

## Full Council

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<b>Title:</b>	<b>P21/S0644/FUL – Pearces Yard Aylesbury Road – Amended Plans</b>
<b>Date:</b>	<b>10 August 2021</b>
<b>Contact Officer:</b>	<b>Philippa Jarvis, Jarvis Planning</b>

P21/S0644/FUL – Pearces Yard Aylesbury Road – Amended Plans – Full planning permission for the erection of a 70 bed care home development (Use Class C2), including communal space, landscaping and associated development (As amended by plans received 15 July 2021 and 27 July 2021).

### 1. Officer Recommendation:

That the Town Council maintains the OBJECTION to this application: the development fails to conserve and enhance the character and appearance of the conservation area and setting of a number of listed buildings and the harm is not considered to be outweighed by the public benefits. Furthermore, the loss of the employment land has not been fully justified.

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### 2. Background

- 2.1 This application was considered by Full Council on 30 March 2021 when it was resolved that the TC should object to the application on grounds that it failed to conserve and enhance the character and appearance of the conservation area and setting of a number of listed buildings and that this harm was not outweighed by the public benefits. In addition, the loss of employment land had not been justified. The report from that committee is attached (Appendix A).
- 2.2 Since that time the applicant has submitted amended and additional information and documents comprising the following:
- Revised site plan
  - Revised elevations and sections
  - Revised landscaping plans
  - New / additional visualisations
  - Economic Development Report incorporating Viability Report, Condition Report, Asbestos Report, Feasibility Study
  - Drainage response
  - Cover letter dated 14<sup>th</sup> July 2021
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### 3. Key Issues

The key issues remain as before which are as follows:

- a) The principle of a care home in this location
- b) Loss of employment use
- c) Impact on the character and appearance of heritage assets and wider area
- d) Living conditions of existing and proposed residents
- e) Highways, access and parking
- f) Ecology / biodiversity
- g) Flood risk / drainage

The sections on planning history, risk appraisal, relevant policies and site description & proposal remain as set out in the previous report, unless revised as below, and are not repeated here.

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#### 4. Revisions to the proposal / Response of the applicant

##### *Amended site plan / elevations and landscaping*

- 4.1 The applicant states that the amended plans address the following:
- 4.2 Comments from local residents to include the provision of obscure glazing to windows at roof level and removal of access doors onto the flat roof, access to be via alarmed obscure glazed windows. Landscaping has also been revised to address comments. It is concluded that these amendments fully address concerns in respect of privacy and overlooking.
- 4.3 In response to highway officer comments, parking spaces near the entrance have been removed to allow for widening of the access and safe use of spaces. The access into the site has been widened to 5.5 m for the first 12 m and then narrows to 4.8m, which allows for larger vehicles to pass. Visibility splays show an improvement over the existing situation and footways of 1.5m width are clarified. A public transport services contribution requested is considered to be unjustified and does not reflect the likely demands of the use.
- 4.4 Additional detail and planting is proposed to respond to the comments of the Council's Landscape Office, to include new tree planting along boundaries, clarification of space available to allow appropriate species to be provided, further details of species and boundary treatments; further details are to be provided pursuant to conditions as part of a detailed landscaping scheme.

##### *Additional visualisations*

- 4.5 In response to concerns raised regarding the cumulative impact on heritage assets, additional visualisations have been prepared. These are from the south-east corner of the site, St Mary's Church graveyard, the pedestrian routs across the Green and further updated views from Thame Bridge and Priest End. The applicant makes the following comments:
  - Thame Bridge - This summer view further emphasises the limited impact with thick screening minimising any view of the site
  - Aylesbury Road / Priest End – view of Jasmine Cottage will change but not negatively; proposal takes inspiration from local materials, including local brick, and from industrial architecture of the site. It will not compete with the more primary status of Jasmine Cottage and is considered to make a positive contribution
  - From south-east location within site – only a small part of Lashlake House visible. In terms of the wider impacts on the Woolstapler's Yard, the proposal is considered to be a significant improvement in comparison with the existing poor quality industrial unit which far outweighs their loss and is overall considered to be beneficial, though the loss of the non-designated heritage assets (outbuildings of local note).
  - St Mary's Graveyard – the proposed development will be almost completely obscured as only a very minor portion will appear behind Lashlake House thus demonstrating that it will have only minimal impact on its setting.
  - The Green – this provides further evidence of the limited impact from this location, with the building being visible during winter months only.

##### *Economic Report*

- 4.6 The applicant contends:
  - the site can no longer viably support an employment use
  - The development would bring significant employment (89 new jobs) bringing job opportunities for local people.
  - The current use being retail (originally approved as B8) is not effectively in any 'employment land use' such as to protect its status and the relevant policy was not intended to cover retail use

- The current tenant is moving within the immediate location so retaining existing local employment
- The Condition Report confirms that the building has reached the end of its usable life and redevelopment is the only option
- The Viability Report confirms that a 20,000 sq.ft. light industrial use is not viable
- There are a number of covenants that preclude development on the northern part of the site therefore the new building has to be sited adjacent to the listed buildings
- The feasibility study demonstrates that a large bulky building of 8m height would deliver an inappropriate scheme in terms of heritage impact
- An industrial use will have a substantial impact on local transport, create air and noise pollution and is inappropriate in this location in the conservation area adjoining residential properties
- A 70 bed care home is the smallest viable scheme that can be delivered within the constraints of the site, no mixed scheme incorporating employment floorspace could not be achieved.

*Other matters*

- 4.7 Drainage – further information to respond to the LLFA holding objection have been provided.
- 4.8 The Council has noted that the scheme does not achieve the 40% carbon dioxide reduction target set by policy DES10. The applicant contends that the features of the scheme which include heat loss reduction features and on-site combined heat and power system which will achieve 33% reduction are the optimum. The use of photovoltaic panels is deemed inappropriate in this sensitive location.
- 4.9 The applicant sets out a number of benefits of the development which are mainly those identified previously.

**5. Representations**

- 5.1 A number of further representations have been submitted in response to the amendments which in summary raise the following concerns:
- Concern that the visualisations are truly representative of the impacts; it is obvious that for many months the development will be highly visible and not screened by deciduous vegetation
  - The massing and scale of the highly visible proposals will be completely at odds with the historic domestic architecture of Lashlake House and Jasmine Cottage.
  - The whole of the roof and three storey elements will be visible above the existing warehouse (as demonstrated in the DAS) whilst it is suggested that the overall height will be broadly similar to existing – this is highly unlikely given the finished floor levels required. Views from Thame Bridge are critical.
  - The amendments do not address concerns – the iconic view across Church Meadow of the listed buildings will still be dominated by the new building;
  - Concern over loss of building of local note (currently occupied by the veterinary services)
  - Concerns remain over location of parking spaces and potential noise and disturbance; 3 storey element has no local precedent and has potential to cause light pollution and overlooking - the amended plans do not address any of these concerns.
  - Concerns over increased traffic have not been addressed.

## 6. Discussion of key issues

### a) *The principle of a care home in this location*

- 6.1 As set out in the earlier report, the location is considered to be suitable with regard to access / proximity to local services and facilities and would be served by a range of sustainable transport modes.

### b) *Loss of existing employment uses*

- 6.2 As set out in the earlier report, the recent South Oxfordshire Local Plan took into account the new Class E and clarifies that they are defined as employment uses. The planning history suggests that the site is in a mixed use A1 and B8 with one of the buildings used as a veterinary centre. The applicant argues that the main building is now in use by Wynnstay Stores, which they describe as an agricultural retailer, with the warehouse element used as associated storage to the retail use. However, that is in conflict with a condition imposed on the earlier permissions which confined the retail use to a small area of the whole building, with the primary use remaining as B8. It should not therefore be assumed that retail is the lawful use unless it can be demonstrated that it has been used continuously for that purpose for a period in excess of 10 years. Therefore, it is considered that there is a requirement to show compliance with relevant policies EMP3 of the SOLP and WS12 of the TNP.
- 6.3 The recently submitted employment report refers only to SOLP policy EMP3 and whilst suggesting that it does not apply, nevertheless goes on to consider whether there are viable options for an alternative employment use. It is noted that the existing building is not suitable for conversion / re-use. Therefore, only a large scale industrial / warehouse scheme appears to have been assessed and in order to achieve a viable size of unit, a large building inappropriate within the setting of listed buildings would be required. Further concerns in terms of highway and residential amenity impacts are cited.
- 6.4 In considering a mixed use scheme, the applicant appears to have only assessed this in the context of retaining the care home use and on the basis of the need to retain a 70 bed facility, and concludes that such a mixed use would not be practical or viable.
- 6.5 The use of the site for offices or light industrial / workshop uses appears to have been discounted on the basis that there would be 'no meaningful market' for such an office use. Furthermore, no consideration appears to have been given to the potential for a live/work scheme. Nor is there any mention of any marketing exercise to test the market. Whilst this is not a requirement of policy EMP3, as that sets out alternative scenarios, it is in the context of TNP policy WS12, which is not mentioned in the report at all.
- 6.6 It is concluded that whilst the report demonstrates that the existing modern building cannot be reused, it has not fully assessed all other redevelopment options.

### c) *Impact on the character and appearance of the conservation area and setting of listed buildings*

- 6.7 The applicant has provided further information relevant to this issue in the form of additional visualisations and amended elevations and landscape details. It is of note, as pointed out by local representations, that the visualisations show the site in summer months with the trees in full leaf, thus they are not representative of the impact that the building will have for many months of the year.
- 6.8 The Council's Landscape Officer has not removed their objection, noting that insufficient new planting is incorporated within the site particularly along the southern and western boundaries and other matters remain outstanding.
- 6.9 In addition, the revisions do not materially change the scale, form and bulk of the proposed building and whilst indicating that additional planting would be provided around the perimeter of the site, will not make a significant difference to the way in which the building will be seen and the impact that it will have on the setting of the

sensitive historic environment within which it is proposed. It should also be noted that the additional drainage details indicate that the building will be raised above existing ground levels.

- 6.10 At the time of writing the Conservation Officer comments on the amended plans do not appear to have been received.
- 6.11 It is concluded that the proposal remains unsympathetic to the special qualities of the area within which it is located, introducing a building that fails to complement the open village feel of this part of the conservation area, nor would it provide a suitable transition to the countryside to the north of the site. Less than substantial harm through the loss of the locally listed buildings is acknowledged. Conflict with the policies of the SOLP and TNP would remain as set out in the earlier report.

*d) Accommodation type / environment for proposed occupants*

- 6.12 It was previously concluded that the proposal would provide a suitable environment for its occupiers and this remains the case.

*e) Impact on living conditions of occupiers of adjoining properties*

- 6.13 It will be noted that the previous report concluded that the relationship with adjoining residential occupiers would be acceptable; this remains the case and it is noted that revisions to the design to incorporate obscure glazing to some windows would improve this relationship.

*f) Highways, parking and sustainable transport modes*

- 6.14 The previous report concluded that there were no objections in this regard and the scheme has been revised to respond to the comments of the highway authority.
- 6.15 It is noted that the Council has requested a contribution towards the enhancement of public transport / bus provision, though the applicant has challenged this. Relevant policies and the NPPF seek to ensure that significant development should offer a 'genuine choice of modes'. It is considered that such a contribution would be justified if the existing services do not provide a regular, high quality service as otherwise, they would not offer such a choice. Such a contribution would also need to be proportionate and on this basis the District Council should seek such a contribution.

*g) Ecology / biodiversity*

- 6.16 No objection was raised in this regard previously and this remains the case.

*h) Flood risk / drainage*

- 6.17 The applicant has responded to the comments and holding objection of the LLFA in respect of surface water drainage and flood risk. The concerns identified a need to consider the surface water risk and incorporate mitigation measures as appropriate; in addition, further information relating to greenfield runoff rates and the use of a surface feature for water quality. The LLFA has confirmed that these matters have been adequately addressed by the additional information submitted and the objection has been withdrawn.
- 6.18 It is of note that in response, the applicant has indicated that the building will be set 150mm above existing ground level to ensure that the care home is set significantly above the highest modelled surface water level.
- 6.19 It can be concluded that the proposal will not result in any flood risk and that a suitable detailed surface water strategy can be secured in accordance with TNP policy ESDQ11 and SOLP policy.

*i) Contributions to local infrastructure*

6.20 As previously noted, policies GA3 (contributions to the Thame – Haddenham cycle route), CLW4 (contribution to healthcare), and D1 (appropriate new facilities) of the TNP should be considered and appropriate contributions sought if necessary and justified. These would be in addition to the contribution towards bus enhancement as noted above.

*j) Other considerations*

6.21 The previous report sets out 'other considerations' including a demonstration of need for the development and the benefits arising such as providing a high quality development and quality of life for those in 'later life' as well as providing social and economic benefits in terms of the potential to free up family homes, provision of jobs and other direct / indirect benefits to the local economy.

6.22 The applicant has also responded to the Council's concerns in regard to the requirements of policy DES10 which set out a need for development proposals to achieve at least a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base case. However, it remains the case that only a 33% reduction can be achieved, thus there would remain a conflict with this policy.

## **7. Conclusions**

7.1 In conclusion, it is considered that the amended plans and additional details have not overcome the previous concerns.

7.2 The applicant remains of the view that the proposal would have minimal impact on the heritage assets and that insufficient account has been taken of the impact of the existing building and that in any event the public benefits outweigh any harm to heritage assets, with the care home representing the optimal use of the site.

7.3 However, given that the building scale, form and appearance has not been materially changed, it remains a large, inappropriate building which will have a more dominating presence than the existing low key, quasi agricultural building. In addition, the proposal would result in the loss of the locally listed building, further diluting the 'farmyard' character of the site. The loss of employment land has not been fully justified.

7.4 Overall, it is considered that the proposal will fail to integrate successfully with the distinctive rural village character and important historic setting of the site and its surroundings. Conflict with the policies remain as set out in the previous report.