

APPLICATION NO.	P18/S1346/FUL
APPLICATION TYPE	Full application
REGISTERED	23 April 2018
PARISH	Benson
WARD MEMBER(S)	Felix Bloomfield Sue Cooper
APPLICANT	Northstar Benson Limited
SITE	Land at Churchfield Lane, Benson, OX10 6SH
PROPOSAL	Variation of condition 2 (approved plans) of Planning Permission P16/S3424/FUL - to provide 10 additional bedrooms within the same footprint, as the previously approved staff accommodation is not required, and the external alterations to the building (as amended by site plan received 3 July 2018 clarifying location of boundary treatment) - Development of a 60 bed C2 Use Class elderly care home (as amplified by additional supporting information).
OFFICER	Katherine Canavan

1.0 **INTRODUCTION**

1.1 The application has been referred to the Planning Committee because the recommendation conflicts with the views of the Parish Council.

The objections raised are as follows:

- Insufficient parking, given the increased number of staff and visitors associated with the 10 bedrooms (replacing staff accommodation)
- Displacement of parking to surrounding streets, and pressure on Churchfield Lane, which is very narrow
- Compatibility of acoustic fencing and retention of boundary screening
- Impact on local GP services
- Conflict with Benson’s NDP policies
- Lack of detailed analysis of impact

1.2 Overview of site:

The application site, covering an area of 0.46ha, is located on the western edge of Benson, between the A4074 and Churchfield Lane.

To the south of the site is Benson Marina and a holiday-lodge park, which faces onto the Thames; to the north-west are offices (adjoining the BP garage and drive-through). Churchfield Lane is a single track, one-way street between Oxford Road and the A4074 – a small group of houses is located on the eastern edge of the lane, and the built area of Benson extends further to the east.

The site is undeveloped, and high hedging separates the site from the A4074.

1.3 Area designations and site constraints:

- Flood zone 2, and flood zone 3 on a small part of the site (Data relates to EA flood maps dated April 2018, and is unchanged from original application data in 2016)
- Archaeological notification area
- Ministry of defence safeguarding area – RAF Benson
- Benson Footpath 8 runs along the Northern Edge of this site

1.4 A Location plan of the site is **attached** at Appendix 1.

2.0 **PROPOSAL**

2.1 The applicant seeks permission to vary condition 2 (approved plans) of Planning Permission P16/S3424/FUL and the changes are as follows:

- To increase care bed numbers from 60 to 70 beds (in lieu of staff accommodation)
- To increase in the number of parking spaces from 20 to 22 spaces
- To re-site the bin store and cycle parking
- To reduce the number of balconies on the building and increase the height of glazing / depth of those remaining to comply with DDA
- To insert a new window to the roof and the reconfiguration of roof lights.
- To extend the roof across by 1 bay
- To increase in height of a gable to allow stairwell access to the second floor.
- To re-site the main entrance to face the car park to make the entrance clearer.
- To introduce boundary fencing along the front of the site.

2.2 The applicant’s reasons for making the application to vary the plans condition are as follows:

- The site has been sold to the current operator whose business model is to recruit staff locally and as such, it has no requirement for staff beds.
- Together with this change, the floors have been reconfigured so that the ‘back of house’ is now on the second floor rather than on the ground floor allowing more care beds to be provided at the ground floor which are normally preferred by residents.
- The first-floor has been reconfigured as a ‘dementia specific area’ having been divided into households with a central hub to allow more focus on community activity with sensory features and outdoor space for hobbies and socializing.
- The number of balconies provided has been reduced, whilst those remaining have been enlarged to enable disabled access.
- A bistro area has also been introduced, with its entrance facing the carpark area for better wayfinding and observation.
- Ancillary features in the design of the building include a cinema, hair dressing facilities, a library and a choice of restaurants.

2.3 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. The applicant’s planning statement is included at Appendix 3. Full copies of the plans and consultation responses are available for inspection on the Council’s website at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1	Benson Parish Council	Objection: <ul style="list-style-type: none"> • Insufficient parking, given the increased number of staff and visitors associated with the 10 rooms • Displacement of parking to surrounding streets, and pressure on Churchfield Lane, which is very narrow • Compatibility of acoustic fencing and retention of boundary screening • Impact on local GP services • Conflict with Benson’s NDP policies • Lack of detailed analysis of impact
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Oxfordshire County Council Highways and Transport	No strong views: The transport demands of the development will change and a slight increase in peak time movements is anticipated. However, any traffic impact would be negligible, as long as the previously approved mitigation is implemented.
Drainage Engineer	No strong views: As the footprint and hardstanding are not being altered, the previous recommendations remain applicable, and there will not be an increase in flood risk as a result of the proposed changes.
Environment Agency	The Environment Agency do not wish to comment.
Environmental Protection Team	No strong views, subject to previously approved mitigation being secured by condition.
Oxfordshire Clinical Commissioning Group (OCCG)	Objection: Development across the district is putting greater pressure on health services. The OCCG would welcome the opportunity to discuss how this development could contribute towards the local health economy.
Thames Water	No strong views

3.2 **Objections - 4 representations received expressing concerns/objections**

Design and character	<ul style="list-style-type: none"> Reconfiguration of the internal layout has resulted in loss of internal communal space and an overcrowded building.
Residential amenity	<ul style="list-style-type: none"> With more staff travelling to and from the site, and at unsociable hours to fit in with shift patterns, there will be increased disturbance to residents. Changes to the kitchen and dining room windows, and the changes to the balconies, allow for overlooking towards dwellings – obscure glazing should be used.
Highways and parking	<ul style="list-style-type: none"> The loss of 10 staff rooms and the introduction of 10 new bedrooms will significantly increase traffic movements along Churchfield Lane, as a result of more staff travelling to the site (rather than being accommodated on-site). Inadequate parking provision to respond to the loss of staff accommodation and introduction on 10 new bedrooms
Drainage and flooding	<ul style="list-style-type: none"> The additional drainage requirements needed by adding 10 extra bedrooms will put more pressure on the already overloaded drainage system, particularly as the site is within a flood zone.
Other matters	<ul style="list-style-type: none"> The proposed fencing appears to be outside the site boundary, alongside the road. This should be within the site, to maintain the benefits of the natural screening along the A4074.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P17/S2670/DIS](#) - Response provided (09/05/2018)

Discharge of Condition(s) 3 Schedule of Materials, 4 Archaeological Watching Brief, 5 Implementation of Programme of Archaeological Work and 8 Noise mitigation, of planning application P16/S3424/FUL

Development of a 60 Bed C2 Use Class Elderly Care Home.

[P17/S0872/DIS](#) - Approved (09/03/2017)

Discharge of condition 7 - surface water drainage on application ref. P16/S3424/FUL
Development of a 60 bed C2 Use Class elderly care home

[P16/S3424/FUL](#) - Approved (27/02/2017)

Development of a 60 bed C2 Use Class elderly care home
(as amplified by additional information).

[P16/S0771/PEM](#) – Pre-application response provided (14/07/2016)

Erection of an elderly care home.(Further to P14/S0684/PEM)

[P14/S0684/PEM](#) - Pre-application response provided (20/05/2014)

Proposed nursing home development.

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 – Presumption in favour of sustainable development

CSS1 – Overall strategy and distribution of development

CSM2 – Transport assessments and travel plans

CSQ3 – Design

CSR1 – Housing in villages

CSH4 – Specialist accommodation

CSEN1 – Landscape

CSB1 – Biodiversity

CS11 – Infrastructure provision

5.2 South Oxfordshire Local Plan policies (SOLP)

C6 – Biodiversity

C9 – Landscape features

D1 – Design

D2 – Vehicle and cycle parking

D4 – Privacy and overlooking

D7 – Accessible buildings

D10 – Waste facilities

H4 – Proposals for houses

EP2 – Noise and vibrations

EP6 – Surface water management

EP7 – Groundwater resources

R8 – Public rights of way

T1 & T2 - Transport, parking and highway safety

5.3 Neighbourhood Plan policies;

The Benson Neighbourhood Plan has been to examination and successfully passed referendum, but is yet to be formally made. In light of the plan being at this advanced stage, full weight can be afforded to the neighbourhood plan policies.

NP7 - Design

NP8 – Traffic flow

NP9 – Access to public transport

NP11 – Sustainable travel

NP12 – Community facilities

NP23 – Biodiversity

NP27 – Distinctiveness of settlements

NP30 – Sustainable drainage systems

5.4 South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to consider in relation this proposal which involves a change to the original conditions are:

- Section 73 applications – how the proposal should be assessed
- Original justification for condition, and policy / site changes since the earlier approval
- Impact of varying the condition
- Elements which remain unaffected by the proposed variation
- Legal agreements / Financial contributions

6.2 **Section 73 applications – varying conditions**

When assessing section 73 applications, the council can only consider the original condition and the reasons for applying the condition; new conditions can be attached but only in so far as they apply to the original condition. If the Council decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.

6.3 **Original justification for condition, and policy / site changes since approval**

The condition requiring ‘the development to be carried out in accordance with approved plans’ is a standard condition to ensure that agreed details are implemented and that the development process does not result in inconsistencies which introduce material planning changes or raise planning issues that were not previously assessed in the approved scheme.

In this particular case the variation of condition continues to require the development to be carried out in accordance with approved plans, but seeks a variation to the plans themselves, and to make changes to provide 10 additional bedrooms within the same footprint, and to conduct external alterations, and to introduce boundary fencing and to reconfigure the car park. As these changes constitute materials planning changes the impact has been reassessed in accordance with the Development Plan, as detailed within this report.

There have been no planning policy changes to the Local Plan or Core Strategy since permission was issued in 2017. Nationally, the Framework was updated in July 2018. Locally, the Benson Neighbourhood Plan has been to examination and successfully passed referendum, but is yet to be formally made. In light of the Neighbourhood Plan being at this advanced stage, full weight can be afforded its policies. Updated flood maps were released by the Environment Agency in April 2018 but the data relating to the site is unchanged from original application data in 2016. The site itself remains undeveloped.

The national and local policy changes do not alter the previously established principle of development on the site, or prevent the variation application being considered. The individual policy matters are considered in greater detail below.

6.4 **Impact of varying the condition**

6.4i The varied plans introduce new planning considerations in respect of the following matters:

- Highways and transport connections
- Flood risk and drainage
- Design and character
- Residential amenity
- Landscape considerations

6.4ii **Highways and transport connections**

The proposed changes would result in 10 existing rooms previously dedicated to staff accommodation being replaced by 10 bedrooms for residents to achieve this. Since the original permission was approved, the site has been sold to the current operator whose business model is to recruit staff locally and as such, it has no requirement for staff beds.

Irrespective of the changes to the business model, the purpose of this assessment is to establish whether the change would introduce an unacceptable level of harm to highway safety or introduce an adverse impact on the highway network.

A number of concerns have been raised by the Parish Council and local residents, and therefore technical advice has been sought from the County Highways officer to consider the impact in greater detail.

Impact of loss of staff accommodation, and introduction of 10 additional bedrooms

The increase in beds would make very little difference to the associated travel demands with the loss of resident staff that would have had their own travel demands outside of their shifts. The Highways Authority have drawn on the TRICs database to make their assessment and their calculations are set out below.

Trip generation taken from interrogation of TRICs database vehicular trips during the busiest hours: 14-1500hrs both weekdays and weekends

Weekday trip rate 14-1500 = 0.256 trip per resident

(arrivals=0.124, departures=0.132)

Weekend trip rate 14-1500 = 0.200 trip per resident

(arrivals=0.105 departures=0.095)

Weekdays for 60beds = approx. 16trips + residential staff trips,

Weekdays for 70beds = approx. 18trips.

Weekends for 60beds = 12 trips + residential staff trips,

Weekends for 70beds = 14 trips.

Therefore, at the busiest times the increased number of beds adds just two extra trips - this would include all trips, staff, visitor, doctor etc. The Highways Officer considers such an increase to be negligible. Staff trips to the site may be reduced if staff were living on-site but this would not exclude them from travel outside of their shifts and the travel demand of staff living on-site would likely be greater than that of residents.

Parking provision

The current scheme increases the number of parking spaces from 20 to 22 spaces.

In assessing the level of parking proposed, the highways officer has used TRICs data to consider parking accumulation through the day. The TRICs database provides arrival and departure numbers for hourly intervals from 0700-2100. If it is assumed that outside of this time parking demand is limited to night shift workers, then the total parking demand can be calculated by adding the night shift demand (NSD) to that accumulated through the day, i.e. arrivals minus departures.

For 70bed weekdays: parking demand peaks between 13&1400hrs at 13.51 + NSD

For 70bed weekends: parking demand peaks between 15&1600hrs at 9.69 + NSD

Assuming night shift of 12 staff, and considering modal split of approx. 33% travelling other than by car then NSD = 8, and peak demand = 21.51 (22spaces) weekday and 17.69 (18spaces) weekend.

For a 60-bed care home, the cumulation peaks at 11.58 weekday and 8.31 weekend. The total demand would be those figures plus overnight parking which would be a combination of NSD and residential staff demand.

In conclusion, the highways officer expects any increase to be small and is satisfied the level of parking provision is appropriate. The ratio of spaces to beds is generally consistent with other such developments across the County, which operate without overspill to the public highway.

In conclusion, while it is recognised that there are parking issues and pressure on the highway at the A4074 / Church Road junction, which is close to the proposal site, the proposed changes would not notably alter the traffic movements to and from the site, and the 22 parking spaces can satisfactorily accommodate the staff, visitors and medical consultants associated with the reconfiguration of the care home. In this regard, the proposed changes conform to the updated national Framework and Development Plan policies, and the Benson Neighbourhood Development Plan.

6.4iii **Flood risk and drainage**

The site is primarily located within flood zone 2, and a small part of the site is within flood zone 3. Having had regard to updated Environment Agency flood maps, this position has not changed since the original approval.

A drainage strategy and supporting information were submitted and approved under application P17/S0872/DIS. To assess the impact on flood risk and drainage associated with the increase from 60 to 70 bedrooms, advice has been sought from the council's drainage engineer and the Environment Agency. As the footprint and hardstanding are not being altered, the previous recommendations, and subsequently approved drainage strategy, remain applicable. Given the small increase of 10 rooms, there would not be an increase in flood risk as a result of the proposed changes.

6.4iv **Design and character**

The proposed changes to the elevations and roof would have minimal impact on the overall design and appearance of the building. The scale, height and footprint would be unaltered, and the design continues to benefit from varying heights and massing to create interest.

The schedule of materials was previously signed off by condition, and the details have been resubmitted to take account of the proposed changes in the varied scheme. As such, the proposed materials continue to be supported and are appropriate, and the design has taken into account the prominent, edge-of-village location of the building.

The balconies introduced in the varied scheme are higher and deeper, in order to ensure they meet safety regulations for vulnerable residents and to make them more easily accessible. While this is acceptable in principle, an additional condition is recommended to clarify details of the glazing. Obscure glazing is not considered necessary in this situation, as the separation distance to neighbouring dwellings is significant, and delivering quality living space for future residents of the care home is an important factor in the final design of the glazing.

6.4v **Residential amenity**

The nearest dwellings, located on the opposite side of Churchfield Lane are Corriehead and no 39 Oxford Road (whose rear gardens face the proposed building), and nos 10 and 12 (whose front gardens face the proposed parking area). The dwellings are two storeys in height, with a separation distance to the proposed building of at least 33m across the lane.

Having had regard to the reconfiguration of rooms (altering the front elevation to introduce some additional communal areas, openings and balconies - Elevation A), the separation distance of 33m to the dwellings opposite, continues to be significant enough to safeguard privacy and would not compromise the amenity of neighbouring occupants.

6.4vi **Landscape considerations**

The original approval set out the requirement for a landscaping scheme to be secured by condition. With the introduction of 1.8m high railings along the front boundary, the need for landscaping and tree planting to soften the front of the site is even more important, specifically to create a pleasant outdoor living environment for residents, and residents living opposite the site. These elements will need to be incorporated into the landscaping scheme, but can be considered at later stage and secured by condition. It is recommended that the landscaping is implemented as early as feasibly possible, to allow the planting to start maturing prior to occupation, but not to risk being damaged during the construction process.

6.5 **Elements which remain unaffected by the proposed variation**

- The principle of development on the site for use as a care home has already been established. As the use and footprint are unaltered, and having regard to Benson Neighbourhood Plan policies (introduced since approval of the original application), this position remains established.
- The relationship between the site and nearby RAF Benson was recognised in the original application, and the planning officer concluded any noise impact could be appropriately mitigated through a detailed mitigation scheme and design features being incorporated into the scheme. This continues to be necessary and will be secured by condition. The increase from 60 rooms to 70 rooms would not result in residents being affected to any greater degree, and the mitigation scheme continues to be an appropriate approach.
- Benson Footpath 8 runs along the northern edge of this site. In order to improve the pedestrian connectivity between the site entrance and the A4074, in particular for staff and visitors using the bus route, a legal agreement was attached to the original scheme to transfer the land and to allow a consolidated improvement scheme to be carried out (see section 6.6).
- An archaeological working brief, and an evaluation report, were signed off under application P17/S2670/DIS. The variation does not result in an increase in footprint, so the approved archaeological works remain valid, and no further archaeological investigation is required.
- The acoustic fencing was a requirement of the previously approved development. Further to amended plans, it has been confirmed that the fencing will sit within the site and will be compatible with the existing natural screening. In any case, details of the fencing will need to be provided (as part of the noise mitigation scheme) and this can be secured by condition.
- The development continues to secure necessary infrastructure measures in accordance with CSI1, in the form of bus transport capacity, public rights of way upgrades, and enhancement of off-site biodiversity.

6.6 **Legal agreements / Financial contributions**

The original planning permission secured the following planning obligations:

Agreement under Section 106 Town Country Planning Act to secure:

1. Contribution of £30,000 towards the improvement of public transport
2. Contribution of £1,240 towards monitoring of the Travel Plan
3. Contribution of £9,900 towards biodiversity offsetting

Agreement under Section 278 Town Country Planning Act to secure:

1. Schedule of highway works - provision of the access and any necessary land dedication
2. Transfer of land for PROW footpath / and Churchfield Lane pavement

In light of the proposed variation, these contributions, and the wording of the legal agreement has been checked with Oxfordshire County Council. The increase from 60-rooms to 70-rooms does not result in a requirement for an increase in the contributions previously secured; the change to the parties from those who previously signed the agreement are covered in the wording of the previous S106 agreement, covering all subsequent amendments; the amendment to the scheme is covered by subsequent S73 applications. For these reasons the OCC Legal Team do not require a Deed of Variation to the previous S106 / S278.

6.7 Community Infrastructure Levy

The development continues to comprise C2 units (care home use) only, which would not have independent domestic facilities and which could not be separated out from the care home without changing the planning use. In addition, residents would be provided with a high level of care on-site and would be reliant on on-site facilities. On this basis the development is not CIL liable.

The request from the Oxfordshire Clinical Commissioning Group is acknowledged, and the CIL mechanism would be the most appropriate route to secure this contribution. However, for the reasons set out above, the original development, and the current 'varied proposal', are not CIL liable.

7.0 CONCLUSION

- 7.1 I recommend that the variation to the plans is approved. The proposed changes are considered to be acceptable for the following reasons:

Taking account of the change to traffic movements, staff patterns and the number of residents on-site, the increase in bedrooms makes very little difference to the associated travel demands and the highway network. The 22 parking spaces can satisfactorily accommodate the staff, visitors and medical consultants associated with the reconfiguration of the care home.

Subject to a detailed landscaping scheme, the changes to the elevations, roof and boundary treatment would have minimal impact on the overall design and appearance of the building, or the character of the surrounding area at the edge of the village.

In light of the separation distance to nearby dwellings, the reconfiguration of openings would have no greater impact on the amenity or privacy of neighbouring occupants.

The development continues to secure necessary infrastructure measures in accordance with CSI1.

Subject to recommended conditions, and the S106 agreement dated 24 February 2017, the proposal accords with the National Planning Policy Framework (2018) and National Planning Practice Guidance (2014), South Oxfordshire Core Strategy (2012), South Oxfordshire Local Plan (saved policies 2011) and the South Oxfordshire Design Guide (2016).

8.0 **RECOMMENDATION**

8.1 It is recommended that condition 2 is varied in accordance with plans forming this application:

- Condition 2 – In accordance with varied plans.
- Condition 6 – Noise mitigation scheme to be submitted prior to above ground works commencing.
- Condition 11 - Details of balcony glazing to be submitted prior to installation.

and that the following conditions are amended, taking into account the additional information subsequently approved by condition:

- Condition 3 - In accordance with the schedule of materials (Submitted and approved under P17/S2670/DIS).
- Condition 5 - In accordance with drainage (Submitted and approved under P17/S0872/DIS).

and that the following conditions are removed, as they have subsequently been complied with:

- Condition 4 – Archaeological scheme of investigation (compliance under P17/S2670/DIS, and implemented).
- Condition 5 – Archaeological evaluation report (compliance under P17/S2670/DIS, and implemented).

and that the following conditions are attached but remain unaltered:

- Condition 1 – Work to commence by 27 February 2020 (three-year commencement date as per previously approved timescale).
- Condition 4 - In accordance with flood risk assessment
- Condition 7 – Details of external lighting.
- Condition 8 - Construction traffic management plan.
- Condition 9 - Hours of operation (construction).
- Condition 10 - Landscaping scheme.

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