESD10: Protection and enhancement of biodiversity and the natural environment
ESD16: The character of the built and historic environment
INF1: Infrastructure

Non-Statutory Cherwell Local Plan 2011
TR4: Mitigation Measures
OA1: General Policy

Bicester Masterplan Draft SPD

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of a care home in this location
- Impacts on the character and appearance of the area
- Residential amenity
- Highway Safety and access
- Trees
- Other issues

Principle of a care home in this location

5.2 The site is not allocated for development within the Adopted Cherwell Local Plan or Submission Local Plan. Whilst there are no directly relevant policies within the Council's development plan that refer to the redevelopment of this site for the purposes of a care home, the adopted Cherwell Local Plan encourages housing schemes for the elderly within convenient reach of shops, community facilities and public transport (Policy H4).

- 5.3 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. It goes on to say that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or if specific policies in the Framework indicate that development should be restricted (e.g. Green Belt, AONB's, SSSI's etc).
- 5.4 There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 5.5 Policy PSD1 contained within the Submission Local Plan 2013 echoes the NPPF's requirements for 'sustainable development' and where there are no policies relevant to the application, LPA's should grant permission, subject to the caveats set out in paragraph 5.3 above.
- 5.6 The NPPF promotes sustainable transport and at paragraph 34, states that decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In this case, the site is situated within a built up residential area of the town and is within reasonable access of the town centre, which is approximately 1km away. The site benefits from good footway and cycle provision, with good connections to the wider town pedestrian and cycle network. The site is also located adjacent to a bus stop, on local bus route 21, operating at 30 minute intervals during weekdays. It is also within walking distance to other bus services, such as the S5 which operates to stops in Kings End, offering an early until late, 7 days per week service. These services would be of considerable value for employees at the care home. The site is therefore considered to be in a sustainable location, in terms of its accessibility to public transport and proximity to the town centre.
- 5.7 Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 5.8 Given the central location of the development within the built up limits of Bicester, it is considered that the relevant housing policies are complied with.
- 5.9 In terms of the proposal's contribution towards the social aspect of sustainability, the redevelopment of the site will offer accommodation for older people who are no longer able to remain in their own home. The provision of a local facility will give people the choice to stay within their local community and will regenerate a site which is currently vacant and becoming run down.

- 5.10 The facility will also create the equivalent of 25 full time jobs, which positively contributes towards the economic aspect of sustainability. Whilst undoubtedly of a larger scale (in terms of footprint), the building has been sympathetically designed, providing an attractive 'feature' building on a prominent corner site, whilst respecting the setting of the surrounding residential development. Much of the existing large areas of hard standing will be replaced with soft landscaping, which will assist in creating a more pleasant streetscape than currently exists.
- 5.11 Therefore, in light of above assessment, it is considered that the principle of the development is acceptable, subject to the assessment of matters of detail discussed in the sections below.
- 5.12 It is worth noting that as this scheme is for a C2 residential use with no self-contained units of accommodation, unlike a domestic dwelling or extra care accommodation, the 53 units will not contribute to the housing land supply

Impact on the character and appearance of the area

- 5.13 The comments of the Council's Design and Conservation Team Leader are set out above at paragraph 3.3, but the following section will highlight some of these comments and feed into the assessment of the impact the proposed development will have on the character and appearance of the area.
- 5.14 The area around the site is predominantly suburban in character, surrounded by a variety of 1960's two storey dwellings and bungalows. Most properties benefit from front garden areas with off street car parking facilities. The site is separated to the south east by an area of public open space and there are two large mature trees on the Leach Road frontage (located within the highway verge).
- 5.15 The proposal has been amended to take account of concerns raised by the Council's Urban Designer in the following ways:
- The roofline has been amended and simplified by repositioning staircases 2 and 3 into the building and therefore within the roofline.
 - To improve the appearance of the building facing the Kingsclere Road and increase integration within this part of the street scene, the applicants have created a 'false' entrance in the left hand projecting gable of the Kingsclere Road elevation by adding a canopy over the French doors into the garden and a 'fixed' wrought iron gate directly in front on the boundary. Signage will be included to direct visitors to the main entrance on Kingsclere Road. Care has been taken to avoid the root protection zone of the large London Plane trees in the highway verge (see paragraphs 5.38 and 5.39 below).
 - The east and south boundaries are now enclosed with a low level brick wall (450mm high) capped with an artstone coping with wrought iron railings on top to a total height of 1800mm. This will provide security for the residents whilst retaining an open aspect across the public open space and the public footpath between the development and 20 Ashdene Road.
 - More planting area has been introduced along the length of the southern boundary which will allow plants to grow up the railings. In addition, the bin store will have an open roof which will be similar to a pergola and the plants in the small bed between the bin store and parking space. Egress from stair 1

has been revised to allow more planting in the area next to the cycle store and against the side of staircase 1.

- 5.16 The 'L' shape of the building provides a frontage onto Kingsclere Road, leaving Leach Road clear of built form to accommodate car parking. The roof has been designed to reduce the overall height of the building by introducing a flat roofed area in the central section, but not prominent from the public domain.
- 5.17 Clearly, the proposed development is of a greater scale than the existing building on the site, in terms of its mass and footprint. However, it is likely that the scale and massing of the proposed building has resulted from the need to provide sufficient rooms for the proposal to be viable and the space and layout standards required when providing a facility of this nature. The difficulties of trying to accommodate a care home of this size on the site are recognised but the requirement to meet standards seems to have dictated what is proposed.
- 5.18 A number of representations refer to the proposed building being three storeys in height. However, whilst the proposed building has three floor levels, the third floor is contained within the roof space. Therefore the building, from a massing perspective, is two storey with rooms in the roof. The height of the building from ground floor level to the underside of the general roof eaves (gutter) level is 5.7m. A traditional two storey house is in the order of 5.0 – 5.2m from ground floor level to eaves (the existing public house has a ground floor to eaves dimension of 5.3m). The proposed building is therefore only 500 - 700mm higher than a typical two storey house to eaves level and 400mm higher than the existing public house. The overall height of the building from ground floor level to the ridge is 9.8m and although the building has a substantial footprint, due to the nature of its use, in terms of height, it is no greater than a typical domestic two storey property with accommodation within its roof space. In order to keep the overall height of the building as low as possible it has a flat roof to its middle section thereby allowing the perceived ridge line at an almost domestic level.
- 5.19 To add interest and articulation, the main elevation facing Leach Road is broken up with projecting gables and it is accepted that these have a slightly higher eaves level of 6.5 – 7m although these are small localised areas in relation to the overall building.
- 5.20 With regard to building footprint, it is acknowledged that the footprint, due to the nature of use, is substantially bigger than that of the demolished public house. However, the building sits comfortably on the site with ample soft landscaping and new planting to the roadside elevations and the elevation facing the public open space. The distances between adjoining properties meets the minimum informal requirements in terms of dimensions between habitable rooms and the orientation of the building will not cause any overshadowing to adjoining properties and gardens due to the distances involved and open aspect of the site.
- 5.21 Policies C28 and C30 seek to control all new development to ensure layout, design and external appearance are sympathetic to the character of the area and that they should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity with acceptable standards of amenity and privacy.

- 5.22 Government guidance contained within the National Planning Policy Framework (NPPF), states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 56 of the NPPF expressly states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
- 5.23 Paragraph 60 of the NPPF goes on to state that planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.
- 5.24 Officers consider that the proposed development will sit comfortably within the site and its surroundings, as it is of an appropriate design, scale and layout. The proposed landscaping scheme will replace large swathes of hard surfacing around the existing site, softening its appearance and creating a more pleasant, interesting and attractive built environment.
- 5.25 Accordingly, it is considered that the proposal complies with the requirements of Policy C28 of the ACLP and Government guidance contained within the NPPF.

Residential amenity

- 5.26 The nearest residential property is no. 20 Ashdene Road to the south, which is approximately 11 metres from the site boundary. The residential properties to the north east on Kingsclere Road are in excess of 26 metres away from the front elevation of the proposed building as are the properties in Villiers Road to the east of the site.
- 5.27 The closest part of the proposed building would be approx. 16 metres from the corner of 20 Ashdene Road. The building is staggered along the south elevation, such that the main bulk of the building is positioned towards the far rear of the garden area of no. 20, which is approximately 30 metres long. Four windows are positioned on the south elevation of the proposed building; two at ground floor and two at first floor level, all serving the stair well. Two further windows (serving the stair well) are positioned on the west elevation. No habitable room windows face towards the rear of no. 20. In order to protect the privacy of the occupants of no. 20, a condition can be imposed to require these windows to be obscurely glazed, such that direct overlooking when using the stairs would not be possible.
- 5.28 As mentioned above, the properties on Kingsclere Road are situated in excess of 26 metres from the north façade of the proposed building. Furthermore, two large London Plane trees are situated in-between the site and residential properties. Therefore, given the distances involved and intervening screening provided by the trees, Officers do not consider that the residential amenities of these properties would be adversely affected.

- 5.29 Similarly, residential properties situated to the east of the site in Villiers Road are in excess of 36 metres from the proposed façade of the building and consequently, would not be detrimentally affected by loss of privacy, outlook or overshadowing.
- 5.30 It is assumed there is no residential occupancy at the St John Ambulance HQ or Scout HQ to the west of the site on Ashdene Road and therefore residential amenity is not a material consideration in relation to these buildings.
- 5.31 Based on the above considerations, Officers consider that the proposal would not have a harmful impact on the residential amenities of the neighbouring occupiers. The development is therefore considered to Policy C30 of the adopted Cherwell Local Plan and guidance in the NPPF.

Highway Safety and access

- 5.32 The Local Highway Authority (LHA) has examined the proposed submission and the application site, including the surrounding area. They recognise that the proposed development would have relatively low levels of traffic generation, with very few trips coinciding with network peak times, owing to the nature of the use.
- 5.33 The concern of neighbouring residents in relation to on site parking provision is acknowledged. The proposal provides 12 parking spaces, including a disabled space and provision for an ambulance drop off. The LHA does not have any specific car parking standards for a development of this nature, but instead seeks appropriate provision on a case by case basis. The LHA have reviewed the Transport Statement submitted by the applicants, which seeks to justify the proposed level of off-street parking by considering the anticipated number of arrivals and departures of similar types of development.
- 5.34 The LHA suggest that whilst the assumptions are not unreasonable, it does not accurately predict demand at specific times (e.g. spikes in demand during shift changes). They consider that during these times it is likely that demand would exceed the on site provision and expect that a small amount of overspill would occur.
- 5.35 The LHA recognise that on street parking is generally undesirable, but do not consider that a recommendation of refusal could be substantiated as a severe impact has not been demonstrated, given their own inspection of the site and surveys included within the Transport Statement and that the local highway network could accommodate the anticipated overspill without causing significant and demonstrable harm.
- 5.36 The comments of the Local Highway Authority do not amount to an objection and it would be reasonable to impose the suggested conditions noted in paragraph 3.14 above, in the event of the application being approved.
- 5.37 Consequently, it is considered that the proposed development would not cause detriment to highway safety and as such, accords with central Government advice contained within the NPPF.

Trees

- 5.38 The Council's Tree Officer has reviewed the submitted draft Arboricultural Method Statement (AMS) and is satisfied with the identified precautionary measures. A final AMS will be required to detail the exact location of the site compound / material storage area and specifications for the remedial tree husbandry required to facilitate construction activity, which can be dealt with by condition.
- 5.39 As such, Officers are satisfied that the trees adjacent to the site will not be adversely affected by the proposal and therefore the proposal complies with the requirements of Policy C14 of the ACLP and Government guidance contained in the NPPF.

Section 106 contributions

- 5.33 The Government's policy on the use of planning obligations (Section 106 requirements) is set out in the National Planning Policy Framework. Local Planning Authorities must take this guidance into account in their decisions on planning applications and must have good reasons for departing from it. Planning obligations are used for 3 purposes: to prescribe the nature of the development (e.g. requiring a given portion of housing is affordable); compensate for loss or damage created by a development (e.g. loss of open space) and mitigate a development's impact (e.g. through increased public transport provision). The planning obligation must be directly relevant to the proposed development, the 3 key tests being that the requirement should be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development (para 204 of the NPPF).
- 5.34 It has been agreed with the Council's housing officer that as this proposal is for a care home (C2) then affordable housing contributions will not be sought. This is based on the applicant entering a legal agreement to ensure that the use will remain as such and that there will be an element of care at this facility. This has been agreed with the applicants.
- 5.35 The County Council have requested the following contributions:

Requirement	Amount (index linked, October 2013)
Provision of a bus shelter at the existing bus stop on the north side of Leach Road	£5000
Library	£4452
Waste Management	£3445
Museum resource centre	£265

Adult day care	£27500
Administration and monitoring	£1500
Total	£42,162

5.36 Officers consider that each obligation is; (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. They are all therefore fully compliant with the Community Infrastructure Levy (CIL) regulations.

5.37 The applicants have been presented with a draft agreement in accordance with the figures above. It is anticipated that the agreement will be completed before the anticipated last date for the decision (11th December 2013). Officers therefore recommend that completion of the agreement is delegated to Officers, should the application be approved.

Engagement

5.38 A 2012 amendment to the Town and Country Planning (Development Management Procedure) Order and the NPPF requires that Local Planning Authority's demonstrate that they have worked with the applicant/agent in a positive and proactive way. It is considered that the duty to be positive and proactive has been discharged through negotiation with the applicants throughout the process and the efficient and timely determination of the application.

Conclusion

5.39 There is no 'in principle' objection to the siting of a care home use in this specific location within Bicester, as residential uses are considered to be acceptable within the built up limits of the town. Furthermore the proposed development will not cause harm to occupant amenity, trees, highway safety and will preserve and enhance the character and appearance of the surrounding area. The contributions sought will satisfactorily mitigate against the impact of the development and are fully compliant with the Community Infrastructure Levy (CIL) regulations.

6. Recommendation

Approval, subject to:

- a) the completion of a Section 106 prior to 11th December 2013 to the satisfaction of the HPPDM, and
- b) the following conditions:
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

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:

Drawings: DP(9)900 Rev C, DP(0)051 Rev C, DP(0)001 Rev C, DP(0)002 Rev C, DP(0)003 Rev B, DP(0)004 Rev B, DP(0)050 Rev A and 13/1024/FD/P/001 Rev A, Tree Survey and AIA by Ed Sharkey Associates dated November 2013, DRAFT arboricultural method statement by Ed Sharkey Associates dated November 2013

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. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) (including samples) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, full details of the new boundary wall to be constructed to a total height of 1.8 metres, along the whole of the south west and east boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the new boundary treatment shall be erected, in accordance with the approved details, and retained and maintained in situ at all times.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, the existing means of access between the land and the highway shall be improved formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

6. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.

7. Upon first occupation of the development hereby approved, the submitted Travel Plan by Liborate Limited, dated August 2013 shall be implemented and thereafter operated in accordance with the details contained therein.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

8. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, 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 Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

9. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 6, 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.

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 Policy BE6 of the South

East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS) (final version), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of any approved tree works, any operations that present a risk to retained trees, or any operations to facilitate specialised tree planting (eg: tree surgery, trenching operations close to the Root Protection Areas of retained trees or construction of load-bearing structured cell planting pits), the applicant shall give the Local Planning Authority seven days written notice that works are due to commence.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.

b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters

- c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.

- d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
- e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

13. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the current/next planting season with others of similar size and species.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. 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 and Government guidance contained within the National Planning Policy Framework.

17. If a potential risk from contamination is identified as a result of the work carried out under condition 16, 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 and Government guidance contained within the

National Planning Policy Framework.

18. If contamination is found by undertaking the work carried out under condition 17, 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 and Government guidance contained within the National Planning Policy Framework.

19. If remedial works have been identified in condition 18, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. A verification report that demonstrates the effectiveness of the remediation carried out must be 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 and Government guidance contained within the National Planning Policy Framework.

20. The development hereby approved shall be used only for the purpose of a care facility and for no other purpose whatsoever, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjacent dwellings in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

21. Prior to the first occupation of the development hereby approved, the ground and first floor windows serving the stair well in the south and south west elevation of the building shall be fully glazed with obscured glass that

complies with the current British Standard, and retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the adjacent premises and to comply with Policy C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. The building hereby approved shall be constructed to at least a BREEAM 'Very Good' standard.

Reason – To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

23. Prior to the first occupation of the development hereby approved, written confirmation of the development's Secured By Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high quality development and safe and accessible environment where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion, in accordance with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Legal Agreement
2. Construction sites
3. Your attention is drawn to the content of an email sent dated 25 September 2013 from Thames Water in respect of the application, a copy of which can be found via the Council's website www.cherwell-dc.gov.uk
4. The Fire and Rescue Service recommends that new dwellings should be constructed with sprinkler systems.
5. Any foundations should be constructed in accordance with NHBC guidelines to reduce any future risks of disturbance or subsidence damages due to the influences of root activity / growth.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

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