

**Application No:** 08/02066/F    **Ward:** Banbury Ruscote

**Date Valid:** 29/09/08

**Applicant:**            Oxfordshire Care Partnership

**Site Address:**        Formerly Neithrop County Primary Infants School, Prescott Close, Banbury

**Proposal:**             Construction of extra care block of 40 No. flats and 60 bed care home with associated gardens and 42 car parking spaces.

### **1. Site Description and Proposal**

The site was previously occupied by Neithrop County Primary School, sometimes referred to as Orchard Fields. The site has a total area of 1.6 hectares. To the north west of the site are the rear gardens of the properties on Prescott Close, to the north east is a public footpath and the rear gardens of properties on The Fairway, to the south east is a strip of open space, public footpath and properties along Mold Crescent whilst to the south west is the open space.

The site itself is accessed from Prescott Close and slopes down considerably towards the south east. The original school buildings have all been demolished resulting in a large expanse of open space with areas of hard standing and foundations remaining on site. There are a number of trees on the site and along the entire boundary is a 2 metre high green palisade fence with some areas of hedging and trees that partially screen the site.

The proposal is for the construction of a block of 40 extra care flats and a 60 bed care home. The development consists of two independent buildings each of which will be 2 and 3 stories in height, making use of the sloping land levels. The proposal provides 42 parking spaces, garden areas and landscaping.

### **Relevant Planning History**

**04/01206/OUT** – Outline, New residential development, including provision of access from Prescott Close. **Approved**

### **2. Application Publicity**

The application has been advertised by way of a press notice, site notice and neighbour notification letters. The final date for third party comments on the application was 30 October 2008.

One letter has been received from a local resident. Issues that they raise include;

- Supporting new use of site
- Concern about conflict between the access to the site and residents parking on Prescott Close
- Residents currently park on either 'the green' or the access to the site. This may become problematic as a result of increased traffic into the site

### **3. Consultations**

**Banbury Town Council** objects to the application. There is extreme concern about the lack of parking provision for this development especially bearing in mind the existing parking congestion experienced in Prescott Close. Although it is appreciated that this type of development could not contribute to the easing of these problems (rather than a private housing development) the provision appears to be totally inadequate, for staff, residents and visitors, especially at weekends. Parking on the access road would also seriously

hamper access for emergency vehicles.

**The Local Highway Authority** states that by the nature of the establishment the likely trip generation of the site will be mainly visitors and employees and this is likely to be mainly off peak. The B5 'Premium' bus route runs along The Fairway but to make bus travel more attractive to the home a bus stop is required near Prescott Close. The cost of creating one with a shelter is £8,000. In view of the likely low level of car trips in the peak hour is considered that a contribution of £8,000 to a bus stop with shelter is more appropriate than the normal DIDITS formulaic contribution.

No objections were raised subject to the inclusion of planning conditions.

**The Council's Housing Officer** supports the application and states that the mix of units and tenure is in line with the needs analysis.

**The Council's Principal Engineer** did object to the application in the absence of any information relating to dealing with surface water run off. However following the receipt of a FRA no objections are raised subject to the inclusion of planning conditions.

**The Council's Landscape Planning Officer** has made thorough comments about the proposal but concludes that;

- The layout plan needs to show the trees and hedges to be retained
- There needs to be more tree planting shown
- I have concerns about the location of the gardens for the residents and whether they will provide a usable sheltered space
- Screen planting to the houses on the NE boundary needs to be improved
- The entrance needs to be given more thought
- I note reference to the retaining wall. If it is to be over 1m high it should have a structural engineers calculation to prove it will work and be brick faced
- A detailed landscape plan should be produced by a suitably qualified person

**The Head of Landscape and Leisure Services** requested developer contributions to off site play equipment.

**The Head of Health and Recreation** did not object to the application and requested developer contributions to public art, community halls and indoor and outdoor sports.

**The Environment Agency** originally objected to the application as there was no Flood Risk Assessment submitted. However they have withdrawn their objection on the basis that a satisfactory Flood Risk Assessment was submitted and conditions can be included.

**Thames Water** raises no objections to the applications subject to the inclusion of conditions and informatives.

**Thames Valley Police** raises no objections but suggests the use of informatives.

#### **4. Relevant Planning Policies**

Oxfordshire Structure Plan 2016	-	Saved Policies	G2, T8
Adopted Cherwell Local Plan 1996	-	Saved Policies	H4, C28
Non-Statutory Cherwell Local Plan 2011	-	Policies	H6, TR5, TR11, D1

## 5. Appraisal

The application should be considered in terms of;

- the acceptability of the principle of development
- its impact on the character and appearance of the area
- its impact on the residential amenities of neighbouring properties, and
- highway safety.

### History

The site has been the subject of a previous proposal for outline consent for residential development. The reuse of the old school site was linked with an overall package involving the creation of a new primary school on part of Princess Diana Park and the retention of some of the school site as open space. The residential application was in outline only therefore no details were ever submitted. However the site was included in the Urban Housing Potential Study 2005 which made an assessment of the potential of existing 'urban' areas to accommodate additional residential development. This study found that the site had a likely yield of 60 dwellings and a theoretical yield of 75 dwellings. This was based broadly on a suburban density of 45 dwellings per hectare but also took into account individual site characteristics. Therefore it is clear to see that outline consent for residential development could result in a high density development with large numbers of traffic movements.

### Principle

This current application for extra care flats and care home by its nature is a less intensive use of the site. Policy H4 of the adopted Cherwell Local Plan states that the provision of housing schemes for the elderly and people with disabilities will be encouraged on sites within convenient reach of shops, community facilities and public transport. This site is relatively close to the town centre and is in easy reach of local facilities. The S106 also seeks to require a bus stop on an existing route. It is also relevant to note that one element of the accommodation provided is a care home from which it is unlikely that residents will leave the site to carry out daily activities. In this respect it is considered that the proposal complies with policy H4 of the adopted Cherwell Local Plan. Policy H6 of the Non-Statutory Cherwell Local Plan also reflects the above policy. PPS3 – Housing encourages development that makes efficient use of land, including re-use of previously developed land. It also encourages mixed communities which include housing for the elderly. Given these policies and the fact that the principle of residential development has been established it seems reasonable to suggest that the principle of a care home and extra care flats is an appropriate use for the site subject to other issues to be considered in the following paragraphs.

### Character and Appearance

In terms of visual appearance the site is easily viewed from public footpaths surrounding the site. It is currently a large area of open space within an area built up by residential properties. A residential care home and extra care flats would not be out of place on this site in terms of character and land use. The design of the proposal is quite institutional but this is a result of the proposed use and the requirement for certain layout requirements. The buildings are largely two storey in height with some three storey elements which utilise the drop in land levels. Due to the span of the buildings the roof is quite large. Materials are proposed that will be in keeping with the surrounding area. However a condition of the consent requires that sample materials are submitted for approval. It is considered that the buildings will not cause harm to the character and appearance of the area.

### Neighbouring Amenity

Whilst the proposal is a relatively large scale of development it is not considered to cause detriment to the living amenities of neighbouring properties. Many properties on Prescott Close and The Fairway have rear gardens backing onto the site. The minimum distance between any of the dwellings and the nearest point of the care home is 30 metres. Furthermore, no part of the proposed buildings directly back on to the rear of the dwellings. The parking area is largely centrally located in the site. This ensures that it is a sufficient distance from neighbouring gardens so as to not cause additional noise and disturbance. Given the orientation of the proposal, its layout and the way it utilises the sloping site it will not cause a significant level of overbearing, loss of light or loss of privacy.

There are gardens and areas of landscaping allocated as residents garden areas. Despite the likelihood of a new boundary fence being constructed these areas of garden will help integrate the development into the surrounding public open space. There are existing trees on the site, some of which will be retained. A full landscaping schedule to include existing and proposed planting is to be submitted as part of the condition of development. The issues raised by the Council's Landscape Planning Officer have been brought to the attention of the agent. In summary the applicant/agent is happy to cover a number of the issues through the submission of detailed landscaping plans as part of the conditions. It is also stated that the 8 trees referred to as being retained are outside the construction zone of the buildings therefore there is no intention to remove them, screening to the north east boundary will be addressed through the conditions, the siting of the buildings, gardens and the car park are in the most appropriate positions to meet the clients needs and to relocate the car park would result in more access road and less space for landscaping.

Given the above comments it is considered that the proposals comply with Policies G2 of the Oxfordshire Structure Plan and Policy C28 of the Cherwell Local Plan.

### Highway Safety

In terms of highway safety the Local Highway Authority are of the opinion that sufficient parking is provided on site and due to the nature of the development it is recognised that the main flow of traffic will be from visitors and employees and largely during off peak times. This flow of traffic will also be partially eased by the fact that the access road (Prescott Close) will be widened. This was a condition of the previous consent and has been carried through to this proposal. This will mean that the road is wide enough for cars to pass in opposite directions. As with the previous scheme the road widening can be achieved without affecting the oak trees adjacent to the road. The Town Council has raised objections to the proposal based on their view that the proposal will not provide sufficient parking on the site and this may worsen the existing problems with vehicles being parked on the access road. However, given the nature of the proposal and the comments from the Local Highway Authority the proposal is considered not to have a detrimental impact on highway safety and therefore complies with Policy T8 of the Oxfordshire Structure Plan.

### Developer Contributions

The proposal is of a scale that meets the threshold for requesting developer contributions. A Section 106 agreement was produced in relation to the previous scheme for residential development. However an entirely new one is required for this development as it is a different land use. The S106 seeks to secure highways contributions to the provision of a bus stop with a shelter, contributions for off site play equipment, contributions to public art, community halls and outdoor sports facilities and library contributions.

Members may be aware that the previous application for residential development secured contributions towards the provision of an off road parking area for the residents of Prescott Close. To date the developers have not been requested to provide this contribution. Officers are of the view that it is unreasonable to require this of the developer as the current proposal is likely to generate significantly less traffic than a high density residential scheme. The Town Council in their objections acknowledge that 'this type of development could not contribute to the easing of the problems (rather than a private development)'. Furthermore the proposal provides a sufficient level of parking on site and the developers are proposing to carry out the widening of the access road as previously considered.

In light of the above assessment it is recommended that this application be approved subject to the conditions set out below.

## **6. Recommendation**

### **Approval subject to**

i) The applicant entering into a Legal Agreement to secure highways contributions to the provision of a bus stop with a shelter, contributions for off site play equipment, contributions to public art, community halls and outdoor sports facilities and library contributions and the following conditions;

- 1) SC 1.4A (RC2)
- 2) SC 2.2A (RC4) 'bricks' 'care home and extra care flats'
- 3) SC 2.8 (RC4) 'render'
- 4) SC 2.2B(RC4) 'tiles/slates' 'care home and extra care flats'
- 5) SC 2.10 (RC7) 'care home and extra care flats'
- 6) SC 5.5A (RC4) 'windows and doors'
- 7) SC 3.0 (RC10)
- 8) SC 3.1 (RC10)
- 9) SC 3.4B (RC11) 'north-western' '2.5'
- 10) That full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and such means of enclosure shall be erected prior to the first occupation of the care home or extra care flats whichever is the earliest. (RC12) Remove 'and proposed dwellings' from the reason.
- 11) That prior to the commencement of development on the site the existing access road to the site (Prescott Close) shall be widened in accordance with the details shown on plan No. 5003446/921/003/4110/A accompanying the application (as modified by the requirement to safeguard the health of the two oak trees) to a specification to be first submitted to and agreed in writing by the Local Planning Authority relating to phased road works to take account of construction vehicles and final completion. (RC14A)
- 12) SC 4.12A (RC14A) 'Car parking and internal access road'
- 13) SC 9.6 (RC87)
- 14) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion. Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and

ensure future maintenance of the drainage system.

15) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to an approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
  - All previous uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The previous use of the site points to potential source of contamination, such as oil tanks used for heating. The proposed development sits on top of a minor aquifer and the ground water needs to be protected.

## **INFORMATIVES**

- a) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that the storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- b) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluting discharges entering local watercourses.
- c) 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 Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- d) The Council's Engineer has suggested that it would be beneficial for the existing surface water drainage system to be retained as a high level overflow to the proposed SUDS.
- e) That the completed development shall comply with the Secured By Design

certification. For more information on this matter the developer should contact David Campbell, Crime Prevention Design Advisor, Thames Valley Police on 01869 364560.

- f) Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. It also complies with the general ethos of PPS3 which seeks to make efficient use of previously developed land within settlements. As such the proposal is in accordance with PPS3, Policies G2 and T8 of the Oxfordshire Structure Plan 2016 and Policies C28 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

**Case Officer:** Caroline Roche      **Direct Dial:** 01295 221816