
APPLICATION NO.	P17/S1670/LB
APPLICATION TYPE	LISTED BLDG. CONSENT
REGISTERED	5.5.2017
PARISH	THAME
WARD MEMBER(S)	Jeannette Matelot David Dodds Nigel Champken-Woods
APPLICANT	Ms Jolande Bowater
SITE	32 Upper High Street THAME, OX9 2DN
PROPOSAL	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.
OFFICER	Joan Desmond

1.0 **INTRODUCTION**

1.1 The Elms is a Grade II listed detached dwelling built in the 19th Century situated within an eight acre parkland setting within a central area of Thame. Immediately surrounding the dwelling is a ha-ha separating the parkland from the immediate formal garden area. The site is bound on all sides by brick and stone walling with one access opening onto Upper High Street. There are various outbuildings associated with the listed dwelling including a Grade II listed barn now converted to a separate dwelling. All pre-1948 walls and outbuildings within the site and bounding the site are Grade II listed by means of their association with the main listed dwelling. The site lies within Thame Conservation Area.

2.0 **PROPOSAL**

2.1 This application seeks listed building consent for the following works;

- (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;

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- (v) erection of a new 2m high stone boundary wall to the annex to The Elms (The Elms Barn; 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.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Thame Town Council – Recommended for refusal on following grounds:

- 1) The existing planning consent P14/S2395/LB is still both extant and valid. It refers to an approved scheme that is in conformity with the site allocation for 32 Upper High Street / The Elms within the Thame Neighbourhood Plan.
- 2) This application, that would in effect replace that consent, refers to an “Extra Care” facility that has not been approved – and so pre-empts that separate decision.
- 3) The application does not reflect the revised Double Yellow Line treatment of Elms Road as agreed by Oxfordshire County Council on 9 June 2016.
- 4) A separate pedestrian / cycle access is required onto Elms Road on safety grounds – access should not be shared with vehicles.

Conservation Officer (South) - No objection subject to conditions attached to previous consent as carried over.

No representations from local residents have been received on this application.

4.0 MOST RELEVANT PLANNING HISTORY

4.1 [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.

4.2 [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. (As amended by drawing number 1771-117-B-19747 received on 8 January 2015, addendum to The Heritage Statement dated 8 January 2015, letter from Barton Wilmore dated 8 January 2015).

4.3 [P17/S1069/FUL](#) – An application 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 is awaiting determination.

5.0 **POLICY & GUIDANCE**

- 5.1 South Oxfordshire Core Strategy (SOCS) Policies
CSEN3 - Historic environment
- 5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;
CON3 - Alteration to listed building
CON5 - Setting of listed building
- 5.3 National Planning Policy Framework (NPPF)
- 5.4 National Planning Policy Framework Planning Practice Guidance (NPPG)
- 5.5 Thame Neighbourhood Plan
- 5.6 Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 **PLANNING CONSIDERATIONS**

- 6.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it processes.
- 6.2 Core Strategy Policy CSEN3 provides that designated heritage assets will be conserved and enhanced and adopted Local Plan policies CON3 (alterations to listed buildings) and CON5 (setting of listed buildings) echo these requirements. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. 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).
- 6.3 The main consideration in the determination of this listed building application is whether the proposals respect the established character and do not diminish the special historical or architectural qualities which make it worthy of inclusion on the statutory list.
- 6.4 Given the previous consent for identical works to the listed building, it is also necessary to consider whether there has been any material change in circumstances since the granting of the previous consent. In this respect, this application has been submitted in connection with the FULL application for the extra care scheme (Ref: P17/S1069/FUL) whereas the previous application for these works was considered in connection with the extant permission for the residential housing scheme on the site (Ref: P14/S2176/FUL).
- 6.5 The application comprises a number of elements which are dealt with in turn below.
- 6.6 **1. 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 two brick piers**
The section of wall is thought to be of Edwardian origin and contributes to the character of the area as a whole. As the principle of the residential housing scheme was considered to be acceptable within the site then the impact of this new opening upon the setting of the listed building was previously considered to be negligible and these works were previously granted consent in 2015. As set out in paragraph 134 of the

NPPF, this less than substantial harm to the designated heritage asset must again be weighed against the public benefits of the proposal, including its optimum viable use.

- 6.7
2. **the removal of wooden gates at site entrance on Upper High Street and repairs to 2no.existing piers**
 3. **the erection of 2no. new stone piers and timber boarded electric gates at the private entrance to The Elms**
 4. **new timber boarded gates at the entrance to the annex to The Elms (32a) with repairs to 2no. existing stone entrance piers;**
 5. **erection of a new 2m high stone boundary wall to the annex to The Elms (32a)**
 6. **the erection of 2no. new bollards**
 7. **the partial demolition of an existing brick wall and creation of a new footpath and cycleway;**

The cumulative impact of these changes would compromise the setting of the listed buildings (The Elms and The Elms Barn) and their historic relationship. This harm was previously outweighed by the public benefits of the residential housing scheme and the provision of a safe and improved access. No such public benefits apply in this case and as such the proposed works would harm the special historical and architectural qualities of the listed buildings and their setting in conflict with national and local planning policy.

- 6.8 **8. repairs and refurbishment of existing stone ha-ha and provision of new metal fencing.**

The proposed repair works are considered to be acceptable as is the proposed metal fencing.

7.0 **CONCLUSION**

- 7.1 The previous application for alterations to the listed structures was considered to be justified as the public benefits arising from the approved housing scheme (P14/S2176/FUL) were considered to outweigh the less than substantial harm to the setting of the Grade II listed buildings and their special historical and architectural significance. The approved housing scheme is still extant.
- 7.2 This application has been submitted in association with the planning application for an extra care scheme on the site. This scheme is felt to be unacceptable as it would be harmful to the setting of The Elms and the appearance and character of the conservation area. As such there are no public benefits arising from this proposal which would justify granting consent for works that would have a harmful impact on the designated heritage asset. This application is thus recommended for refusal.

8.0 **RECOMMENDATION** **Refuse**

The cumulative impact of the proposed works would harm the special historical and architectural qualities of the listed buildings (The Elms and Elms Barn) and their setting. This harm would constitute less than substantial harm with regard to the tests of paragraph 134 of the National Planning Policy Framework 2012. However, the harm is not outweighed by the public benefits of the revised scheme for the extra care housing development within the site and is therefore not justified. As a result, the proposal is contrary to saved Policy CON3 of the adopted South Oxfordshire Local Plan 2011, Policy CSEN3 of the South Oxfordshire Core Strategy 2027, Policy HA4 of the Thame Neighbourhood Plan and the National Planning Policy Framework.

