

<b>Application No:</b> <b>10/00131/F</b>	<b>Ward:</b> Yarnton, Gosford And Water Eaton	<b>Date Valid:</b> <b>29.01.10</b>
<b>Applicant:</b>	Sanctuary Group	
<b>Site Address:</b>	Yarnton House, Rutten Lane, Yarnton	

**Proposal:** Demolition of existing building and construction of a two storey nursing home (100 bedrooms) together with associated communal space, landscaping, amenity space and parking.

## 1. Site Description & Proposal

- 1.1 The proposal relates to a site measuring 1 hectare which is situated to the rear (west) of the William Fletcher Primary School and accessed from Rutten Lane, which serves a predominantly residential area, along an access road to the north of the school site. There is quite a significant incline across the site from east to west and a number of TPO trees arranged mainly around the edge of the site, however there are two groups of trees situated centrally just off of the western boundary and two individual trees situated in the existing parking area and just off of the eastern boundary. The site does not lie within the Oxford Green Belt, however this designation wraps around the site, lying immediately adjacent to the northern and western boundaries. The site also lies within 2km of the Rushy Meadows and Yarnton and Pixey Mead SSSIs. The site is occupied by one main two storey 1970s brick built building arranged in three elements, which is currently empty but was previously used by Oxfordshire County Council. There are a number of garages situated towards the northern boundary.
- 1.2 Planning permission was granted for the replacement of the existing building on the site with a two storey nursing home on 03 March 2009. This application seeks amendments to the scheme to include changing 50 ground floor windows to doors and the introduction of a light well on the eastern side of the approved building next to the service yard to light a basement. Both amendments to the former scheme were submitted as non material amendments, however Officers concluded that the change to the windows was material in terms of the design of the scheme and the light well consisted of an engineering operation which requires planning permission. As such neither alteration could be dealt with as non-material amendments.

## 2. Application Publicity & Comments

- 2.1 The application has been advertised by way of site notice, press notice and neighbour consultation letters. The final date for comment was 12 February 2010. No letters of representation have been received in relation to the application.

### **3. Consultations**

3.1 **Oxfordshire County Council** (Developer Funding Officer) requires

- 1 a contribution of £2,000 towards library book stocks based on two items per residential unit at £10 each
- 2 a £100 administration fee (legal costs will be addressed separately)
- 3 adequate supply of water for fire fighting purposes

3.2 **Oxfordshire County Council** (Highways) has not commented on the application to date, however following amendments to the previous scheme they raised no objections to the proposal.

3.3 **The Environment Agency** raises no objections to the proposal subject to the previously proposed conditions.

3.4 **Thames Water** raises no objection however sets out the developer's responsibilities in relation to surface water drainage and the sewerage infrastructure and recommends relevant conditions and planning notes.

3.5 **Natural England** has not commented on the application to date however raised no objections to the previous application.

3.6 **Thames Valley Police** has not yet commented on the application, however it is recognised that the addition of a number of ground floor doors increases the risk of security. It was previously recommended that the development be subject to Secured by Design accreditation.

3.7 **Yarnton Parish Council** has not commented on the application to date however in relation to the previous application raised no objections to the application however commented that

- a) there are many windows overlooking the school and playing field
- b) during heavy rain, water gushes down the access road and floods across Rutten Lane, can this be improved?
- c) The site construction and heavy vehicle noise could cause significant disruption to the school and local residents.

3.8 **Cherwell District Council** (Waste and Recycling Manager) has not commented on the application to date, however in relation to the previous application stated that the proposed bin storage area was too small. Two bin storage areas are required, one for waste measuring 6m x 13m and one for recycling measuring 3m x 6m, 20 x 1100 litre waste bins are required (providing each resident with 220 litres of space) and 10 x 1100 litre recycling bins are required (providing each resident with 110 litres of space).

- 3.9 **Cherwell District Council** (Design and Conservation) states that the new doors are not ideal and it would be better if more variation was introduced. However the reasoning behind the requirement for doors is appreciated.
- 3.10 **Cherwell District Council** (Head of Building Control and Engineering Services) no further comments to add to previous.
- 3.11 **Cherwell District Council** (Head of Urban and Rural Services) requires the provision of a piece of public art
- 3.12 **Cherwell District Council** (Arboriculturalist) has not yet commented in relation to the application however raised no objections to the previous landscaping scheme.

#### **4. Relevant Policy**

- 4.1 PPS3: Housing
- 4.2 PPS25: Development and Flood Risk
- 4.3 South East Plan 2009: BE1, CO4, T1, T4, NRM4, H4
- 4.4 Adopted Cherwell Local Plan: H4 C28, C30

#### **5. Appraisal**

##### **5.1 Site History**

The relevant planning history is as set out below:

07/01185/OUT – Withdrawn

Residential re-development for 28 dwellings, provision of play area and alterations to access road

07/01240/OUT – Permitted

Nursing home and ancillary parking, yard, landscaped gardens and alterations to access road

07/01930/OUT – Permitted

Residential re-development for 28 dwellings, provision of play area and alterations to access junction

08/02473/F – Permitted

Demolition of existing building and construction of a two storey Nursing Home together with associated communal space, landscaping, amenity space and parking (as amended by site layout plan - drwng No. PLO3 Rev F received 12.02.09 with agent's letter dated 11.02.09).

5.2 As is set out above, planning permission has been previously granted for the construction of the 100 bed care home on this site. This application relates only to changes to the fenestration and the introduction of a light well. Since the previous application, the Oxfordshire Structure Plan has been superseded by the South East Plan 2009 and the relevant policies have been appropriately amended and are quoted at 4.3 above. The proposal is not in conflict with these policies.

5.3 The amendments to the scheme, due to their nature and scale, would have no impact upon the neighbouring amenity, the setting of the Oxford Green Belt, the trees on the site, highway safety, flooding, the nearby SSSI or the required developer contributions. The key issue to consider in this case is the visual impact of the proposed changes. The alteration of the ground floor windows to doors with side panels that include a top hung opening element are not the most favoured in design terms, resulting in unbalanced units, and furthermore the Council's Design and Conservation Officer would have preferred more variation in the elevations. However the door and window arrangement is required in relation to the use of the building, in order that residents can gain access to the outside from their rooms, and to gain ventilation. Given the nature and character of the approved building and its location to the rear of the primary school, where it will not be easily viewed from the public domain, I am satisfied that the changes are appropriate visually. Similarly the introduction of the lightwell, although to the front of the site, would not be easily detected, denoted only from outside the site by safety railings around it. This amendment is also considered to be visually appropriate.

5.4 In light of the above appraisal, it is considered that the proposal is acceptable in principle, would not cause harm to neighbouring or visual amenity, the setting of the Oxford Green Belt, the existing TPO trees on the site, the nearby SSSIs and nor would it be a risk to flooding or highway safety. As such and having had regard to the South East Plan and the adopted Cherwell Local Plan the application is recommended for approval for the reason stated and subject to the conditions below (repeated from previous application).

## **6. Recommendation**

### **Approval**

### **Subject to**

- 1) The Agent entering into a deed of modification of the previously agreed S106 Agreement which secured**
  - £2000 towards library book stocks**

- The provision of a piece of public art
- The provision of the appropriate numbers of waste and recycling bins.
- Administration and monitoring fees payable to both the District and County Councils

2) The following conditions:

S.C. 1.4A (RC2) [Full Permission: Duration Limit (3 years)]

S.C. 2.0 (RC4a) [Details of materials and External Finishes]  
'building'

That the colour for any render on the building hereby approved shall be submitted to and agreed in writing by the Local Planning Authority, the building shall be rendered in accordance with the approved details (RC4)

S.C. 2.10 (RC7a)[Finished Floor Levels]  
'building'

S.C. 2.13a (RC8a)[Demolition of Buildings - (before commencement of development)]

S.C. 3.1 (RC10a) [Carry Out Landscaping Scheme and Replacements]

Notwithstanding the submitted details, the junction of the access road with Rutten Lane shall be served by minimum visibility splays of 2.4m x 70m, with any vegetation or obstruction exceeding 0.6m in height above the adjacent carriageway removed to the satisfaction of the Local Planning Authority.

**Reason - RC13bb**

That revised access and access road details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These details should include provision for a dropped kerb access point onto Rutten Lane and traffic calmed shared surface access road which shall be constructed in all respects in accordance with the approved details and maintained as such in perpetuity.

**Reason - RC13bb**

That full design details of the approved cycle parking shall be submitted to an agreed in writing by the Local Planning Authority prior to the commencement of

the development. The cycle parking shall be laid out and constructed in accordance with the approved details (RC66a).

S.C. 4.21aa (RC19aa) [Surface/Foul Water Disposal]

S.C. 6.14aa (RC40aa) [Specified Use Only]  
'building', 'nursing home', 'C2'

S.C. 9.6a (RC87a) [Fire Hydrants]

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2009, produced by HCD Group dated February 2009 ref E2080092 and the following mitigation measures details within the FRA:

1. Providing an overall run-off rate of 10 l/s.
2. The proposed scheme shall include surface water drainage systems set out within the FRA and detailed on drawing C100 Rev D.
3. A maintenance plan shall be produced to ensure the lifetime management of the SUDS and the proposed trash screen.

**Reason -** To prevent flooding by ensuring satisfactory storage of/disposal of surface water from the site, to ensure that the most suitable drainage scheme is implemented and to insure the lifetime management of the proposed SUDS and other works in order to comply with PPS25: Planning and Flood Risk and Policy NRM4 of the South East Plan 2009.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

That full detailed calculations shall be provided to include all rainfall events up to and including an allowance for climate change as requested in the Environment Agency's responses dated 9 February and 23 January 2009. The calculations shall take into account the attenuation features proposed including the pond.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason -** To prevent the increased risk of flooding, to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system, and to ensure an effective drainage strategy in order to comply

**with PPS25: Planning and Flood Risk and Policy NRM4 of the South East Plan 2009.**

**Prior to work commencing details of a piece of artwork to enhance the site shall be submitted to and approved in writing by the Local Planning Authority. The approved artwork shall thereafter be installed prior to the first occupation of the building.**

**Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

**No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:**

- a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.**
- b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.**
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.**
- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.**
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).**
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned**

for that phase.

- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- i) the details of any changes in levels or the position of any proposed excavations within 5 meters of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees.
- l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

**Reason - To ensure the continued health of retained trees and in the interests of**

**the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy BE6 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

**Planning Note(s)**

**Q1**

**S1**

**T1**

**U1**

5. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the application should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer [proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on Tel: 0845 850 2777.
6. The applicant is advised that a Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated water cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality Crossness STW, Belvedere Road, Abbeywood, London, SE2 9AQ. Telephone 020 8507 4321.
7. Thames Water recommends the installation of a properly maintained fat trap

on all catering establishments. It is further recommended, in line with best practice for the disposal of fats, oils and grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephone on 085 850 2777.

8. The applicant is advised that there are public sewers crossing this site, and no building works will be permitted within 3m of the sewers without Thames Water's approval. Should a building over/diversion application form or other information relating to Thames Water's assets be required, the applicant is advised to contact Thames Water Developer Services on 0845 850 2777.
9. There is a Thames Water Main crossing the development site which may/will need to be diverted at the Developer's cost. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services on 0845 850 2777 for further information.
10. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer would take account of this minimum pressure in the design of the proposed development.
11. The applicant is advised that the development should be the subject of Secured via Design accreditation
12. The applicant is advised that Thames Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities to prevent pollution of groundwater.

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to its surroundings would not cause harm to neighbouring or visual amenity, the setting of the Oxford Green Belt, the

**existing TPO trees on the site, the nearby SSSIs and nor would it be a risk to flooding or highway safety. As such the proposal is in accordance with PPS3: Housing, PPS25: Development and Flood Risk, Policies BE1, T1, T4, NRM2, H4, of the South East Plan and Policies H4, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.**

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