

APPLICATION NO.	<u>P20/S0928/FUL</u>
APPLICATION TYPE	FULL APPLICATION
REGISTERED	20.3.2020
PARISH	THAME
WARD MEMBER(S)	Pieter-Paul Barker Kate Gregory David Bretherton
APPLICANT	Rectory Homes and FirstPort Retirement Property
SITE	Land at The Elms Upper High Street Thame
PROPOSAL	The erection of an extra care development (Use Class C2) of 66 units; 3 guest rooms; a communal resident's centre with staff facilities; provision of car, cycle and mobility scooter parking; the creation of new public open space; the provision of new pedestrian/cycle links from Upper High Street to Elms Road and Elms Park; and associated infrastructure works and landscaping.
OFFICER	Tracy Smith

UPDATE 15 December 2021

- 1 This update has been prepared following the adoption of the South Oxfordshire Local Plan 2035 last Thursday evening, 10 December 2020. The SOLP2035 now forms a single comprehensive local plan and replaces the South Oxfordshire Local Plan 2011 (SOLP) and the South Oxfordshire Core Strategy (SOCS) 2012 that are no longer part of the Development Plan and should no longer be referred to.
- 2 I set out in the table below the policies which were considered most relevant in the determination of the previous application as cited in the refusal reasons and which were subsequently considered at appeal. Using Appendix 14 of the SOLP2035 I confirm the relevant SOLP2035 policies in the consideration of this application, for the avoidance of doubt. I have highlighted in bold those SOLP and SOCS policies against which the Inspector concluded in finding conflict after considering material considerations (see Planning Balance paragraphs 92-96 of the appeal decision **attached** Appendix 1 of the main committee report).

SOLP 2011	SOLP2035
G2 Protection and enhancement of the environment	STRAT1 The Overall Strategy DES7 Efficient Use of Resources
C9 Landscape features	ENV1 Landscape and Countryside
CON5 The setting of listed buildings	ENV7 Listed buildings
CON7 Proposals affecting a conservation area	ENV8 Conservation Areas
D1 Good design and local distinctiveness	DES1 Delivering High Quality Development

DES2 Enhancing Local Character

SOCS

CSH3 Affordable housing	H9 Affordable Housing
CSH4 Meeting housing needs	H11 Housing Mix H13 Specialist Housing for Older Persons
CSEN1 Landscape	ENV1 as above
CSEN3 Historic environment	ENV6 Historic Environment
CSQ3 Design	DES1 as above

Consideration of the application against SOLP2035 policies

- 4 In paragraphs 68 to 79 of the appeal decision, the Inspector considered the consistency of policies contained within the SOLP and the SOCS with the NPPF in order to determine whether they were out of date or not for the purposes of engaging the tilted balance set out in paragraph 11d of the NPPF.
- 5 As I noted in my main report (paragraph 8.20) the heritage policies contained within the SOLP and the SOCS has come under scrutiny in appeals at The Elms as well as Wheatley, the latter the more recent. For the Wheatley appeal, because none of the SOLP or SOCS heritage policies allowed for the consideration of public benefits required in the NPFF, the Wheatley Inspector considered these to be out of date due to their inconsistency with the NPPF. The Inspector at The Elms took a more pragmatic approach and considered the heritage policies were broadly consistent with the NPPF, notwithstanding the absence of any explicit need in the policies to consider public benefits which may outweigh less than substantial harm.
- 6 The suite of heritage policies relating to listed buildings and conservation areas (ENV6, ENV7 and ENV8) contained within the newly adopted SOLP2035 are obviously wholly consistent with the latest version of the NPPF and explicitly require the public benefits of a proposal to be considered where there is less than substantial harm.
- 7 In paragraphs 92 to 96 of his decision relating to The Elms, the Inspector considered: '*...the public benefits identified above would balance those heritage harms. This is in line with Policy HA4 of the TNP which allows for a balance to be undertaken as to the overall planning conclusion...*'.
- 8 The public benefits now include the provision of a policy compliant contribution towards affordable housing as required in Policy H9. This new policy requires contributions from C2 uses such as extra care developments. Previously prior to the adoption of the SOLP2035, the council had to argue that C2 schemes comprised an element of C3 uses and thus affordable housing should be sought. The Inspector at The Elms found in favour of the council in respect of this (unlike the Inspector at Lower Shiplake) stance and this was upheld in the courts when legally challenged by the appellants.

- 9 Policy H13 relates to specialist housing for older people and states:
*'1. Encouragement will be given to developments which include the delivery of specialist housing for older people in locations with good access to public transport and local facilities.
2. Local communities will be encouraged to identify suitable sites for specialist housing for older people through the Neighbourhood Planning process.
3. Provision should be made for specialist housing for older people within the strategic housing developments allocated in this plan.'*
- 10 Paragraph 4.72 notes:
'The private sector is a key player in bringing forward specialist schemes for older people, and full encouragement is given to such schemes on sites close to public transport and local shops and facilities...'
- 11 In my opinion, there is very clear compliance with policy H13 in the light of the site's location and the development proposals meeting a well-established need for market extra care housing that is not being met in Thame or the wider district.
- Conclusions (to be read alongside those in section 11 of my report)**
- 12 The application would clearly accord with the relevant policies contained in the adopted SOLP2035 as I have identified above.
- 13 The proposals will deliver a policy compliant contribution towards off-site affordable housing. The S106 can be worded such that priority will be given to spending the monies in Thame for a five-year period. After which and mindful of the 10 year period in which the council has to spend such monies, other District-wide locations will be considered. This time frame would allow for a review of the TNP to allocate sites specifically for affordable housing or for such sites to be the subject of Neighbourhood Development Orders. Significant weight should be attached to the affordable housing contribution
- 14 The only reason the development would not comply with policy HA4 of the TNP is due to the number of units proposed. The nature of the use, its, design and scale have all been considered acceptable by the council at appeal and by the Inspector also. Furthermore, the development would comply with all the development principles set out in the supporting text to policy HA4.
- 15 Taking into account all the public benefits of the scheme which will be secured by condition, these are considered to outweigh the narrow scope of conflict with policy HA4 of the TNP.

12.0 RECOMMENDATION

12.1 To authorise the head of planning to grant planning permission subject to:

- a) The prior completion of a Section 106 agreement with the County Council and District Council to secure financial contributions as listed above; and to include specific provisions to ensure commuted sums are spent in Thame as a priority for the first five years of the permission; and**
- b) the following schedule of conditions summarised below and contained in full in Appendix 6:**

Author: Tracy Smith
Contact No: 01235 422600
Email: planning@southoxon.gov.uk