

Applicant:	Hamberley Development Ltd		
Proposal:	The construction of a 36 no. bedroom specialist nursing facility (associated with dementia care and neurological rehabilitation) (Use Class C2) with associated access, parking, landscaping and tree planting.		
Ward:	Adderbury, Bloxham and Bodicote		
Councillors:	Cllr Mike Bishop Cllr Chris Heath Cllr Andrew McHugh		
Reason for Referral:	Proposals constitute major development		
Expiry Date:	27 July 2017	Committee Date:	03 August 2017
Extension of Time:	07 August 2017	Recommendation:	Approval

1. APPLICATION SITE AND LOCALITY

- 1.1. The site consists of an area of previously undeveloped land to the rear and west of the recently constructed Gracewell Nursing Home. Immediately to the south of the site is an area of car parking associated with residential properties within Janet Blunt House, which sits further to the south. To the west and north lies open countryside. The site is bounded by mature hedgerows and trees and post and rail fencing to the north and south, with post and wire fencing and newly planted landscaping to the western boundary. The site is accessed off the Oxford Road via a newly created junction constructed as part of the nursing home development.
- 1.2. In terms of site constraints, the site is within an area identified as being potentially contaminated land and the geology in the area is known to contain naturally occurring elevated levels of Arsenic, Chromium and Nickel as seen across many areas of the district. There are records of notable and protected species (European Hedgehogs and Swifts) within the vicinity of the site. A Public Right of Way (PRoW) (ref. Footpath 101/1) runs along the western side of the Oxford Road at the existing access point to the site and further PRoWs (refs. Footpath 101/10 and 101/11) cross land west/south-west of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Gracewell Nursing Home east of the site was developed following consent being granted in 2014 under a hybrid application ref. 13/01672/HYBRID. This consent granted detailed planning permission for the construction of a 60 bedroom elderly nursing home and also outline planning consent for the construction of an extra care facility of up to 3,450m² (GIA).
- 2.2. This current application seeks full planning permission for the construction of a 36 no. bedroom specialist nursing facility specialising in dementia care and neurological

rehabilitation with associated access, parking, landscaping and tree planting. The facility would be entirely comprised of one-bedroom ensuite rooms, with residents being cared for on a 24hr basis by specialist nurses and carers and would look to provide care to people with dementia across the full range of needs and age groups. The applicant indicates that the proposals would generate 36 no. full-time equivalent jobs, not including part-time and jobs created during the construction phase.

- 2.3. The proposed new building would be predominantly two storeys, with some staff facilities and storage located within the roof space. The building would have a footprint of approximately 1350m² and overall height of ~10.3m (at its highest roof ridge point) and predominantly would be of brick and render finished walls under an artificial slate roof; reflecting construction and finish materials utilised on the adjacent nursing home.
- 2.4. The proposals would include a green buffer to the western boundary of the site, and landscaped residents' garden area to the rear of the building. Provision for car parking (39 spaces) and covered cycle parking (6 spaces) would be to the front of the building, with planting incorporated within the proposed layout.
- 2.5. Whilst still a C2 use, the specialist nursing facility would be a different use to that approved at the outline stage (an extra care facility), and as such the application is submitted for full planning permission as opposed to a reserved matters application. There is a separate reserved matters application (ref: 17/00777/REM) submitted for the extra care facility, and this application before Planning Committee represents a possible alternative type of care facility to the one already approved.
- 2.6. The applicants have amended the proposals during the application in response to consultee and case officer comments, with regard to the siting, design and landscaping of the proposals. This has resulted in amended plans being received and a re-consultation exercise undertaken with key consultees.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
13/01672/HYBRID	Full Planning - Site A - Phase 1 - Construction of a 60 bedroom elderly nursing home (Use Class C2) with associated access, new public footpath, parking, landscaping, tree planting, ecological enhancement measures and site infrastructure. Outline - Site B - Phase 2 - Construction of extra care facility of up to 3,450 sq m (GIA) (Use Class C2) with associated circulation, new public footpath, parking, landscaping, tree planting, ecological enhancement measures and site infrastructure	Application Permitted
14/00206/DISC	Discharge of conditions 7, 8, 9, 10, 11, 12, 13, 16, 17, 19, 24, 25, 26, 27 and 30 of 13/01672/HYBRID	Application Permitted
14/00409/DISC	Clearance of conditions 20, 21, 22 & 23 of 13/01672/HYBRID	Application Permitted

15/00028/NMA	Non Material Amendment to Application 13/01672/HYBRID - Remove roof recess to create flat roof	Application Permitted
16/00675/F	Variation of Condition 5 of 13/01672/HYBRID	Application Permitted
16/00419/DISC	Discharge of Condition 32 (travel plan) of 13/01672/HYBRID	Application Permitted
17/00041/DISC	Discharge of Condition 10 (secured by design accreditation) of 13/01672/HYBRID	Application Permitted
17/00777/REM	Reserved Matters to 13/01672/HYBRID - Layout, scale, appearance, access and landscaping of the site (extra care facility)	Pending Consideration

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 26.07.2017.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. **ADDERBURY PARISH COUNCIL: No objections;** making the following comments:

'Adderbury Parish Council supports this application and is pleased that the applicant has proposed planting to help screening from the countryside and public views from PRoWs to the west, as well as low level lighting. The Parish Council supports the comments of the CDC landscape officer on the current planting and actions which need to be taken to protect and improve on this planting.

The Parish Council is also pleased with the design of the building but requests that if there are any extra features such as verandas which can be seen from public viewpoints to the west and north, that these are to be painted black (or similar dark colour) or left as natural wood, because the colour white, is too bright and not in-keeping with the area, and will be a distraction from the public view (as those on the existing new building currently do)'.

- 6.3. **OXFORDSHIRE COUNTY COUNCIL: No objections subject to conditions.**

Traffic Generation:

The latest version of the TRICS database was used to extract multi-modal person trip rates. The sheltered accommodation TRICS Category was retained as the most

appropriate for the proposed development. Local 2011 Census data was used to identify a representative mode split for assessment purposes.

The Proposed Development is predicted to generate a total of 9 and 7 total person trips in the AM (08:00 to 09:00) and PM (17:00 to 18:00) peak hours, respectively. It is also predicted to generate a total of 8 and 6 two-way (i.e. in and out) car driver trips in the AM and PM peak hours, respectively. This does not represent a severe impact to the existing highway network.

The proposed development has one main vehicular access/egress point from Banbury Road, to the east of the site, which will serve both the Care Home and the proposed development. It is a new designed priority junction, which will operate well below capacity.

Parking:

In regard to parking levels for the proposed site, there is no specific parking requirement for this type of use by the Local Highway Authority (LHA), other than such a development must provide an “operational use” level of car parking. Whilst giving consideration to the site’s location - the proposed parking levels for this application are considered acceptable, as they are providing 39 spaces. This is on the basis of 1 space per room, plus 2 disabled spaces.

The layout of the car parking spaces is now acceptable and there is also a layby for ambulances and delivery vehicles to use.

Sheltered and secured cycle parking is being provided that is in a convenient and prominent location. We still must see the details of this cycle parking, as we require these spaces to be covered, which will protect staff and visitor cycles from poor weather conditions.

Dropped kerbs:

I cannot see any details of dropped kerbs and tactile crossing points within the site. We must see details of this at the main front entrance into the building and at the point where pedestrians would cross over to the access road onto the footways on the other side of the road.

Public right of way:

OCC will need to ensure that the footpath dedication plan is amended or not depending on which footpath alignment option is taken forward.

Travel Plan:

Although this development does not require one, a Framework Travel Plan has been submitted with the application. Rather than ask the applicant to undertake further work, the submitted travel plan has been checked to see if it will be suitable to satisfy the Travel Plan Statement requirement. Some additional information will be required.

- Anticipated number of employees (weekday and weekends, per day)
- Anticipated number of visitors (weekday and weekends, per day)
- Details of deliveries that will be made to the site and how they will be managed

The requested supplementary information will be added to the Framework Travel Plan that has already been submitted. It will then be resubmitted to the Local Planning Authority for approval before first occupation

Drainage:

A previous planning application for this site was submitted under planning reference 13/01672/HYBRID as an outline application. The HYBRID application was

accompanied by a Flood Risk Assessment (FRA) for the whole site (AUG 13 / C1026-X0257-REV C / Shepherd Gilmour Infrastructure Ltd). This full application is for a 36 bedroom specialist facility referred to in the approved FRA as Site B (Phase 2).

The FRA recommendation was for a drainage strategy based on infiltration of surface water to ground using soakaway trench systems. A very initial drainage design accompanied the FRA along with the recommendation that soakage tests should be carried out at the actual soakaway locations to enable detailed design of the soakaway systems.

Drainage Design:

No detailed drainage design (drawings or calculations) appears to accompany this full application (17/00802/F).

Condition 30 of the HYBRID application (13/01672/HYBRID) required the provision of a full surface water drainage design for the development prior to the commencement of Site A. However, it appears that only a full drainage design for Site A was submitted and approved under Condition 30 (Phase 2), with Site B details being approved in outline.

Therefore this application should only be approved subject to a condition being applied so that a full drainage design (including drawings and calculations) for Site B is provided prior to the development commencing.

Soakage Testing to BRE 365:

It does not appear that the details submitted with the HYBRID application included soakage tests to BRE 365 for Site B. Soakage testing in trial pits (REF : SK 1, SK2, and SK3) appears confined to Site A. Therefore, the spread of these tests is insufficient to inform the detailed drainage design in Site B. As noted above, the FRA recommended soakage testing at the actual positions of the proposed trench soakaways so that detailed design could be finalised.

Therefore this application should only be approved subject to a condition being applied so that soakage testing at Site B is carried out, if it has not already been done.

SuDS Management and Maintenance Plan:

No SuDS Management and Maintenance Plan accompanies this application

Therefore this application should only be approved subject to a condition being applied that a SuDS Management and Maintenance Plan is secured for the development.

Flood routes in exceedance:

Notwithstanding the Micro-drainage calculations showing the soakaways perform without external flooding for the 1 in 100 year +CC critical storm (Provided for Site A- Phase 1), has consideration been given to an exceedance scenario where flooding occurs, such as a blockage scenario or rarer storm event? In these cases has provision been made?

CHERWELL DISTRICT COUNCIL CONSULTEES:

6.4. ARBORICULTURAL OFFICER: No objections subject to conditions.

Limited tree removal is planned as part of the proposed development and this should not have a significant impact on the local area.

The proposed work should be carried out in accordance with the Tree Protection Plan, which includes the proposed area of no dig surfacing under some of the retained trees; to ensure the health of retained trees on site.

Details of proposed tree planting should be supplied.

- 6.5. BUSINESS SUPPORT UNIT: It is estimated that this development has the potential to attract New Homes Bonus of £9,789 over 4 years under current arrangements for the Council.

- 6.6. ECOLOGIST: **No objections subject to conditions.**

The ecological appraisal report is now out of date and an updated walkover survey of the site should be undertaken. However provided there has been no major change to the use of the site, in light of the habitats present the potential impact is not considered likely to have changed significantly.

An updated bat survey of all the trees on site is also recommended, to update the previous survey findings as features may have developed in the interim period since the previous survey was undertaken and a number of trees proposed to be felled are mature with deadwood features.

An ecological enhancements scheme should be provided for this site, as with the previously developed site. There are several swift records in Adderbury and provision of swift nest boxes would be very beneficial for this species in this site as well if possible.

The detailed landscaping proposals including planting of a buffer of English Oak in the west of the site is welcomed. Wildflower species mix EM1 was proposed in some of the grassed areas under the hybrid application (shown on plan 5222/ASP6), but doesn't appear to be shown on the landscaping plans under this application, so I would recommend the plans are updated to include wildflower grassland creation for biodiversity as shown on the previous plans.

- 6.7. ENVIRONMENTAL PROTECTION OFFICER: **No objections.**

- 6.8. LANDSCAPE OFFICER: **No objections.**

In relation to the scale/massing of the development and its impact on the landscape and visual receptors I tend to agree with the findings in the design and access statement, and so have no objection to this development.

The trees to the northern and southern site boundaries are retained to screen the development.

The approved landscaping included the planting of Oak trees on the western site boundary of the site has been achieved.

The aforementioned trees on the northern and south boundaries are to be protected in accordance with BS5837; to ensure that the boundary planting and adjacent surfaces and levels are protected from constructors, storage of materials and chemical spillage.

Minor amendments suggested with regard the proposed planting and landscaping scheme and details therein, to the benefit of the overall scheme.

- 6.9. PLANNING POLICY: **No comments received.**

- 6.10. URBAN DESIGN: **No comments received.**

EXTERNAL CONSULTEES:

- 6.11. CLINICAL COMMISSIONING GROUP: **No comments received.**

- 6.12. THAMES WATER: **No objections subject to conditions.**

No objections with regard to water infrastructure capacity, subject to an informative being attached to any such permission advising the developer that: *'Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.'*

The developer should take account of this minimum pressure in the design of the proposed development'.

With regard to waste and surface water drainage Thames Water note that they have been unable to determine the waste water infrastructure needs of this application due to insufficient information; but also comment that this matter could be dealt with by way of condition, securing a drainage strategy detailing any on and/or off site drainage works, prior to the commencement of any such approved development.

The drainage strategy for foul and surface water discharge from this site would need to detail:

1. Peak foul and surface water discharge rates to the public sewer,
2. Foul and surface water connection points to the public sewer and
3. Confirmation of how flow is drained from the site to the public sewer; i.e. gravity or pumped.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

- PSD1: Presumption in Favour of Sustainable Development
- SLE 4: Improved Transport and Connections
- BSC 4: Housing mix
- BSC 8: Securing Health and Well-Being
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 2: Energy Hierarchy and Allowable Solutions
- ESD 3: Sustainable Construction
- ESD 6: Sustainable Flood Risk Management
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the built and historic environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development

- C30: Design control

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Adderbury Neighbourhood Plan (ANP)

The Neighbourhood Plan for Adderbury is still at an early stage. A submission has been made to Cherwell District Council for checking its legal compliance and discussions are currently on-going with the Parish Council with regards to the supporting evidence base. Given the early stages of the plan, in accordance with Paragraph 216 of the NPPF, no significant weight can be given to it as a material consideration at this time.

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Flood-risk and drainage
- Ecology and Biodiversity

Principle:

- 8.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development; these are environmental, social and economic. The planning system must therefore perform an economic role (building a strong, responsive and competitive economy), a social role (strong, vibrant and healthy communities that meet the needs of present and future generations) and an environmental role (protecting and enhancing the natural, built and historic environment). These roles should not be undertaken in isolation, because they are mutually dependant.
- 8.3. Policy PSD1 contained within the CLP 2031 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.4. Policy BSC 4 of the CLP 2031 indicates that opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities. This Policy (BSC 4) also emphasises the current and growing demand for such accommodation (paragraphs B.124 and B.125) - a needs assessment report commissioned by the applicant, which analysed the local market, confirms that there is a strong market for dementia care home accommodation for all age ranges, not only in the Adderbury and Banbury area but also across the wider district.
- 8.5. Policy BSC 8 of the CLP 2031 is generally a permissive policy, which looks to support and ensure the provision of additional and reconfigured health and social

care facilities in sustainable locations within the district, to meet the requirements of local communities.

- 8.6. The site is considered to be in a relatively sustainable location on the edge of Adderbury, identified as a category A village (one of the most sustainable settlements within the district's rural areas) within Policy Villages 1 of the CLP 2031. There are pedestrian links to the local services and facilities that the village has to offer and good access to the local highway network and public transport, with two bus stops to the front of the site.
- 8.7. The principle of developing the site for a C2 use (extra care facility) has previously been considered acceptable with the granting of outline consent, as part of the hybrid application 13/01672/HYBRID. Whilst there has been a significant change in local policy context since the granting of the outline consent, with the adoption of the CLP 2015-2031, and that the proposals represent a different use falling within the class C2 (specialist nursing facility) to that previously approved, officers remain of the opinion that the principle of development is broadly consistent with the policies of the development plan, as the proposal meets an identified need and would be appropriate within the context, subject to further considerations with regards to neighbour and visual amenity, highway safety and ecology and biodiversity discussed further below.

Design and impact on the character of the area:

- 8.8. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.9. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements.
- 8.10. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.
- 8.11. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.12. The site is currently a greenfield (previously undeveloped) site on the edge of the settlement. Views of the proposed development from the Oxford Road would largely be screened by the existing development and boundary hedgerows and trees to the north of the site. The proposed development would be visible from the public footpath routes to the west of the site.
- 8.13. The proposed new building would to some extents be similar to the layout of the existing nursing home building, mirroring the 'U' configuration; albeit on a lesser scale/footprint. The proposals would utilise similar construction and finish materials and general fenestration detailing as seen on the adjacent developments at the nursing home and Janet Blunt House residential development to the south of the site, and specific details of construction materials and finishes could be secured through appropriate conditions attached to any such permission.
- 8.14. Being located to the rear of the existing nursing home views of the proposed development from the direction of the Oxford Road would be limited and the building would not be prominent or to the detriment of the visual amenities of the existing street-scene. It would be of a similar scale and height to the existing nursing home and would not appear dominant or imposing in this respect.

- 8.15. Minor amendments to the detailing of the rear elevation of the proposed building were suggested to the applicant and agreed during the course of the application; including the rationalisation and simplification of the rear balcony and associated roof structure, and also breaking up of glazed sections to the ground and first floor 'Quiet Lounge' areas; these amendments were considered by officers to improve the general appearance of this elevation. Subject to appropriate finish materials it is considered that the proposals would not appear out of place and would be sympathetic to the existing built form within the immediate context.
- 8.16. A detailed landscaping scheme has been submitted in support of the application which is largely considered acceptable by officers. Minor amendments have been made and additional information submitted during the course of the application, in response to comments made by the Council's Landscape Officer who finds the amended scheme acceptable.
- 8.17. Views from the PRoW would be set within the context of the existing nursing home and Janet Blunt House to the south of the site. The proposed landscaped buffer to the western boundary was subject conditions attached to the outline consent and planting has taken place. Once established, this green buffer would extend along a similar line to the landscaping to the rear of the neighbouring residential property, and would look to screen and soften the appearance of the development to views from the PRoW to the west of the site; and in time officers are of the opinion that this natural screening will be as effective as that already in place to the rear of Janet Blunt House.
- 8.18. The principle of developing the site and the likely associated visual impacts has previously been accepted with the granting of the hybrid application 13/01672/HYBRID; with officers previously commenting:

'Whilst the proposal would involve the development of a greenfield site and the loss of a parcel of open countryside that will result in some harm to the appearance of the landscape, on balance, considering the context of the site and the ability to implement a landscaping scheme that would mitigate the impact, this harm is not considered to be so significant as to warrant the refusal of the application on these grounds'.

Officers see no reason to now reach a different conclusion based on the details of the scheme which is the subject of this application, and consider the proposals acceptable in terms of its design and potential impacts on the character and appearance of the area and surrounding landscape.

Residential amenity:

- 8.19. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.20. The proposed bedrooms are relatively uniform in terms of their size (approximately 20m² (215ft²) floor space) throughout the proposed building, all with ensuite bathrooms. The facility would also include communal dining and lounge areas, cafe and gym. Landscaped gardens would also be provided for residents and their visitors. Officers consider that the proposals would offer an appropriate level of amenity to potential residents of the proposed facility, having regard to their care needs, and are acceptable in this regard.
- 8.21. Given the context of the site and its relationship with existing neighbouring properties the proposals are likely to impact on the existing nursing home to the greatest extent. It is unlikely that the proposed development would have any

significant direct impact on the amenity of other neighbouring properties including those within Janet Blunt House to the south of the site.

- 8.22. Informal guidance set out within Cherwell District Council Home Extensions and Alterations Guide (2007) sets out guidelines regarding the separating distance between openings in order to avoid a loss of privacy and amenity; 14 metres to separate a window and a windowless elevation and 22 metres to separate direct facing windows of habitable rooms. These guidelines have been used in the assessment of the proposal.
- 8.23. Amendments have been made to the proposed layout during the application, with the proposed building being re-sited approximately 3m further to the west from that as original submitted; in response to office concerns with regards to the proximity of the proposed building to the rear elevation of the existing nursing home. Officers consider that, following the amendments, an appropriate separation distance (~21.75m at the closest point and ~28m between windows of habitable rooms) is maintained between the existing and proposed buildings to ensure that the level of amenity currently afforded to residents of the nursing home would not be impacted upon to any such significant extent that would warrant a reason to refuse the application on these grounds.

Highway safety:

- 8.24. The NPPF (Para. 32) advises that when determining planning applications due regard should be given as to whether:
- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - Safe and suitable access to the site can be achieved for all people; and
 - Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.25. Policy SLE4 of the CLP echoes the aims of the NPPF in supporting sustainable transport opportunities in new development stating that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It goes on to state that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 8.26. Adderbury is considered one of the most sustainable settlements within the district being classed as a category A village within the development plan, with good access to a range of community services and facilities. The site is within walking distance of the village's shops and other services and in this respect could be considered acceptable in terms of the sustainability of the location.
- 8.27. The application is supported by a Framework Travel Plan and a detailed Transport Statement (available to view online as part of the application file) which addresses issues relating to vehicular movements, access and parking. The Highways Authority (H.A.) has assessed the proposals and supporting documentation and raises no objections subject to conditions considered necessary to secure specific details in relation to access, parking and manoeuvring, drainage, construction management and an appropriate update to the submitted Travel Plan. Officers see no reason to disagree with the opinion of the Local Highways Officer in terms of potential impacts on highway safety.
- 8.28. The proposals would utilise the same access created off the Oxford Road to serve the nursing home and is the same access proposal as that assessed and

considered acceptable during the hybrid application. Parking provision is considered appropriate for the scale and nature of the use of the site, incorporating covered cycle storage, which would in turn promote and facilitate the use of a more sustainable form of transport. Staff and visitors would also have the option of public transport, with regular bus services linking the site to Banbury, Oxford and the intervening villages.

- 8.29. Subject to the requirements of the H.A. being secured through appropriate conditions it is considered the proposals are unlikely to have any significant adverse impact upon the safety and convenience of highway users and are therefore acceptable in this regard.

Flood-risk and Drainage:

- 8.30. Government guidance contained within the NPPF states that in determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. These aims are reflected in environmentally sustainable development policies of the CLP 2031.
- 8.31. The site lies within Flood Zone 1 which is of low probability of flooding. A Flood Risk Assessment and Foul Water Drainage Statement were submitted with the original hybrid application (13/01672/HYBRID) and these reports concluded that the on-site drainage system and infrastructure works will not contribute to flood risk. The context of the site is not considered to have significantly changed in terms of potential flood-risk since these reports were commissioned and the conclusions reached are considered to remain relevant to the current application.
- 8.32. The permission relating to the construction of the nursing home was subject to a condition which required a full surface water drainage design (Condition 30 of 13/01672/HYBRID); details were submitted and approved with regards to this condition and a drainage strategy was approved for the nursing home under application ref. 14/00206/DISC.
- 8.33. Whilst no drainage details have been submitted with the current application, both Thames Water and the County Council's Drainage Team are satisfied that an appropriate drainage strategy could again be secured through appropriate conditions attached to any such permission, should the Council resolve to grant permission, and the proposals are therefore considered by officers to be acceptable in this regard.

Ecology and Biodiversity:

- 8.34. The NPPF - Conserving and enhancing the natural environment, requires that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures" (Para. 109); these aims are reflected in the provisions of Policy ESD 10 of the CLP 2031.
- 8.35. Paragraphs 192 and 193 further add that, "The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question".
- 8.36. No ecological assessment has been included within the current application. However, an ecological survey that was submitted with the original hybrid application (13/01672/HYBRID) identified that there was potential for protected species to be present within the site and surrounding hedgerows, and

recommended protection and mitigation measures and further biodiversity enhancements to be incorporated into the scheme. The measures within the report were considered acceptable by officers and the proposals were therefore considered acceptable in this regard.

- 8.37. The ecological survey was undertaken approx. 4 years ago in March 2013, and as such the report is now out of date. That said the context of the site does not appear to have significantly altered since the previous ecological assessment was undertaken and the Council's Ecologist is satisfied that provided there has been no major change to the use of the site, in light of the habitats present the potential impact is not considered likely to have changed significantly. It is considered that an updated walkover survey of the site should be undertaken, to check for any changes and for the presence of protected species, and updated mitigation measures (such as ecological supervision of site clearance works of scrub habitat) should be proposed and agreed with the Council, and that this could be secured through appropriate conditions attached to any such permission.

Other Matters:

Contamination

- 8.38. Government guidance contained within the NPPF requires the planning system to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability, and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Saved Policy ENV12 of the CLP 1996 states that: *'development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site and the development is not likely to result in contamination of surface or underground water resources'*.
- 8.39. Environmental records indicate that the site is on land that has the potential to be contaminated. The original hybrid permission was subject to a number of conditions (Conditions 11-15 of 13/01672/HYBRID) relating to potential land contamination; these conditions were subsequently discharged under application 14/00206/DISC. The Council's Environmental Protection Officer raises no objections to the current application given that the site was previously assessed for potential land contamination and considered suitable for development. The proposal is considered acceptable in this regard.

Public Rights of Way

- 8.40. Adderbury Public Footpath 1 (101/1) runs within the main site, parallel to the road, and this PRoW has been accommodated within the nursing home development. Adderbury Footpath 10 (101/10) runs across land to the west/south-west of the site and a new footpath to connect footpaths 101/1 and 101/10 was proposed and secured through an associated legal agreement attached to the Hybrid permission. The proposed development, and also that assessed within the alternative reserved matters scheme (17/00777/REM), includes provision for this proposed new footpath route, albeit on a slightly different alignment. The County Council notes that they will need to amend the footpath dedication plan depending on which development is taken forward.

Section 106 Contributions

- 8.41. Within their initial consultation response the County Council were requesting Section 106 contributions, as set out below:

'A S106 contribution of £30,000 (Index linked, December 2013) is required from the developer to fund further public transport service enhancements on the S4

bus service, particularly aimed at enabling care worker staff to use the bus for their late and Sunday shifts. This amount will be refunded after 5 years, if a satisfactory improvement cannot be negotiated'.

- 8.42. The Government policy on the use of planning obligations (S106 requirements) is set out in the NPPF. 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 three purposes: to prescribe the nature of the development (e.g. requiring a given portion of housing is affordable); to compensate for loss or damage created by a development (e.g. loss of open space); and to mitigate the impact of a development (e.g. through increased public transport provision).
- 8.43. The planning obligation must be directly relevant to the proposed development, the three key tests being that the obligation 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.
- 8.44. Contributions towards public transport service enhancements were secured through a S106 agreement attached the hybrid permission 13/01672/HYBRID. Officers were of the opinion that the request for further contributions as part of this application was disproportionate to the proposed development and any potential impacts it might have on public transport and the wider transport network, and did not meet the tests set out in Government guidance. This was particularly the case given adequate on-site parking is being provided, along with cycle parking, and Adderbury is already served by existing bus routes. Following a review of their justification the County Council subsequently withdrew its request for S106 contributions towards public transport service enhancements.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 9.3. In this instance the principle of developing the site has previously been considered acceptable with the granting of application 13/01672/HYBRID. Whilst the proposals are for a different C2 use to that approved at the outline stage, officers consider the principle of the development of a specialist nursing facility to be broadly consistent with the provisions and aims of the policies of the development plan and represent an acceptable alternative use within the context.
- 9.4. The proposals are of a scale and design which would be sympathetic to the context of the existing built form within the vicinity of the site and would not result in any significant detrimental impacts on highway safety or the amenity of neighbouring properties. The proposals would look to contribute to meeting an identified need with

regard to Dementia care facilities within the district and would also provide additional employment opportunities within one of the District's more sustainable villages.

- 9.5. Whilst it is acknowledged that the proposals would result in the development of a greenfield site and as such would result in the built form extending into the open countryside, it is considered that this intrusion into the countryside could be largely mitigated with the implementation of an appropriate landscaping scheme. On balance, it is considered that any harm that would be caused by the proposed development would not be so significant that it would outweigh the benefits in this instance.
- 9.6. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposals represent an appropriate form of sustainable development in this edge of village location, which accords with the policies of the Development Plan, and the application is therefore recommended by officers for approval as set out below.

10. RECOMMENDATION

That permission is granted, subject to 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: Application forms, Planning Statement (April 2017), Design and Access Statement (March 2017), 'Carterwood Report' - Comprehensive planning need assessment (February 2017), Framework Travel Plan (21 March 2017), Transport Statement (21 March 2017), Arboricultural Report ref. 230304-PD-31b (July 2017), 230304-PD-30 - Tree schedule, 230304-PD-32a - Planning Tree Works Schedule and drawings numbered: 90-001/P2, 2209-HIA-01-XX-DR-A-01-002/P7, 2209-HIA-01-01-DR-A-27-001/P1, 2209-HIA-01-01-DR-A-04-001/P2, 2209-HIA-01-01-DR-A-04-002/P2, 2209-HIA-01-01-DR-A-27-001/P2, 2209-HIA-01-00-DR-A-02-002/P2, 2209-HIA-01-01-DR-A-02-003/P3, 2722 104 Rev A, 2722 201 Rev H, 2722 401 Rev F, 230304-P-31/a, 230304-P-32/a, Specialist Care - Tracking 002a and Specialist Care - Tracking 002b.

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. The development hereby approved shall be used only for the purpose of a specialist residential nursing facility and for no other purpose whatsoever, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjacent premises in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C28 and ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved a fully detailed surface water and waste sewage drainage strategy for the development, including details of any off-site drainage infrastructure works required and a

programme for implementation, 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 drainage strategy.

Reason: In the interests of highway safety and sustainable flood prevention and to comply with Policies ESD 1, ESD 6 and ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented for the duration of the construction phase of development and shall be operated in accordance with the approved details.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times, during the construction period and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the submitted details, a schedule of the materials and finishes for the external walls and roof(s) of the development, including samples, 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 of materials.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved above slab level, full specification details of the vehicular accesses, driveways, parking and turning areas to serve the development, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the residential rooms, the accesses, driveways, parking and turning areas shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. Notwithstanding the details submitted, prior to the first occupation of the development hereby approved, covered cycle parking facilities shall be provided on the site in accordance with full siting and design details which have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policy SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use or occupation of the development hereby approved, and

notwithstanding the details submitted, an amended Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Framework Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, no further development shall take place until full details of mitigation measures to prevent their harm have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved mitigation scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved above slab level, details for the provision of six incorporated swift nest boxes shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the type of nest boxes to be used and the proposed locations on the building. The approved swift nest boxes shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. 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: 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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree

shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the permission.

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 ESD15 of the Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Tree Protection Plan (Drwg. No. 230304-P32/a) prepared by Tim Moya Associates on March 2017.

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 ESD15 of the Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Prior to the first use or occupation of the development, full details of the height, design and finished appearance of the refuse storage area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse storage area shall be installed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development, in the interests of the visual amenity of the area, to comply with Policy ESD15 of the Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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 Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are

still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
3. With regards to condition 4 the Surface Water and Foul Sewage Drainage Strategy will need to include the following details:
 - Detailed drainage layout with pipe numbers
 - Peak foul and surface water discharge rates to the public sewer
 - Foul and surface water connection points to the public sewer and confirmation of how flow is drained from the site to the public sewer; i.e. gravity or pumped.
 - Discharge Volumes
 - SUDS – (Trench Soakaways) including the sizing of features – attenuation volume
 - Maintenance and management of SUDS features (including details of who will be responsible for maintaining the SUDS & landowner details).
 - Infiltration in accordance with BRE365 (Soakage Testing)
 - Network drainage calculations
 - Phasing
4. With regards to condition 5 a Construction Traffic Management Plan (CTMP) will need to incorporate the following in detail (where necessary):
 - Be appropriately titled; include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - The erection and maintenance of security hoarding/scaffolding if required.
 - A regime to inspect and maintain all signing, barriers etc.

- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
 - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
5. With regard to condition 7, the details should include full details of the layout and crossing points of at least 39 car parking spaces, and full details of an 11.6m refuse vehicle turning facility within the site.
 6. With regard to condition 9, you are advised to refer to the comments of Oxfordshire County Council's Highway Authority dated 09 June 2017 made in respect of the Framework Travel Plan. The revised Framework Travel Plan should seek to respond to these comments and include:
 - Anticipated number of employees (weekday and weekends, per day);
 - Anticipated number of visitors (weekday and weekends, per day);
 - Details of deliveries that will be made to the site and how they will be managed.
 7. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.
 8. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
 9. Prior to the commencement of development, a separate consent must be obtained

from Oxfordshire County Council Road Agreements Team for the proposed access works under S278 of the Highway Act. For guidance and information please contact the County Council's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk.

10. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

CASE OFFICER: Bob Neville

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