

APPLICATION NO.	P17/S1069/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	17.3.2017
PARISH	THAME
WARD MEMBER(S)	Jeannette Matelot David Dodds Nigel Champken-Woods
APPLICANT	Ms J. Bowater
SITE	The Elms 32 Upper High Street THAME, OX9 2DN
PROPOSAL	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.
OFFICER	Joan Desmond

1.0 INTRODUCTION

1.1 The site is located within the centre of Thame to the west of Elms Park and is adjacent to the The Elms which is a 19th century house Grade II listed building. There are also several other listed buildings and structures near to the site which include; the listed barn to the west of The Elms house, the Poplars a Grade II listed house to the north of the site, the grade II listed War memorial and Gallup Poll Garfield a Grade II* listed building. The site is within the Thame Conservation Area and currently there is no public access through the site.

2.0 PROPOSAL

2.1 This application is 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. The application has been amended following the withdrawal of a similar scheme in 2016.

2.2 The development comprises the erection of 81 one and two bedroom apartments and 4 two and three bedroom houses providing a total of 85 units all designed to Lifetime Home standards. The development also includes a Residents' Centre providing communal facilities comprising a hydro pool and gym, lounge, library and dining room, treatment rooms and two guest suites. The development would be age restricted and would only be available to people in need of care with such care provided tailored to those care needs. Counsel opinion has concluded that the development would fall within Use Class C2 (Residential Institution) as opposed to C3 (Dwellinghouses).

2.3 Three crescent apartment buildings are proposed in the centre and western part of the site and two apartment buildings are proposed adjoining the site's eastern boundary with Elms Park, "Parkside north" (17 apartments) and "Parkside south" (22 apartments). A building with 2 apartments and the residents centre are proposed to the east of the new vehicular access to the site off Elms Road. A group of four houses are proposed near to the northern boundary adjoining the boundary with the Poplars. A new public

pedestrian and cycle link will be created which will allow access from Elms Park into the site with connections to the High Street and Elms Road.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Thame Town Council:** Object for the following reasons

- Proposal does not accord with the Thame Neighbourhood Plan
- Overall, traffic volumes will be greater than the existing permission
- Non-conforming use which is not compatible with the site's housing allocation
- Demand for Extra Care Homes has been inflated
- Transport Statement is flawed
- Provision of such accommodation should be plan-led
- No affordable housing or a Thame-specific affordable housing mix
- Conflicts with Policy HA4 of the Thame Neighbourhood Plan as the proposal includes a commercial use and exceeds upper limit in policy for 45 dwellings
- The 45 dwelling limit is due to conservation and heritage concerns, the previous proposal was reduced to 37 dwellings to address these concerns, in particular the historic setting of the Elms.

Thame Conservation Area Advisory Committee – Object. Proposed development is totally inappropriate. Will cause pressure on traffic flow, parking and all facilities especially medical services. Loss of this very unique site would be regrettable and unable to be replaced or re-instated.

Oxfordshire County Council Single Response –

Transport: No objection subject to conditions and S106 financial contributions of £91,870 towards public transport and £2000 towards local bus stop infrastructure

Archaeology: No objection subject to conditions

Highways England – No Objection

Conservation Officer (South Oxfordshire District Council): Development here still constitutes less than substantial harm to the significance of the designated heritage assets.

Historic England – No comments to make.

Forestry Officer (South Oxfordshire District Council) – No objection to proposal on arboricultural grounds, subject to conditions to ensure tree protection and changes to the planting plans to ensure an appropriate landscaping scheme.

Urban Design Officer (South Oxfordshire & Vale of White Horse) – No comments received.

Countryside Officer (South Oxfordshire & Vale of White Horse) - No objection subject to conditions

Waste Management Officer (South Oxfordshire District Council) – Requests tracked plan for waste collection vehicle showing access to the bin store.

Drainage Engineer (South Oxfordshire District Council) –

Foul drainage: Thames Water should be asked to comment on the impact on the existing drainage system. Surface Water: No objection subject to a condition requiring sustainable urban drainage.

Thames Water – Recommend waste water condition.

Health & Housing - Contaminated Land - No objection

Health & Housing - Air Quality – No objection subject to condition

Health & Housing - Env. Protection Team - No objection subject to conditions

Architects Panel – Object on poor design grounds. The design ignores the site's local distinctiveness, and imposes an urban classical plan form on the site to order the new buildings. To deviate from the established planning norms of the historic town can only be justified by producing a design of exception quality and outstanding architectural merit, unfortunately both the proposed and consented schemes fall far-short of this aspiration.

136 letters of objection raising the following issues:

Policy HA4 Thame Neighbourhood Plan

- Conflicts with Policy HA4 as exceeds 45 dwellings
- Location of housing contravenes policy
- Height is 3 storey with protruding lift shafts whereas policy limits height to 2/2.5 storey

Impact on Elms Park.

- Will create a very urban look and feel to the park
- Reduce privacy and security of park users
- Area used for ball games will shrink
- Access, noise and light pollution will change the dynamics of the park

Housing Mix

- Single type of house proposed
- No affordable housing provided

Traffic and Parking

- Inadequate parking provision
- Unsafe access
- Danger to residents
- Will significantly increase the traffic congestion and danger in the area
- Construction traffic will be dangerous, disruptive to the local community and damaging to roads

Conservation Area Impacts

- Basement groundworks will destroy ecology of site
- Loss of mature trees
- Harmful to appearance and character of conservation area

Other

- C2 use is inappropriate in this location
- Commercial use proposed
- Higher density of living
- Poor design which is out of keeping with character of area
- Overlooking and loss of privacy
- Strain on health service
- Loss of Elms Field
- Inappropriate location for a care home

- Overdevelopment
- Too much traffic, noise, pollution and chaos caused by building works
- Already provision for assisted care in Thame
- Inadequate infrastructure to serve development

1 letter in support subject to retention of Elms Park and appropriate lighting and planting.

1 letter querying proposed works to Elms Park

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P14/S2395/LB](#) - Approved (05/08/2015)

Works and alterations as follows: (i) Partial demolition of the boundary wall along Elms Road and creation of vehicle entrance with erection of new plinth walls and painted metal railings with 2no. brick piers; (ii) the removal of wooden gates at site entrance on Upper High Street and repairs to 2no. existing piers; (iii) the erection of 2no. new stone piers and timber boarded electric gates at the private entrance to The Elms; (iv) new timber boarded gates at the entrance to the annex to The Elms (32a) with repairs to 2no. existing stone entrance piers; (v) erection of a new 2m high stone boundary wall to the annex to The Elms (32a); (vi) the erection of 2no. new bollards; (vii) the partial demolition of an existing brick wall and creation of a new footpath and cycleway; (viii) repairs and refurbishment of existing stone ha-ha and provision of new metal fencing.

[P14/S2176/FUL](#) - Approved (05/08/2015)

The erection of 37 dwellings and creation of new public open space, provision of new vehicle access from Elms Road and a new pedestrian / cycle link on to Upper High Street with associated infrastructure works and landscaping.

The application has been submitted following pre-application discussions (Ref: [P17/S0362/PEJ](#)) relating to the withdrawal of a similar scheme in 2016.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework**

5.2 **National Planning Policy Framework Planning Practice Guidance**

5.3 The development plan comprises:

- The South Oxfordshire Core Strategy
- The South Oxfordshire Local Plan
- The Thame Neighbourhood Plan

The relevant development plan policies to this proposal are:

The Thame Neighbourhood Plan

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
H7	Provide new facilities

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H8	Provide affordable housing
H9	Provide a mix of housing type
H10	Provide a Thames specific affordable housing and dwelling mix strategy
GA1	New development to provide good pedestrian and cycle connections to the town centre and other destinations
GA6	New development to provide parking on site for occupants and visitors
CLW2	Actively involve local people in ongoing consultation
CLW4	Contributions required from developers of new housing to additional healthcare facilities.
ESDQ6	Improve Elms Park Recreation Area
ESDQ2	Allocated sites to provide open space in locations specified in section 3
ESDQ11	Incorporate sustainable urban drainage into new development
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 Thames's character
ESDQ16	Development must relate well to its site and its 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 the historic context
ESDQ23	Streets within new developments must be designed as pleasant places to be
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
ESDQ27	Design in the "forgotten" elements from the start of the design process
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

The South Oxfordshire Core Strategy

Policy No	Policy Title
CS1	Presumption in favour of sustainable development
CSS1	The overall strategy
CSM1	Transport
CSM2	Transport Assessments and Travel Plans
CSH1	Amount and distribution of housing

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CSH2	Density
CSH3	Affordable housing
CSH4	Meeting housing needs
CSTHA1	The strategy for Thame
CSTHA2	New allocations at Thame
CSEN1	Landscape
CSEN3	Historic environment
CSQ2	Sustainable design and construction
CSQ3	Design
CSQ4	Design briefs
CSG1	Green infrastructure
CSB1	Conservation and improvement of biodiversity
CS1I	Infrastructure provision

The South Oxfordshire Local Plan

Policy	Policy Title
G2	Protection and enhancement of the environment
G5	Making the best use of land
C4	The landscape setting of settlements
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
D10	Waste management
D12	Public art
H4	Towns and villages
R2	Recreation
R6	Informal recreation
CF1	Safeguarding community facilities and services including recreation facilities
T1	Transport requirements for new developments
T7	Cycling and walking
THA3	Land adjacent to 32 Upper High Street Thame

5.4 Emerging South Oxfordshire Local Plan 2033

The council has just completed its extensive consultation on the emerging Local Plan and is nearly ready to submit the plan for independent examination. The emerging Local Plan seeks to build upon the existing settlement hierarchy and actively create a pattern of development central to the area. It identifies strategic levels of growth at three locations connecting through this central area of the District at Culham, Chalgrove

and Berinsfield. The Strategy continues to support and enhance the roles of the larger towns including Thame. The strategy for Thame seeks to allow housing on suitable infill and redevelopment sites.

5.5 Thame Neighbourhood Plan (TNP)

The Thame Neighbourhood Plan (TNP) was ‘made’ (adopted as) part of the Development Plan for South Oxfordshire in July 2013. Policy HA4 of the TNP allocates the Land at The Elms for residential development and for a minimum of 1 hectare of landscaped publicly accessible open space. In respect of the residential development, the policy states that the number of dwellings will be determined through a detailed design proposal and in any case will provide no more than 45 dwellings.

5.6 South Oxfordshire Design Guide 2016

5.7 Other relevant legislation

Planning (listed Building and Conservation Areas Act) 1990
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

6.0 BACKGROUND

6.1 Planning permission P14/S2176/FUL was granted for 37 dwellings on the site and this is an extant permission. The approved crescent and parkside buildings are in similar locations to those previously approved and are also of contemporary design. The crescent buildings provided 12 town houses and the parkside buildings provided 11 houses adjacent to Elms Park. 4 apartments and two semi-detached houses were permitted in the northern section of the site, while to the south, two buildings, one comprising 2 apartments, the other comprises 4 apartments were permitted. The permission includes a new vehicular access off Elms Road and a new public pedestrian and cycle link from Elms Park into the site and through to either The High Street or Elms Park Road.

6.2 The current application is for a C2 extra care housing scheme, based on a similar design concept of the permitted scheme. The most significant differences between the approved and proposed scheme are as follows:

- Revision of the three, principal crescent blocks to provide for apartments rather than individual townhouses. Each crescent block would have a depth of 18m rather than a depth of 13m for the main block. The rear garage/annexes, which had a depth of 7m are omitted;
- revision of the two blocks facing the recreation ground to provide for apartments rather than townhouses;
- revision of the approved townhouse pair and 4 apartments on the north boundary to form two pairs of 3 bed houses;
- replacement of an apartment block in approved scheme with a residents’ centre;
- formation of basement parking and access ramp;
- revision of hard and soft landscaping to reflect changes to scheme

6.3 The planning statement and other documents submitted with the application (heritage statement, design and access statement) consider that the current application would result in minimal changes to the built footprint, scale, mass and layout of buildings in the previously approved scheme. While the proposal follows closely many of the principles and built parameters of the approved scheme, I do not consider the changes to be “minimal” and an assessment of the implications of the changes are addressed in relevant sections of my report. Similarly, the implications of increasing the amount of

accommodation on the site and changing the use from C3 dwellings to C2 residential care are assessed below.

7.0 PLANNING CONSIDERATIONS

7.1 The relevant planning considerations in the determination of this application are:

1. Principle of the development
2. Housing types/mix
3. Landscape and trees
4. Impact on the Conservation Area and the setting of nearby listed buildings
5. Design
6. Drainage and flooding
7. Impact on neighbours
8. Elms Park proposal
9. Highway safety, convenience & traffic
10. Cycle and pedestrian links
11. Protected species & biodiversity
12. Archaeology
13. Infrastructure/Developer Contributions

7.2 The Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of South Oxfordshire, the most relevant parts of the Development Plan are the Core Strategy which was adopted in December 2012, the saved policies of the South Oxfordshire Local Plan 2011 and The Thame Neighbourhood Plan (TNP) (adopted in March 2013). Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

7.3 Policy CSS1 of the adopted Core Strategy sets out an overall strategy for the District, which seeks, among other things, to focus major development at Didcot and the market towns such as Thame. Policies CSTHA1 and CSTHA2 state that land will be identified for 775 new homes through a Neighbourhood Plan. The Thame Neighbourhood Plan (TNP) (Policy HA4) identifies the land at the Elms to be allocated for:

- 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 of the TNP
- A minimum of 1 hectare of landscaped publicly accessible open space.
- The proposal must preserve and enhance the Thame Conservation Area and the setting of adjacent listed buildings and structures.

7.4 In relation to the 2nd criterion, the proposal includes a slight increase in the amount of open space to that provided by the approved scheme (1.16ha) and therefore accords with Policy HA4 in this regard. Consideration of the impact upon the Thame Conservation Area and the setting of adjacent listed buildings and structures is set out below.

7.5 The Council acknowledges that it has a shortfall in terms of housing land supply. Paragraph 49 of the NPPF states *"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a*

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deliverable five-year supply of deliverable housing sites". Para.14 adds that where relevant 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 (Identified in footnote 9).*

Such restrictive policies include those seeking to protect heritage assets which is addressed in detail later in the report.

- 7.6 The ministerial statement on Neighbourhood Planning states that relevant policies for the supply of housing in neighbourhood plans should not be deemed out of date (under Para 49 of the NPPF) where (i) the ministerial statement is less than two years old, (ii) the neighbourhood plan allocated sites for housing, and (iii) the local authority can demonstrate a three year supply of deliverable housing sites. In a recent appeal decision in respect of a site at Thames Farm, Shiplake, the Inspector concluded that the Council had less than a three year supply of housing. Notwithstanding, this view the Council considers that it can demonstrate 4.1 years of deliverable housing supply and that Policy HA4 is not out of date and can be given due weight.
- 7.7 As stated earlier, the proposal seeks to provide a specialist form of residential accommodation for occupiers requiring a level of care. Although the proposal includes an element of non-residential development, i.e. the residents centre, this would be ancillary to the overall use of the site for residential purposes. Therefore, I consider that the proposed use accords with the requirement in Policy HA4 to provide for residential development.
- 7.8 The number of units proposed on site however, clearly conflicts with the TNP as the proposal is for 81 apartments and 4 houses. The key considerations for Policy HA4 suggests that the reason for limiting the number of dwellings on the site is heritage concerns "*specifically the relationship of proposed development to the Elms listed building and to the wider Thame area*". The explanatory paragraphs to the Policy state that "*the precise number of dwellings to be accommodated on the site is to be determined through a detailed design proposal to enable a full consideration of the heritage issues, public benefits and other material considerations*".
- 7.9 The application has been supported with Counsel advice which concludes that Policy HA4 is out of date, principally due to the limit on dwelling numbers and that no weight should be given to this Policy. It is also concluded that the paragraph 14 presumption is engaged in this case. Independent Counsel opinion has been sought which disagrees with this advice and concludes that Policy HA4 is not out of date and that where the harm to heritage assets is less than substantial, footnote 9 of the NPPF is still capable of disapplying the tilted balance where the outcome of the 'straight' balance under para. 134 is that permission should be refused, thereby indicating that development should be restricted. Overall, it is held that weight is a matter for the decision-maker within the constraints of rationality.
- 7.10 The Planning Statement submitted with the application acknowledges that the Policy upper limit of 45 dwellings is exceeded but considers that as the dwellings would be subject to strict age and care-need assessment, the proposal is different to class C3 housing. It concludes that "*it is the extent of the built up area within the site, the mass, scale and form of the development and traffic generation that become the more important matters to consider rather than an arbitrary dwelling number for the site*".

- 7.11 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material circumstances indicate otherwise. In this case, the cap on the number of dwellings is to enable a full consideration of the heritage issues, public benefits and other material planning matters. These issues are considered throughout the report and a conclusion on the principle of development is contained at the end of this report.
- 7.12 Policy HA4 also sets out the principles which any detailed planning application must incorporate which are:
- Ensuring the retention of open land and mature trees in such a way as to maintain an appropriate setting for The Elms listed house. This is to include an area of publicly accessible space which must incorporate a north / south pedestrian cycle link connecting Elms Road to Upper High Street
 - Designing sustainable urban drainage into the open space
 - Providing public / pedestrian links from the north/south route adjacent to Elms Park
 - Providing proposals for improving the adjacent Elms Park, informed by consultation with local people
 - Ensuring that building frontages overlook the open space within the site, the adjacent Elms Park and the key pedestrian/ cycle routes through the development
 - Retaining trees around the boundary and within the site
 - Ensuring that the height and massing of buildings sympathetically to the height of existing buildings around the site's boundaries. Buildings should be generally 2 – 2.5 storey's in height
 - Ensuring that the detailed design of buildings responds positively to the characteristics of the area.
- 7.13 Policy HA4 is a policy for the supply of housing but the Council is of the view that it can demonstrate 4.1 years of deliverable housing supply and as such Policy HA4 is not out of date and can be given due weight. In my view, the cap on the number of dwellings and the supporting principles carry significant weight as they reflect policies set out in the NPPF, in particular Section 12, conserving and enhancing the historic environment. The proposal is assessed against these principles in relevant sections of my report.
- 7.14 **Housing Types/Mix**
National Planning Policy Guidance states that "*Older people have a wide range of different housing needs, ranging from suitable and appropriately located market housing through to residential institutions (C2). Local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement.*"
- 7.15 Core strategy policy CSH4 provides that '*specialist accommodation for older people should be provided in the new greenfield neighbourhoods identified in the strategy and will be permitted at other suitable locations.*' The supporting text to this policy highlights that where appropriate, specialist accommodation for the elderly should be provided on a mixed-tenure basis.
- 7.16 Policy H9 of the Thame Neighbourhood Plan provides that on schemes of more than six dwellings, a mix of dwelling types and sizes to meet the needs of current and future households in Thame will be sought. Large areas of uniform type and size will not be acceptable. Policy H10 requires the submission of a Thame specific affordable housing and dwellings mix strategy with any planning application which demonstrates how the proposal meets identified housing needs in Thame. The neighbourhood plan examiner considered these policies requiring a mix of types and sizes and concluded

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that they reflected the NPPF aims to deliver a wide choice of homes and provide for a mix of houses.

- 7.17 The Strategic Housing Market Assessment (SHMA) considers older person needs as part of the OAN (Objective Assessment of Housing Need) (population projections and projected demographic changes). The SHMA identifies that a key driver of change in the housing market over the next 20 years will be the growth in the number of older persons. The population projections upon which the OAN is based show the number of older people is expected to increase significantly over the next few years. The SHMA identifies issues of under-occupancy in the HMA (Housing Market Assessment) and the increased trends in down-sizing freeing up more general needs stock. Chapter three identifies 'a notable trend in older households downsizing and potential for provision for this group to release larger family homes for others' (para. 3.101). The analysis in the SHMA of average bedrooms by age sex and tenure (chapter 7) show that the average dwelling size decreases in the older ages groups and this is attributed to the number of people down-sizing as they get older.
- 7.18 The SHMA also identifies that relative to the current stock there is a slight move towards a greater proportion of smaller homes being required. The HMA report highlights the link to downsizing and the increased proportion of older people which is carried into the forecast for future household sizes to drop. It identifies key groups including older people which may have housing needs which differ from those of the wider population. The SHMA suggests that moving forward a greater emphasis could be placed on meeting the needs of older people through a range of accommodation types including C2 use, extra care, open market and affordable housing units. The SHMA indicates that there is a need to provide accommodation for older people within the District.
- 7.19 Oxfordshire County Council published a market position statement on extra care housing in March 2014 which identifies that the number of people aged 65 and over and over 85 in Oxfordshire is projected to increase significantly.
- 7.20 The Housing White Paper (February 2017) includes a section on 'housing for our future population' about the importance of housing for older people (paragraphs 4.42 to 4.44). It recognises that offering older people a better choice of accommodation can help them to live independently for longer and help to reduce costs to the social care and health systems. The Government is to issue through the Neighbourhood Planning Bill a new statutory duty on the Secretary of State to produce guidance for local planning authorities on how local development documents should meet the housing needs of older and disabled people. The guidance will place clear expectations about planning to meet the needs of older people, including supporting the development of such homes near local services. In addition, the Government is to explore ways to stimulate the market to deliver new homes for older people.
- 7.21 Clearly, there is a high level of need for housing for older people in the Oxfordshire Housing Market Area and within south Oxfordshire. The "Extra Care Housing Needs Assessment" submitted with the application identifies a need for owner occupied extra care housing within a 6 mile radius of the application site. However, Policy H9 of the Thame Neighbourhood Plan requires a mix of dwelling types and sizes to meet the needs of Thame and provides that large areas of uniform type and size will not be acceptable. Policy H10 requires the submission of a Thame specific affordable housing and dwellings mix strategy.
- 7.22 This application proposes 17 one-bed apartments, 64 two-bed apartments and 4 three-bed houses, all of which are to be owner occupied. The planning statement

concludes that an objection to the failure to provide a Thame specific affordable housing and dwellings mix strategy (paragraph 4.36) cannot be supported in the context of policy objectives, clear evidence of need and sheer lack of current provision and choice. Reference is also made to a 20 unit retirement scheme at Thame Service Station which comprised a mix of 1 or 2 bed units. This site however, was much smaller in size and such a mix was considered to be acceptable in that case. The applicant also advises that while the tenure is not mixed, this accommodation would help to relieve the burden on local health and social services for elderly people who would effectively 'pay for their own care'.

- 7.23 Notwithstanding the comments made, the application does not provide a Thame specific affordable housing and dwellings mix strategy and the proposal comprises a large area of housing of a uniform type and size, which is not provided on a mixed tenure basis.
- 7.24 For the previous application, the officer report acknowledged that the application did not include a Thame Specific Housing Mix Strategy but considered that the design of the development had dictated the housing mix and other developments within Thame were delivering a variety of housing mixes. Furthermore, as the proposal was providing a mix of smaller apartments and larger houses there was no objection to the housing mix.
- 7.25 The circumstances are different for the current application in that the proposal does not provide a mix of housing. Paragraph 198 of the NPPF provides that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. Consequently, notwithstanding the SHMA evidence in relation to the need for accommodation for older people and while I accept that extra care is one important component of housing designed to meet the needs of an ageing population, in this specific case the application for 85 open market extra care units does not accord with Policy CSH4 of the Core Strategy and Policies H9 and Policy H10 of the Thame Neighbourhood Plan.
- 7.26 **Landscape and Trees**
Paragraph 118 of the NPPF states: "Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland". Section 197 of the Town and Country Planning Act 1990 also places a duty on councils to ensure, whenever appropriate, that in granting planning permission adequate provision is made for the preservation of trees.
- 7.27 Policy CSEN1 of the Core Strategy seeks to protect the district's landscape and key features against inappropriate development. Policy C9 of the South Oxfordshire Local Plan seeks to retain landscape features that make an important contribution to the local scene. The principles supporting Policy HA4 of the Thame Neighbourhood plan require the retention of open land and mature trees in such a way as to maintain an appropriate setting for the Elms and retention of trees around the boundary and within the site.
- 7.28 All the trees across the site are protected by Conservation Area status. In addition a number of the trees across the site are protected by a Tree Preservation Order (TPO). The majority of the trees are a very high arboricultural quality and age, many are in the region of 150 – 200 years old. The aesthetic value of this tree scape make a considerable contribution to the character of the Conservation Area and to the setting of the Elms.

- 7.29 An Updated Tree Survey and Proposed Tree Retention and Removal Plan has been submitted with the application. No additional trees would be lost in relation to the proposed Extra Care scheme to those which were agreed for removal as a result of the approved scheme. A Basement Construction Method Statement has also been submitted which concludes that the construction of a basement would not impede water flow and consequently would not affect soil water content of surrounding ground. The report also confirms that the basement would be constructed through contiguous piling around the perimeter which could be achieved following the erection of tree protection fencing outside of the RPAs and therefore the existing trees would not be affected by the work. The application has also been supported with a revised Landscape Strategy document and Management Plan and both hard and soft landscape drawings.
- 7.30 The Forestry Officer considers that the submitted arboricultural report is a fair representation of the tree-scape and the proposed tree surgery works and tree removal is in line with sound arboricultural reasoning. The amended layout removes the two dwellings in the centre of the site which is a significant improvement as it enhances the relationship of the development to the very high quality mature Oak (T3007). The applicant has also confirmed that all spoil generated from the basement and ground works excavations would be removed from site. This removes the potential for long term tree damage caused by raising the existing ground levels. In light of these changes the Forestry Officer has no objection to the proposal on arboricultural grounds subject to conditions to ensure the protection of existing trees and implementation of an appropriate landscaping scheme. Some suggested changes have been proposed by the Forestry Officer to the landscaping scheme to include for instance additional planting along the western boundary but no formal revisions to the scheme have yet been received.
- 7.31 Previous concerns were raised in respect of the south west crescent building which is proposed to provide 10 apartments in place of 3 townhouses. Light and outlook to a number of apartments would be affected by the proximity to high quality mature trees including an Oak tree, Cedar of Lebanon tree and Horse Chestnut tree. In response to these concerns the applicant has advised that at ground and first floors, the living space of each apartment is dual aspect and for the two apartments at second floor level the living accommodation is also dual aspect and looks towards the open space. It is also argued that the internal design, window positions and size would ensure sufficient natural light. Whilst the existing treescape would inevitably cast some shading to this building it is not considered that this is likely to result in a significant loss of amenity to justify refusal.
- 7.32 **Impact on the Conservation Area and the Setting of Listed Buildings**
The site is within the Thame Conservation Area and, as set out in paragraph 1.1, there are a number of nearby listed buildings. The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving the setting of listed buildings while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.33 Core Strategy Policy CSEN3 provides that designated heritage assets will be conserved and enhanced and adopted Local Plan policies CON5 (setting of listed buildings) and CON7 (conservation areas) echo these requirements. Core Strategy Policy CSQ3 requires that development respond positively to and respects the historic significance and heritage values of the historic environment. As set out above Policy HA4 of the TNP requires that proposals must preserve and enhance the Thame Conservation Area and setting of adjacent listed buildings and structures. Any residential development at the site must ensure the retention of open land and mature

trees in such a way as to maintain an appropriate setting for The Elms listed house and that the detailed design of buildings responds positively to the characteristics of the area. Policy ESDQ20 provides that building style must be appropriate to the historic context.

- 7.34 Paragraph 132 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. Where a proposal results in less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 134). Paragraph 137 provides that local planning authorities should look for opportunities within conservation areas and within the setting of heritage assets to enhance or better reveal their significance.
- 7.35 The application includes a Heritage Statement which concludes that there will be no substantively different impacts arising from those identified during the assessment of the approved scheme. It concludes that both the approved scheme and the current proposals would have a minor adverse effect on the setting of the Elms. In relation to other assets affected, it concludes that there would be a slightly beneficial impact on the conservation area and either no impact or slightly beneficial impact on the setting of other listed buildings in the vicinity of the application site.
- 7.36 The Conservation Officer (CO) comments that the approved scheme was considered to provide considerable public benefits which outweighed the less than substantial harm to the designated heritage assets as a result of development within the setting of the listed building, detracting from its significance as a large house set in spacious and open informal grounds. The CO still considers that there would be less than substantial harm to the significance of designated heritage assets as a result of this development as the proposal does not significantly reduce the amount of built form in the grounds of the listed building or preserve its private parkland setting.
- 7.37 Whilst Historic England (HE) raised concerns on the approved scheme on the grounds that it would seriously harm the significance of the Elms, HE have not commented on this application.
- 7.38 As the proposal would result in less than substantial harm to the significance of a heritage asset, it is necessary to weigh this harm against the public benefits of the proposal. PPG on 'Conserving and enhancing the historic environment' defines public benefits as anything that delivers economic, social and environmental progress as described in the NPPF and these are addressed in detail later in the report.
- 7.39 The agent has sought to argue that the proposed scheme is similar in scale and form to the permitted scheme and that the overall volume of this scheme is less than that approved. Whilst the latter statement is not disputed, it is not considered that the proposed scheme is of a similar scale and form to that approved. The approved scheme comprised different elements including 3, 2 and single story components. Essentially the town houses were 3 storey, with a maximum span of 13m with a single storey glazed link to 2 storey garage/office buildings at the rear. The proposed scheme proposes 3 storey buildings with a span of 18m. This is also the case with the crescent buildings. As such the overall bulk and mass of these buildings is significantly different to the approved scheme. The resident's care centre is also larger in scale and height (up to 3 storey) which replaces the approved smaller apartment block of 2 storey.
- 7.40 This proposal would conflict with the following supporting principles to Policy HA4:
- Ensuring the retention of open land and mature trees in such a way as to maintain an appropriate setting for The Elms listed house.

- Ensuring that the height and massing of buildings sympathetically to the height of existing buildings around the site's boundaries
- Ensuring that the detailed design of the buildings responds positively to the characteristics of the area

7.41 Therefore I consider that the proposal is contrary to paragraph 132 of the NPPF, policies CSEN3 and CSQ3 of the adopted South Oxfordshire Core Strategy, Policies, CON5 and CON7 of the adopted South Oxfordshire Local Plan 2011 and Policies HA4 and ESQD20 of the Thame Neighbourhood Plan.

Design

7.42 The aims of para 58 of the NPPF are to create a sense of place, optimise the potential of the site to accommodate development, respond to local character and history and to create a safe and accessible environment. Para 60 goes on to state that policies and decisions should not attempt to impose architectural styles or taste or stifle innovation, originally or initiative through unsubstantiated requirements to conform to certain development forms or styles. Policy CSQ3 of the Core Strategy encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The design policies of the Local Plan (particularly D1-D4) echo these requirements. A number of policies in Thame Neighbourhood Plan relate to design including Policy ESDQ16 which states that development must relate well to the site and its surroundings; Policy ESDQ17 expects development to make a positive contribution towards the distinctive character of the town as a whole and Policy ESDQ 18 seeks the creation of a sense of place appropriate to its location.

7.43 The design approach is contemporary and similar to the permitted scheme. There are some positive changes, for instance the change of townhouses to apartments enables more active frontages facing the main access road to the development which is a design improvement. As with the previous scheme, apartments in the Parkside buildings to the eastern boundary with the recreation ground would provide active frontages and surveillance. This accords with the principle in Policy HA4 that building frontages overlook the open space within the site, the adjacent Elms Park and the key pedestrian/ cycle routes through the development

7.44 Nevertheless, the changes to the overall bulk and mass of the buildings is felt to be a negative change and the overall design quality of the scheme has been diluted. The concerns relating to the dilution of design quality is shared by the Architects Panel who consider that *'The circular planning shape proposed is a half-hearted attempt at a classical form resulting in an awkward relationship of the new buildings with the Elms, existing landscape, adjacent property, proposed residents centre and park side buildings. The space between the curved blocks and the houses and residents centre would be particularly unsatisfactory. The South Eastern blocks are an abrupt and over-bearing edge to the recreational park. The external staircase towers which could be incorporated inside the buildings reinforce the unfortunate bulky and massive appearance of the blocks. The perspectives of the curved buildings illustrate that the design is banal and lacks creativity. The preponderance of glazing results from the increase in units which would lead to excessive light pollution to the detriment of existing and new residents and the existing ecology. Whereas Bath stone ashlar have been proposed for the external envelope the proportion of the openings and fenestration bears little relationship to the inherent properties of the material. Without a reasoned design rationale based on structural principles the fenestration has become ill-proportioned and incongruous.'*

- 7.45 Overall, while the proposal would provide improved natural surveillance for proposed occupiers and users of the parkland/new access routes, there are fundamental concerns about the proposed design approach as outlined above.

Drainage & Flooding

- 7.46 One of the supporting principles for Policy HA4 of the Thame Neighbourhood Plan is for sustainable urban drainage to be designed into the open space of the site.
- 7.47 For the previous permission, the applicant undertook initial site surveys which demonstrated that an open sustainable urban design system designed into the open space would not be necessary. The permitted development proposed to discharge surface water into a permeable sub-base situated beneath hard standing areas.
- 7.48 The current proposal is for a significantly more intensive use of the site. The Flood Risk and Drainage Strategy prepared for the site advises that, due to level difference between ramp and basement, a pumped connection would be required for surface water runoff from the ramp. Suitable volume of storage to be provided in a storage tank to accommodate 1 in 30 year event to allow for pump failure. The Council's Drainage Engineer has no objection to the proposal subject to a condition requiring details of the sustainable urban drainage.

Impact on neighbours

- 7.49 One of the core land use planning principles set out in paragraph 17 of the NPPF is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy D3 of the adopted Local Plan provides that private outdoor sitting areas should not be overlooked by adjacent outdoor sitting areas, living/dining rooms or kitchens. Policy D4 requires new development to secure an appropriate level of privacy for occupiers and to not unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight.
- 7.50 Section 7 of the South Oxfordshire Design Guide 2016 provides guidance on adequate amenity space and distances between habitable rooms of properties.
- 7.51 As assessment of the impact of the proposal upon neighbours is set out below.

Park Street

- 7.52 Rear gardens and the main habitable rooms to properties along Park Street adjoin the site's north eastern boundary, including Poplars and 87 – 93 Park Street. The boundary is open and there are clear views into and out of the site. Park Street is busy road and therefore the application site is important in that it provides a quiet outlook. For the previous application, neighbours had concerns about the impact of the development in terms of noise and disturbance, light pollution and over-looking.
- 7.53 The permitted scheme was considered to have an acceptable impact upon these properties as hedge and tree planting were proposed along the common boundary which will help to soften the impact of the development. The closest neighbouring property to the proposed houses was The Poplars and a 31m back to back distances was proposed. It was considered that this distance would not be overbearing or result in an unacceptable level of overlooking. The other properties along Park Street sit approximately within a range of 46m – 86m from the proposed houses. It was acknowledged that while the outlook from the nearby neighbouring properties would change, replacing open parkland with built development, it was not considered that there would be unacceptable harm to the amenity of Park Street properties.

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7.54 The current application proposes minimal changes to the scheme in the vicinity of The Poplars and 91-93 Nelson Street. 2 x houses and 4 x 1 bed apartments are replaced with 4 x 3 bed houses and the current proposal is for the dwellings to be 1 metre closer to the Poplars. I do not consider that the changes will materially impact upon the amenities of these dwellings.

7.55 The northern parkside terrace is in the vicinity of 87, 88 and the Old Baptist Chapel Park Street. The existing permission is for a terrace of 5 houses with limited openings on the northern elevation facing Park Street properties. The current proposal is for Parkside North to comprise 17 x 2 bed apartments. The terrace would be 5 metres deeper with large living/dining/kitchen windows at ground, first and second floor between 8-9 metres from the site boundary with these properties. The windows would be 28 metres from the rear of the Old Baptist chapel, and over 30 metres from windows to the rear of 87 and 88 Park Street. While these distances exceed the guidance in the 2016 design guide, in this case the proposal relates to windows to rooms that would have a significant level of use given the rooms served. Following, pre-application discussions with the applicant the windows at first and second floor level are proposed to be obscure glazed to ensure that there would be no overlooking issues.

Elms Road

7.56 Properties on Elms Road are on the opposite side of the road to the site. One of the main concerns with residents along this road is on-street parking which currently occurs on the northern side of Elms Road. Parking and traffic issues are dealt with later on in my report.

Nelson Street

7.57 The properties along Nelson Street have rear gardens that abut the site. Along the common boundary, but within the application site, there are a number of mature trees. These form a degree of screening between the rear garden areas along Nelson Street and The Elms. In parts this boundary planting is sparse and therefore views into the site from some properties along Nelson Street are quite open. As a number of the trees along this boundary are deciduous, there is only substantial vegetation screening throughout part of the year. Furthermore, the Forestry Officer has identified that trees along the western boundary have a number of defects requiring tree surgery and felling. These tree works will thin the screening provided between the existing and proposed dwellings. The proposed planting scheme currently indicates some low level screening along this boundary but additional tree planting would be required to secure the long term screening.

7.58 The existing permission proposed 3 x three storey houses in the West Crescent with first and second floor level bedroom windows facing the rear of properties in Nelson Street. The back to back window distance would be 35 metres at the closest points. The permission includes garage / home studio buildings with first floor windows 29m from Nelson Street properties. The permitted scheme was considered acceptable given the distances were in excess of the recommended 25m back to back distance set out in the previous and current South Oxfordshire Design Guide.

7.59 As set out previously, Crescent West would provide 10 apartments in place of 3 townhouses. The accommodation is proposed on 3 floors in a single mass of building with a depth of 18 metres rather than a 13 metre depth as previously permitted. The mid block apartment at first floor is single aspect, while those at the end have windows to the side. The second floor apartments are double aspect. Balconies are proposed at first and second floor facing towards Nelson Street properties.

- 7.60 These amendments have implications for the privacy of properties at Nelson Street, in particular, 17-21 Nelson Street. The balconies to the proposed apartments would be approximately 19 metres from the boundary with 19 and 21 Nelson Street and over 33 metres from windows to the rear of these properties. The Design Guide recommends a minimum distance of 10 metres between habitable rooms and site boundary. While the distances exceed the recommendations set out in the Design Guide, it is necessary to consider the following factors:
- The number of dwellings: i.e. 6 apartments in total have an outlook to the rear, 4 of these would have windows and balconies at first and second floor
 - The provision for first and second floor balconies, the psychological feeling of being overlooked is greater from a balcony than a window
 - The nature of the rooms, living rooms are likely to be used frequently and therefore increase overlooking
 - The nature of the proposed use. The application is for a C2 extra care scheme and therefore occupiers are more likely to spend more time at home
 - There is currently no overlooking from the application site towards the rear of Nelson Street properties.

- 7.61 While the mature vegetation provides a degree of screening, there are gaps and the health of the trees is uncertain. This could be addressed by a planting scheme but it would take some time for any planting to be sufficiently established to provide an effective screen for first and second floor windows and balconies. The applicant has however indicated the willingness to plant mature well established trees which would provide an effective screen. As such, given the distances involved and subject to an appropriate landscaping scheme it is considered that the concerns relating to loss of privacy could be addressed.

Elms Park Proposal

- 7.62 Policy HA4 of the TNP requires a planning application for improvements to Elms Park to be submitted at the same time as the application for residential development and requires that the works to improve the park be carried out at the same time as the development of the Elms House site.

- 7.63 Outline planning permission and reserved matter approval has been granted for improvements to Elms Park. The previous permission included a contribution of £300,000 to the Town Council for consultation and implementation of the park improvement works. The applicant has indicated that a similar contribution would be provided as part of the current application. However, there is not a signed Section 106 that provides this contribution and therefore the proposal is contrary to Policy HA4 in that it does not make provision for improvements to Elms Park to be carried out at the same time as development on the application site.

Highway safety, convenience and traffic

- 7.64 Policy T1 of the Local Plan requires all new developments to provide for a safe and convenient access to the public highway network for all users. Policy T2 requires appropriate parking, manoeuvring and turning space within all new development, including larger vehicles such as refuse lorries or emergency vehicles.

- 7.65 Nearby neighbours and residents of Thame have raised concerns about the impact of traffic, due to the increase in car movements on surrounding roads and also concerns about construction traffic given the narrow roads surrounding the site and on-street parking. They have particular concerns about the impact of this development given the nearby school and the impact that this has on traffic and parking during school drop off and collection times. Concerns have also been raised about the commercial nature of

the proposal and that the transport assessment submitted with the application is inadequate, specifically, the traffic generation implications have been under estimated.

- 7.66 The submitted Transport Assessment (TA) has bench marked traffic impact against the fall-back, i.e. the permitted development of 37 dwellings. OCC Highways have reviewed the TA, considering it a fair assessment and agree with the conclusion that the proposed development represents a less intense use of the site, with small reductions in peak time trip generation. OCC Transport identify that this is an accessible Town Centre location and that appropriate access would be provided for pedestrians, cyclists and motorists. Furthermore the layout, parking and cycle storage is considered to provide for safe and convenient circulation within the site.
- 7.67 The vehicular access to the highway is proposed similar to the permitted development. Works of providing the access will be subject to agreement under Section 278 of the Highways Act which is well advanced following submissions related to the previous permission. The sensitivity of the location to construction traffic is noted and a condition is recommended to deal with this issue.
- 7.68 In view of the OCC Highways response, there is no objection to this proposal on highway grounds subject to the recommended conditions and S106 contributions.

Cycle and pedestrian links

- 7.69 One of the requirements of the TNP is the creation of a public pedestrian and cycle links from the north –south and the east to the adjacent Elms Park. The application provides for the same pedestrian and cycle access as for the permitted scheme. This will enable from Elms Road, Elms Park and Upper High Street into the site and the opening up of this parkland area which is currently private. The applicants have confirmed that these new links will not be offered up for adoption, therefore will not be official, established Rights of Way.
- 7.70 The cycle and pedestrian links and the access to the parkland are considered a benefit of this development and are acceptable.

Protected species and bio-diversity

- 7.71 Policy CSB1 of the Core Strategy, Policy C8 of the South Oxfordshire Local Plan and NPPF paragraph 109 require that developments minimise impacts on biodiversity and provide net gains where possible.
- 7.72 Some objectors to the proposal have raised concerns about the potential impacts of the proposal on wildlife and habitats. The Countryside Officer considers that the proposal would not lead to any significant ecological impacts on protected or priority habitats or species and notes that the Ecology and Protected Species Appraisal includes proposals for mitigating the impacts of the proposed development and for appropriate enhancements which will help to offset the negative impact. Therefore there is no objection to proposal on biodiversity grounds subject to conditions.

Archaeology

- 7.73 This site is located in an area of archaeological interest within the historic core of the Town. The archaeological evaluation of the site recorded a series of medieval and probable medieval features on the northern part of the site. An archaeological watching brief recorded some Bronze Age finds. A quantity of Roman pottery has been recorded in the same area. The Archaeologist at OCC has therefore recommended that if planning permission is granted that the application should be responsible for ensuring the implementation of a stage programme of archaeological investigation which are

maintained during the period of construction. A condition is recommended to secure this.

Infrastructure/Developer Contributions

- 7.74 Policy CSI1 of the Core Strategy and Policy CLW4 of the Thame Neighbourhood Plan require that new development must be supported by appropriate on and off-site infrastructure and services. The Council has adopted a Community Infrastructure Levy (April 2016). The CIL charging schedule has a £0 charge for C2 residential uses.
- 7.75 Oxfordshire County Council have identified that S106 financial contributions of £91,870 towards public transport and £2000 towards local bus stop infrastructure are required to mitigate the impacts of the proposed development.
- 7.76 Whilst there are no policy requirements within the Development Plan for C2 use class development to provide any contribution towards affordable housing or Community Infrastructure Levy, the applicant acknowledges the impact of the development upon the provision of affordable housing and proposes an appropriate without prejudice financial contribution towards the provision of affordable homes, pro rata and consistent with contributions made on other developments within the District. Notwithstanding this offer, the Council's preference would be the provision of affordable housing on site to meet the specific needs for Thame as required by Policy H8 of the TNP.
- 7.77 There is not a completed S106 making provision for this contribution and therefore the proposal conflicts with Policy CSI1.

8.0 BALANCING EXERCISE AND CONCLUSION

- 8.1 The development plan is the starting point for determination of the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.2 The TNP comprises part of the development plan and its policies relating to the supply of housing are not out of date as the Council can demonstrate over a 3 year supply of deliverable housing land. Nevertheless Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The recent supreme court judgement (Suffolk Coastal et al) has established that the weight to be given to specific policies alongside other material considerations remains a matter for the decision maker in accordance with ordinary principles.
- 8.3 Policy HA4 of the TNP identifies the land at the Elms to be allocated for residential development with a maximum of 45 dwellings to be provided. Any proposal must also preserve and enhance the Thame Conservation Area and the setting of adjacent listed buildings and structures. The development would be in clear conflict with this policy. In my view, the cap on the number of dwellings and the supporting principles of Policy HA4 carry significant weight as they reflect policies set out in the NPPF, in particular Section 12, conserving and enhancing the historic environment. The proposed development would also conflict with development plan policies which require a mix of dwelling types and sizes to meet the needs of Thame.
- 8.4 In assessing the application, I have had regard to legal requirements relating to the consideration of heritage assets as set out in s72(1) and s66(1) of the Planning Listed Buildings and Conservation Areas Act 1990 which state that "special attention shall be paid to the desirability of preserving or enhancing the character or

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appearance of that area” and “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Case law has established that both provisions require the decision maker to give “considerable importance and weight” to the desirability of avoiding harm to heritage assets.

- 8.5 The proposal would result in harm to designated heritage assets, i.e. the setting of the grade II listed Elms and the Thame Conservation Area. While this is less than substantial harm, this harm should be weighed against the public benefits of the proposal (paragraph 134 NPPF). The Courts have held that Paragraph 134 is a policy indicating that development should be restricted for the purpose of assessing the relevance and effect of paragraph 14 of the Framework in the determination of applications. As the law currently stands, the tilted balance in Framework Paragraph 14 is disapplied by Footnote 9.
- 8.6 For the extant planning permission for 37 dwellings, it was considered that the harm to designated heritage assets was outweighed by the benefit of a proposal that accorded with Policy HA4 of the Neighbourhood Plan that allocates the site for no more than 45 dwellings. In this case the proposal for 85 units does not accord with Policy HA4 and conflicts with the requirement that the proposal must preserve and enhance the Thame Conservation Area and the setting of adjacent listed buildings.
- 8.7 In assessing the application, I have had regard to paragraphs 186 and 187 of the NPPF which requires Local Planning Authorities to approach decision-taking in a positive way to foster the delivery of sustainable development where possible. The three strands of sustainable development are set out at paragraph 7 of the NPPF as economic, social and environmental. All these have been considered throughout the report and my conclusions against each of the strands is summarised below.
- 8.8 In economic terms, the proposed development would provide construction jobs and some local investment during construction, some limited ongoing employment (11 fulltime, 12 part-time) and longer term expenditure in the local economy. Against this, depending on the number of occupiers from outside the local area, the proposal would place additional pressure on local services and makes no provision for CIL to mitigate this impact. I consider that moderate weight can be given to the economic benefits.
- 8.9 In social terms, the proposal would contribute towards the objective to significantly boost the supply of housing, consistent with Paragraph 47 of the NPPF, by providing 85 extra care residential units. The specialist accommodation proposed would contribute towards meeting the projected increase in need for accommodation for older people and would provide high quality public open space. The scheme would also provide more choice and opportunity for people to ‘upsize’ and ‘downsize’ within the Thame housing market and would reduce pressure on local health services and social services. A financial contribution towards the provision of affordable housing is also proposed. Against this, the proposal does not include a Thame-specific affordable housing and dwellings mix strategy and would comprise a large area of housing of a uniform type and size, which would not be provided on a mixed tenure basis. I consider that the weight given to the social benefits is lessened by the extant planning permission which provides for on-site affordable housing and a mix of houses which would have less impact upon neighbouring dwellings and would provide a better standard of amenity for future occupiers.
- 8.10 In environmental terms, the proposal has some benefits in providing housing in a sustainable town centre location, providing for the long term management of

veteran trees and provision for additional pedestrian and cycle access to the town centre. The proposal would also result in reduced traffic generation compared to the extant planning permission. Against this, the proposal would harm the character and appearance of the Conservation Area and the setting of the Elms. I attach considerable importance and weight to this harm.

- 8.11 In summary, the development would be contrary to the development plan as a whole and would not amount to sustainable development in view of the environmental harm to heritage assets. I consider that the harm is not outweighed by the public benefits of the proposal and therefore the application is recommended for refusal.

9.0 RECOMMENDATION

REFUSE

1. The scale, siting and design of the proposed development would have a harmful impact on the setting of the Elms listed building and the appearance and character of this unique open space within the Thame Conservation Area. Therefore the proposal is contrary to policies CSEN1, CSEN3 and CSQ3 of the adopted South Oxfordshire Core Strategy, Policies G2, C9, D1, CON5 and CON7 of the adopted South Oxfordshire Local Plan 2011 and Policies HA4 and ESQD20 of the Thame Neighbourhood Plan.
2. The proposal for 85 open market extra care dwellings would comprise a large area of uniform type and size and the proposal does not include a Thame-specific affordable housing and dwellings mix strategy. Therefore the proposal is contrary to Policy CSH4 of the adopted South Oxfordshire Core Strategy and Policies H9 and Policy H10 of the Thame Neighbourhood Plan.
3. In the absence of a completed S106 agreement the application fails to secure infrastructure necessary to meet the needs of the development, contrary to policy CS11 of the South Oxfordshire Core Strategy.
4. In the absence of a completed S106 agreement the application fails to make provision for the implementation of improvement works to Elms Park contrary to Policy HA4 of the Thame Neighbourhood Plan.