

South Oxfordshire District Council – Delegated Report

APPLICATION NO.	P24/S2464/FUL
SITE	St Andrews Court, Wellington Street, Thame, OX9 3WT
PROPOSAL	Two proposed 3-bedroom new-build dwellings and associated car parking and amenity including bike and bin stores (updated and additional supporting documents received 9th August 2024).
APPLICANT	XP 8 Development Ltd
APPLICATION TYPE	FULL APPLICATION
REGISTERED	1.8.2024
TARGET DECISION DATE	26.9.2024
PARISH	THAME
WARD MEMBERS	Pieter-Paul Barker Kate Gregory David Bretherton
OFFICER	Paul Lucas

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This report sets out the justification for officers' recommendation to refuse planning permission having regard to the development plan and any other material planning considerations.
- 1.2 The application site is part of the south-eastern corner of a car park belonging to a three-storey office building, in a location just to the north of Thame Town Centre. The office building has various extant consents for residential use and planning permission for the addition of dormer windows and balconies. The site is adjoined by commercial premises to the east and residential properties to the south, east and west and a two-storey snooker club building to the north-west. The site lies adjacent to the Thame Conservation Area and close to Grade II listed buildings at 26 & 30 Upper High Street and Old Pound Cottage.
- 1.3 The application seeks full planning permission for the erection of a semi-detached pair of 3-bedroom dwellings, with second floor accommodation within the roof space, as shown on the plans and supporting documents submitted with the application.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 Thame Town Council - OBJECTS:
- The proposal is contrary to Local Plan 2035 Policy ENV8 in failing to conserve or enhance the special character, setting and appearance of the Thame Conservation Area (TCA). It fails to identify and protect important views of the TCA and respect the existing character in terms of form, scale, height and grain.

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- The proposal risks harm to the setting of 26 Upper High Street, contrary to Local Plan Policy ENV7. It would also harm the ability to view the individual and collective character of Numbers 27, 27A, 27B and 28 Upper High Street, all buildings of local note.
- The proposal is contrary to Thame Neighbourhood Plan policies ESDQ16 and ESDQ20 in proposing development that does not relate well to its local surroundings and that does not contribute positively to the historic character.

County Archaeological Services (SODC) – No objection subject to conditions.

Heritage Officer (South and Vale) – Objection.

Forestry Officer (South and Vale) – No objection subject to conditions.

South -Highways Liaison Officer (Oxfordshire County Council) – No objection subject to conditions.

Contaminated Land – Insufficient information.

Waste Management Officer (District Council) – No response received

Env. Protection Team – No objection.

Third parties – two representations of objection and concern, summarised as follows:

- Heritage impact
- Loss of existing parking and lack of new parking
- Loss of privacy to No.27A Upper High Street

3.0 RELEVANT PLANNING HISTORY

Application Number	Description of development	Decision and date
3.1 P24/S1588/N5D	Proposal to change the use of part of the ground, part of the first and part of the second floor to 23 apartments comprising 4 x studio, 7 x 1-bed and 12 x 2-bed flats.	Approved (05/07/2024)
P23/S3771/PEM	Proposal to construct 4 x 2-bedroom 4-person mews-style terraced dwellings (Use Class C3), with car parking, rear and forecourt gardens and landscaping, cycle parking and bin storage	Advice provided (03/05/2024)

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P23/S4371/FUL	on land currently used as car parking. External alterations to existing office buildings including to existing windows, incorporation of new terraced and inset roof balconies, roof lights, replacement of car parking spaces with external amenity area and new and additional cycle parking for occupiers and visitors.	Approved (19/04/2024)
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4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Impact Assessment is not required.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- DES1 - Delivering High Quality Development
- DES2 - Enhancing Local Character
- DES5 – Outdoor Amenity Space
- DES6 – Residential Amenity
- DES7 – Efficient Use of Resources
- DES8 - Promoting Sustainable Design
- DES10 - Carbon Reduction
- EMP2 - Range, Size and Mix of Employment premises
- ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)
- ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)
- ENV3 - Biodiversity
- EP3 - Waste collection and Recycling
- ENV6 - Historic Environment
- ENV7 - Listed Buildings
- ENV8 - Conservation Areas
- H1 - Delivering New Homes
- H11 - Housing Mix
- STRAT1 - The Overall Strategy
- STRAT5 - Residential Densities
- TH1 - The strategy for Thame
- TRANS5 - Consideration of Development Proposals

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Emerging Joint Local Plan 2041

The Council is preparing a Joint Local Plan covering South Oxfordshire and Vale of White Horse, which when adopted will replace the existing local plan. Currently at the Regulation 18 stage, the Joint Local Plan Preferred Options January 2024 has limited weight when making planning decisions. The starting point for decision taking will remain the policies in the current adopted plan.

5.2 **Thame Neighbourhood Plan 2014**

H5 Integrate windfall sites

H6 Design new development to be of high quality

GA6 New development to provide parking on site for occupants and visitors

ESDQ15 Developers must demonstrate in a Design and Access Statement how their proposed development reinforces Thame's character

ESDQ16 Development must relate well to its site and 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

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 Design car parking so that it fits in with the character of the proposed development

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022
Thame Conservation Area. Character appraisal and management plan (TCACA) adopted April 2006.

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The relevant planning considerations are the following:**

- **Principle of development**
- **Heritage issues**
- **Residential amenity**
- **Access and parking**
- **Housing mix**
- **Contaminated land**
- **Other material planning considerations**

6.2 **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. The development plan currently comprises the South Oxfordshire Local Plan (SOLP 2035) and the policies of the Thame Neighbourhood Plan 2014 (TNP 2014).

6.3 Policy STRAT1 of the South Oxfordshire Local Plan 2035 (SOLP 2035) sets out the overall strategy for the District. It seeks to focus most major new development on housing allocation sites and at the growth point of Didcot, with Henley, Thame and Wallingford also being a focus for development and regeneration. The SOLP 2035 Policy H1 criterion 4 explains that the residential development of previously developed land will be permitted within and adjacent to the existing built-up areas of Towns, Larger Villages and Smaller Villages. Policy H5 of the Thame Neighbourhood Plan (TNP) explains that permission will be granted for small residential developments on infill and redevelopment sites within the parish. Due to the site's location in the centre of Thame, officers consider that the principle of residential development on this site is acceptable.

6.4 **Heritage issues**

The application site lies adjacent to the Thame Conservation Area (TCA). The Planning (Listed Building and Conservation Areas) Act 1990: Section 66 is relevant to this planning application. Likewise, the tests of NPPF (2023) Chapter 16 will be applied along with Local Plan Policies ENV6, ENV7 and ENV8, requiring great weight to be given to the conservation of heritage assets and good justification to be given for any harm. The SOLP 2035 Policy DES1 seeks to ensure that all new development is of a high-quality design. The SOLP 2035 Policy DES2 requires all new development to be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings. These requirements are reinforced by the TNP 2014 Policies ESDQ16 and ESDQ20 and Section 5 of the Joint Design Guide 2022 (JDG 2022).

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- 6.5 The submitted heritage appraisal and impact assessment concludes that the impact upon the TCA would either be positive or result in less than substantial harm. It states in paragraph 4.2.2 that the height and massing of the proposed buildings would be higher than existing back-land development to the rear of 30 Upper High Street and that this would result in less than substantial harm to the significance. The statement offers justification for the harm stating that the proposal offers the optimum viable use for this location given the context of social demands for housing close to town centres.
- 6.6 Officers agree that the proposal would result in less than substantial harm to the significance of the conservation area but suggest additional reasons for the cause of that harm. The site forms part of the immediate back-land area to the rear of the primary High Street frontage. From the application site, structures to the rear of the High Street frontage in the conservation area are very visible. The historic built form appreciable from this aspect is of a clearly secondary character to those buildings on the frontage in terms of size and massing and/or their lesser architectural presence which generally reflects the secondary uses that occurred on the back-land plots to the rear. Smaller extensions can be seen to extend back into the plots and there are generally lower status, non-residential buildings such as former stables, barns, sheds and other secondary buildings.
- 6.7 The proposed building would comprise of two and a half storey semi-detached dwellings and would be much greater in height and scale relative to the other lesser structures that characterise the existing historic backland area. The design of the proposed building as a clearly very residential handed pair does not respond to the lesser secondary architectural character of the backland area. Moreover, officers consider that the design, which has a very distinct C19/C20 suburban character, appears awkward, being located in isolation within this backland area, neither appropriately referencing the adjacent conservation area nor responding to the design of St Andrews Court. The building fronts a carpark and modern former office building at St Andrews Court rather than a road and the architectural approach seems quite out of context.
- 6.8 In terms of impacts on individual buildings, 27 and 27a are identified as buildings of local note. The TCACA p32 describes the views from St Andrews Court looking towards No.27 and notes the characterful series of descending roof lines and the oriel window to the rear gable. The submitted heritage statement notes that the proposed houses would not obstruct the view of the oriel window, however, officers note that the proposed building would form an even more prominent part of its immediate setting and would detract from its architectural prominence.
- 6.9 In more detail, the TCACA p.32 describes views of the rear and side elevations of grade II listed 26 Upper High Street. The application site would form part of the broader setting of this heritage asset and with the proposed building facing northwards and forming part of this backdrop, it would detract architecturally

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from the less architecturally prominent elements that characterise the rear elevation of the listed building, again appearing incongruous within its setting.

- 6.10 In overall terms, officers are of the view that the scale, massing and design of the building proposed would appear incongruous in this location, failing to respond to the surrounding character. The location of the building and the subdivision required to form the plots would be contrary to the grain of development, which forms an essential and important element of the character of the conservation area. The wider plot historically formed the garden of 27a and 27 High Street and whilst now occupied by St Andrews Court and carpark, the greater plot boundaries are contained by this arrangement without smaller areas of subdivision. Officers consider that the impact is a negative one, detracting from the designated heritage assets to a greater extent than the existing carpark.
- 6.11 For the reasons set out above, officers consider the harm to be at a greater level than has been suggested in the heritage statement. Whilst there would be some public benefits to the scheme to weigh against the heritage harm, I am not convinced that there is an issue relating to the optimum viable use of the car park, as suggested in the heritage statement, such that this would form a meaningful aspect in the planning balance required by NPPF para 208. Moreover, officers consider that the proposal would not meet the requirements of paragraph 206 which states that any harm requires clear and convincing justification. There does not appear to have been any attempt to mitigate or address the issues relating to scale and massing that were identified by the submitted heritage statement and there exists clear opportunities to reduce the level of harm.
- 6.12 In the light of the above assessment, officers consider that the proposal would conflict with the above policies and guidance.
- 6.13 **Residential amenity**
The SOLP 2035 Policy DES6 relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, daylight and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution, and external lighting. The SOLP 2035 Policy DES5 requires satisfactory outdoor amenity space in line with the guidance under Section 4 of the JDG 2022.
- 6.14 Officers consider that there would be sufficient separation between the rear of the proposed dwellings and the rear aspect and gardens of the adjoining dwellings to the south to maintain acceptable levels of light, outlook and privacy. Officers are also of the view that there would be sufficient separation between the proposed dwellings and the St Andrews Court office building to the north to secure an acceptable relationship in terms of light, outlook and privacy, whether this remains in office use or is converted to residential. The council's Environmental Health Officer has raised no objections in relation to any noise

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impact either from the proposed ASHP on surrounding residential occupiers or from nearby commercial uses.

6.15 The garden areas for the proposed dwellings would be significantly below the 100 square metres recommended minimum standard for 3-bedroom dwellings, as set out in Section 4 of the JDG 2022. However, given the central location within a town with good access to public open space, such a shortfall would be acceptable in this instance.

6.16 Based on the above assessment, officers consider that the current application would have an acceptable impact on residential amenity and as such would comply with the above policies and guidance.

6.17 **Access and parking**

The SOLP 2035 Policy TRANS5 seeks to ensure that development would not be prejudicial to highway and pedestrian safety. This is supplemented by the TNP 2014 Policy ESDQ29. As part of the proposal a total of two parking spaces have been demonstrated for the proposed dwellings. The OCC Highway Liaison Officer (HLO) has commented that the proposal would result in the loss of several office / residential parking spaces. However, there are parking controls within the vicinity of the site to prevent indiscriminate and / or obstructive parking occurring. Subsequently, the site benefits from a high level of accessibility with many typical town centre amenities, shops, services, employment opportunities and public transport links within walking distance. The proposal is unlikely to have a significant adverse impact on the highway network. As such, the proposal would comply with the aims and objectives of the above policies.

6.18 **Housing mix**

The application would provide two 3-bedroom dwellings. Officers consider that this would provide the dwelling sizes in greatest need and therefore be in general conformity with the SHMA. As such, the proposal would accord with the provisions of the SOLP 2035 Policy H11.

6.19 **Contaminated land**

The council's Contaminated Land Officer has commented as follows:
"I am unable to comment at present as the above document, whilst containing useful information, is not sufficient to adequately assess potential risk to the development from land contamination. This document also refers to the land use as commercial and considers a low/moderate risk from land contamination whereas the proposed development is for a more sensitive use to land contamination of residential. The applicant should be asked to submit a contaminated land preliminary risk assessment consultants report in support of the planning application. If land contamination has the potential to be present and impact the development, then planning conditions would be recommended to ensure that intrusive investigations, and if necessary remedial works are undertaken to mitigate any risk to the development and environment."
As such, the proposal would conflict with the aims and objectives of the SOLP 2035 Policy ENV11.

6.19 Other material planning considerations

The SOLP 2035 Policies DES8 & DES10 seek to ensure that all new development minimises the carbon and energy impacts of their design and construction and should be designed to improve resilience to the anticipated effects of climate change. The Energy Statement submitted in support of the application has been vetted and had the application been otherwise acceptable, a verification planning condition could have been imposed to require implementation details. Details of any microgeneration system (air source heat pumps) could also have been secured to be submitted for approval prior to occupation. A planning condition to secure an EV charge point for each dwelling could also have been imposed in accordance with the SOLP 2035 Policy TRANS5 ix).

6.20 The application is exempt from BNG due to the proposed built form being wholly on a car park. A no net loss of biodiversity could have been secured through planning conditions to secure bat and bird boxes and the retention of planting. Matters relating to archaeology, tree protection and drainage could have been dealt with through planning conditions, to the satisfaction of the relevant specialist consultees, had the application been otherwise acceptable.

6.21 Community Infrastructure Levy

The application is CIL liable, had it been acceptable 25% of the levy would go to Thame Town Council due to the made neighbourhood plan.

6.22 Planning Balance

Paragraph 76 of the NPPF provides that local planning authorities are not required to identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing for decision making purposes if their adopted plan is less than five years old; and that adopted plan identified at least a five-year supply of specific, deliverable sites at the time its examination ended. The development plan falls within these requirements and therefore the tilted balance under Paragraph 11d is not engaged. Under the normal planning balance, officers consider that the application would not provide any significant social, economic, or environmental benefits to outweigh the harm identified and justify a decision other than in accordance with the development plan.

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7.0 CONCLUSION

- 7.1 The proposed development, by reason of its location and subdivision required to form the plots, would be contrary to the grain of development, which forms an essential and important element of the character of the Thame Conservation Area. In addition, the scale, massing and design of the proposed dwellings would appear incongruous in this location, failing to respond to the surrounding character. The proposal would therefore result in less than substantial harm to the setting of the adjacent Thame Conservation Area and the nearby Grade II listed buildings and there are insufficient public benefits to outweigh this harm, in conflict with the aims and objectives of Policies ENV6, ENV7, ENV8, DES1 and DES2 of the South Oxfordshire Local Plan 2035 and Policies ESDQ16 and ESDQ20 of the Thame Neighbourhood Plan and advice contained within Section 5 of the Joint Design Guide 2022 and advice contained within the NPPF.
- 7.2 Insufficient information has been submitted to demonstrate that the proposed development would not be at risk from land contamination. As such, the proposed development would conflict with the aims and objectives of Policy ENV11 of the South Oxfordshire Local Plan 2035.

8.0 RECOMMENDATION

Refusal of Planning Permission

- 1 : UNIQUE - Heritage Impact
- 2 : UNIQUE - Insufficient Contamination Information



Tom Wyatt

Delegated Authority Sign-Off Officer

