

Full Council

Date: 2 June 2020

Title: Land at The Elms Upper High Street Thame OX9 2DN

Contact Officer: Graeme Markland, Neighbourhood Plan Continuity Officer

Background

1. Members will recall that land behind The Elms in Thame was allocated within the Thame Neighbourhood Plan (TNP) for up to 45 homes. In August 2015 a planning application for 37 dwellings and publicly accessible open space, P14/S2176/FUL, was granted permission. In July 2016 an application for 87 dwellings and apartments for extra care homes was applied for but withdrawn prior to determination on 15 November 2016. In March 2017 planning application P17/S1069/FUL, for 85 dwellings and apartments for extra care homes was submitted to the District Council. Permission was refused on 16 February 2018. Planning application P18/S3596/FUL, for a "Housing with Care" development for 78 units was refused permission on 28 February 2019. A subsequent appeal was dismissed on 21 October 2019; this decision is being contested by the applicant.
2. Since the granting of the 2014 permission a number of conditions have been signed off covering matters such as archaeology, parking, air quality, materials and landscaping. Since the formation of the highway access on Southern Road that permission will remain extant.

Proposed Development

3. Application P20/S0928/FUL is for 66 units of extra care housing, under C2 of the Use Classes Order, on around 2.9 hectares of land. The properties restricted to sale for those of retirement age. The schedule of properties declared within the planning application is:
 1. 2 x 2 bed house;
 2. 2 x 3 bed house;
 3. 9 x 1 bed flats;
 4. 38 x 2 bed flats;
 5. 15 x 3 bed flats.
4. A centre for residents is proposed. This will also provide facilities for staff (overnight accommodation, a day room, office space). For residents there will be 3 treatment rooms for use by visiting specialists, a lounge, dining room, function room, salon and a small gym. Three twin guest rooms will be available for visitors, to the south-west of the residents centre.
5. It is intended the site will be served using the existing, developed entrance off The Elms road and via the pedestrian entrance from the Upper High Street, with a new one to be formed through to Elms Park. The paths are intended to be mixed use, allowing for cycling through the public open space which will total around 1.2 hectare.
6. In terms of car parking, 55 spaces are proposed. It is proposed that there will be some mitigation (details below).

Discussion

7. **Extra Care Housing.** The applicant is once again referring to these units as extra care housing (ECH), in line with earlier applications. Most ECH is subsidised, often through a housing association for either rent or shared ownership.
8. Householders will live independently but can receive care from the on-site providers. This can be for both personal and domestic care purposes. The model normally allows the level of care to rise in line with the level of need. A commercial scheme such as the one proposed will charge for services beyond a basic level of provision.
9. Within paragraph 5.11 of their Planning Statement, the applicant describes the type of care available. Examples include help with personal hygiene, dressing/undressing, planning and preparation of meals, help with feeding and drinking, ordering and collecting pharmaceuticals, helping with bills, “the pursuit of hobbies”, help with organising activities, help with access to on and off-site activities, arranging and helping with medical consultations, etc. The full meaning of some items on this list are a little vague. For example, does the help with hobbies involve help accessing them, or help with them? It is likely that many if not all of this help could be bought as part of a service that helps residents in their existing homes.
10. The applicant has stated that Rectory Homes will build the scheme, while FirstPort Retirement Property Services will run the scheme alongside a Care Quality Commission-registered provider of on-site personal and domiciliary care (Planning Statement, paragraph 2.8). It is not clear if the care will be provided for by carers based exclusively on the site or if some or all will be transient, nor if the residents must solely use the chosen care organisation. Each resident / household will be eligible for a minimum of 2 hours personal care a week. It is not stated that staff will be present 24 hours per day and so the purpose of the staff sleeping quarter is not clear. The offer of a 24-hour monitored emergency call system “providing access to specialist trained operators” is a system used in other types of older persons’ accommodation (Planning Statement, paragraph 5.10), as well as private homes.
11. The County Council planning team has responded to say that they do not consider the proposal to be Extra Care, in line with their definition. They also view this as an amendment to the refused, appealed scheme.
12. The County’s Housing and Social Care Commissioning Team have similarly responded to state they would not classify the proposal as Extra Care Housing, and furthermore it should be considered a residential care institution. They note that in terms of ECH, the projected built provision up to 2031 is adequate to meet the needs of older people within South Oxfordshire.
13. **Residents’ Centre.** Looking at the care being offered within the home, it is clear the treatment rooms will be used by visiting professionals such as chiropractors and physiotherapists. Services seem limited to those that would be expected, such as secure entry systems to common and private areas, and a staffed reception area.
14. **Affordable housing.** The Government has prevented local authorities requesting affordable housing from C2 schemes. The applicant has once again offered a contribution in recognition of the loss of affordable housing from this site. This has been proposed at £1,855,913.40 which apparently represents 25% of the 66 units, on a 40% value on a hypothetical two bedroom home in Thame. The applicant notes within Paragraph 7.41 of their Planning Statement that this represents a greater contribution (16.5 homes’ worth,

rather than 14.8) than the extant scheme. This offer ignores the fact that land is not available for purchase within the Thame area to provide for any appreciable size of site; it is all optioned with major developers. The Town Council's March 2019 Call for Sites did not identify any available sites for housing, excepting those being promoted for major schemes and the single site specifically offered for development to the Thame Community Land Trust.

15. Within the recent recovered appeal decided at Wheatley (ref: APP/Q3115/W/19/3230827) the Secretary of State gave very substantial weight to the delivery of affordable homes (paragraph 35) in South Oxfordshire. This was in recognition of the very serious shortfall in provision within the District in recent years. This was given as one of the main reasons for allowing the appeal (paragraph 46). The loss of affordable housing from this scheme, and the inability to provide for its replacement on land within Thame parish is highly significant. No other mitigation is available through this proposal; the argument that housing will be freed up elsewhere by older people downsizing will not provide a solution as those homes will be sold on the open market at full value, and it cannot be guaranteed that many, or even any, would be physically located within or near Thame.
16. The proposal, in not providing any affordable housing on site and integrated with other housing, remains contrary to Policy H8 of the TNP. The Affordable Housing Team at SODC believe that the C2 units provided are not sufficiently distanced from housing to be referred to, as such; and, therefore the full weight of Core Strategy CSH3 would apply, with a 40% requirement, provided on-site, equating to 26.4 dwellings.
17. **Need for this development.** The applicant has submitted a report titled *A report on the need for specialised accommodation for older people*, February 2020; a Thame-specific affordable housing and dwelling mix strategy, and a *South Oxfordshire and Thame Housing Market Report*. The latter draws much data and information from the need for specialist accommodation document, as outlined below. For further detail it is recommended that Members read at the very least the section summaries from within the specialised accommodation report, and perhaps the whole of Section 3.
18. The Thame-specific affordable housing dwelling mix strategy takes the approach of regarding South Oxfordshire as being the appropriate level at which to draw up a need assessment for housing for older people; this is again drawn upon within the Housing Market Report. This does overlook that this proposal is not a response to a strategic issue. This also misses the relevance of TNP Policy HA4 which expressly requires that no more than 45 residential dwellings should be developed on the site. The applicant is stating that the proposed use is wholly within Class C2 of the Use Classes Order: if this view is supported, they are not only acting contrary to HA4 but have also failed to provide an adequate Thame-Specific Housing and Dwelling Mix Strategy in compliance with Policy H10 of the TNP.
19. The South Oxfordshire and Thame Housing Market Report draws upon research stating that there is a clear imbalance between older people who wish to downsize and their ability to access suitable homes. Two reports are mentioned in particular, *Rightsizing: Reframing the housing offer for older people* (2018) and a report produced by the All Party Parliamentary Group on Housing and Care for Older People (*Housing our Ageing population: Positive Ideas, Making Retirement Living a Positive Choice* 2016). The latter was their 3rd report on this matter, and is referred to as HAPPI 3.
20. It is not clear how the 17, 3-bedroom properties proposed on the site enable people to downsize, nor is it suggested how they might be suitable.

- 21.** Paragraphs 2.35 – 2.40 touches particularly upon extra care housing. It is claimed that ECH is becoming increasingly common, with one-third of all development aimed at older people being of this type since 2000. It is pointed out that of this, only one-fifth of this has been market housing, and most of that, leasehold. It is explained that the supply of housing for older people for sale is therefore especially low which presents a disparity, given that over 70% of people of pensionable age are owner-occupiers. HAPPI 3 quotes the Chief Executive of the Elderly Accommodation Counsel, that many would wish to continue to own their own homes, were they to downsize.
- 22.** It may be surprising that only one-fifth of ECH has been provided in market sale form, nationally. There are no known national policy constraints on such housing. Given the pressure to provide housing for the Country's older population, market forces and the apparent attractiveness of the model to investors, it is likely other factors are in play. The study discusses freeing up funds for younger generations. Yet it is likely that once freed, for the majority of households those funds would have to be retained and used against ongoing future living costs, given the considerable ongoing funds required to live in such facilities. This may be the real limiting factor; with most older people wishing to remain in familiar communities, sites will be limited to where a compact, wealthy population exists to make such a scheme viable; or an attractive destination that presents an alternative lifestyle choice for an otherwise scattered clientele. It is not stated how the provision of this market scheme will particularly help the older demographic (and their associated income level) of Thame and its environs.
- 23.** As with other studies that have come before us benefits of ECH are listed. These were given within the officer report that was before Members when they refused application P18/S3596/FUL (attached).
- 24.** Specific to this report is a summary of benefits from Background Paper 4 to the SODC / Vale of White Horse Housing Delivery Strategy, May 2017. These are benefits generally found through older persons housing; they are not listed as being particular to ECH:
- Improved quality of life for older people, enabling independent living;
 - Substantial cost savings to the NHS;
 - Cost savings to social care;
 - Economic benefits associated with the delivery of housing with care schemes, largely limited to the build period and ongoing maintenance / care provision;
 - Increased mobility by freeing family housing (also noted within HAPPI 3, with two-thirds of those living in retirement homes having come from homes with at least 3 bedrooms);
 - Rightsizing allows older people to release equity to transfer funds to younger generations, allowing entry to the housing market.
- 25.** The Market Report next looks at demographic indicators of housing need. Within Section 3 of the report, a demographic analysis is given in terms of age structure and how it is projected to change over the next 15 years. This is necessarily a function of ONS statistics, and projections. The analysis starts with raising 5 main points:
- The starting position is one of existing demand;
 - the projected growth in housing remains a small proportion of housing stock by type;
 - family housing is unavailable due to the lack of availability of suitable housing for those downsizing;
 - nationally and locally, the population is ageing, and shows signs of becoming unbalanced as younger households reduce in number, up to 2034;
 - it is stated that all housing need in South Oxfordshire arises from the population aged over 65, up to 2034 and so should be developed to meet these specific and general housing needs.

- 26.** Paragraph 3.15 of the report notes that, using SHMA 2014 housing mix assumptions, some 810 homes will be built that will be of 3 bedroom in number, or above. This does of course instantly suggest that some 708 will be of 2 bedrooms or less. This raises a conundrum with all of the projections that appear within reports that rely on the ageing SHMA, or ONS data with its known shortcomings. ONS data for population is based upon a series of mid-year estimates that rely on a baseline (currently, the 2011 Census) from which projections are made using records of births, deaths and migration.
- 27.** The mid-year estimates tend to under report young people, particularly in a housing growth area like Thame. This is because the migration data for internal migrants relies on records of transfer between health areas (between GP surgeries, for example). If they have moved, but kept their old workplaces they frequently keep using their old health practice, if that is convenient; or fail to register until they have their first major illness or accident. For any age group, a move that does not involve a move of health provider is not recorded within the statistics. The second group that is under reported are those moving house within a local area. There is also a lag in updating records for older people who may, for example, have moved into care in another area.
- 28.** This has relevance to local authorities, because the ONS population data is used in calculating central government funding; it has relevance here as it might suggest a demand that is not being met locally, conceal the formation of formerly suppressed, local households and those who have moved from existing Thame homes into those in our new estates, regardless of the age of the householders. This should be borne in mind when considering the demand across Thame and its wider area.
- 29.** Focusing on Thame, Tables 3.6 and 3.7 of the report shows population and change across key age groups in Thame, 2011-2018. This is ward-level data and is a reasonable proxy for Thame. The table of change shows increases of some 879 people aged 65 and over from 2011, against an overall population increase of some 629 for the 16 and over age group. This might seem alarming but table 3.7, age structure by age group indicates that we are merely mirroring the trend across South Oxfordshire, with 60% of our population being of working age and 34%, over working age. This data is quoted as being ONS, and from 2018, which means it is likely to be based upon mid-year 2016 estimates (the ONS source is not given). If so, this would predate the completion of a significant proportion of the new housing in and around Thame.
- 30.** The report looks to the population in terms of drive-time to Thame (Table 3.8). This uses Experian data, a respected source, who have projected the populations within 5, 10 and 15 minutes drive time of the centre of Thame to 2023 and 2034, from a baseline of 2018. A 15 minute drive time takes in parts of Wheatley and Princes and Monks Risborough, and all of Chinnor, Haddenham, Long Crendon, etc. It has been previously stated by the applicant that most people looking for older accommodation prefer to stay locally, and Princes Risborough, etc. have their existing and/or potential sites for care home provision; as does Haddenham, a sizeable village with its own allocation sites proposed for C2 use. Nonetheless, the drive times indicate from a 2018 baseline:
- 5 minutes – a growth of some 196 people over the aged of 75, up to 2023, and 553 up to 2034;
 - 10 minutes – growth of some 635 up to 2023, and 1,882 up to 2034;
 - 15 minutes – growth of some 1,146 up to 2023 and 3,470 up to 2034.
- 31.** A 5 minute drive time primarily takes in all of Thame (but not Moreton). It is reasonable to expect Thame to provide for at least some of the expected demand across the wider area,

but as stated other facilities exist or permission has been given in the local area and they could equally be expected to host some Thame residents.

- 32.** Section 4 of the report goes into great detail on the matter of affordability across South Oxfordshire for both sale and rent. Local affordability is an issue that is well-known to Members and most would recognise the given trends and figures and particularly the figures for rent and sale price verses income. Also discussed are under and over occupancy levels; again, these may be familiar to Members as these are reports from the 2011 Census. The trend at the time was for most under-occupied premises to be lived in by those 65 and over and that across South Oxfordshire, more people were likely to be under occupying homes who also had health problems or disabilities that were restricting their day to day activities than the national and regional average. As it is not directly stated that a different form of housing would necessarily relieve their health problem, and Thame-specific data is not available the information is not repeated within this report but is available within across Figures 4.7 – 4.12 and Paragraphs 4.44 – 4.53.
- 33.** The final part of the report looks at the alleged shortfall in ECH within the area. This continues with a link between those under occupying homes who are in poor health, and may benefit from ECH. The report states that there is only 1 ECH unit available for every 24 older households across South Oxfordshire whose activities are limited by health reasons (paragraph 4.51). It also looks at housing tenure by age. Once again, the 2011 Census is quoted; in paragraph 4.56 it is claimed that of those over 65 years in Thame who owned their own home outright some 245 residents suffered from a long term health problem or disability. It is pointed out there is no leasehold extra care option in Thame to meet their needs.
- 34.** It is worth noting that, the obvious issue aside of the age of the Census data that of those 245 residents not all of them will be under occupying their property; and each of them will not represent an individual household. It should not be thought there is an absolute need today for 245 units of leasehold ECH, or any other single type of older peoples' housing.
- 35.** In Paragraph 4.61 of the report it is stated that the present split of ECH is 69% affordable, and 31% market, by which they mean leasehold for sale. The author notes that if all the potential supply indicated to date becomes available the tenure split will be 83% affordable, and only 17% leasehold, by 2031 (Table 4.3 and 4.4). It is suggested that older homeowners looking for leasehold ECH will not be adequately provided for and it is particularly stated there is no current provision in Thame. The applicant is attempting to use what they judge to be a potential strategic imbalance between affordable ECH and market leasehold ECH to lever their development in to Thame, yet their case relies greatly upon supposition rather than absolute correlation.
- 36. Design.** The District Council's Urban Design Officer has made several comments that may lead to amendments in amenity space, fenestration and the gating of private areas. The changes have been described within the Planning Statement (paragraph 5.13) in terms of the difference between this and the appeal scheme. This is not helpful; currently, the extant scheme is the only one that has validity for comparison purposes. The main changes between this and the extant scheme are:
- 66 C2 units, rather than 37 C3 dwellings;
 - apartments, instead of town houses forming the "crescent";
 - 55 parking spaces, rather than 118;
 - a residents' centre, rather than 15 apartments;
 - fewer garages for the apartments facing Elms Park;
 - the garages have less depth, and doors to the vehicle entrances have been removed;
 - there is no basement level parking;

- the upper floors of the garages all have apartments, rather than home offices;
 - fenestration differences in terms of numbers, size and positioning of windows.
37. The units have been designed to meet lifetime home standards. This means they are designed to allow wheelchair access to all areas, and should be easily able to be altered to allow for further adaptations.
38. Materials will match those approved as for the extant scheme, a mix of buff brick and ashlar Bath Stone for walls, aluminum-framed windows and glass balustrades, painted hardwood doors.
39. Thames Valley Police's Crime Prevention Design Advisor has stated that his advice aimed at making the proposed premises secure and the immediate environment safe has consistently ignored. The comments are numerous and would suggest the development proposed is at risk of building in crime. Examples are the open garages; unsecured bin areas; recessed porches; etc.
40. **Ecology.** The site has been appraised by the District's Countryside Officer and a series of reports on ecology and protected species have been provided over the years. Subject to conditions, the Officer is content that existing species and habitats can be sufficiently protected and suitable gains in habitat and biodiversity sought.
41. **Flood risk.** The accompanying flood risk assessment notes no major concerns. As for surface water flooding, the assessment concludes that the housing is all within areas of very low risk; data available for surface water flooding from the Environment Agency shows a low-mid risk area but this is now not thought to encroach upon the proposed built area.
42. **Heritage assets.** There are four listed buildings within the immediate area; Gallup Poll Garfield, a grade II* property fronting the Upper High Street; The Elms; the adjacent Barn and the Poplars. The site is contained within the Thame Conservation Area (TCA).
43. The applicant argues within their Planning Statement that the level of harm that would be caused to the setting of The Elms and the TCA is at the lower end of the scale of causing less than substantial harm. This was rehearsed within the recent appealed application; Members will be aware that less than substantial harm does not necessarily represent a low level of harm; it is less than substantial harm, which is taken to be harm so severe as to be equivalent to the physical destruction of the heritage asset.
44. It was agreed that the appealed proposal would cause less than substantial harm, however the Inspector found that he did not concur with the appellant's view that the baseline for that decision should be taken as though the extant scheme had been completed. The appropriate baseline for that decision should be its current, undeveloped condition. On that basis, the level of harm to the setting of The Elms was at the upper end of the scale.
45. The harm to the TCA were found to erode the significance of this part of it. The Inspector believed it would harm the nature of the associated parkland and so the benefits of the proposal, in terms of opening access to the heritage assets were given limited weight. He did not agree that the proposal would somehow enhance the TCA, recognising that it would harm the preserved former town edge, remove its legibility as that former edge and join development in Park Street with the more modern housing to the south. As such harm must be judged against the TCA as a whole, the Inspector found that the harm to be at the lower end of less than substantial.
46. Overall, the Inspector concluded that by causing harm to the setting of The Elms it not only caused harm to Core Strategy and Local Plan policies, it would also be contrary to Policy

HA4 of the TNP in not preserving and enhancing the TCA and the setting of the adjacent listed building. He found “it would also be contrary to Policies ESDQ16 and ESDQ20 of the TNP in failing to maintain or strengthen the specific character of the site, and that listed buildings and their settings and conservation areas would be conserved and enhanced” (paragraphs 43 – 46, Appeal Decision, attached).

- 47.** The Inspector weighed the benefits of the proposed scheme against the harm it would cause to the heritage assets. He found that the key development plan policies remained relevant, when reviewed against the latest draft of the NPPF; and that the benefits that the development would bring would weigh equally against the harm to the heritage assets. These were mainly the provision of the C2 accommodation, the freeing of existing housing for the use by families, and the economic activity the proposal would create (paragraphs 80 – 90, Appeal Decision).
- 48.** The District Council’s Conservation Officer also believes that a high degree of harm will be caused. They believe, as the Inspector did, that allowing access to the rear of The Elms to allow the public to enjoy and understand it in its setting has only limited weight. The Officer also believes the character of the open space would be altered significantly, compromising the legibility of the former parkland and eroding its contribution to the overall significance of the TCA. The Officer believes that the harm must be outweighed by the public benefits in order to allow this development.
- 49. Transport.** The County Council has not objected to the development and has proposed a series of contributions. The relevant amounts equate to £71,028 for local bus services and £2,000 to improve local bus stop infrastructure.
- 50.** The Highways officer noted that this proposal was for 12 fewer units than previously applied for, and that they had not objected to that larger scheme. The impact on the local highway network has, therefore, been considered acceptable. The officer notes that the ratio of parking spaces is lower than previously proposed but still believes it suitable, given the site’s location. It has been noted that some of the spaces are currently insufficiently sized to allow occupants to enter or exit their parked vehicles and a condition has been proposed to ensure they are provided in a compliant manner.
- 51.** The applicant has provisionally provided for 16 cycle parking spaces for residents, and 7 for visitors. The County standard would be to request 66 spaces for residents, all secure and under cover, and 30 spaces for staff and visitors.
- 52.** Two electric/hybrid pool cars will be provided for the use of residents and “at least” 10 electric vehicle charging points. For cycle parking, it is claimed that provision will be in accordance with local standards. It is worth noting that ECH does not have an assigned standard. The 55 parking spaces will be allocated:
- 35 to the 66 C2 units, on a lease basis;
 - 5 spaces for staff;
 - 3 spaces for visiting staff (hairdresser, physiotherapist, etc.);
 - 3 spaces for the 3 guest rooms;
 - 9 spaces for general visitors;
 - 42 spaces for mobility scooters.
- 53.** In terms of traffic generation, it is once again declared within the applicant’s Transport Assessment that there is no comparable data available for housing with care schemes. The author declares that it is best to use sheltered accommodation trip rates as such uses also employ staff on-site and compares these against the trip rate estimates from the approved scheme (Section 3, Transport Assessment). The daily trips generated by

sheltered accommodation would be typically lower, with fewer at peak hours. The author also suggests that the scheme may be more likely to operate in a similar fashion to sheltered flats, which would generate even fewer movements overall.

- 54.** Data is once again also supplied for retirement flats. It is reasonably argued that these are more likely to be occupied by residents who do not require care and so might not represent such a good match as the sheltered housing model. Like the sheltered scheme, peak trips are lower in number than the approved scheme, although the overall number of daily trips is higher.
- 55.** Once again, in the Transport Assessment is the statement about Nelson Street in paragraph 2.3, which “is understood to be becoming one-way southbound in future”. This is not within any current plan that could deliver this and to the best of our knowledge, OCC have not initiated any work in this area.
- 56.** With the County’s acceptance of the transport assessment, and County having previously “signed off” a larger development on the site, it will be difficult for any objections that the Town Council would wish to make to gain traction with the District Council.
- 57. Employment.** Within the Planning Statement it is claimed that 3 full time and 3 part time care staff will be employed. A further 2 full time and 2 part time staff will be employed for estate management purposes. This gives approximately 7.5 full time equivalents.
- 58.** The Oxfordshire CCG have responded to the application and have expressed their concern about the ability to provide care given the local high housing costs, and low unemployment.
- 59. Policy matters.** The application is contrary to the following TNP housing policies:
- TNP Policy H1, allocate land for 775 homes;
 - HA4: The Elms – Allocation for no more than 45 residential dwellings;
 - H8: Provide affordable housing, through not providing dwelling houses on a housing allocation site;
 - H9: Provide a mix of housing types; and
 - H10: Provide a Thame-Specific Affordable Housing and Dwelling Mix Strategy.
- 60.** The applicant states within their Planning Statement that Policies H1, housing allocations “and therefore HA4” of the TNP are out of date. Policy HA4 is the site-specific policy for The Elms allocation. The supporting text for the policy makes it clear that the reason for the prescription of a limit on the number of dwellings is because of heritage concerns. The consideration of the setting of The Elms listed building and the site’s position within the Thame Conservation Area means both H1 and HA4 remain up to date and compliant with the NPPF.
- 61.** The cap on numbers that TNP Policy HA4 brings is still appropriate. The cap sought not only to control the physical dimensions of any development but also the type of activities that would occur on site. This would include both within the sensitive setting and townscape of The Elms, and within what would become a public park. HA4 aimed to control not just vehicle movements but also noise, air and light pollution. Policy HA4 was also written with the expectation that the allocation site would be occupied primarily by families, who would embrace the daily “park life”, events and festivals the immediately adjacent Elms Park hosts.

Recommendation:

62. It is recommended that Thame Town Council objects to this application.