

**For: PLANNING AND REGULATION COMMITTEE – 2 MARCH 2015**

**By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY  
(STRATEGY & INFRASTRUCTURE PLANNING)**

**Development Proposed:**

**Construction of Residential Children's Home - New Assessment Centre building and associated external recreation areas and car parking**

**Division Affected:** Eynsham

**Contact Officer:** Kevin Broughton **Tel:** 01865 815272

**Location:** Litchfield Farm Land, Merton Court, Eynsham, Oxfordshire, OX29 4QF

**Applicant:** Oxfordshire County Council

**Application No:** R3.0020/15 District ref No: 15/00074/CC3REG

**District Council Area:** West Oxfordshire

**Recommendation:** Approval

**Location (see site plan Annex 1)**

1. Eynsham is located about 7km (4.5m) west of Oxford on the southern side of the A40. The site is on the south western edge of the town.

**Site and Setting (see site plan Annex 1)**

2. The site is an arable field adjoining Merton Court on the north eastern side of the site. To the east it borders houses on Merton Close but there is an existing line of mature trees between the housing and the site. Those trees also extend partly around the southern boundary as well. The site is also overlooked by residential properties in Merton Court around 50m to the north.
3. Land to the south and west are fields in agricultural use that appear to be pastureland. The land is relatively flat lying and the site is just over 0.4 ha in size.
4. Chil Brook is approximately 60m south of the site. The site is just outside flood zone 3 (1 in 100 year probability of flooding) and part of the site is within flood zone 2 (between 1 in 100 and 1 in 1000 year

probability of flooding). The applicant has applied the sequential test and the building itself is outside the flood zone 2 area and so within flood zone 1 (less than 1 in 1000 year probability of flooding), the area with the lowest probability of flooding. There would be no built development at all outside flood zone 1.

5. The site has no specific landscape designation in the West Oxfordshire Local Plan, however the District's landscape character assessment places it just within the Lower Windrush Valley and Eastern Thames Fringes Landscape Character Area. The site also lies within the Wychwood Project Area.
6. Access to the site would be along Merton Close and then via Merton Court which is a road subject to a legal agreement to become an adopted highway, but has yet to be adopted.

### **Details of the Development**

7. There are currently 493 children who are either in Oxfordshire County Council Accommodation or under a care order. The assessment centre would provide care for some of the county's more vulnerable children. This would reduce the need for out of county placements.
8. There has been increased pressure locally due to Operation Bullfinch, a joint police and Council investigation into Child Sex Abuse, to support children and young people who are at risk.
9. The site has been chosen by the applicant because it meets their needs of having a degree of remoteness whilst still being appropriately close to an urban environment.
10. The assessment centre would provide short term care for up to 6 children aged between 12 and 17. The centre would be staffed constantly, with four staff during the day and two staff overnight.
11. The building would be a traditional style two-storey building with two levels of pitched roof. The building would be just under 7.3m high at the apex of the roof at the highest point. 506 m<sup>2</sup> of gross internal floorspace would be provided. The elevations would be reconstituted stone and horizontal timber cladding. The roof would be slate grey roof tiles. Windows and doors would be of aluminium.
12. The proposed building has been oriented so as to have a south facing roofscape which would have photovoltaic panels placed on it.
13. External lighting facilities would be provided affixed to the building facade, to provide safe and secure movement around the perimeter of the building. Lighting columns and/or bollards would be used to provide illumination to the external driveway and footpath. The locations of the

new external luminaires will be carefully selected to avoid light trespass being a nuisance to the environment and neighbouring buildings and dwellings. For efficient operation, all new external luminaires will be controlled via a time switch, photocell and override switch.

14. The driveway and the parking area on the site would be a porous paving / infiltration system. The building would have raised thresholds to reduce flood risk vulnerability. There would be eight parking spaces one of which would be a disabled space and ten cycle parking spaces.
15. No new fencing is proposed along the highway boundary, but 1.2 metres high post and rail fencing is proposed on other boundaries.
16. Prior to submission of the application for the development, the applicant updated elected members through the Corporate Parenting Panel, quarterly locality meetings for councillors, Children and Young Peoples Board, and correspondence with elected members. There was also a public exhibition of the proposal at Eynsham Village Hall on 17 September 2014.

### **Representations**

17. There are six representations of which 5 were raising objections or concerns. One welcomed the application. The material concerns raised are:
  - i. How would the building fit onto the small site?
  - ii. The building would be too close to immediate neighbours.
  - iii. The building is in the flood plain. Houses have already come close to flooding in the last four years.
  - iv. It would add more traffic to the village.
  - v. Effect on the local amenity.
  - vi. Effect on wildlife.
  - vii. Likely increase in anti-social behaviour.
  - viii. It would be visible from other viewpoints in the village.
  - ix. Concern about construction traffic.
  - x. Request for tree planting along the northern perimeter.
  - xi. Development does not look homely enough - it will not engender emotional security for the children.
18. There were also concerns raised at a public meeting held on 28<sup>th</sup> January. These were:
  - i. Construction Traffic and Access to site
    - Details of proposed construction routing through the village.
    - Restricted delivery times.
    - wheel washes
    - parking provision for construction vehicles
    - speed limits
    - tonnage limits were raised for future consideration.

- Consider adding double yellow lines to access route throughout construction period.
  - Provision of a hard-core parking area around the site would help to limit mud transfer to the road and alleviate concerns around impact on parking.
- ii. Concern of predatory, dangerous or disruptive people being attracted to the area as a result of the assessment centre
  - iii. pruning or pollarding should be carried out on some of the trees bordering the assessment centre and residential dwellings. These trees are believed to be dangerous.
  - iv. Planting of trees and shrubs be considered for improved screening of the assessment centre from Merton Court. These should be considered around the larger field space as well as the assessment centre site.
  - v. Use of Section 106 funding was suggested to establish safe crossing point on Acre End Street.

### **Consultations**

19. West Oxfordshire District Council - No response received.
20. Environment Agency - refer to standing advice. Floor levels within the proposed development will be set no lower than existing levels AND flood proofing of the proposed development has been incorporated where appropriate.
21. Protected Species Officer - European Protected Species are unlikely to be present. No further consideration of the Conservation of Species & Habitats Regulations is necessary.

The following conditions should be attached to any permission:

- No trees or hedgerows shall be removed except between 1st September and 28th February (inclusive) as this is outside of the bird breeding season. Any works to trees between 1st March and 31st August (inclusive) must be checked by an ecologist immediately before work is carried out so as to ensure there are no nesting birds present. If nesting birds are present, the tree must be cordoned off and works cannot be carried out until the birds have fledged.
  - The grassland sward within the application site is to be maintained at a height of no more than 3 inches between the months of March to August inclusive.
22. County Tree Officer - no objection but makes the following comments:

- The Planting Plan submitted covers an aftercare period of 12 months. Current best practice within BS 8545:2014 Trees: from nursery to independence in the landscape, recommends that this shall be no less than 24 months.
  - Would expect that any trees or shrubs planted within 5 metres of adjacent hard surfaces would include root deflectors to reduce the potential for uplifting and future resurfacing requirements.
23. County Highway Authority - no objection because traffic impact is minimal with less than 10 vehicular trips per day expected. Recommend conditions to cover the following matters:
- access provided as plan and to appropriate construction specification prior to first occupation
  - parking and turning areas to be provided as plan prior to first occupation
  - construction traffic management plan to be submitted and approved prior to development

**Relevant planning policies (see Policy Annex to the committee papers)**

24. Development Plan Policies:

West Oxfordshire Local Plan 2011 (WOLP) Policies:

BE1 - Environmental and Community Infrastructure

BE2 - General Development Standards

BE13 - Archaeological Assessments

BE21 - Light Pollution

NE1 - Safeguarding the Countryside

NE3 - Local Landscape Character

NE6 - Retention of Trees, Woodland and Hedgerows

NE7 - The Water Environment

NE10 - Water Resources

NE11 - Water Quality

NE13 - Biodiversity Conservation

NE15 - Protected Species

T1 - Traffic Generation

TLC1 - New Tourism Leisure and Community Facilities

25. Other Material Considerations:

Draft West Oxfordshire Local Plan October 2012 (DWOLP):

Core Policy 1 - Presumption in favour of sustainable development.

Core Policy 2 - Locating Development in the Right Places

Core Policy 3 - Prudent Use of Natural Resources

Core Policy 4 - High Quality Design

Core Policy 15 - Local Services and Community Facilities

Core policy 17 - Landscape Character

Core Policy 18 - Biodiversity

Core policy 21 - Flood Risk  
Core Policy 22 - Environmental Protection  
Core Policy 23 - Historic Environment  
Core Policy 24 - Transport and Movement  
Core Policy 34 - Eynsham - Woodstock Sub - Area Strategy

National planning Policy Framework (NPPF)

**Comments of the Deputy Director (Strategy and Infrastructure Planning)**

26. The main issues in relation to this development are the presumption in favour of development, effect on the local landscape and historic environment, transport, flood risk, biodiversity and nature conservation, and the design of the building.

**Presumption in Favour of the Development**

27. Policy TLC1 of the WOLP states that permission will be granted for community facilities that meet local needs. This is reinforced by Core Policy 15 of the DWOLP which states that development and facilities that promote social interaction and healthy inclusive communities will be promoted.
28. The proposed building would meet an identified need for the County. Though there is no specific need to locate the proposed facility in Eynsham, the proposed site has been shown to meet the needs of the children's home.
29. Core Policy 1 of the DWOLP reflects the presumption in favour of sustainable development as set out in the NPPF. It states that proposals that accord with the policies in the local plan will be granted permission unless material considerations indicate otherwise.
30. Core Policy 2 of the DWOLP adds that development should be located in the right places. It defines Eynsham as a rural service centre suitable for developments at an appropriate scale that will help reinforce their existing service centre role. It says as a general principle that development will be located where it matches the existing scale of the area, and where it meets other criteria covered in this report.
31. Core Policy 34 of the WOLP identifies Eynsham as one of the focal points for development in the Eynsham - Woodstock Sub Area Strategy.
32. In terms of general location the development does meet the strategy of the development plan and the draft local plan. It should therefore be granted planning permission unless any reasons from the following considerations indicate otherwise.

Landscape and Countryside

33. Policy NE1 of the WOLP states that proposed development in the countryside should maintain and enhance the value of the countryside. Policy NE3 of the WOLP adds that development will not be permitted if it harms the local landscape character of the district. This is further reinforced by Core Policy 17 of the DWOLP which states the development should respect and where possible enhance the
34. Policy NE6 of the WOLP states that planning permission will not be granted for proposals that would result in the loss of trees, woodland and hedgerows which are important for visual, historic or biodiversity value.
35. The proposed development would extend the built environment into the open countryside. The site is partly screened from the surrounding countryside by existing planting, and this would be added to by further planting on the site boundary.
36. Views of the building would be seen against the backdrop of the new housing developments of Merton Close and Merton Court which, as with the proposed development, are predominantly two storey. The building is located centrally on the site and does not relate particularly well to either the surrounding houses or the road frontage. Its location is largely dictated by the need to avoid the area of the site most at risk from flooding, and by the need to provide adequate car parking. Nevertheless the proposed building within the wider landscape would not look out of place in the context of the surrounding housing.
37. Although the development would not conserve or enhance the countryside, the harm it would cause given its location and the mitigation of the tree planting would not be significant. The proposed conditions set out by the County Tree Officer should be attached to any permission given, to ensure the mitigation of the proposal.
38. Policy BE21 of the WOLP states that external lighting for rural buildings will only be permitted where it would not cause excessive levels of light and not have a detrimental impact on the village or the country side. The development includes external lighting that would be affixed to the building and on bollards or light columns. There is no detail of the proposed external lighting in the application, and a condition should be attached to any permission that no external lighting shall be placed on the site until the details of such lighting have been submitted and approved.
39. Screening on the northern boundary was requested in the responses, but the site is over 40m from the nearest dwelling to the north, and the building is some 80m away. The northern boundary would be planted with a Hornbeam hedge and this would be sufficient screening for the development at the distance it would be.

40. Pruning and pollarding of trees was raised in the third party representations. This would be a property management issue , and the applicant is aware of the concern because it was raised at a public meeting with the applicant.
41. Subject to the conditions as set out, the development would not cause such harm to the landscape and countryside that it would override the presumption in favour of the development.

#### Transport

42. Policy BE1 of the WOLP states that development will not permitted unless there is appropriate supporting infrastructure. Policy T1 states that proposals that would generate significant levels of traffic will not be permitted in locations that would rely on the use of the private car. Core Policy 24 of the DWOLP states that priority will be given to new development where travel by private car can be minimised.
43. The proposed development would generate less than 10 car journeys per day on average. The site of the proposed development has been chosen because the home would have a degree of remoteness while still allowing easy access to the village services.
44. The County Highway Authority has no objection to the proposal but has required certain conditions to be attached to the proposal. These conditions require that access arrangements and the parking and turning areas are provided prior to first occupation of the building, and that a construction traffic management plan be submitted and approved prior to development taking place.
45. The construction management plan would address many of the concerns raised on transport grounds. There was a specific concern about a Section 106 agreement for a new crossing on Acre End Street. This was not required by the County Highway Authority and would not be necessary given the low volume of traffic that would use the site.
46. The low level of traffic generation is such that with the mitigation measures set out in the conditions, the development would not cause a significant detrimental effect on the area in terms of traffic.

#### Local Amenity and Design of the Building

47. Policy BE1 of the WOLP states that development will not be permitted unless the local environment is safeguarded. Policy BE2 of the WOLP states that proposal for new buildings should clearly demonstrate how they will relate satisfactorily to the site and its surroundings. Core Policy 4 of the DWOLP seeks to secure a high standard of design.



48. Notwithstanding the reservations set out in paragraph 36 of this report the development would be relatively distant from the neighbouring houses, and there would not be a significant effect on the local amenity because of its location.
49. Policy BE2 sets out criteria against which the development will be judged. The proposed building would be similar in scale and size to other multi occupation buildings in the area. The proposed elevations would be a mixture of Buff brick and timber cladding. This would not precisely match the surrounding houses but it would give a domestic feel while retaining some difference to reflect the difference in the type of building. The proposal would not have a detrimental effect to people living in or visiting the area. The effect on landscape would not be significantly harmed, nor would existing features of importance, the setting of Eynsham or the surrounding countryside. The proposed building would be constantly staffed and so the risk of crime would be less significant than if the building were left vacant for significant periods of the day. There are solar panels included in the design of the building.
50. Concerns have been raised that the development would encourage anti-social behaviour in the area. The site will be permanently supervised and will have up to 6 children at any one time. The level of supervision and the low number of children makes it unlikely that antisocial behaviour would emanate from the site. There is also no evidence to suggest that the children going to the site are likely to be antisocial.
51. Concern has been raised about the design of the building; that it is not homely enough and will not engender emotional security for the children. This concern is a matter for the applicant as the experts in child care. It is not a relevant planning matter.
52. There are no significant local amenity issues or matters relating to the design of the building. There would certainly be nothing to override the presumption in favour of the development.

#### Natural Resources and Archaeology

53. Policy NE6 of the WOLP seeks to retain trees woodland and hedgerows. There is no significant removal of hedges or trees proposed as part of the development.
54. Policy NE7 of the WOLP states that development should not have an adverse impact on the water environment, Policy NE10 of the WOLP states that development will not be permitted where it would increase the need for water unless sufficient water resources already exist, and Policy NE11 seeks to protect water quality. The proposed development would be roughly equivalent to a large house or a small group of

houses. It would not have a significant impact on water resources, the water environment or water quality.

55. Core Policy 3 of the DWOLP seeks the prudent use of natural resources. The proposed development is small scale but it still has some features that save natural resources. It is built on the part of the site less susceptible to flooding, and it has solar panels on the roof.
56. Core Policy 21 of the DWOLP seeks to reduce flood risk. The proposed development has the building located on the part of the site that is liable to flooding less than every 1 in 1000 years, and has left the part of the site that is liable to flood between 100 and 1000 years as open field. The Environment Agency has raised no objection to the application.
57. Core Policy 22 of the DWOLP states that developments likely to cause pollution will not be permitted. The proposed development would not cause harm in relation to air quality, contaminated land, hazardous substances, noise, water resources or waste. It does have the potential to cause problems in terms of lighting, but a condition is already proposed requiring details to be approved by the local planning authority. With such a condition attached the development would not cause significant pollution.
58. Policy BE 13 seeks to protect the potential archaeology of the area from potential impacts. The County Archaeologist has no objection subject to conditions requiring a staged programme of archaeological investigation. Such conditions could be added to any permission granted.
59. Policy NE13 of the WOLP states that priority habitats will be safeguarded and maintained, and Policy NE15 of the WOLP states that development having an adverse effect on protected species will not be approved. Core Policy 18 of the DWOLP states that biodiversity will be protected and opportunities to achieve a net gain will be pursued. The County's Protected Species Officer has said that protected species are unlikely to be present. She raised no objection subject to conditions relating to dates within which trees and hedgerows can be removed and dates within which the grass sward should be kept at no more than 3 inches. Such conditions could be added to any permission granted.
60. The proposed development would not cause any significant adverse effect in terms of the natural environment and archaeology.

### **Conclusions**

61. The proposed development with suitable conditions as set out in the report would not cause any significant harm to the countryside or the local landscape. It would not cause a detrimental effect on the area due to traffic. There would be no significant loss of amenity to the local

residents, and the building would be an acceptable design for its location. The development would be acceptable in terms of its use of natural resources and its effect on the local archaeology and biodiversity. There would therefore be no overriding reason for it not to be granted planning permission in accordance with the presumption in favour of development.

**RECOMMENDATION**

- 62. It is RECOMMENDED that planning permission for application no. R3.0020/15 be granted subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the following:**
- i. Development to be carried out in accordance with the submitted documents and plans.**
  - ii. The development will be carried out within a period of three years from the date of the permission.**
  - iii. The Planting shall be subject to a two year aftercare scheme to be submitted and approved prior to the development taking place.**
  - iv. Root deflectors shall be used for any trees or shrubs planted within 5 metres of adjacent hard surfaces.**
  - v. No external lighting shall be placed on site until details of the lighting has been submitted to and approved by the local planning authority.**
  - vi. Access, and parking and turning areas shall be provided prior to first occupation of the building.**
  - vii. A construction traffic management plan shall be submitted to and approved by the Local Planning Authority prior to development taking place.**
  - viii. 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.**
  - ix. Following the approval of the Written Scheme of Investigation, 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.**
  - x. No trees or hedgerows to be removed between 1 September and 28 February. Any works to trees between 1st March and 31 August (inclusive) must be checked by an ecologist immediately before work is carried out so as to ensure there are no nesting birds present. If nesting birds are present, the tree must be cordoned off and works cannot be carried out until the birds have fledged.**

- xi. The grassland sward within the application site is to be maintained at a height of no more than 3 inches between the months of March to August inclusive.**

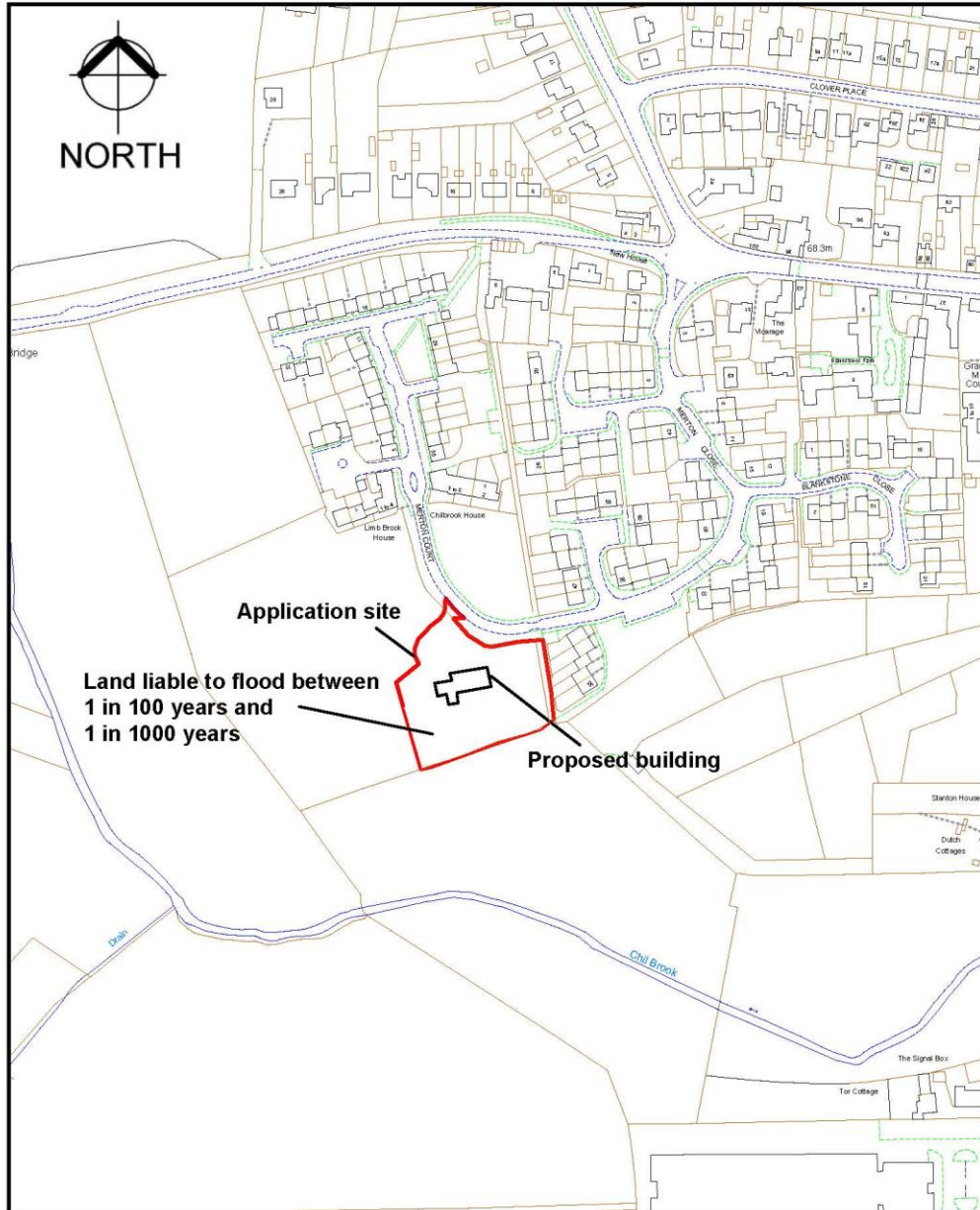
BEV HINDLE

Deputy Director FOR Environment & Economy (Strategy and Infrastructure Planning)

Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service, which the applicant took advantage of in this case updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. The applicant held a public meeting with local residents and took note of their concerns. This did not lead to a change to the development. No issues arose from statutory consultees.

**Application no. R3.0020/15  
Proposed Children's Home**



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