

Case Officer: James Kirkham

Applicant: 376 Estates & The Ley Community

Proposal: Erection of 10no dwellings (C3 Use Class) and Care Home (C2 Use Class), new

access, parking, landscaping, demolition and other ancillary works

Ward: Kidlington West

Councillors: Councillor Copeland and Councillor Tyson

Reason for Referral: Major Development

Expiry Date: 9 October 2020

Committee Date: 8 October 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to The Ley Community on Sandy Road in Yarnton which is a residential rehabilitation facility for people with drug and alcohol dependencies. It is currently not being operated and at the time of the site visit the land was in part becoming overgrown. The wider Ley Community site consists of a number of buildings, predominately located to the southern part of the site set in large gardens. It contains numerous mature trees throughout the site and a pond in the northern part of the site. The levels of the site currently fall quite steeply from Sandy Lane into a depression in the land where the pond is located and then rise again to the south of the site where the existing buildings are located.
- 1.2. The application site forms the northern and western part of the Ley Community site which includes most of the undeveloped grounds, the pond, many of the larger mature trees and two buildings (which have previously been used by the Ley community and which have planning consent to be demolished under 20/01562/F.
- 1.3. The intention is that the Ley Community would retain the two buildings to the south of the site and the surrounding gardens. They have planning permission to extend the 2no remaining buildings to accommodate the needs of the Ley Community (20/01562/F refers). This also utilises the existing access from Sandy Lane to the north east corner of the site, albeit with it slightly realigned within the site.
- 1.4. The site is surrounded by residential properties of various styles and appearance including more spacious properties to the north and west on Sandy Lane and more modern development to the east and south.

2. CONSTRAINTS

- 2.1. The site is identified as potentially contaminated land and a public footpath runs outside the eastern boundary of the site. The site is also within proximity to a historic landfill site and has higher levels of radon.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks to redevelop the site for 10no dwellings, in the northern part of the site, and a new 70 bed care home.
- 3.2. A new vehicular access would be provided approximately in the middle of the frontage of the site onto Sandy Lane and this would also provide footpaths to tie in with the existing footpaths to the south of Sandy Lane. The dwelling to the west of the access would face onto Sandy Lane whilst the dwelling to the east of the access would face onto the proposed access road. The remainder of the dwellings would be laid out around a central public open space which would accommodate a large copper beech tree and large wellingtonia tree (both Category A Trees – the highest category) alongside other retained trees. The dwellings would all be two storey and constructed predominately of red brick with some grey timber cladding to some of the elevations and clay roof tiles
- 3.3. The proposed residential care home would be located to the south west of the site. It would be a 2.5 storey structure and would be constructed of red brick and grey timber cladding to some elevations. The building would be broken up in a series of different forms with different building lines in order to break up its massing and bulk. Car parking would be located to the north of the care home.

4. RELEVANT PLANNING HISTORY

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

02/02552/F Construction of an artificial grass multi-sports court with 2.75m high wire mesh fencing Granted 30/01/2003

01/00980/REM (this was the Reserved Matters to Outline 00/00194/OUT). Erection of new residential block and extension of roadway to provide parking and turning. Granted 03/08/2001

00/00194/OUT Erection of new residential block. Extension of roadway to provide parking and turning head. (OUTLINE) Granted 11/09/2000

01/02458/F Erection of upper storey to single storey residential care home - Granted 15/02/2002

20/01562/F The demolition of existing buildings and the erection of multiple extensions to retained buildings, new landscaping, parking and other associated works - Granted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

17/00290/PREAPP – To consider the potential for residential use of the site

18/00259/PREAPP - The proposed development includes two options: Scheme 1: The retention of The Ley Community (“TLC”) and residential development for up to 30 dwellings;

Scheme 2: The retention of TLC building and residential development for up to 10 dwellings, with 70 bed care home facility

20/00767/PREAPP - Residential development for up to 10 No dwellings with 70 bed care home facility, landscaping, access, parking and other ancillary works

Through the above discussion officers were generally supportive of the principle of developing the site for a mix of housing and a care home. Comments made regarding the retention of trees and on the design and layout of the development alongside concerns regarding the scale of the care home and impact on the amenity of neighbours. The current scheme has been amended during the course of discussion seeking to respond to these comments (but see officer assessment below for further detail on this).

6. RESPONSE TO PUBLICITY

6.1. 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 (amend as appropriate). The final date for comments was **24 July 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 5 letters of objection and 1 letter of comment. The comments raised by third parties are summarised as follows:

- The site is isolated from many of the services in the village.
- Council should enforce guidance on overlooking and overshadowing to protect amenity of neighbours
- Increase in traffic – Sandy Lane is narrow and has bends and is not suitable in terms of road safety for more traffic. A number of accidents have occurred. Large construction vehicles will further impact this. Speed limit should be reduced. Impact on cyclists.
- Access – The access is inadequate. Too close to neighbouring accesses. The development and the Ley Community should be served by a single access.
- Noise pollution
- Loss of vegetation and trees will detrimentally impact on character and appearance of area.
- The loss of Sandy Croft, which is of architectural importance being an art deco streamline modern design inspired by Johann Schtte.
- Impact on wildlife – loss of pond and habitats
- Impact of loss of pond on drainage.
- Construction noise and disruption.
- Impact on local infrastructure including local GP practices.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. 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 COUNCIL

- 7.2. YARNTON PARISH COUNCIL: **Objects**. Respects the work of the Ley Community and understands the need to create financial viability with development of land being an obvious choice. Objects to the planned private residential development as it does not believe the housing mix is appropriately diverse and consistent with the present residential demographic and need within Yarnton village. The additional traffic on a winding country lane alongside proposed siting of access/egress route adjacent to poorly sighted bends would increase risk to road users and nuisance to neighbouring properties. Yarnton Parish Council is concerned by the number of mature trees that will be removed as part of the development as their benefit in reducing flood risk will be lost. 10 residential dwellings and a care home will have important impact on primary if not secondary and tertiary care services. Should this application be granted by Cherwell District Council, Yarnton Parish Council should be informed regarding access to S106 monies.

CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to conditions in respect full details of access and new estate roads, travel plan, travel information packs and Construction Traffic Management Plan. The transport statement provides a sound evaluation of the expected trip rates for the proposed residential and care home elements of the proposal. The expected net increase from these elements is an additional 16 trips in the AM peak and 14 in the PM peak. This is below the threshold for requesting any off-site impact assessments and would constitute a minor impact on the local highway network.
- 7.4. Access – The proposed new access has viable visibility splays based on 80th percentile speeds taken from a recent speed survey and as such is considered safe. In pre application discussions requested a justification for creating an additional access in addition to the nearby access for the TLC facilities. This justification has been provided and is considered sound. The low trip rates expected of the TLC facility greatly minimise the chances of vehicles egressing the site and hampering visibility at the new junction. Please note that the applicant will be required to enter into a section 278 agreement with the County Council in order to carry out works on the public highway.
- 7.5. Cycle Parking – It is noted that all the residential units have garages sufficiently sized to class as cycle parking, the cycle parking provision for the residential element is considered acceptable. 5 spaces are proposed for the care home element, this is considered an appropriate amount for the expected number of staff.
- 7.6. Car Parking – Each residential dwelling has 2 off-street parking spaces plus single or double garages; this is considered an acceptable level of parking provision and the risk of overspill parking is considered low. Visitor spaces are also provided in an appropriate quantity. There are no set standards for parking provision at care homes in CDC/OCC but the transport statement justifies the proposed 29 spaces and the provision is considered acceptable. As visiting hours are not limited to short periods, it is expected that visitors will be spread throughout the day.
- 7.7. Internal Layout – The vehicle tracking in the transport statement demonstrates that large vehicles up to and including a refuse vehicle can safely enter and exit the site

- 7.8. CDC PLANNING POLICY: **No objections** subject to detailed consideration on the impact on the trees, surrounding residential properties and highways.
- 7.9. CDC ARBORIST: **No objection** subject to the recommendations within the report regarding replanting as mitigation for category B tree removals is implemented. Overall consider the proposal is considerate to trees on site providing sustainable relationship between retained trees and the proposal.
- 7.10. CDC ECOLOGY: Originally objected due to net loss in biodiversity. The submitted metric shows a net loss mainly due to the loss of the pond. The applicant will require a bat licence to demolish one of the buildings which should be conditioned. There are few other species issues on site although a CEMP will be required to ensure their protection during any construction. In addition, specific enhancements should be provided on site such as bat and bird bricks on dwellings. In response to an amended biodiversity metric **comments** that the latter “suggests a good level of net gain can be achieved on site without resorting to compensation elsewhere. If they could send a revised illustrative layout so we can see where these features are to go and whether they are likely to work in the layout then this may well solve the issues on net gain. They would require a LEMP to secure the ongoing feasibility and management of any habitats on site. They will also require a biodiversity enhancement scheme including integrated bat and bird bricks within buildings (at least on 10 on site would be expected) and further features such as hedgehog highways and log piles.
- 7.11. Further comments:
- I have looked at the revised biodiversity impact calculations and the layouts as sent on. I expect in parts the metric over estimates the likely future value of the habitats proposed given that at least half of the grassland is proposed to be 'amenity' grassland but it is all rated as neutral grassland which gives it a larger score than if parts were rated as 'urban-amenity'.
- However, considering the proposed habitats in my opinion it is possible, with careful management, to ensure that there is no overall net loss for biodiversity on site and at least some gain, such that it complies with policy.
- The production of a full LEMP which ensures that the created and retained habitats reach the required condition should be conditioned. A biodiversity enhancement scheme should also be conditioned (or could be included in a LEMP). This should include integrated bird and bat bricks (equivalent of one per dwelling) and boxes on retained trees, hedgehog highways through fencing, log piles, etc.
- In addition as per previous comments a bat licence and CEMP also need to be conditioned.
- 7.12. CDC LANDSCAPE: **Concerns** over loss of pond and harm to the visual harm to neighbouring properties as a result of the care home. An attractive tree cover should be retained on the site. A local area of play is triggered by the development. It should either be provided on site or an off-site contribution sought.
- 7.13. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to a Construction Environmental Management Plan, contaminated land investigation conditions, provision of electric vehicle charging points and lighting. Consider the submitted noise and odour reports to be acceptable.
- 7.14. CDC STRATEGIC HOUSING: **No objections**. The proposal includes a care home and in previous comments evidence of the need for further care home provision in

the area was requested. We are content that this has been addressed in the Care Needs Assessment statement which states that there is a shortfall in market standard beds of 109 within a 5-mile radius and a shortfall of dedicated dementia beds over the next 10-years. As the provision is for a care home, where residents have their own room with en-suite facilities, rather than Extra Care Housing, where residents live in self-contained flats, we have no further comments for this element of the scheme.

- 7.15. The proposed houses – 4 x 3-bed, 4 x 4-bed and 2 x 5-bed - do not offer a variation in mix [*Officer clarification: they are all of a certain size; no smaller dwellings*], and at only 10 dwellings it does not trigger the Affordable Housing requirement. We had questioned as to whether the site could offer a better mix to include smaller houses which would potentially increase the overall number of dwellings, and although the design has been developed since the last Pre-App, and the overall massing and scale of the scheme has changed, there are still only 10 dwellings on site. We appreciate that the developer wants to deliver housing with a scale and massing that is sympathetic to other uses on the site and the surrounding area, and consider that in order to achieve this, the current number of dwellings has not been constrained to be under the Affordable Housing trigger, but instead has been configured to provide a quality residential scheme that works within the constraints of the site. We therefore have no objections to this proposal.
- 7.16. CDC LEISURE AND RECREATION: **No objections** subject to contributions for Community Halls, outdoor sports provision, indoor sports provision and public art.
- 7.17. CRIME PREVENTION DESIGN ADVISOR: **No objections** subject to Secured by Design accreditation condition.
- 7.18. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: **No objections** subject to contributions of £37,730 to primary care infrastructure to support the care home and dwellings. This has been assessed against the Estates Policy and to ensure there is sufficient capacity and funding to support the development a contribution is required. One practice has indicated they do not have capacity to take on this number of patients and a further response from KEY Practice has been made on the application directly.
- 7.19. OCC ARCHAEOLOGY: **No objections** subject to conditions securing a scheme of investigation.
- 7.20. OCC DRAINAGE: **No objection** subject to conditions.
- 7.21. THAMES WATER: **No objections**
- 7.22. *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*
- 7.23. *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the*

above response from the Council's Finance department is therefore provided on an information basis only.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. 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 Part 1)

- Policy PSD 1: Presumption in Favour of Sustainable Development
- Policy BSC 1: District Wide Housing Distribution
- Policy BSC 2: The Effective and Efficient Use of Land
- Policy BSC 3: Affordable Housing
- Policy BSC 4: Housing Mix
- Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC 11: Local Standards of Provision – Outdoor Recreation
- Policy BSC 12: Indoor Sport, Recreation and Community Facilities
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy and Allowable Solutions
- Policy ESD 3: Sustainable Construction
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems (SuDS)
- Policy ESD10: Protection and enhancement of biodiversity and the natural environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: The Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth Across the Rural Areas
- Policy INF1: Infrastructure

PARTIAL REVIEW OF THE CHERWELL LOCAL PLAN: OXFORDS UNMET HOUSING NEED

- Policy PR8 – Land East of the A44.

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy C28: Layout, design and external appearance of new development
- Policy C30: Design control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive

- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Cherwell Residential Design Guide Supplementary Planning Document (SPD) (July 2018)
- Developer Contributions Supplementary Planning Document (SPD) Feb 2018

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Ecology impact

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. However, the NPPF is a significant material consideration.
- 9.3. The development plan comprises the saved policies of the 1996 adopted Cherwell Local Plan (CLP1996) and the 2015 adopted Cherwell Local Plan 2011-2031 – Part 1 (CLPP1). The policies important for determining this application are referenced below.
- 9.4. Policy BSC2 of the CLPP1 encourages the re-use of previously developed land in sustainable locations.
- 9.5. Policy BSC4 of the CLPP1 encourages the provision specialist housing for older and/or disabled people and other supported housing for those with specific living needs in suitable locations close to services and facilities. Para B.121 states that there is a need to provide a mix of housing in Cherwell that reflects the needs of an ageing population.
- 9.6. Yarnton is classified as a Category A village in Policy Villages 1 of the CLPP1. The development proposed is within the village's built up limit and paragraph C. 262 of the CLPP1 assists in gauging whether development can be considered to be minor. Criteria to be considered include the size of the village and level of service provision, the site context and the scale of development. Generally, Policy Villages 1 seeks to manage small-scale developments (usually of fewer than 10 homes).
- 9.7. Policy Villages 2 is therefore also of relevance and states that a total of 750 homes will be delivered. Policy Villages 2 identifies the Category A villages as being where planned development to meet the District rural housing requirements to help meet local needs in the should be directed, subject to a detailed assessment as to the proportionate impact of development proposed upon the settlement in question (given the category A settlements vary in size and sustainability) and an assessment of the suitability of the specific site proposed.

- 9.8. The intention of this approach is to protect and enhance the services, facilities, landscapes and the natural and historic built environments of the villages and rural areas whilst recognising the need for some development. A number of criteria are listed and particular regard must be had to these criteria when considering sites, whether through plan making or the planning application process.
- 9.9. The NPPF confirms that there is a presumption in favour of sustainable development. For decision making this means approving proposals that accord with the development plan without delay. The Framework advises that there are three dimensions to sustainable development; economic, social and environmental. With regard to housing, the NPPF supports the need to boost significantly the supply of housing to meet the full, objectively assessed need for housing.
- 9.10. The Council's 2019 Annual Monitoring Report (AMR) confirms that the District can demonstrate a 4.4 years housing land supply. In the circumstances that a LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), there is a presumption in favour of sustainable development and ordinarily the circumstances at paragraph 11d of the NPPF are engaged – in short development 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 as a whole.
- 9.11. However, in respect of the Oxfordshire Authorities including Cherwell there is a Written Ministerial Statement (“WMS”) made in September 2018 concerning the Housing and Growth Deal, which is a significant material consideration. This sets out the requirement for a 3 year supply of deliverable housing sites (with the appropriate buffer) from the date it was made (12/09/2018) until the adoption of the Joint Statutory Spatial Plan in each area, providing the timescales in the Housing and Growth Deal are adhered to. Therefore, in this case, the tilted balance set out by Paragraph 11d is not engaged because the Housing Supply requirement for the District should be taken to be 3 years in accordance with the WMS.
- 9.12. Also of relevance to this application is Policy PR8 of the recently adopted Partial Review of the Cherwell Local Plan (2020) as it is located in close proximity to the site. This allocates the land to deliver a new development of 1,950 dwellings, secondary school, primary schools and local centre. One of the objectives of this is also to close Sandy Lane to vehicular traffic to between Yarnton and Kidlington.

Assessment

- 9.13. The application site is located within the built limits of Yarnton, which is a Category A settlement, being one of the more sustainable rural settlements in the district. Yarnton will also see considerable further growth with the new allocations on the Review of the Local Plan which includes 1950 houses at the land allocated under PR8 in close proximity to the site and 540 dwellings under Policy PR9 of the Partial Review to the north west of Yarnton.
- 9.14. The 10 dwellings can be considered under Policies Villages 1 and 2 of the Cherwell Local Plan Part 1 as they are within the built up limits of the village. The proposal would add to the number of dwellings that have been granted planning permission at Category A villages in exceedance of the 750 specified in Policy Villages 2 (“PV2”). The 2019 Annual Monitoring Report states 920 dwellings have been identified for meeting the requirements of PV2 and, as of 1 April 2019, 271 dwellings were completed with a further 311 dwellings under construction (i.e. total of 582 either completed or under construction). Of the 920, the only permission to have lapsed is one for 17 dwellings at Arncott. The evidence suggests all other sites are coming forward.

- 9.15. By way of update, 144 dwellings were delivered during 2019/20 at PV2 developments, giving a total from 1 April 2014 to 31 March 2020 of 415 dwellings, and at 31 March 2020 there were 193 dwellings under construction, giving a total of 608 either completed or under construction. The total completions under PV2, year on year, from 2014/15 to 2019/20 is 2, 69, 32, 65, 103 and 144, demonstrating a consistent upward trend over the last four years. Although COVID-19 will have an impact on delivery in 2020/1, given these figures it remains likely that 750 dwellings will have been delivered by 2023.
- 9.16. A number of appeal decisions have considered PV2 with various outcomes. The Inspectors at Launton and Tappers Farm Bodicote interpreted PV2 as requiring the *delivery* of 750 dwellings as opposed to *permitted*. As set out above, although making significant progress the delivery of that 750 has not yet been achieved. The number of dwellings proposed must be considered as to whether it would undermine the strategy of the Local Plan and that the assessment of the sustainability of the village and other factors are significant matters to consider.
- 9.17. In this case the proposal is modest in size with only 10 dwellings. The site is within the built limits of the village and is well contained and related to other development. Furthermore, for the reasons outlined below Yarnton is considered one of the more sustainable rural settlements in the district. Furthermore, the Partial Review of the Local Plan: Oxfor's Unmet Need allocates large areas of new strategic growth to the north, east and west of Yarnton, which will significantly increase the size of the village and the services and facilities available. In light of the above, officers do not consider in this particular instance, given the scale of the development, that the proposal could be regarded as a departure from the Council's housing strategy.
- 9.18. The criteria in Policy Villages 2 include consideration of whether the site is well located to services and facilities and also whether satisfactory pedestrian access/egress can be provided. Whilst the site is located on the opposite side of the A44 to many of the facilities that currently exist in Yarnton it is still within reasonable walking distance of the health centre being approx. 600m, the school being approximate 1km and a shop being approximately 700m. Yarnton Garden Centre is also within proximity to the site which may meet some of the needs of the residents. There are also a range of other facilities in the village. The site also has reasonable public transport links. While the bus stop located on Sandy Lane offers a limited service to Kidlington, the site is approximately 0.3km from the bus stop on the A44, which runs twice hourly through to Chipping Norton, Woodstock and Oxford (Stagecoach S3 service). Furthermore, when the newly allocated sites under the Partial Review are delivered the access to services and facilities from the site would be further improved. Overall, the site is considered a relatively sustainable one in the context of its rural location and is considered to be acceptable to provide this scale of growth subject to other matters.
- 9.19. In respect of the residential care home, this would fall within use class C2 'residential institutions' of the use classes order and would not provide independent living accommodation for residents. Each resident would have their own bedroom and there would be shared lounges and other spaces. The supporting Care Needs Assessment states that it will be capable of meeting the needs of all aspect of elderly care provision with an environment suited towards the provision of specialist dementia care.
- 9.20. Policy BSC4 states that opportunities for the provision of specialist housing and those with mental health needs and other supported housing need will be encouraged in locations close to services and facilities. The Planning Practice Guidance also notes that the need to provide housing for older people is critical. As outlined above the site is considered to be relatively well located in relation to services and facilities

given its rural context. The applicant has included a Care Needs Assessment with their application which highlights the growing ageing population and the need for additional facilities in the area. This has looked at demand in a 5 mile radius of the site and based on the population has indicated a demand for 667 residential and care bed spaces compared to the existing provision of 558 registered bed spaces leading to a shortfall. They also indicate that there is poor provision for specialist dementia care in a qualitative assessment. The current proposal would go some way to addressing this need and this weighs in favour of the development. The Councils Strategic Housing Officer advises that they are satisfied with the information provided. Therefore, on balance, the site is considered a suitable location for a residential care home.

- 9.21. The applicant has stated that the redevelopment of the site is essential to secure the long term future of the Ley Community which is a private charity which provides facilities to those with drug and alcohol dependencies. The sale of the current application site for the development proposal would allow the money to be invested in the retained Ley Community buildings and site and provide finances to secure the long term provision of the services at a time when public funding has reduced. Whilst officers are supportive of the works of the Ley Community it is considered that the weight that can be attributed to this benefit is limited as the granting of planning permission for this development and how such land receipts will be used in the future is not controlled or secured by the planning application and could be spent elsewhere.
- 9.22. Overall, therefore, the principle of the development including the dwellings and care home is considered to comply with the relevant policies in the Development Plan and is considered acceptable subject to other material considerations outlined elsewhere.

Design and impact on character and appearance

Policy Overview

- 9.23. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. Paragraph 170 states planning decisions should contribute and enhance the natural and local environment recognising the intrinsic character and beauty of the countryside.
- 9.24. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting

- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 9.25. Policy ESD15 of the Cherwell Local Plan Part 1 states that development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and significant trees. It should also respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings and should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.
- 9.26. Policy ESD13 of the Cherwell Local Plan Part 1 states that development should be expected to respect and enhance local landscape character, securing appropriate
- 9.27. Policy Villages 2 also states regard will be had to whether a proposal would have significant adverse impacts on heritage, whether development would contribute to enhancing the built environment and whether significant adverse landscape and impacts can be avoided in determining applications under that policy.
- 9.28. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context
- 9.29. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

Assessment

- 9.30. The application site is located in an area of Yarnton that has a mixed variety of buildings. The application site and the majority of Sandy Lane has a verdant and Sylvain character and appearance with hedgerows and trees dominating the road frontage. To the north and the west the majority of properties are detached, are set back from the road on large spacious plots and have dwellings of various different housing styles although predominantly are constructed of brick. However, the development to the east of the site in Livingstone Close is denser and uniform in layout and appearance being more modern. To the south and south-east are the properties in Broadfield Road which are mainly two-storey, detached and relatively modern houses (late 1990s). The site is at a transition point between these different character areas albeit more closely related to the verdant character of Sandy Lane. It is also noted that the development of the land allocated at PR8 of the Partial Review of the Local Plan for 1950 dwellings will also change the character of the surrounding of the site in particularly the context of Sandy Lane.
- 9.31. There are also a significant number of trees further into the site which contribute to the character and appearance of the area. Given the level and quality of many of the trees on the site this is a significant constraint and the applicant has sought to take a landscape led approach to the development, which has been instrumental in determining the layout of the site. There is an existing avenue of horse chestnut trees and Douglas Fir trees on the western boundary which are largely category B trees and would be retained around the revised access to the retained Ley Community Facility. The main open space serving the development is centred around the retention of a large Copper Beach tree and Wellingtonia tree which are both Category A trees (the highest category of tree) and retaining these features is important to the acceptability of the scheme. These trees would form part of the public open space serving the development which is central to the layout of the scheme.

- 9.32. The development would lead to the loss of several category B trees on the site. However, given the constraints of the site including the levels difference and spread of the trees across the site this is required to provide a viable development site and it is considered an acceptable balance has been negotiated. Essentially the area where the pond is located is in a depression and the existing pond would be infilled and the land raised to better reflect the levels of the remainder of the site. Whilst concerns have been raised regarding the loss of the pond it should be noted that the pond is not visible from outside of the site and is therefore not a strong landscape feature in the wider locality. The most important trees on the site would be retained and it is also proposed to translocate some of the trees and new tree planting which will mature over time and help mitigate the loss. Whilst the proposed development of the site will no doubt change the character of the site and result in the loss of openness it provides it is considered on balance that the development will still retain a verdant character and appearance which is in keeping with the locality and retain the most significant trees. Additional new planting to the frontage of the site has been negotiated during the planning application
- 9.33. The Council's Arborist has fully considered the application and raises no objection to the proposal advising that the proposal is considerate to the trees on the site and provides a sustainable relationship between the retained trees and dwellings subject to replacement planting, which can be secured by condition.
- 9.34. In terms of the layout, the proposed development would provide a new access point from Sandy Lane approximately central to the northern boundary. The plot to the west of the access would be dual fronted and face onto Sandy Lane and also provide an active frontage to address the new access drive into the development. During the course of the application this plot has been moved further back into the site to create a set back from the road to be more consistent with the other properties on Sandy Lane and also allow the provision of some additional planting to the front of this property to contribute and respects the street scene. The plot to the east of the access would not have frontage onto Sandy Lane but would be set back from the road to allow for planting to the northern boundary to retain the verdant character of Sandy Lane. This plot would face onto the new road into the development and also provide some surveillance to the new public open space to the south which would help integrate it into the development.
- 9.35. As noted above the site is a transition site between the lower density housing to the west and the higher density and more modern development to the east and south. The dwellings adjacent to the western boundary of the site would all face across to the proposed public open space, which would contain the mature trees and would have a looser density with gaps between the dwellings and hedging to the frontage in order to respect the lower density of the surrounding development and reflect the character and that area. Plots 7-10 would face north over the public open space and would have a more compact form and layout. However, they would be largely viewed in the context of the open space, which would soften their appearance and it is noted they would be situated closer to the denser development to the east of the site.
- 9.36. In terms of design, the form and appearance of the dwellings in the area is very mixed and no one style dominates. The current proposal, although not locally distinctive in the wider Cherwell sense, seeks to pick up on some of the characteristics of the properties in the locality whilst also seeking to form a sense of identity and place to the development. Given that the proposal is for a relatively modest size of development surrounded by existing development of varied character this approach is considered acceptable. During the application officers raised concerns regarding the amount of grey cladding on several of the buildings and that this becoming a rather defining characteristic of the scheme, which would not sit

comfortably in the context. The use of this cladding has been reduced and it now only forms a smaller element of the materials, which is considered acceptable, with brick being the main material.

- 9.37. The proposed care home would be a large building compared to the surrounding buildings but is located in the south west part of the site, which is away from any existing road frontages. The building would be clearly visible from within the site and views of the building would also be available from Broad Field Road to the south of the site, albeit these would be more distant views.
- 9.38. The care home is proposed to be predominantly 2.5 storeys in scale, which is taller than the other buildings in the surrounding area, which are predominately two-storey in scale. However, the upper floors of the building would largely be accommodated with the use of dormers and gable roof features in the roof space. Efforts have been made to break up the bulk and mass of the building and provide it with a more residential scale through the use of different forms, broken building line and using a mix of brick and the timber boarding which would reflect the similar materials used on the dwellings proposed and help to provide a sense of place and unity to the development.. The building is designed with a series of different bays, with varying eaves and ridge height and changes in the use of materials which help to ensure the building does not appear too monolithic or institutional in appearance and helps to break up its bulk and mass.
- 9.39. Whilst it is acknowledged that the care home building would be larger than the other buildings in the locality, this is generally the requirement of such uses in order to provide a viable and efficient scheme development. As outlined above the area has a wide mix of buildings and the wider public views of the care home would be largely limited to Broad Field Road and in these views it would be seen in the context of the retained buildings of the Ley Community, which are also larger in footprint than the surrounding residential properties. Furthermore, the care home development would be softened by the retention of many of the existing trees around the building and the provision of new tree planting. The landscape officers' requests for a Landscape Visual Impact Assessment are noted in respect of the care home; however, given the above matters and the fact it would not be prominent in wider surroundings this is not considered to be justified. Therefore, on balance, the proposed care home is considered not to adversely affect the character and appearance of the locality.
- 9.40. Some concerns have been raised regarding the loss of the existing building known as Sandycroft, which is an art deco style. Whilst these comments are noted the building is not considered to be of such quality to merit retention, is not prominent in the public realm and in any case could potentially be demolished without the need for planning permission. Furthermore, planning consent has already been granted for the removal of these buildings.
- 9.41. Overall, given the site's context and the fact it is surrounded by existing development, the proposal is considered to respond positively to the constraints of the site. Whilst the loss of several category B trees is unfortunate the current proposal (as amended during the application) is considered to strike an acceptable balance of providing new residential accommodation in a sustainable location whilst protecting the more verdant character of the site. The design of the buildings is considered acceptable in this context and would result in a development with its own sense of place, whilst being broadly sympathetic to its surroundings. The proposal is therefore considered acceptable with regard to its design and its impact on the character and appearance of the area.

Residential Amenity

Policy

- 9.42. Policy ESD15 of the CLP 2015 (Part 1) requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space.
- 9.43. Saved Policy ENV1 of the CLP 1996 state development which is likely to cause materially detrimental levels of noise, smell, fumes or other types of environmental pollution will not normally be permitted.

Assessment

- 9.44. The proposed new dwellings are considered to be a sufficient distance from those existing properties to the north of the site on the opposite side of Sandy Lane and from the properties to the east in Livingstone Close not to significantly impact on their amenity.
- 9.45. The property that would be most impacted upon by the development is Arran House on Sandy Lane, which is located immediately to the west of the site. This dwelling faces onto Sandy Lane and has a large, south facing garden that is relatively private. The proposed development would lead to the rear elevations of Plots 3 to 6 facing onto the side boundary of this property and overlooking its rear garden and hitherto private amenity space. Plots 3 and 4 would be closest to the most private and most likely highly used area of garden space closest to the rear of Arran House. At the closest point the proposed dwelling on Plot 3 would be approximately 12.5 metres from the shared boundary. The first floor windows on the rear of plot 4 would be approximately 11.7m from the boundary albeit further from the rear of the dwelling.
- 9.46. This relationship has been subject to much discussion during the application. The applicant has refused to amend the siting or layout of Plots 3-6, but has stated that they would provide trees and planting on this boundary to help screen the views and this could be secured by condition. The proposed development would no doubt lead to a large degree of change to the levels of privacy and overlooking to Arran House.
- 9.47. The Council's Residential Design Guide sets out that no first floor windows should be within 7 metres of the boundary of a neighbouring property, although this relates to plot to plot relationships within planned major developments, whereas in this case the affected property is existing and the occupier incumbent. It is even more critical than in estate development that the neighbour's amenity is protected. The Council has other adopted guidance that states it will seek appropriate separation distances between dwellings, e.g. back to back distances of 22 metres. There would be at least 22 metres between the rear elevation of the proposed dwellings and the neighbour, and so the level of overlooking to the dwelling itself is not considered to be significant given the distance between windows and the angled relationship of the windows. Whereas, in this instance, the issue is instead one of overlooking of the hitherto private rear garden. The entire length of the garden of Arran House would experience overlooking from the dwellings down the eastern boundary of this garden. This harm weighs against the development.
- 9.48. Arran House has a forward projecting element of the building closest to the western boundary of the site which has a number of rooflights directly overlooking the application site at first floor level. It is believed these are secondary windows serving a study. Given the nature of the openings the proposed development is not considered to unduly impact on their outlook and amendments have been made

during the course of the application to Plot 2 to ensure that no habitable first floor windows would face directly into these windows.

- 9.49. Plot 10 to the east of the site would have some impact on the amenity of the properties to the east of the site in Stanley Close as the site is located on higher ground than these properties. However, given that the side elevation of this dwelling, windowless at first floor level, would face these dwellings and at the closest point Plot 10 would be in excess of 15 metres from the rear boundaries of these properties any impact on loss of outlook or overlooking is not considered to be significant.
- 9.50. The relationship between the proposed dwellings and the retained Ley Community buildings to the south is also considered to be acceptable and the distance between the internal living spaces would be in excess of the distances outlined in the New Residential Development Design Guide. The proposed care home would lead to some loss of privacy and overlooking to the garden spaces of the Ley Community, particularly the first floor balconies to the rear of the care home, and this weighs against the development, although it is to be noted that both are currently within the same ownership and regard is to be had to the communal nature of these types of accommodation.
- 9.51. The care home would be in excess of 40 metres from the properties to the south of the site in Broad Field Road and whilst the windows in the rear of the care home and the first floor balconies would provide some overlooking to the gardens and secondary windows in the site elevation of this property this is not considered to be significant given the distance. The care home would be clearly visible from the properties to the west of the site on Woodstock Road and would be a sizable building. However, given that the building would be in excess of 40 metres from the habitable living spaces of these dwellings the loss of outlook is not considered to be materially harmful and the first floor window in this elevation can be conditioned to be obscurely glazed to prevent overlooking of the garden space as it serves a laundry. Likewise, the flat roof section of the adjoining roof can be conditioned to ensure it is not used as an outdoor seating or amenity area.
- 9.52. The windows in the first and second floor of the south western part of the care home would overlook the large garden serving Willow Brook (160 Woodstock Road) at approximately 6 metres. This area of garden they would overlook is currently heavily vegetated and covered in trees and a considerable distance from the main dwelling and is rather detached from the dwelling. Given these factors, and whilst the proposal would lead to an increase in overlooking to this area, it is not considered to be materially harmful.
- 9.53. The northern elevation of the care home would also have full height windows facing north towards the properties on Sandy Lane. However, many of the trees on the boundary between the care home and these properties gardens would be retained which would filter views and the care home is in excess of 25 metres from the rear boundaries of these long rear gardens. Therefore, the level of overlooking from the care home is not considered to be significant.
- 9.54. All the dwellings are considered to have adequate internal and outdoor space to provide a good level of amenity for future residents.
- 9.55. The application has been accompanied by a Noise Report and an Odour Report in relation to the proposed development. The Council's Environmental Health Officer (EHO) is satisfied that if the recommendations of the Odour Report are followed the kitchen odours from the proposed care home would not give rise to significant impacts on neighbouring properties. It is recommended that full details of these are

conditioned to ensure they are in accordance with the submitted report and any external elements are visually acceptable.

- 9.56. The EHO has also requested full details of the lighting of the scheme, including that to the care home, to ensure there is not significant adverse impact on neighbouring properties.
- 9.57. The more intensive use of the site would lead to some increase in noise and disturbance. However, the site would still be adequately separated from neighbouring residential properties and the uses are all appropriate to a residential area to ensure that any noise and disturbance would not be regarded as significant in land use terms.
- 9.58. Concerns have been raised regarding noise and disturbance during construction however these are temporary in nature and a Construction Environmental Management Plan can be required by condition to try and reduce these impacts as far as possible.

Highways

Policy context

- 9.59. Policy SLE4 of the Cherwell Local Plan Part 1 states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported. The NPPF has a similar thrust and also requires that safe and suitable access is achieved for all. Policy SLE4 also seeks to ensure that new development is accessible by a variety of sustainable transport modes and that the use of such modes as walking and cycling is maximised.

Assessment

- 9.60. The existing Ley Community would be served by the existing access from Sandy Lane, albeit a realigned driveway and this has already been approved under the earlier planning application.
- 9.61. The development proposed under this application would be served by a new access from Sandy Lane which would be located approximately central to the site frontage with Sandy Lane. The access provides 2.4m x 43m visibility splays in both directions taking into account the nearby bend in the road and the proximity of mature trees to be retained. Speed surveys have also been undertaken at the junction that show that the 85th percentile speeds slightly exceed the posted speed limit. It has also been demonstrated that adequate visibility exists for these actual speeds from the access. The Local Highway Authority (LHA) is satisfied with this and raises no objection in respect of the safety of the access.
- 9.62. Concerns were raised that vehicles using the retained access from the Ley Community may impede visibility from the proposed access to the new site. Whilst this may be the case given the relatively modest amount of traffic likely to use the access to the Ley Community it is not considered to happen very often and is not considered to justify refusal. The LHA raises no objection in this respect and whilst the comments from residents are noted officers consider the proposed new access to be acceptable. Consideration was given to using a single point of access during the pre-application discussions but the applicant discounted this given the likely impact on mature trees in order to provide a viable development.
- 9.63. In terms of the internal site layout, it is proposed to provide a 4.8m wide road with footpath down the western side to link to the footpath on Sandy Road. A small area

of path would also be provided to the east of the access to connect with the existing footpath on Sandy Lane. The applicant has also demonstrated that refuse and delivery vehicles would be able to turn. It is indicated that the road would remain private but would be constructed to adoptable standard and this can be secured through condition along with details of the access.

- 9.64. In terms of traffic impact, the development is likely to result in an increase of 16 trips in the AM peak and 14 in the PM peak. The LHA advises this is below the threshold for requiring any off-site impact assessment and would only have a minor impact on the local highway network. Therefore, no objection is raised in this respect as the test in the NPPF requires that development should only be refused when the traffic impact is severe. It is noted that one of the objectives of Policy PR8 of the recently adopted Partial Review of the Cherwell Local Plan is to close Sandy Lane to vehicular traffic to Kidlington and this would impact on the traffic flows. It is not currently known how the development of PR8 will impact on traffic flows along Sandy Lane as details of the access arrangements for the wider allocation would be considered in the Development Brief.
- 9.65. The care home would provide 70 beds and it is proposed to be provided with 29 parking spaces and an ambulance bay. This would equate to 1 space per 2.4 residents. Given the proposal is for a residential care home, residents would be very unlikely to have cars so the parking would be to serve staff and visitors. The County Council do not have an adopted parking standard for care homes but the quantum of parking is similar to other care homes permitted in Oxfordshire and the LHA raise no objection to the proposed parking serving the care home. 5 no cycle parking spaces are also proposed.
- 9.66. All of the dwellings, with the exception of plots 7 and 10, are provided with 2 parking spaces in addition to garages; plots 7 and 10 (the two, 3 bed dwellings) are provided with 1 space plus a garage. The garages of these two dwellings would need to be conditioned to be used as such. Visitor parking bays are provided parallel to the road to serve the wider development and the LHA consider this to be acceptable provision.
- 9.67. The LHA requests that the occupants proposed dwellings be provided with Travel Information Packs and that a Travel Plan be provided for the proposed care home.
- 9.68. Overall, therefore, and subject to conditions, the proposal is considered to provide a safe and suitable access, and to provide an acceptable level of parking within the development, and to therefore accord with local and national planning policy in this regard.

Ecology Impact

Legislative context

- 9.69. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.70. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the

exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

9.71. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.72. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.73. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.74. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.75. Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.76. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects

(including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.77. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.78. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.79. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.80. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.81. The application is currently a largely undeveloped area of land with a number of trees, vegetation, buildings and also a man-made pond. It therefore possible that it contains habitats of interest and protected species.
- 9.82. The application has been accompanied by an Ecological Appraisal and further surveys recommended by this Appraisal.
- 9.83. Emergence surveys have been carried out for bat and a small population of common species of bats have been found to be using a roost in the tiles of the Palmer building which is to be demolished as part of this application and a Bat Mitigation Class Licence would be required for this.
- 9.84. The pond has been tested using eDNA surveying and this has confirmed that there are no great crested newts using the pond on the site and therefore this is not considered to be a constraint to the development.
- 9.85. The main concern in this case is that the proposal shows there to be a net loss in biodiversity across the site. This results largely from a loss of the existing pond on the site which would be infilled as part of the application. The applicant has recently submitted a new biodiversity calculator, which demonstrates a net gain across the site. This takes into account the detailed layout of the site and the landscaping scheme.
- 9.86. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS

are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England (NE) would be likely to grant a licence for the development. In so doing the LPA has to consider itself whether the development meets the 3 derogation tests listed above.

- 9.87. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.88. In light of the comments of the Council's Ecologist on the additional information, officers are satisfied, subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Flood Risk and Drainage

- 9.89. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.
- 9.90. The application site is located in Flood Zone 1 (the area of lowest risk) on the Environment Agency flood risk maps and this is considered to be suitable for development.
- 9.91. The existing pond, which would be removed as part of the proposal, appears to be solely an amenity feature and gets topped up during dry summer months from a well on the eastern boundary of the site. On the evidence available it does not appear that the pond forms part of any positive draining of the site and therefore does not serve a drainage function.
- 9.92. The surface water drainage strategy has been designed for the 1 in 100 year event plus 40% increase for climate change. The development proposes to manage surface water using infiltration methods with a series of permeable roads and driveways and soakaways. The Lead Local Flood Authority have been consulted on the concept drainage strategy and have raised no objection subject to conditions. Officers therefore consider the scheme is acceptable from a drainage and flood risk perspective.
- 9.93. Thames Water have been consulted and have confirmed they have no objection in regard to water or waste water capacity.

Impact on Infrastructure

Policy Context

- 9.94. Policy INF1 of the CLP 2015 states that: "Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities."

- 9.95. Policy BSC11 of the CLP 2015 states that: “Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.” Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.
- 9.96. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.97. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development;
 - c) Fairly and reasonably related in scale and kind to the development.
- 9.98. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 9.99. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers’ view need to be secured via a legal agreement in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:
- Provision of and commuted sum for maintenance (or detailed arrangements and provision for a management company) of the proposed open space (including informal open space, mature trees, hedgerows etc) in accordance with the Policy BSC11 of the CLP
 - Commuted sum of £3,989.04 per dwelling for off site play area enhancement in the locality as no local area of play is being provided on site in accordance with Policy BSC11.
 - Community hall contribution of £19,0067.60, outdoor sports provision contribution of £28,594.80 and indoor sports provision contribution of £11,836.80. These are calculated in accordance with the Developer

Contributions SPD and detailed in the Leisure officers comments to be spend on various projects in the locality.

- £106 per dwelling for bins in accordance with the SPD
- a contribution of £37,730 towards primary care in the locality. Oxfordshire Clinical Commissioning Group (OCCG) have requesting funding to ensure there is sufficient capacity and funding from the scheme to allow primary care to respond with services to these occupants. They have indicated that one local practice has already indicated they do not have capacity to take on this number of residents in addition to their current workload, and a further response has been made directly on this application by KEY practice. The funding will be invested into capital projects in the locality to increase capacity to serve the development.

9.100. These matters would need to be secured by a S106 agreement.

Other matters

9.101. The proposed development sits below the threshold for affordable housing and the care home is for residential care (i.e. not separate units of accommodation) and is therefore not subject to affordable housing requirements under Policy BSD3. Officers have given consideration to whether the development has been designed to avoid the threshold for affordable housing however in this case, given the character of the area and the constraints such as the trees and levels it is not considered that the number of dwelling proposed has been kept low to avoid affordable housing.

9.102. Officers note the parish council's concerns regarding housing mix. The proposed housing mix is for 4 x 3-bed, 4 x 4-bed and 2 x 5-bed. Whilst the housing mix proposed is not ideal, in light of Policy BSC4 and the findings of the Strategic Housing Market Assessment (table 67 of the CLP 2015) the Council's Strategic Housing Team have not objected to the proposed mix. It is considered that the character of the locality and the site lends itself to larger dwellings with space around them. Furthermore, it is also relevant that the care home would cater for a number of smaller household sizes with single occupancy rooms and so would provide a mix to the development. Overall, on balance, the proposal is considered acceptable in this respect and there are considered to be justifiable planning reasons for the mix in this case.

9.103. The County Council's Archaeologist (CA) has advised that the site lies in an area of archaeological potential and that there have been other finds within the area including roman and Iron Age finds. The application is accompanied by an archaeological desk-based assessment which agrees the site does not have some potential. The CA has therefore requested a condition to ensure there is the implementation of a staged programme of archaeological investigation undertaken on the site. Officers agree with this and it can be secured by condition.

9.104. The land is identified as potentially contaminated and therefore in order to ensure that it is suitable for residential accommodation and in accordance with Saved Policy ENV12 the ground investigation and remediation are recommended as conditions.

9.105. A condition in regard to the installation of Electric Vehicle charging infrastructure in order to make resident parking places EV ready for future demand is also proposed. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport and to reduce carbon emissions. It is considered reasonable and necessary for this to be secured through a condition of any permission given.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Notwithstanding that the Council is able to demonstrate a sufficient supply of land for housing, the proposal would deliver additional housing in a relatively sustainable location. Significant weight should be afforded to this benefit, tempered by the size of the development and that the proposal does not include affordable housing.
- 10.2. Whilst the loss of several category B trees is unfortunate the proposed development would allow for the preservation of the verdant character of the site. The proposed development is of an acceptable design that is broadly sympathetic to its surroundings, and overall, subject to conditions, the proposal would not adversely impact on the character and appearance of the area. Subject to conditions the proposal would be acceptable in terms of highway safety, drainage, flood risk, ecology and archaeology, and subject to planning obligations the proposal would not place undue pressure on local infrastructure.
- 10.3. The proposed development would have a significant impact on residential amenity, especially the occupier of Arran House who would experience a high degree of change in terms of overlooking and privacy. This harm could be ameliorated to some extent through tree planting adjacent to the site boundary.
- 10.4. On balance, and subject to conditions, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the Development Plan and the NPPF, and therefore it is recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- Provision of and commuted sum for maintenance (or detailed arrangements and provision for a management company) of the proposed open space (including informal open space, mature trees, hedgerows etc) in accordance with the Policy BSC11 of the CLP
- Commuted sum of £3,989.04 per dwelling for off-site play area enhancement in the locality as no local area of play is being provided on site in accordance with Policy BSC11.
- Community hall contribution of £19,0067.60, outdoor sports provision contribution of £28,594.80 and indoor sports provision contribution of £11,836.80.
- £106 per dwelling for bins in accordance with the SPD
- a contribution of £37,730 towards primary care in the locality.

CONDITIONS

Time Limit

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.

Compliance with Plans

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:

20012 L00013 (Location Plan)
20012 PE0010 Rev C (Contextual Plan)
20012 PP0012-Rev C (Proposed Site Plan)
20012 PP1030 Rev D (Plot 1 plans)
20012 PP2030 Rev C (Plot 2 plans)
20012 PP3030 Rev B (Plot 3 plans)
20012 PP4030 Rev C (Plot 4 plans)
20012 PP6030 (Plot 6 plans)
20012 PP7030 (Plots 7 and 8 plans)
20012 PP8030 (Plots 9 and 10 plans)
G4405-WRD-XX-00-DR-A-0200 P8 (Care home ground floor plan)
G4405-WRD-XX-00-DR-A-0201 P7 (Care home first floor plan)
G4405-WRD-XX-00-DR-A-0202 P8 (Care home second floor plan)
G4405-WRD-XX-XX-DR-A-0500 P4 (Care home site plan)
G4405-WRD-XX-ZZ-DR-A-0300 P3 (Care home elevation drawings)
948.1_03F Landscape Layout - Site A
10598-P500A (drainage plan)
10598-P501A (drainage plan)
Energy Statement
Flood Risk Assessment ('FRA')
FRA Appendix B Survey Sheet 1 of 2
FRA Appendix B Survey Sheet 2 of 2
FRA Appendix C
Transport Statement
Ecological Update (June 2020)
Amended Biodiversity Metric 2.0 Calculation Tool Beta Test – December 2019 (received in an email from Hugh Shepherd dated 25.09.2020 at 1645 hours.
Ecological Impact Assessment (2018)
Yarnton Noise Assessment
Yarnton Odour Assessment
Appendix 4 Site Investigation Report
Surface Water Calculations
Yarnton Care Needs Assessment
Archaeological Desk-based Assessment

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.

Contaminated land investigation

3. No part of the development hereby permitted shall take place until a desk study

and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been 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 has been 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. If a potential risk from contamination is identified as a result of the work carried out under condition 3, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. If contamination is found by undertaking the work carried out under condition 4, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 5. 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Highways / Construction

7. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays and tie in with existing footpaths shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In order to provide safe and suitable access to the site in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

8. No development shall commence on site until a Construction Traffic Management Plan (CTMP) addressing all phases of the development has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The CTMP shall be prepared in accordance with OCC guidelines. The approved Plan shall be implemented in full during the entire construction phase.

Reason: In the interests of highway safety and traffic impacts and to accord with Cherwell Local Plan 2011-2031 Part 1 and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

9. No development shall commence unless and until a Construction Environment and Traffic Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CEMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), the garages hereby permitted to plots 7 and 10 must only be used for the parking of private cars and for no other use whatsoever and shall not be converted to habitable accommodation.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

11. The car parking and any turning facilities within the development to serve the dwellings and care home hereby approved shall be provided hard surfaced and made available for use before the respective dwelling and/or care home is first occupied and shall thereafter be permanently so maintained.

Reason: In the interests of highway safety, to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

12. Prior to first occupation a Residential Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the Travel Information Pack shall be issued to all residents on first occupation.

Reason: To encourage the use of sustainable transport options in accordance with Policies SLE4 and ESD1 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

13. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

14. Prior to the first occupation of the care home hereby approved, a Travel Plan Statement, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall 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 Government guidance contained within the National Planning Policy Framework.

15. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwelling they serve and shall be retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Archaeology

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the Government guidance in the National Planning Policy

Framework.

17. Following the approval of the Written Scheme of Investigation referred to in condition 16, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the Government guidance in the National Planning Policy Framework.

Trees

18. The development shall be carried out in strict accordance with the details in the Arboricultural Impact Assessment (ref: MW.19.1203.AIA Rev C issued 14.09.2020) and associated drawings. Prior to the removal of any tree identified for relocation in drawing number MW.19.1203.TPP.RevB, full details of the proposed relocation and methodology for removal, relocation and establishment shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To mitigate for the loss of trees on the site and ensure that appropriate mitigation is provided in the interest of the character and appearance of the area and biodiversity.

Design

19. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. This shall include details of any retaining walls or features. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area and to protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

20. The first floor window in the western elevation of the care home (shown to serve the laundry room on drawing number 4405-WRD-XX-00-DR-A-0201 Rev P7) hereby permitted shall be glazed with obscure glass (at least Level 3) only, and fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, prior to the first occupation of the care home and must be permanently maintained as such at all times thereafter.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and

Government guidance contained within the National Planning Policy Framework.

21. The flat roof above the kitchen and plant roof at the western end of care home hereby permitted shall not be used as an outdoor seating or amenity area at any time whatsoever.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. Full details of odour and ventilation in accordance with the Odour report and visual appearance.

23. Notwithstanding the details shown on the approved plans, further details (including scale plans) of the architectural detailing of the exterior of the buildings, including the windows and doors (and their surrounds and recesses), together with the eaves and verge treatment and parapet roofs, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter

Reason: In order to safeguard the visual amenities of the local area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

24. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance, 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 document.

Reason – To safeguard residential amenity and 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.

25. No development shall commence above slab level unless and until a detailed schedule of materials and finishes for the external walls and roofs of the development hereby approved, including samples of such materials, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

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, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

26. No development shall commence above slab level unless and until samples of the timber boarding to be used externally in the development have been submitted to and approved in writing by the Local Planning Authority. The roof shall not be covered other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the historic environment, 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.

27. No development shall commence above slab level unless and until a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) has been constructed on site, inspected and approved in writing by the Local Planning Authority. The boundary wall of the development shall be constructed in strict accordance with the approved brick sample panel and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the historic environment, to comply with Saved Policy C28 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.

28. No development shall commence unless and until a Construction Environment and Traffic Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CEMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

29. No development shall commence above slab level unless and until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas,
- (d) screen planting to Arran House
- (e) details of boundary treatments

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation/use of the development and shall be retained as such thereafter.

Reason: In the interests of the character and appearance 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.

30. 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 character and appearance 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.

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no development within Parts 1 or 2 shall take place.

Reason - To safeguard the living conditions of neighbours to and future occupiers of the development, to protect the health and integrity of trees within the site and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Ecology

32. Biodiversity enhancements scheme (bird and bat brick, hedgehog houses, log piles:

No development shall commence including any demolition and any works of site clearance unless and until a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

NOTE TO APPLICANT/DEVELOPER: It is advised that this condition include a Biodiversity Impact Assessment metric to show how a clear net gain for biodiversity will be achieved.

33. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

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.

Drainage

34. No development shall take place until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing.

A detailed drainage strategy including calculations, ground levels and plans must be submitted for approval.

The Detailed Design shall be based upon the Outline Design principles set out in the following documents and drawings:

(19)20012 - PP0013 - PROPOSED SITE PLAN

948.1_02C Landscape Layout - Site C

Surface Water Calculations – Fully detailed calculation files to be provided.

948.1_03B Landscape Layout - Site A

948.1_04B Landscape Layout - Site B

10598- Flood Risk Assessment V1.0

10598-P502 drainage construction details

20012 - L00011 Location Plan TLC (1)

Appendix 1 SuDS LLFA pro-forma

Appendix 4 (i)12571 Site Investigation Report

Appendix 4 (ii)12571 Site Investigation Report

FRA-Appendix B survey-Sheet 1 of 2

FRA-Appendix B survey-Sheet 2 of 2

FRA-Appendix C (I) 10598-P500 residential development

FRA-Appendix C (ii)10598-P501 care home development

A compliance Surface Water Management Strategy report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water

Drainage on Major Development in Oxfordshire”

Detailed design drainage layout drawings of the SuDS proposals including cross section details.

Detailed design clearly demonstrating how exceedance events will be managed.

Pre and Post development surface water flow paths to be identified on plan.

Evidence that WFD requirements have been addressed to improve water quality.

Reason:

To ensure that the principles of sustainable drainage are incorporated into this proposal

35. Completion and Maintenance of Sustainable Drainage – Shown on Approved Plans - No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan, (including contact details of any management company).

36. SuDS Features and Drainage Maintenance Plan (Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including

maintenance schedules for each drainage element, to be prepared and submitted as stand-alone document).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

37. Outline Design Infiltration: The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

c) Flood water exceedance routes, both on and off site;

d) A timetable for implementation;

e) Site investigation and test results to confirm infiltrations rates; and

Reason:

To ensure that the proposed development can be adequately drained.

To ensure that there is no flood risk on or off the site resulting from the proposed development.

38. SuDS – Design Documentation Plans: Prior to occupation, a record of the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

As built plans in both .pdf and .shp file format;

Photographs to document each key stage of the drainage system when installed on site;

Photographs to document the completed installation of the drainage structures on site.

Reason:

In accordance with section 21 of the Flood and Water Management Act 2010.

39. Prior to the first occupation of the development hereby permitted written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Case Officer: James Kirkham

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