

Application 10/01302/F	No:	Ward: Gosford Eaton	Yarnton, and Water	Date Valid: 20 July 2010
Applicant:	Berkeley Homes (Oxford & Chiltern) Ltd Abingdon			
Site Address:	Land South of Bernard Close. Berkeley Homes Site, Cassington Road, Yarnton			

Proposal: Erection of Extra Care Home

1. Site Description and Proposal

- 1.1 The site is located to the south of Bernard Close and west of Cassington Road, in the north eastern corner of the site currently being developed for residential housing. The site already benefits from planning permission for a 64 bed nursing home.
- 1.2 This scheme differs as 50 extra care units are proposed. The units comprise one or two bedrooms, a private bathroom and a private kitchen and living area. Although the number of units is less there is an increase in the number of proposed bedrooms and the overall internal floor space. This increase results in a slightly larger footprint and scale of building, with a reduced provision of outside space and car parking.

As well as the private living accommodation the building includes provision for a communal lounge and dining area, a kitchen, laundry, staff room and office, buggy store, hobby room and one guest bedroom.

The access to the site is gained off the access road into the new residential development. There is provision on site for 12 parking spaces and 1 disabled space with cycle parking also being provided on site.

A communal garden is provided with semi-private patios provided for ground floor apartments. The site itself is proposed to be bounded by a 1.2 m high post and rail fence and a 1.5 m high stone wall with defensive planting.

Planning History

08/02541/F – Erection of 168 dwellings

08/02594/F – Erection of 64 bed nursing home – approved

2. Application Publicity

- 2.1 The application was advertised by way of press notice, site notice and neighbour notification letter. The final date for comment was 8 October 2010. No letters of objection have been received.

3. Consultations

3.1 **Yarnton Parish Council** raises no objections

3.2 **The Local Highway Authority** submitted a holding objection as the submission lacked a robust justification on the level of parking being provided. However at the time of writing the report it is understood that the applicant has provided the Highway Authority with further details which address the concerns. An update will be provided at Committee.

The Council's Chief Engineer and Building Control Manager raises no objections as the infrastructure is designed to accommodate such a change.

The Council's Strategic Housing Officer has no objections with regard to the principle of the change to an extra care facility but would want to ensure that at least 30% of the units were secured in perpetuity as affordable.

The Council's Ecology Officer is satisfied that as the site has been cleared there is no need to make full comments. However should any vegetation have grown back consideration should be given to nesting birds during further clearance is recommended, avoiding the nesting season March-September inclusive.

The Council's Landscape Architect has made detailed comments in relation to landscaping issues, many of which can be addressed through an appropriately worded landscaping condition. However in summary he states;

- Southern and eastern elevations of the building will have marked visual impact on the street scene and must be mitigated by large trees. These will have benefit for Cassington Road and the access road.
- Trees should be planted in the car park area
- A hedge should be provided for privacy to the residents garden
- The landscaping should take account of the fact that for many residents the landscaping context is only accessible visually through windows or patio doors.
- Account should be taken of the fact that elderly residents may need assistance with walking either with human support or sticks and frames. Some may also be in wheelchairs.
- Plants with seasonal variety should be incorporated into the landscaping as well as those that attract wildlife such as butterflies

The Environment Agency has no objections to the proposal provided the comments and conditions from earlier letters relating to the previous application are taken into consideration. The new proposal will not affect the agreed flood risk assessment.

The County Council, as the Mineral Planning Authority raises no objections to the application on the grounds of mineral sterilization.

Thames Valley Police Crime Prevention Design Advisor has no objections to the application as the submission refers to Secured by Design which is an important factor in ensuring the safety and security of residents. It is requested that requiring a Secured by Design accreditation is included as a condition or informative if permission is granted.

Thames Water makes the following comments (in summary);

- 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.
- There is an inability of the existing waste water infrastructure – a condition should be imposed requiring that development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority.
- Petrol/oil interceptors should be fitted to all car parking facilities
- A fat trap should be installed on all catering establishments
- In relation to water infrastructure an informative should be attached

4. Relevant Planning Policies

4.1 Adopted Cherwell Local Plan

H4 – Housing schemes for the elderly and people with disabilities

H16 – Proposals for the development of the land shown on the proposals map at Yarnton as white land

TR1 – Improvements to or contributions towards transport infrastructure

C28 – Standards of layout, design and external appearance

C30 – Development compatible with the appearance, character, layout and scale of existing dwellings in the vicinity, provide appropriate standards of amenity.

4.2 Non-Statutory Cherwell Local Plan

H1b – Residential development permitted on sites within list and on proposals map

H6 – Provision of housing schemes for older people and for people with disabilities.

H14 – Proposals for development on land north of Cassington Road, Yarnton.

PPS3 - Housing

PPS5 – Planning for the Historic Environment

5. Appraisal

5.1 The main issues for consideration of this application are;

- Planning policy
- Visual impact, design and setting of listed building
- Neighbour impact
- Impact on flooding and water infrastructure
- Biodiversity
- Highway safety
- Planning Contributions and affordable housing

5.2 Planning Policy

The adopted Cherwell Local Plan allocates the wider site of which this site forms a small parcel of, as 'white land' as part of Policy H16. It states;

'During the period of this plan the Council will resist proposals for the development of land shown on the proposal map at Yarnton as white land'.

Policy H1b of the Non-statutory Cherwell Local Plan, a material consideration in the assessment of applications, allows the development of the wider site for residential

development and Policy H14 sets out criteria that the development should meet.

The development of the wider site for residential was established through the approval of an outline planning application in 2007. In May 2009 planning permission was granted for the development of the wider site for 168 dwellings. This excluded the parcel of land which is the subject of this application. In April 2009 planning permission was granted for the construction of a 64 bed nursing home on the site. Whilst this form of development did not form part of the criteria set out in Policy H14 of the Non-Statutory Cherwell Local Plan it was considered acceptable as a C2 nursing home was of a similar character to that of the residential environment in which it would sit.

Whilst the developments referred to above did not comply with Policies H16 of the adopted Cherwell Local Plan Members were minded to approve them and they proceeded through the appropriate departure procedures. The applications were accepted by the Government for the South East as departures and the applications permitted. Therefore the principle of development of residential and nursing accommodation on the site is established. The residential scheme is currently under construction and there remains an extant consent for the nursing home.

Policy H4 of the adopted Cherwell Local Plan and Policy H6 of the Non-Statutory Plan encourage schemes for housing for the elderly in locations which are within convenient reach of shops, community facilities and public transport. The location of the development is considered to be sustainable given its village location and the good access to public transport. Therefore these policies are complied with.

As the principle of development is established and this current application is of a similar nature to the nursing home it is considered that the principle of an extra care development on this site is acceptable.

Compliance with other policies referred to above will be considered throughout the rest of the report.

Visual Impact, design and setting of listed buildings

In terms of orientation the proposed building is on the same footprint of the previously approved nursing home. However due to the creation of larger private units of accommodation, although fewer in number, a small increase in the length of each wing and the depth of the building is proposed. This increase amounts to approximately 1 metre on each elevation. Similarly the accommodation now comprises of a ground floor and two upper floors. Whilst this amounts to an additional floor of accommodation the actual increase in height is between approximately 0.1m and 2 metres in some places. This relatively small increase in height is achieved by accommodating the majority of the upper floor within the roof space. The mass of the building inevitably appears larger than that previously approved, the residential properties on Bernard Close and the newly constructed buildings on the rest of the site. However, in reality the highest part of the roof (the corner of Cassington Road and the access road) is no higher than the approved and built corner dwelling on the opposite side of the access road). The design of the corner also replicates the opposite corner dwelling creating a focal point and a clear entrance into the site.

The building has been designed with a variety of ridge and eaves heights and a mix

of stone and brick and tile and slate. This choice of materials matches those used on the rest of the site. There is also some variety in the windows. All these elements help to break up long elevations whilst internally a uniform layout is achieved.

Areas of communal garden are provided to the north east and south of the proposed building, as was the case with the previous scheme for the nursing home. This provides an opportunity for landscaping which will soften the public elevations and provides a set back from road frontages and existing residents.

The courtyard into which the access leads is created by the layout of the building and accommodates the main pedestrian access into the building, the parking area and some small garden areas which are bounded by new hedges.

The proportions of the building are to a certain extent dictated by the institutional nature of the building however it has been designed so as to integrate into the rest of the new development. It will appear large but it is not considered to be detrimental to the character and appearance of the area.

The nearest listed property within the vicinity of the site is located approximately 37 metres to the north east of the proposed building. It is separated by Cassington Road and an element of existing and proposed vegetation. The listed building has an unusual setting as it stands alone on a parcel of land surrounded by access roads and industrial development to the rear. It also lacks a defined curtilage. Whilst the proposed building will to some extent affect the wider setting of the listed building it is not considered that the affect will be detrimental to the immediate setting of the building.

Based on the above assessment it is considered that the development complies with Policy C28 of the adopted Cherwell Local Plan in relation to design standards and guidance within PPS5 relating to the historic environment.

Neighbour impact

There are two properties across the Cassington Road, directly opposite the proposed building. These are approximately 36 metres away and separated by the road. Whilst the outlook from the front of the property will change the adverse impact will be minimal as sunlight, day light and privacy are unlikely to be affected. The nearest property to the development is 12 Cassington Road. A distance of 16 metres is retained between the new building and its side elevation. This is the same as was approved with the nursing home. Whilst the building now accommodates an additional floor the overall height of this element is only 0.1m greater than that already approved. The internal layout has also changed and the nearest windows in the side elevation serve the living areas and bedrooms to a small number of units. However overlooking should be minimal as a result of the planting along the boundary. It is not considered that the scheme is materially different in relation to its impact on 12 Cassington Road.

It is also relevant to consider the impact of the development on the future residents of the newly constructed properties. The properties along the access road are located a minimum of 17 metres from the south elevation of the building. These are predominantly two storey properties. Although there is an additional storey proposed for the extra care building it is not considered that the dominance or

overlooking resulting from the building will be significantly greater than that which would have occurred from the nursing home proposal. The distance between the frontages is not uncommon and the same distances can actually be seen in relation to some of the properties on Bernard Close to the north of the site.

Given the above assessment it is not considered that the proposal will cause undue harm to the residential amenities of existing or future residents it is therefore considered that the proposal complies with Policy C30 of the adopted Cherwell Local Plan.

Impact on flooding and water infrastructure

The impact of the development on flooding and water infrastructure was fully explored in relation to the full application for 168 dwellings and the original nursing home application. There was sufficient supporting information on these applications for the Council to be satisfied that the implications of flooding and water infrastructure could be appropriately dealt with. Further detail was also required through conditions and these have now been discharged. The submission sets out that the required measures have now been put in place through the development of the residential site. Therefore it is considered that the proposal for the extra care units will not result in any additional flooding or issues with the supply of water and disposal of waste water.

Biodiversity

Under the previous consents the site has been cleared. In relation to biodiversity the development was permitted as this part of the site was not considered to support any protected species. Given that the site has now been cleared it is unlikely that this position has altered. However there are some retained but not protected trees and vegetation along the northern and eastern boundaries. There is also a drainage ditch between the Cassington Road and the proposed garden therefore the developers will be required to have regard to these features.

Highway safety

The Local Highway Authority had submitted a holding objection on the grounds that the submission did not adequately describe the way in which extra care units of accommodation operate or a justification as to the level of parking proposed. There was concern that as the units were self contained and many of them contained up to two bedrooms that the occupants could be younger, more mobile and potential accommodate two residents in each, potentially resulting in some residents having cars, increasing the requirement for parking provision. However this holding objection was relayed to the developers who are now liaising with the Local Highway Authority. It is understood that further information has been provided to the Highway Authority and this is being considered. It is likely that with appropriate conditions relating to how the building is operated and age restrictions that the matters can be appropriately addressed. However it is worth noting that it is the current intention for the building to be operated by Housing 21. Housing 21 have confirmed that the parking provision is sufficient for the way in which their facilities run. It is likely that issue will be clarified prior to the date of Committee therefore an update will be provided.

Planning Contributions and affordable housing

The previous application for a nursing home included a legal agreement between the applicants and the County Council, securing contributions towards library stock

and travel plan monitoring.

Whilst the application has been submitted on the basis of the accommodation being under a C2 use class (communal homes for the elderly) officers have assessed the application on the basis that the use is within C3 (sheltered housing with flats, service flats and apartments) as the units are self-contained and residents could, if they choose, not utilise the communal facilities thus making the units more akin to residential flats. This categorisation therefore triggers the requirements for additional infrastructure contributions such as affordable housing, monetary contributions towards the provision of bins and additional library contributions. The applicant has provided a general agreement to pay the additional sums in relation to libraries and bins but has queried the requirement in relation to affordable housing.

The Council requires that 30% of the units be secured in perpetuity as affordable units. The Older Peoples Housing Strategy identified the need for 81 extra care units in Kidlington (for affordable and market) and 109 units in Rural South by 2021. There will be very few opportunities to provide these due to general lack of suitable development sites in the area.

It is likely that if an operator such as Housing 21 develop the scheme 100% of the units will be affordable, however the Council cannot control this so would seek to secure 30% affordable housing through a legal agreement. The applicant has however stated that the site cannot support any affordable housing due to its viability. An initial viability assessment was submitted by the applicant which they state demonstrates that the scheme would not be viable if it provided affordable units of accommodation. The viability appraisal needs further review and consideration by officers in order that Members are appropriately advised. It is anticipated that this will be completed by the time of the committee and an update will be provided. Policy H5 of the Cherwell Local Plan identifies that affordable housing should only be required if it is viable to do so. If the scheme is demonstrated to unviable with the requirement for affordable housing it would be unreasonable to refuse the application on this basis. However if grant funding were available that would alter the viability and could make the delivery of affordable housing feasible as part of the scheme. At the current time a bid has been made for HCA funding and the outcome of the bid is unknown. In addition both this Council and Oxfordshire County Council have already committed to providing some grant funding to facilitate affordable provision within the scheme, although it is unlikely that this would amount to 30% affordable housing.

In the circumstances it is considered necessary to secure a legal agreement to deliver affordable housing as part of the scheme as at the very least the grant from the Council's would ensure some provision. However if there was further grant available from the HCA or the scheme was shown to be sufficiently viable to make some contribution then the Council would seek to secure up to 30% affordable housing within the scheme through a S106 agreement. Given the present uncertainty it is recommended that the S106 is subject to a cascade mechanism that required 30% affordable housing and if this was shown not to be viable to secure as much affordable housing as could be achieved with the grant available.

Conclusion

The principle of the development of this site for nursing care has previously been established. This application will alter the type of accommodation provided,

although ultimately it will still provide care for the elderly or infirm. Whilst officers consider the units to fall within a different use class because of the facilities provided the nature of the building remains similar. The building itself will increase in size from that previously approved but it is not considered that these changes will result in any detriment to neighbouring amenities or the visual appearance of the area. It is likely that issues relating to parking provision can be resolved through the provision of further information and the inclusion of planning conditions. The applicant is prepared to pay the additional contributions resulting from the changes to the proposal but is submitting that the development is not viable if the scheme is required to provide affordable units. However the grant from the Councils can ensure at least some affordable housing can be delivered as part of the scheme and a cascade mechanism is proposed in a S106 agreement to maximize what can be delivered.

6. Recommendation

Approval subject to;

- a) The Local Highway Authority agreement that the parking provision is sufficient
 - b) The completion of a S106 agreement to secure the delivery of affordable housing with a cascade mechanism to secure up to 30% based on the viability of the scheme and availability of grant funding
 - c) the completion of an agreement or receipt of a unilateral undertaking to secure the remaining necessary contributions
 - d) the following conditions
1. SC 1.4A Full Permission: Duration Limit (3 years) (RC2)
 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: Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government Guidance within PPS1: Delivering Sustainable Development
 3. SC 2.2AA Samples of walling materials (RC4A) 'brick, stone and render' 'extra care building'
 4. SC 2.2BB Samples of roofing materials (RC4A) 'slate/tiles' 'extra care building'
 5. SC 3.0A Submit Landscaping Scheme (RC10A)
 6. SC 3.1A Carry out landscaping scheme (RC10A)
 7. SC 5.5AB Submit Design Details (RC4A) 'windows and doors'
 8. SC5.9AB Archaeological Watching Brief (RC28AA)
 9. Prior to the first occupation of the extra care building the vision splays for the development shall be provided and shall not be obstructed by any object, structure, planting or other material. (RC13BB)
 10. The development shall be carried out in accordance with the details of the submitted Travel Plan dated August 2010. (RC66A)
 11. SC 4.13CD Parking and Maneuvering Area Retained. (RC13BB)
 12. SC 4.14CC Cycle Parking (RC66A)
 13. That the rated level of noise emitted from any externally located plant or equipment shall not exceed the background sound pressure level by more than 5dB when measured in accordance with British Standard BS 4142:1997 nearby dwellings. (RC53AB)
 14. That service vehicles shall not arrive at or depart from site before 08:00 hours or

after 18:00 hours on any day. (Emergency services and other related emergency organizations being exempt). (RC49A)

15. Any vegetation to be cleared that is likely to support breeding birds shall be undertaken outside of the breeding bird season (March to August inclusive). (RC86A)
16. Any trees proposed for felling as part of the scheme hereby approved must be checked for use by bats by a suitably qualified ecologist prior to felling and their advice must be followed. (RC85A)
17. Development shall be carried out in accordance with the approved surface water drainage scheme. Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the scheme.
18. Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the water course on the frontage of the site shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
 - Plans showing the extent and layout of the buffer zone
 - Details of the planting scheme (for example native species)
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.Reason: Development that encroaches on riparian habitat has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside any water course is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.
19. Development in accordance with the waste water disposal details previous approved. Reason: Although we are not aware of any capacity issues for sewerage infrastructure this condition is needed to ensure that increased flows into the system are accounted for before the development commences to protect the environment.
20. SC 9.6A Fire hydrants (RC87A)
21. SC 3.7AA Boundary Enclosure Details (RC12AA)
22. That the building shall be used solely for the purpose of extra care accommodation as set out in the submission.
23. That the extra care units be occupied only by residents of 65 years of age and over. For reasons of highway safety.

Planning notes

1. Q1 – Legal agreement
2. No materials, plant or temporary structures of any kind should be deposited on or adjacent to the public footpath 12, that may obstruct the public from using the route while development takes place, nor should there be any encroachment on to the

existing width, or change in the route of the path.

3. Under the terms of the Water Resources Act 1991, and the Land Drainage byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Rowel Brook main river.
4. The site is on low permeability alluvium over clay. Any visibly contaminated or odorous material encountered on the site during the development work, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present.

Any SUDS from roads and car or lorry parking areas would need to incorporate suitable measures for protection of water quality. This is likely to include measures to mitigate the discharge of hydrocarbons to ground or surface water. Details of treatment techniques are outlined in CIRIA Report C609. The Environment Agency would wish to be consulted on any protection measures.

There must be no direct discharge of listed substance direct to groundwater, as this would be a breach of the Groundwater Regulation 1998. In particular hydrocarbons in drainage from road/car parking areas. As such the EA require verification of the drainage arrangements for the car parking area. Any permeable paving for areas of car parking areas must not discharge direct to ground water.

The EA would require confirmation of whether the permeable paving for car parking discharge to ground. If there is a discharge to ground the EA would require confirmation of the depth of the base of the permeable paving area, any attenuation incorporated in the permeable paving area and the depth of groundwater at this site.

The Control of Pollution (Oil Storage) (England) Regulations 2001 apply to all above ground water commercial oil storage in tanks over 200 litres in volume. This means that tanks should be fit for purpose and have secondary containment (or bund) sufficient to contain 110% of the tanks contents. The secondary containment must be impermeable to oil and water and not have any drainage valve. All the tanks ancillary equipment (valves, deliver hose, gauges, vent) must be within the cartilage of the secondary containment bund. The regulations have other stipulations and full information can be found at www.environment-agency.gov.uk/osr or from Pollution Prevention Guidance Note 2 for Above Ground Tanks or PPG26 for Drums and Intermediate Bulk Containers.

From 6 April 2008 it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000.

Should Members agree with the recommendation a summary of reasons for the grant of planning permission is set out below.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND

RELEVANT DEVELOPMENT PLAN POLICIES

The Council as local planning authority has determined the application having taken into account all representations received. Although the site is not allocated for development in the adopted Cherwell Local Plan the Council considers the following material considerations sufficient to justify the granting of planning permission. The site is identified for development under Policy H14 of the Non Statutory Cherwell Local Plan 2011. It is considered that this application would not cause harm to existing residential or visual amenity, highway safety, existing trees on the site, existing ecology, archaeology or drainage. As such and having regard to the adopted Cherwell Local Plan, the Non Statutory Cherwell Local Plan 2011 and all other material considerations, including Government guidance, the proposal is in accordance with H4, TR1, C28 and C30 of the adopted Cherwell Local Plan.

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