

# REPORT TO THAME TOWN COUNCIL

**The Elms, 32 Upper High Street, THAME, OX9 2DN**

**The erection of an Extra Care housing development (Use Class C2) comprising apartments, houses and a communal residents' centre with basement parking and storage areas and creation of new public open space, provision of new vehicle access from Elms Road and a new pedestrian/cycle link onto Upper High Street with associated infrastructure works and landscaping**

**Planning Application Reference: P16/S2407/FUL**

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The Elms

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Thame

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## 1 INTRODUCTION

- 1.1 The purpose of this report is to provide advice to Thame Town Council on the planning merits of the planning application to allow the Town Council to formulate their response to South Oxfordshire District Council (SODC) to the application (P16/S2407/FUL) at The Elms.
- 1.2 The application seeks permission for:

“The erection of an Extra Care housing development (Use Class C2) comprising apartments, houses and a communal residents' centre with basement parking and storage areas and creation of new public open space, provision of new vehicle access from Elms Road and a new pedestrian/cycle link onto Upper High Street with associated infrastructure works and landscaping.”
- 1.3 This report details the background to Thame, on overview of the Neighbourhood Plan housing strategy, the merits of the current application and sets out any potential conflict with the Neighbourhood Plan.

## 2 CONTEXT

- 2.1 The current planning application for the Extra Care residential development is located within the centre of Thame in close proximity to the High Street.
- 2.2 The High Street forms the centre of an attractive and historic town centre which comprises a range of independent and chain retail stores, other local services including a post office and bus stops which serve Aylesbury, High Wycombe, Oxford and Princes Risborough. The Community Hospital is also in close proximity to the High Street. The High Street also hosts a weekly market that the Neighbourhood Plan notes is “a major asset” to the town.
- 2.3 Thame Town Council began the Neighbourhood Plan process in 2011 with adoption of the Neighbourhood Plan following referendum in March 2013.
- 2.4 The Neighbourhood Plan sets out the Town Council’s overarching vision and policies for the future of Thame for 5 key themes including Housing, Working and Shopping, Getting Around, Leisure and Wellbeing and Environment, Sustainability and Design Quality. The Neighbourhood Plan sets out Main Issues that were identified during the public consultation. A set of Core Objective are subsequently listed that arise from the Main Issues identified.
- 2.5 Of particular relevance to this report is Housing. The Neighbourhood Plan states that following the consultation with the community there was concern over the affordability of housing in Thame particularly for young people and families. The Neighbourhood Plan lists 4 Main Housing Issues which are as follows:

*Main Issues:*

- *600 homes on one site is too many – new housing needs to be integrated on smaller sites;*
- *New homes should be spread over several sites, not in one big development;*
- *A lack of affordable homes to buy or rent, and;*
- *A shortage of smaller homes (3 bedrooms or fewer).*

*Core Objectives:*

- *Integrate new housing into Thame;*
- *Provide a greater range of affordable housing, and;*
- *Provide a range of different housing types across all tenures.*

- 2.6 The Neighbourhood Plan has subsequently identified 7 sites for the requirement of 775 new houses and 3 reserve sites with a capacity of 135 homes.
- 2.7 Of relevance to this report is Site HA4 The Elms: Allocation for no more than 45 residential dwellings.
- 2.8 The Elms is a roughly rectangular site located to the south of the High Street adjacent to The Elms, a Grade II listed building within the Thame Conservation Area. There are a number of other listed buildings close to The Elms including the early 18th Century Grade II listed barn to the west of The Elms, the Poplars, a Grade II listed 18th Century house, the Grade II listed War Memorial and Gallup Poll Garfield, a Grade II\* listed building.
- 2.9 The key issue therefore identified by the Neighbourhood Plan is heritage, specifically the relationship of any proposed development to The Elms listed building and the wider Conservation Area. The site is also in close proximity to the High Street with the associated shops and services. The Neighbourhood Plan has set two specific requirements which are as follows:

#### HA4: The Elms Requirements

- Residential development. The number of dwellings will be determined through a detailed design proposal and in any case, will provide no more than 45 dwellings. If fewer than 45 dwellings are provided the balance of Thame's housing requirement will be provided in accordance with Policy H3 (which ensures the balance is provided within the Lord Williams's Lower School allocation or Reserve Site F).
- A minimum of 1 hectare of landscaped publically accessible open space.
- The proposals must preserve and enhance the Thame Conservation Area and the setting of the adjacent listed buildings and structures.

### 3 PLANNING HISTORY

- 3.1 The Elms site has recently been granted permission for an open market residential development. Application P14/S2176/FUL was approved on 5<sup>th</sup> August 2015 and permitted the erection of the 37 dwellings and public open space, new vehicular access from Elms Road, new pedestrian and cycle access to Upper High Street and associated infrastructure and landscaping. The scheme initially submitted proposed 45 dwellings however as a result of negotiations with the SODC Officers this was subsequently revised to 37.
- 3.2 The permission comprised 3 terraces of Crescent Town Houses forming 12 dwellings around a central open green space area, 2 terraces of Parkside Town Houses comprising 11 houses that front onto the Elms Park Recreation Area, 1 semi-detached pair of properties and three blocks of apartments that provide 12no. 1 and 2 bedroom apartments.
- 3.3 The location and design of the houses and apartments is referred to by the Planning Officer in the Committee Report as "being an in a sustainable location within the town centre and proposes a high quality contemporary design."
- 3.4 The development was designed so that there was no significant harm to the setting of The Elms listed building and the special character of the Conservation Area. Immediately to the south of The Elms is an open area of public Greenspace with the residential dwellings being located towards the east and south of the site to ensure a sufficient separation distance to The Elms and the other listed buildings.
- 3.5 The approved scheme also includes a pedestrian/cycle path to the west of The Elms from Upper High Street and that extends to the Elms Park Recreation Ground to the east of the site. An extract of the approved Site Plan is shown on the page below.



Image 1: Extract of the approved site plan (Plan No. 1771-110 Rev. D).

3.6 An Environmental Impact Assessment (EIA) Screening Opinion was submitted in February 2015 (P15/S0374/SCR). The Council subsequently confirmed in April 2015 that no EIA was required for the residential development of the site.

## 4 THE PROPOSED DEVELOPMENT

- 4.1 The current application proposes an Extra Care residential development that would comprise 87 units made up of apartments and houses, a community building with associated basement parking. The vehicle and pedestrian/cycle access proposed are the same as that approved pursuant to the 2015 permission referred to above.
- 4.2 The image below shows an extract of the proposed site plan pursuant to the current Extra Care development.

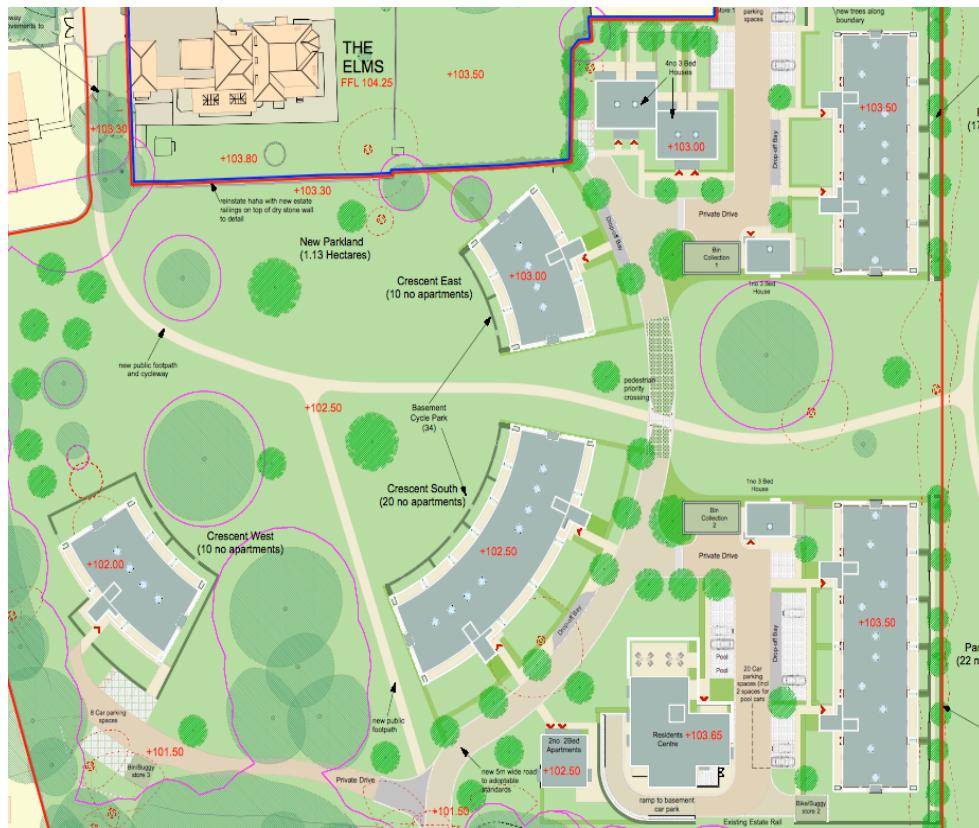


Image 2: Extract of Proposed Site Plan (Plan No. 1981-112 Rev. A)

- 4.3 The proposed layout of the built form is very similar to that which was approved in 2015 as shown by the comparison plan. An extract of the Building Comparison Outline Plan is below.

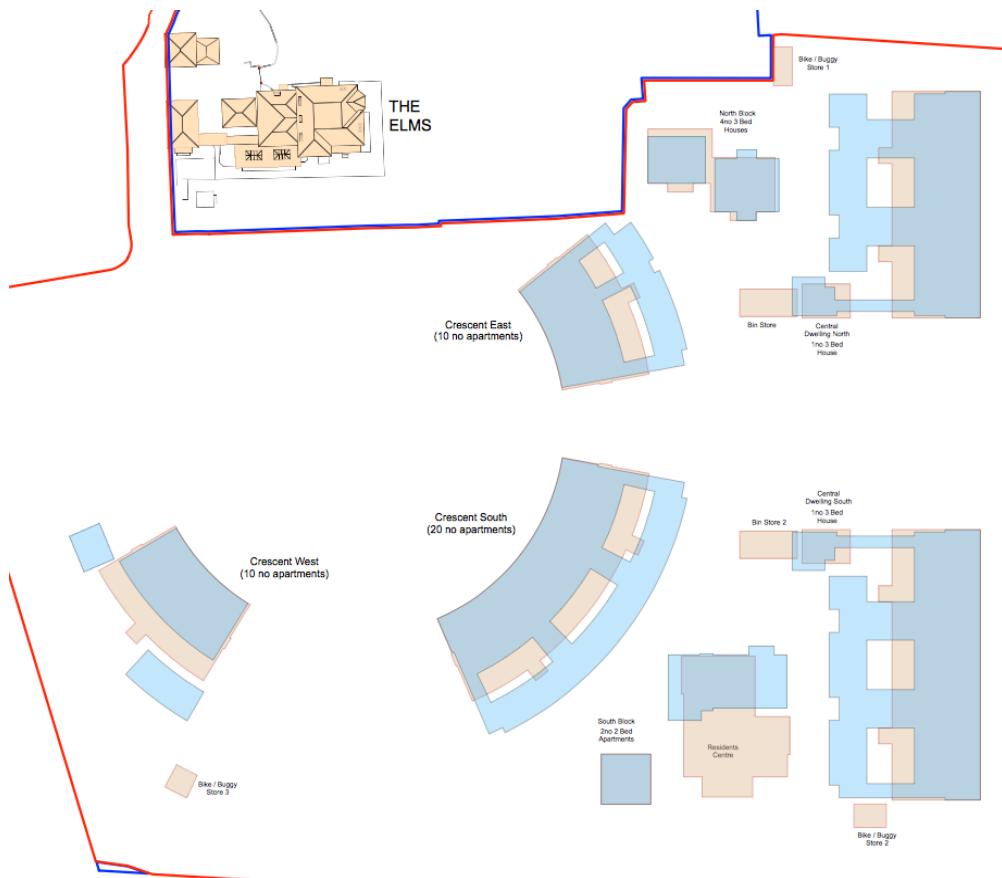


Image 2: Extract of Building Comparison Outline Plan (Plan No. 1981-112 Rev. A).

- 4.4 The blue is the outline of buildings approved in 2015 and the light brown is the footprint of that now proposed. The approved footprint measures 5231.92m<sup>2</sup>. The footprint now proposed measures 4900.99m<sup>2</sup>.
- 4.5 The layout retains an area of public open space to the south of The Elms to respect the Grade II listed building and its setting while the architectural style is that of a modern contemporary design which is similar to that previously approved in 2015.
- 4.6 The applicant states that while the proposed number of units exceeds the allocation in the Neighbourhood Plan the proposal is for a C2 Use Class development “*where the individual dwellings do not function independently but as a whole, under the central umbrella of the care and facilities provided within and orchestrated from the Residents’ Centre.*”

## 5 THE DEVELOPMENT PLAN

### Introduction

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The proposed development sits within the Local Authority area of South Oxfordshire District Council and therefore, the Development Plan that this application should be considered against is the following:

### **The South Oxfordshire Core Strategy 2027 (SOCS)**

- 5.3 Those policies within the SOCS that are relevant to the application are as follows:

Policy No.	Policy Title
CS1	Presumption in favour of sustainable development
CSS1	The overall strategy
CSM2	Transport assessments and travel plans
CSH2	Density
CSH3	Affordable housing
CSH4	Meeting housing needs
CSTHA1	The strategy for Thame
CSTHA2	New allocations at Thame
CSEN1	Landscape
CSEN3	Historic environment
CSQ3	Design
CSQ4	Design briefs

CSG1	Green infrastructure
CSB1	Conservation and improvement of biodiversity
CS1I	Infrastructure provision
CSC1	Delivery and contingency

### The South Oxfordshire Local Plan 2011 (SOLP)

5.4 Those policies within the SOLP that are relevant to this application are as follows:

Policy No.	Policy Title
G2	Protection and enhancement of the environment
G5	Making the best use of land
C6	Biodiversity conservation
C8	Species protection
C9	Landscape features
CON5	The setting of listed buildings
CON7	Proposals affecting a conservation area
CON12	Archaeology
EP1	Prevention of polluting emissions
EP2	Noise and vibrations
EP3	Light pollution
EP6	Surface water protection
D1	Good design and local distinctiveness

D2	Vehicle and bicycle parking
D3	Plot coverage and garden areas
D4	Privacy and daylight
D6	Design against crime
D7	Access for all
D12	Public art
R1	Formal recreation
R2	Recreation
R6	Informal recreation
CF1	Safeguarding community facilities and services including recreation facilities
T1	Transport requirements for new developments
T7	Cycling and walking

### The Thame Neighbourhood Plan (TNP)

5.5 Those policies within the TNP that are relevant to this application are as follows:

Policy No.	Policy Title
H1	Allocate land for 775 new homes
H3	Review delivery of land at The Elms
H4	Integrate allocated sites
H6	Design of new development to be of high quality
H8	Provide affordable housing

H9	Provide a mix of housing type
H10	Provide a Thame specific affordable housing and dwelling mix strategy
CLW4	Contributions required from developers of new housing to fund additional healthcare facilities
ESDQ6	Improve Elms Park Recreation Area
ESDQ2	Allocated sites to provide open space in locations specified in section 3
ESDQ12	Applications for new development to provide a drainage strategy
ESDQ13	New dwellings code for sustainable homes
ESDQ15	Developers must demonstrate in a Design and Access Statement how their proposed development reinforces Thame's character
ESDQ16	Development must relate well to its site and surroundings
ESDQ17	Development must make a positive contribution towards the distinctive character of the town as a whole
ESDQ18	New development must contribute to local character by creating a sense of place appropriate to its location
ESDQ19	The Design and Access Statement and accompanying drawings must provide sufficient detail for proposals to be properly understood
ESDQ20	Building style must be appropriate to historic context
ESDQ24	Pedestrian and cycle routes must link together potential destinations, such as new housing in the town centre

ESDQ26	Design new buildings to reflect the three-dimensional qualities of traditional buildings
ESDQ28	Provide good quality private outdoor space
ESDQ29	Provide car parking so that it fits in with the character of the proposed development
HA4	The Elms - allocation for no more than 45 residential dwellings

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## 6 OTHER MATERIAL CONSIDERATIONS

6.1 The following documents and guidance are material to the determination of this planning application.

### National Planning Policy Framework (NPPF)

- 6.2 The NPPF published in 2012 sets out the Government's planning policies for England. The principle of a presumption in favour of sustainable development is the 'golden thread' running through both plan-making and decision-taking (paragraph 14, NPPF).
- 6.3 Paragraph 17 of the NPPF sets out 12 core planning principles which should underpin development proposals: empowering local people; improving places; supporting sustainable economic development; securing high quality design; taking account of the different roles and characters of different areas; supporting the transition to a low carbon future; conserving and enhancing the natural environment; reusing previously developed land; promoting mixed use developments; conserving heritage assets; focusing development in sustainable locations; and delivering community and cultural facilities.
- 6.4 Section 6 of the NPPF 'delivering a wide choice of high quality homes' highlights the role of local planning authorities to 'boost significantly the supply of housing' (paragraph 47) and the need to ensure their Local Plan meets the full objectively assessed needs for market and affordable housing in the market area. Paragraph 159 further identifies that Local Planning Authorities should have a clear understanding of housing needs in their area.
- 6.5 Paragraph 49 requires that 'housing application should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.
- 6.6 Paragraph 47 requires each local authority to identify and update annually the supply of deliverable sites sufficient to provide five years worth of housing against their housing requirement, with an additional buffer of 5% to ensure choice and a competitive market; and where there has been a history of persistent under delivery, the buffer should be increased to 20%, to provide a realistic prospect of achieving the planned supply.

- 6.7 The NPPF states that after March 2013, 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework' (paragraph 215, NPPF).

### National Planning Practice Guidance (NPPG)

- 6.8 The most relevant section within the NPPG is Paragraph: 083 Reference ID: 41-083-20160211 - *How should planning applications be decided where there is a made neighbourhood plan but the local planning authority cannot demonstrate a five-year supply of deliverable housing sites?*
- 6.9 The full wording of this paragraph is discussed later in this report.

### Emerging South Oxfordshire Local Plan 2032

- 6.10 The consultation on the emerging South Oxfordshire Local Plan 'Preferred Options' document closed on the 19 August 2016. The document sets out the Council's strategy, vision and objectives for the District up to the period 2032 and once adopted will replace the Core Strategy and saved policies of the Local Plan 2011. The emerging Local Plan continues to recognise Thame as one of the three main towns within the District (alongside Wallingford and Henley-on-Thames). In addition to the allocations proposed within the adopted Thame Neighbourhood Plan, the emerging Local Plan identifies an additional 600 dwellings for the town. Individual sites to accommodate these additional dwellings would need to be identified through a review to the adopted Neighbourhood Plan.

## 7 PLANNING APPRAISAL

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the Development Plan as a whole and requires that:

*"If regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations dictate otherwise"*

7.2 The key issues to determine with regard to this application, therefore, are that:

- the development proposals are in accordance with the relevant policies of the adopted Development Plan, and the degree of weight that can be attributed to those policies; and
- the assessment of all other material considerations, including the National Planning Policy Framework, which will inform the final planning balance exercise.

### Conformity with the Development Plan

#### The Principle and Quantum of Residential Development

- 7.3 A material consideration in the determination of this planning application by SODC is the National Planning Policy Framework (NPPF). To significantly boost the supply of housing, the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements. This supply should include an additional buffer of 5% to ensure choice and competition in the market for land. The NPPF requires that where there has been persistent under delivery of housing, the buffer should increase to 20% to provide a realistic prospect of achieving the planned supply over a 5 year period.
- 7.4 The 2014 Oxfordshire Strategic Housing Market Assessment (SHMA) is the most up-to-date evidence to inform the overall housing requirement for SODC. To meet the identified housing need for the district, the SHMA committed economic growth housing forecast is 750 homes each year. This is a significant increase when compared against the requirement within the adopted SOCS which is 547 homes per year. Factoring in the evidence in the SHMA and previous and future housing delivery, SODC can at present only demonstrate a 3.8 years supply of land for

housing – this includes a 20% buffer for past under delivery. In accordance with the requirements of the NPPF, SODC cannot at present demonstrate a 5 year supply of land for housing.

- 7.5 The position of 3.8 years supply of land for housing within the District is accepted by SODC following a number of Appeal decisions issued by the Planning Inspectorate<sup>1</sup>. Within each Appeal decision the Planning Inspectorate concluded that SODC could not demonstrate a 5 year housing land supply.
- 7.6 For the purposes of determining planning applications SODC are therefore now ‘engaging’ paragraphs 14 and 49 of the NPPF in that:
 

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 7.7 Paragraph 14 states that where relevant Development Plan policies are out of date, planning permission should be granted unless:
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;*
  - *or specific policies in the Framework indicate development should be restricted.*
- 7.8 As a consequence, adopted Development Plan policies for the supply of housing in SODC will be given significantly less weight than if the Council could demonstrate a 5 year supply of land for housing, and, the presumption in favour of sustainable development should be applied and planning applications should be permitted unless there is harm that outweighs the benefits of the development.
- 7.9 SODC will determine the planning application for the Elms in the context of the above position.
- 7.10 Housing land supply policies within the Development Plan include those that allocate development to Thame (i.e. SOCS policies CSTHA1 and CSTHA2) but they also include those relevant policies within the adopted Thame Neighbourhood Plan i.e. policy HA4. These, and other relevant housing supply policies, within the Development Plan (including the TNP) are out of date.

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<sup>1</sup> High Street, Tetsworth (P14/S3524/O); land at Winterbrook, Wallingford (P15/S0191/FUL); land North of Lower Icknield Way, Chinnor (P15/S0154/O) and land to the east of Newington Road, Stadhampton (P14/S4105/O)

- 7.11 There has been much debate since the first adoption of Neighbourhood Plans in England as to the weight afforded to them when they are considered to be out of date in the context of a Local Planning Authority not being able to demonstrate a 5 year supply of land for housing.
- 7.12 The NPPG was updated on the 11 February 2016 to provide up-to-date national Government guidance on how decision makers should assess planning applications in circumstances such as this.
- 7.13 Paragraph: 083 Reference ID: 41-083-20160211 of the NPPG which addresses this matter is provided in full below:

*How should planning applications be decided where there is a made neighbourhood plan but the local planning authority cannot demonstrate a five-year supply of deliverable housing sites?*

*Neighbourhood plans are an important part of the plan-led system. The Government's policy intention when introducing neighbourhood planning was to provide a powerful set of tools for local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs.*

*Decision makers may find themselves considering applications in an area with a neighbourhood plan that has passed referendum and been "made", and thus forms part of the development plan, but where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

*In such instances paragraph 49 of the Framework is clear that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.*

*Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*

*In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.*

*This includes paragraphs 183–185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.*

7.14 For completeness paragraphs 183-185 and 198 of the NPPF is set out below:

183. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:

- Set planning policies through neighbourhood plans to determine decisions on planning applications; and
- Grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.

184. *Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.*

185. *Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.*

*Where a Neighbourhood Development Order has been made, a planning application is not required for development that is within the terms of the order. Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.*

- 7.15 In the context of the housing supply policies within the TNP, Government guidance is clear that in circumstances such as this where the Local Authority cannot demonstrate a 5 year supply of land for housing Neighbourhood Plan policies are also considered to be out of date. The weight that is afforded to those housing supply policies that are considered to be out-of-date in the context of SODC's lack of 5 year housing land supply is for the decision taker to determine. In this instance therefore SODC will determine the weight to be given to adopted housing land supply Neighbourhood Plan policies. Principally this will be policy HA4.
- 7.16 Policy CTHA1 of the SOCS proposes the overall allocation for Thame within the plan period as 775 dwellings. Policy CTHA2 states that these 775 dwellings will be delivered through the TNP. This policy is a housing supply policy which is derived from an overall housing requirement within the SOCS that was calculated from evidence that is not the latest on the objectively assessed housing need for the District. The latest being that contained within the 2014 SHMA. Therefore, in respect of the out of date nature of the policy and SODC's lack of 5 year housing land supply, this policy is out of date and the number of dwellings that it proposes for Thame is now out of date. Consequently, housing land supply policies within the TNP that allocate these 775 dwellings are also out of date and it is up to the decision maker to determine the weight that is afforded to those policies.
- 7.17 Policy HA4 of the TNP (and its supporting text) sets parameters for what is required for a successful scheme on the site of the Elms. These parameters are:
- The site is allocated for residential development;
  - The number of dwellings will be determined through a detailed design proposal and will provide no more than 45 dwellings;
  - Should fewer than 45 dwellings be provided on the site the balance of dwellings will be provided on other sites in accordance with policy H3;
  - A minimum of 1 hectare of landscaped publicly accessibly open space should be provided;

- Any proposals must preserve and enhance the setting of adjacent listed buildings and structures;
  - A detailed planning application on the site must be submitted;
  - A north south pedestrian and cycle link connecting Elms Road and to the Upper High Street must be incorporated;
  - Sustainable urban drainage should be designed into the open space;
  - Improvements must be made to the adjacent Elms Park;
  - Building frontages should overlook Elms Park, open space within the site and pedestrian and cycle routes;
  - Trees should be retained on the boundaries;
  - Height and massing of buildings should relate sensitively to the height of existing buildings around site boundaries and buildings should be 2.5 storeys in height;
  - The detailed design of buildings should respond positively to the characteristics of the area;
  - Planning applications should be supported by a Design and Access Statement, Heritage Statement and Conservation Management Plan for the entire site. A planning application for the proposed improvements to the Elms Park should also be submitted at the same time.
- 7.18 Policy HA4 and its supporting text set the principle/quantum of development on the site as well as set a number of detailed requirements for how the site should be designed. The principle/quantum of the development is that the site will be developed for residential development of no more than 45 dwellings. As highlighted previously, policy HA4 is considered to be out of date and therefore the weight that is given to the policy setting a maximum number of dwellings on the site is reduced because of its out of date nature. The detailed requirements of the policy however, for example providing open space, preserving and enhancing heritage assets can still be given full weight because they are matters that are enshrined within the NPPF and should therefore be given full weight.
- 7.19 In summary, the NPPF advises that where a planning application conflicts with a Neighbourhood Plan planning permission should not normally be granted. If it were not for the fact that SODC could not demonstrate a 5 year housing land supply and

therefore policy HA4 is out of date, an argument could be made that this planning application conflicts with the threshold of no more than 45 residential dwellings on the site and therefore planning permission should be refused. Because of the current shortfall in housing in SODC, an application can come forward for more dwellings on the site than what the threshold of policy HA4 sets. However, in accordance with paragraph 14 of the NPPF the critical balance remains as to whether the harm (of the planning application) significantly and demonstrably outweighs the benefits and whether the proposal represents sustainable development when considered against the Development Plan and other material considerations.

## **Technical Matters within the Development Plan**

- 7.20 The site has been the subject of a previous application for full planning permission and therefore detailed matters regarding the site's development have been assessed and considered. The current application for the site should be considered on its own individual merits against policies within the Development Plan and other material considerations and should not be assessed as to whether it is 'better or worse' than the extant planning permission. However, there are a number of technical matters that have been assessed with regards to the extant planning permission that provide a baseline as to whether the proposal causes harm in relation to a number of technical matters. These are as follows:

### **Conservation Area and Listed Buildings**

- 7.21 The development of the site and its impacts upon heritage assets were assessed previously under planning application P14/S2176/FUL. It was considered that the development would cause less than substantial harm to heritage assets. Officers concluded that the benefits of the scheme and the site's status as an allocated site meant that the harm did not outweigh the benefits and in heritage terms there was no justification for the refusal of planning permission. This sets the baseline as to what is considered to be acceptable on the site. Given that the current proposals do not propose a footprint of development that is beyond what has been considered acceptable, they do not propose built development or height and massing in areas of the site that are materially different from those previously approved and the design of the scheme has not materially changed, it would be difficult to justify the refusal of planning permission for the current scheme for heritage reasons.

## **Residential Amenity**

7.22 The current scheme does not propose development in terms of footprint and scale beyond the baseline of what has previously been approved on the site and therefore it would be difficult to justify the refusal of planning permission with regards to the impact upon residential amenity.

## **Design**

7.23 In design terms, the development proposals were assessed previously under planning application P14/S2176/FUL. Following discussions between the Officers and the applicant's architects a number of key aims and objectives were established. It was considered that the development proposal had responded to the opportunities and constraints of the site. Officers concluded that the design proposal was contemporary, unique and original and would have a positive impact on the character of the area. This sets the baseline as to what is considered to be acceptable on the site. Given that the current proposals do not propose a design that is beyond what has been considered already acceptable, it would be difficult to justify the refusal of planning permission for the current scheme for design reasons.

## **Open Space**

7.24 With regard to open space, the aims and objectives as agreed between the applicant and Officers for application P14/S2176/FUL, included the following;

- Create public access through the site – opening up an existing private parkland area;
- By opening up the site and creating access through it, creating wider connections throughout Thame, including – from Park Street to Elms Road, between Elms Park and the site;
- Retain an area of Open Space as a focal point and maintains an element of natural surveillance.

7.25 One of the requirements from the Thame Neighbourhood Plan is the creation of a public pedestrian and cycle link from north- south to the adjacent Elms Park. One of the wider significant public benefits of this proposal is the creation of these new links and the opening up of the parkland area which is currently private.

- 7.26 The cycle and pedestrian proposals were assessed previously under planning application P14/S2176/FUL and Officers considered these links an acceptable benefit of the application.
- 7.27 The current application accords with this baseline and maintains the provision of these benefits.
- 7.28 Given that the current proposals do not propose a design that is beyond these objectives or baseline in terms of open space and connectivity and what has been considered already acceptable, it would be difficult to justify the refusal of planning permission for the current scheme for reasons relating to the Open Space.

### **Ecology**

- 7.29 The SODC Countryside Officer in his response to the application dated 31 August 2016 states that:

*The site has been subject to updated ecological surveys to determine if there have been any significant changes since the original surveys which were conducted between 2011 and 2014. The results of the updated surveys showed that there have not been any significant changes to the habitats or species on the site. The proposals will not lead to any significant ecological impacts on protected or priority habitats or species.*

- 7.30 He states no objection subject to conditions.

### **Highway Safety and Traffic**

- 7.31 The Local Highways Authority's response to the current application (dated 17th August 2016) agrees with the applicant's findings that the now proposed use of the site is less intense to that which has planning permission with small reductions in peak time trip generation. The consultation response recognises the sustainable location of the site and requests financial contributions towards public transport.

### **Flooding and Drainage**

- 7.32 There were no concerns raised to application P14/S2176/FUL with regards to flooding and drainage (subject to conditions) and therefore given that the footprint of the buildings are now less than what was previously proposed there are considered to be no issues that warrant a recommendation for refusal related to flooding and drainage.

### **Landscape and Trees**

7.33 There were initial concerns raised to application P14/S2176/FUL with regards landscape and trees (later resolved through additional information being provided) and therefore, given that the footprint of the buildings are now less than what was previously proposed, and do not affect trees or landscape detrimentally more than the baseline - there are considered to be no issues that warrant a recommendation for refusal related to landscape and trees. The Council's landscape Officer was supportive of the overall layout of the development as it created a sense of character and place.

### **Archaeology**

7.34 Following a no objection (subject to conditions) response from the County Archaeologist there are no archaeological matters that would warrant the refusal of planning permission.

### **Affordable Housing**

7.35 The development of the site for the use proposed would not provide affordable housing in line with policy requirements as the development of the site for market housing would do. However, the use proposed does not require the provision of on-site or off-site contributions to affordable housing and as such it cannot be refused on the basis of a lack of affordable housing contributions. This must be seen in the context that the development now proposed would provide a significant number of new dwellings for the elderly which, like the requirements for affordable housing, there is a considerable need.

### **Section 106 Contributions**

7.36 Application P14/S2176/FUL was determined prior to the adoption of the South Oxfordshire Community Infrastructure Levy (CIL) on the 1st April 2016 and as such financial contributions required as a result of the development were sought through a Section 106 agreement. The SODC requires a payment of nil for care homes and residential institutions (C2). This development, as required by the adopted CIL charging schedule, will therefore contribute nil funds to CIL. Oxfordshire County Council as Local Highway Authority have requested financial contributions through a Section 106 to secure public transport improvements.

## 8 CONCLUSIONS AND PLANNING BALANCE

- 8.1 At present within SODC there are material considerations which indicate that planning applications should be decided otherwise in respect of the current Development Plan. This means that paragraph 14 of the NPPF is engaged and there is a presumption in favour of sustainable development unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits’. Whether a development is sustainable must be assessed against the three dimensions of sustainable development as set out in the NPPF – the economic, social and environmental planning roles.
- 8.2 Adopted housing land supply policies are out of date in the context that SODC cannot demonstrate a 5 year housing land supply and this can justify a departure from policies within the Development Plan – including the adopted Thame Neighbourhood Plan. The weight afforded to housing land supply policies is reduced and this therefore means that the weight attributed to the threshold of the number of dwellings that is restricted on the Elms site through Policy HA4 of the Neighbourhood Plan is reduced.
- 8.3 Policy HA4 allocates the site of the Elms for residential development. In this respect this planning application complies with this policy as the proposal is again for residential development. Policy HA4 also seeks to ensure that heritage assets are protected and enhanced, a high quality design is provided and benefits to public open space are secured. These are matters that Development Plan policies and the NPPF give considerable weight to and therefore the application now proposed must demonstrate there is no harm in this regard.

### **Harm Arising from the Development**

- 8.4 The extant planning permission on the site for 37 open market dwellings has set the baseline for which a planning application for development has been considered acceptable by SODC. Having reviewed and considered the details submitted with this new planning application the scheme’s design, impact upon heritage assets, impact on highway safety and the local highway network and the impact upon other technical matters is not considered to be harmful in its own right and also beyond the baseline of what currently has planning permission.
- 8.5 The number of actual dwellings on the site would increase from 37 to 87 as a result of the new proposal. However, it has been demonstrated through the planning application that this uplift in the number of dwellings on the site can be

accommodated without intensifying the use of the site, by way of an increased physical extent of new built development and additional traffic in way that is considered to be harmful.

- 8.6 It is not considered that there is harm from the development in terms of the social, economic and environmental planning roles of sustainable development.

### **Benefits Arising from the Development**

- 8.7 The benefits of the scheme include the provision of elderly person's accommodation. There is a pressing need for all types of housing within the District – including elderly person's accommodation and this is fully recognised and identified through the 2014 SHMA. The provision of 87 new dwellings is a benefit that is considered to have substantial weight in the planning balance. The fact that SODC also have a housing land supply deficit which is considered to be significant also means that in the planning balance this deficit should be given substantial weight.
- 8.8 The development of the site for elderly person's accommodation will mean that market housing, including affordable, will not come forward on the site. However, as discussed, the benefits of the provision of this quantum of elderly person's accommodation in what is considered to be a highly sustainable location is a significant benefit that is considered to not outweigh the loss of market housing on the site. Furthermore, any future revisions to the TNP to take account of an increased housing requirement for the town through the emerging SODC Local Plan will provide the opportunity to re-provide those market houses on other allocated sites.
- 8.9 The public benefits of the scheme that would be delivered through the extant planning permission on the site will continue to be delivered through this new proposal – this includes the provision of public open space, improvements to the Elms Park and increased connectivity to the town centre through the development site.
- 8.10 This new proposal will create additional employment both in terms of the construction phase of the development and also through the creation of jobs for those that will be employees of the care facility. The proposal also includes the provision of a new communal residents centre that it is understood would be available for use by the local community. This again is considered to be a benefit of the scheme.
- 8.11 There are considered to be economic, social and environmental benefits of the scheme in terms the planning roles of sustainable development.

## Concluding Remarks and Recommendation

- 8.12 The scheme subject of this new planning application is considered to be sustainable development in the context of the technical matters that need to be considered and when assessing the application. In the context of the harm that has been identified from the proposal and balancing this harm against the benefits of the scheme they are not considered to have such significant weight that would mean that the presumption in favour of sustainable development should be restricted and planning permission refused.
- 8.13 It is therefore recommended that the Town Council support the planning application subject to the imposition of planning conditions and a Section 106 that will follow those applied to extant planning permission P14/S2176/FUL.